

12.42 hrs.

DEMANDS FOR EXCESS GRANTS (GENERAL), 1965-66

SHRI MORARJI DESAI : I beg to present a statement showing Demands for Excess Grants in respect of the Budget (General) for 1965-66.

12.42½ hrs.

DEMANDS* FOR EXCESS GRANTS (RAILWAYS), 1965-66

MR. SPEAKER : The House will now take up discussion and voting on the Demands for Excess Grants in respect of the Budget (Railways) for 1965-66.

DEMAND No. 2—MISCELLANEOUS EXPEN- DITURE

MR. SPEAKER : Motion moved :

"That a sum of Rs. 10,34,355 be granted to the President to make good an excess on the grant in respect of 'Miscellaneous Expenditure' for the year ended the 31st day of March, 1966."

DEMAND No. 5—REVENUE WORKING EX- PENSES—REPAIRS AND MAINTENANCE

MR. SPEAKER : Motion moved :

"That a sum of Rs. 66,74,139 be granted to the President to make good an excess on the grant in respect of 'Revenue Working Expenses—Repairs and Maintenance' for the year ended the 31st day of March, 1966."

DEMAND No. 8—REVENUE WORKING EX- PENSES—OPERATION OTHER THAN STAFF AND FUEL

MR. SPEAKER : Motion moved :

"That a sum of Rs. 9,55,653 be granted to the President to make good an excess on the grant in respect of 'Revenue Working Expenses—Operation other than Staff and Fuel' for the year ended the 31st day of March, 1966."

DEMAND No. 15—OPEN LINE WORKS— CAPITAL, DEPRECIATION RESERVE FUND AND DEVELOPMENT FUND.

MR. SPEAKER : Motion moved :

"That a sum of Rs. 77,85,167 be granted to the President to make good an excess on the grant in respect of 'Open Line Works—Capital, Depreciation Reserve Fund and Development Fund' for the year ended the 31st day of March, 1966."

श्री श्री चन्द गोयल (चण्डीगढ़) : अध्यक्ष महोदय, इसमें चार प्रकार के अनुदानों की मांग की गई है। जितनी रकमें संसद ने मंजूर की थीं, उनसे ज्यादा रकमें खर्च की गई हैं अतः उनकी स्वीकृति इस समय मांगी जा रही है। इस सिलसिले में मैं यह निवेदन करना चाहता हूँ कि हमारे इस संविधान के आने से पहले 1935 में जो गवर्नमेंट आफ इण्डिया एक्ट था उसमें इस बात की व्यवस्था नहीं थी कि जितनी रकम मंजूर की जाती थी, उससे किसी भी महकमे को ज्यादा खर्च करने का अधिकार हो। यह ठीक है कि हमारे संविधान के आर्टिकल 115 में इस बात का अधिकार दिