

श्री कमलापति त्रिपाठी : पुराना पोर्ट ट्रस्ट एक्ट पूरा का पूरा रिपील किया जा रहा है। यह मेजर पोर्ट ट्रस्ट एक्ट जो है यह उस पर लागू किया जा रहा है बम्बई पर भी, कलकत्ता पर भी, मद्रास पर भी। अब परेशानी क्या है? जो परेशानी है उसको आप कंसिड्रेशन की स्टेज पर पेश कर सकते हैं।

श्री मधु लिमये : चोरी हो रही है। लाखों रुपया बाटा जा रहा है। आप कुछ नहीं कर रहे हैं।

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Major Port Trusts Act, 1963".

The motion was adopted.

SHRI KAMLAPATI TRIPATHI: I introduce* the Bill.

14.05 hrs.

OIL INDUSTRY (DEVELOPMENT) BILL**

MR. SPEAKER: There is another item under 13A. On the request of the Minister of Petroleum and Chemicals, I have permitted him to introduce a secret Bill without prior circulation of copies of the Bill.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Under what rule of procedure?

MR. SPEAKER: That is within my discretion.

The Minister of Petroleum and Chemicals might now move the motion for leave to introduce the Bill. After the Motion is moved by the Minister and adopted by the House and the

Bill is introduced, copies of the Bill will be available at the Publications Counter, and members may collect copies from there.

श्री अटल बिहारी वाजपेयी : (ग्वालियर) किसी को विरोध करना हो तो कैसे करेगा ?

SHRI MADHU LIMAYE (Banka): This is violative of rule 72.

श्री अटल बिहारी वाजपेयी : कार्यवाही चलाने के कुछ नियम हैं और उनके अनुसार विधेयक पहले दिया जाना चाहिए। अगर मैं प्रारम्भ में ही इसको पेश करते बचत ही इसका विरोध करना चाहता हूँ तो बिना विधेयक भेरे हाथ में हुए मैं कैसे इसका विरोध कर सकता हूँ? दूसरी बात यह है कि किसी नियम को आप रद्द कर रहे हैं या वेव कर रहे हैं तो उसके लिए सदन की अनुमति चाहिए।

अध्यक्ष महोदय : आप रूल देखें 19वीं।

"No Bill shall be included for introduction in the list of business for a day until after copies thereof have been made available for the use of members for at least two days before the day on which the Bill is proposed to be introduced.

Provided that Appropriation Bills, Finance Bills and such secret Bills as are not put down in the list of business may be introduced without prior circulation of copies to members."

श्री अटल बिहारी वाजपेयी : पहले आपको सेटिस्फाई करना है।

श्री इयामनन्दन मिश्र (बेगूसराय) : मेरा प्वाइंट ऑफ आर्डर है। आपने जिस कायदे का हवाला दिया है उसके मुताबिक प्रायोर सरक्यूलेशन नहीं होगा लेकिन साइमलटेनियस सरक्यूलेशन नहीं होगा यह कहीं नहीं है। हम जानते ही नहीं है कि क्या इंट्रोड्यूस हो रहा है। यह कहाँ है इस में ?

*Introduced with the recommendation of the President.

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MR. SPEAKER: Copies are available in the publications counter and members may collect their copies from there. Where will be the secrecy left?

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BOROOAH): The purpose of the Bill is very simple. It is to levy a duty of Rs. 60 per tonne on the crude that is produced in this country, for the development of the oil industry in general and exploration in particular. This had to be done by a declaration. Under the Provisional Collection of Taxes Act, 1931, the excise duty can be collected from the day the Bill is introduced in this House. We need more mobile funds for the development of our oilfields and other exploration activities as well as the development of various branches of the industry. The crude price in our country has been fixed at 3.50 dollars although the international price is 11.65 dollars. The purpose is that these Rs. 60 would not be put on the petroleum products; so, it will not increase the price of the crude.

SHRI PILOO MODY (Godhra): What was happening to this money so far?

SHRI D. K. BOROOAH: We did not collect it so far. We are now going to collect Rs. 60 per tonne for the crude produced in our country. That would be used for development purposes.

SHRI PILOO MODY: But you were not selling your petrol any cheaper all these years. Where has the money gone? What has been happening all these months?

SHRI D. K. BOROOAH: Nothing has happened except that the price has gone up.

SHRI PILOO MODY: Sir, there is a big fraud in this, because he has not been selling his oil at cheaper prices.

He has been selling his oil at the international price.

SHRI D. K. BOROOAH: Shri Mody has not kept himself well-informed about this subject. The international price is 11 dollars whereas we have kept it at 3.50 dollars. The difference comes to 8.50 dollars.

SHRI PILOO MODY: Who has collected this 8.50 dollars?

SHRI D. K. BOROOAH: We have not collected this fund at all.

SHRI DINESH SINGH (Pratapgarh): Were the refineries getting the benefit so far?

SHRI D. K. BOROOAH: The problem is very simple. If it is introduced today, we can collect the levy from now onwards.

SHRI SHYAMNANDAN MISHRA: The problem is very simple, but you are confused.

SHRI D. K. BOROOAH: I am not. The hon. Member has not appreciated the problem. The problem is that we are in need of funds for development activities. We are collecting it out of our own resources. That is the simple matter.

SHRI PILOO MODY: I think you have understood our question. From today or tomorrow you will collect the difference of 8.50 dollars. We want to know who was collecting it in the past.

श्री अटल बिहारी वाजपेयी: अध्यक्ष महोदय मुझे एक प्रोसीजर का मामला उठाना है। आप ने श्री बरुआ को सुन लिया है। क्या आप इस बात से सहमत हैं कि इस मामले को सदन के सामने लाने का यही तरीका था कि सीक्रेट बिल लाया जाता, और जो प्रोवाइजो है, उस का उपयोग किया जाता? क्या सरकार यह तरीका नहीं अपना सकती थी कि वह आज सदन

[श्री अटल बिहारी वाजपेयी]

के उठने से पहले ऐलान कर देती कि हम ने इस तरह का निर्णय किया है, और बाद में उस निर्णय के आधार पर सदन में बिल पेश किया जा सकता था? यह तो सरकार सीधा-सीधा एक्साइज्युटी बढ़ाने का फैसला कर रही है।

MR. SPEAKER: It is a matter which I will have to go into deeply before I give any ruling.

SHRI PILOO MODY: How has the Petroleum Minister got the power to increase the tax? It is the Finance Minister who should do it.

SHRI SEZHIYAN (Kumbakonam): Sir, I want to oppose the introduction on two grounds. The first is procedural.

SHRI S. M. BANERJEE (Kanpur): Since this is a secret Bill I want to know whether it would be opposed openly or secretly.

SHRI SEZHIYAN: Just now, Direction 19 B was quoted.

The first proviso says:

"Provided that Appropriation Bills, Finance Bills and such secret Bills as are not put down in the list of business....."

We want to know the definition of secret Bill. Does this come under "secret Bill"? This is a taxation measure. It cannot be a secret Bill. It should come as a Finance Bill. I want to know how the Bill just now sought to be introduced by the hon. Minister, Shri Borooah, comes under the category of "secret Bill".

Were you, Sir, convinced about the secrecy of this Bill?

SHRI ATAL BIHARI VAJPAYEE: Were you taken into confidence by the hon. Minister?

SHRI SEZHIYAN: Who is to judge the secrecy?

MR. SPEAKER: This is the letter which he sent to me:

"Regarding the oil industry development, you know, the Bill could not be introduced on the 10th May. Now, we propose to bring forward a Bill for introduction on the first day of the session.

The Bill, *inter alia*, relates to levying a cess which is in the form of taxation and contains declaration under the provision of collection of taxes...."

SHRI SEZHIYAN: How does this become a secret Bill? How can a Bill levying a cess be a secret Bill?

Sir, you are giving him permission to introduce it as a secret Bill. In this regard, I want to have a procedure laid down very clearly when a Minister can introduce a secret Bill.

MR. SPEAKER: May I request the hon. Minister to please explain how it is a secret Bill?

श्री अटल बिहारी वाजपेयी: अध्यक्ष महोदय, हम आप से यह पूछना चाहते हैं कि क्या आप ने मंत्री महोदय को इस बात की इजाजत दे दी है कि वह सीक्रेट बिल के रूप में यह बिल लायें। आखिर कोई पहली दफा टेक्सेशन नहीं लग रहा है। उस का एक तरीका है।

MR. SPEAKER: I took it as a Bill for taxation.

SHRI SEZHIYAN: We want you to examine it thoroughly. We will be setting a very bad precedent for the future. Instead of giving due notice, without circulating the Bill, they can simply say, it is a secret Bill and introduce it. This should not be taken as a precedent. We do not want to set a bad precedent. That is why we are imploring you Sir, to give your reaction, your ruling, on this matter, whether this can be called a "secret Bill".

MR. SPEAKER: My position is that because of lack of permission on my part, it should not involve loss to him.

SHRI SEZHIYAN: The same argument could be put forward for a Finance Bill. So many levies are made there.

MR. SPEAKER: I am really surprised. How you make it a secret Bill? I must also admit my own ignorance. I believed that there must have been some secrecy in it. You have created unnecessary fuss.

SHRI D. K. BOROOAH: On rules of the House, you are the master, Sir.

MR. SPEAKER: You are very much mistaken. I am not the master. Even where I am the master, they do not permit me to become the master.

SHRI SHYAMNANDAN MISHRA: I am on a point of order. The question that has to be decided is whether it would depend on the assertion of a Minister that a Bill is secret or it would be decided by the Chair. If a Minister chooses to characterise any Bill as secret, then would the hon. Speaker take it as such? Then we would be deprived of the circulation. This is one thing to be decided by you, whether you would settle some definition of this and you would go by your definition and not by the assertion of a Minister that a Bill happens to be secret.

The second thing on which the Chair has to give a ruling is whether this Bill should be allowed to be introduced or not. Although the rule does allow a Minister to come forward with a secret Bill without previous circulation of that Bill, it does not mean that there should not be a simultaneous circulation. There is no simultaneous circulation yet. So I cannot decide whether I can oppose the introduction or not.

These are the two points with which you must concern yourself.

MR. SPEAKER: I must admit that there are no rules enabling me to judge whether a Bill is secret or not. I must say that he wrote to me that it was of such a nature that it should not go out before introduction and I believed him. But if you think that it needs further requirements of conditions and rules, I will put it before the Rules Committee. But so far the procedure has been very vague. It was only when he requested and in good faith that I agreed.

SHRI SHYAMNANDAN MISHRA: What about simultaneous circulation. Even now we have no copy of the Bill.

MR. SPEAKER: It will be done..

SHRI SHYAMNANDAN MISHRA: We are in the midst of it. We should know whether we should oppose or not.

श्री मधु लियये (बांका): अध्यक्ष महोदय, मेरा पाइंट आफ़ ऑर्डर है। आप को याद होगा कि फाइनेंस बिल का इंट्रोडक्शन स्टेज पर विरोध करने की आप अनुमति नहीं देते हैं। आप ने उस सम्बन्ध में यह कहा है कि चूंकि इस का परिचालन पहले नहीं होता है इसलिए अनुमति नहीं देते हैं। यह क्या फाइनेंस बिल है या क्या है? पहले आप को इस के बारे में सेटिस्फाई होना चाहिए था कि यह फाइनेंस बिल की तरह का बिल है। किसी भी बिल को ये इस तरह से करेंगे।....

अध्यक्ष महोदय: यह तो वही बात है।

SHRI JYOTIRMOY BOSU: There are two things; procedure as far as this House and its rules are concerned and loss to the exchequer in the form of new levy if the matter had been leaked out outside. (*Interruptions*). Already some time has been consumed. The telephones are not inactive here; we have not been

[Shri Jyotirmoy Bosu.]

able to plug the whole thing properly. Will the hon. Minister kindly tell us in what shape or form people would evade this levy if the news had been leaked out earlier? Secondly, will the hon. Minister kindly tell us who is actually going to pay this new levy who at the present moment and in the recent past have been paying?

SHRI H. N. MUKHERJEE (Calcutta-North-East): Before the Minister can answer, my point of order is: you have to decide about the secretness or otherwise of the Bill. This is an open forum of the country and we cannot have an esoteric procedure. We are suddenly foisted with a secret Bill.

Under the Direction you have read out to us, a secret Bill appears to be permissible under certain circumstances. But, from what you have been pleased to tell us, it seems you have not satisfied yourself entirely in regard to the exact whereabouts of this Bill in regard to its specifications and how far it satisfies the criteria of secretness and all that. Therefore, the entire procedure is in the melting pot. In the meantime, the Members made certain observations which have gone into the record. At this point you are permitting members to ask questions of the Minister which I consider, is no business of the House to listen to at this particular moment. At this particular moment, we are on the question whether the so-called secret Bill should be permitted to be introduced or not. I beg of you to retire to your Chamber and satisfy yourself of the entire position and tell us later on. But we cannot be treated to this esoteric procedure.

SHRI PILOO MODY: It is rather amazing that we should have just had a statement on our atomic explosion and that was openly made and this Bill about a cess on oil becomes a secret.

SHRI D. K. BOROOAH: Mr. Bosu has made....

SHRI H. N. MUKHERJEE: On a point of order, Sir. I am not going to listen to him answering questions of Mr. X or Mr. Y or anybody else till you have laid down the law about the procedure.

MR. SPEAKER: I have proceeded under the first proviso to Direction 19(b). It is based on the communication which he has sent me which I also read out to the House....

SHRI H. N. MUKHERJEE: Which says that you are not convinced. You could have told us that you could not understand the implications.

MR. SPEAKER: He says that it is some taxation and that if it goes in advance, it may result in certain troubles. I read it out to you and I believe that it is correct.

श्री इटल बिहारी बाजपेयी: मेरे सवाल का सम्बन्ध आप से है। जब उन्होंने आप को लिखा कि वह सीक्रेट बिल पेश करना चाहते हैं तो आप बिल को देख सकते थे और अपने को सेटिस्फाई कर सकते थे कि क्या सचमुच में सीक्रेट बिल के द्वारा पेश करने का कोई ढंग है या और भी कोई ढंग है? मन्त्री महोदय सदन के उठने से पहले निर्णय का एलान करते और उस निर्णय के अनुसार कार्यवाही हो जाती, फिर उस के बाद बिल आ सकता था। मगर यह सीक्रेट बिल का तरीका क्या है?

अध्यक्ष महोदय: पता नहीं। यह बाद में देखेंगे आज आप ने जो प्वाइंट उठाए उस की लाइट में। अब तो उस को 19-वीं की लाइट में दिया है।

SHRI SEZHIYAN: I want to make one serious submission.

I find this Bill which has been introduced and a copy of which I got from the Table....

MR. SPEAKER: So, it is no more a secret now.

SHRI SEZHIYAN: There they have taken the recommendation of the President under Article 117 of the Constitution of India which relates to 'Special provisions as to Financial Bills'.....

SHRI S. M. BANERJEE: It is no more a secret Bill. This is the advantage of it.

SHRI SEZHIYAN: This has been introduced with the recommendation of the President under Art 117 which says 'Special provisions as to Financials Bills'. That means that this is not a secret Bill and that it is only a financial bill. To call it a secret Bill is misleading the House and misleading the Speaker. Because it is a Financial Bill they have obtained the permission of the President.

MR. SPEAKER: I have not been misled. He has conveyed it to me.

SHRI JYOTIRMOY BOSU: We have already consumed half an hour on this.

MR. SPEAKER: You go on, it is all right. We will go without lunch. I know you go out but the Speaker keeps sitting. It is only a matter for me to keep sitting.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): I feel my friend on the Opposition is unduly putting the emphasis on the words 'Secret Bill' to press the point; a secret Bill is one whose contents cannot be disclosed. If you look to the wording of Direction 19B you will see this.

MR. SPEAKER: That is why I am admitting it.

SHRI DINESH CHANDRA GOSWAMI: There are certain things which cannot and should not be disclosed. This Bill relates to certain

financial matters and the indication is that it should not be disclosed at all. That being the reason, earlier this should not be given. It is a secret Bill. You have given clear direction in rule 19B. I do not think there is any violation involved.

SHRI D. K. BOROOAH: What I wanted to say has already been said by Shri Dinesh Chandra Goswami.

SHRI PILOO MODY: Learned colleague....

SHRI D. K. BOROOAH: He is a Lawyer. This being a matter which relates to the levy of a tax, which is a financial matter, it was thought that it should be placed before the House, without this period of circulation. This is only for the leave of Introduction. After it is introduced, there will be discussion and everything.

AN HON. MEMBER: It is no longer secret now....

SHRI D. K. BOROOAH: It is only to cut short the period of circulation that it has been introduced now.

SHRI SHYAMNANDAN MISHRA: It is only cheap dramatisation, if I may say so. If you put it together with the ordinances, the Government only wants to give an impression to the country that they are very serious about the economic crisis and we would oppose this cheap dramatisation, and calling it secret.

SHRI D. K. BOROOAH: It may be secret or expressive; it is according to the rules of the House. I am perfectly within my right to place before you that this should be treated as such, as a secret Bill,—which is provided for in the rules. You were pleased to consider it favourably. My friend has referred to Direction 19B. The main crux of the matter is

[Shri D. K. Borooah.]

this. Suppose this Bill is not introduced, suppose this Bill is delayed, what happens? We are getting the amount from the ONGC and Oil India because they are the producers of crude. They produce between themselves $\frac{1}{2}$ million tonnes of crude. Oil India's figure is 3.00 million tonnes and ONGC's figure is 4.5 million tonnes. They are the main suppliers. You see, they will bear the brunt of this levy of Rs. 60 per ton. Now, if we introduce the Bill today, then, the levy becomes chargeable immediately. It is not only done by Oil India; it is done by ONGC. 50 per cent of this is owned by the British....

SHRI JYOTIRMOY BOSU: That is why exactly you have done this. Meanwhile they have changed the stock position, etc.

SHRI D. K. BOROOAH: If you allow me to introduce it, immediately it will be collected.

SHRI JYOTIRMOY BOSU: Excise authority have to give time to their field staff. What time is this?

SHRI D. K. BOROOAH: This will be collected from the British company once you allow me to introduce it just now. There should not be a moment's delay. So, Sir, I would submit....

AN HON. MEMBER: Please introduce the Bill.

SHRI D. K. BOROOAH: I may be allowed leave for introducing the Bill.

I beg to move:

"That leave be granted to introduce Oil Industry (Development) Bill, 1974.

MR. SPEAKER: The question is: 'That leave be granted to introduce Oil Industry (Development) Bill, 1974.

The Motion was adopted.

SHRI D. K. BOROOAH: I introduce* the Bill.

14.35 hrs.

MATTER UNDER RULE 377
REPORTED LEAKAGE OF COMPANIES
(TEMPORARY RESTRICTIONS ON DIVIDENDS) ORDINANCES, 1974

MR. SPEAKER: Now we take up matter under 377. This is regarding leakage of Ordinance. There are three motions—by Shri Banerjee, by Shri Madhu Limaye and by Prof. Madhu Dandavate.

Mr. Banerjee's name is first and so, he will be allowed to speak as per the practice. Shall we take this up in the afternoon? Out of three Members, the first name is that of Shri Banerjee. So, he will speak. The others have just to say that they have also sent in the motions.

Only the first Member will speak.

Mr. Banerjee,

SHRI S. M. BANEREE (Kanpur): Mr. Speaker, Sir, I am happy that you have permitted me to speak. There is a leakage of Ordinance issued in July 1974. Before this was issued why the State Governments had not been consulted? In the shape of ordinance, there is freezing of a part of the dearness allowance. I have got this letter from the Prime Minister which is dated 16th July in which she said that this Ordinance will not merely apply to Government employees but also to the employees

*Introduced with the recommendation of the President.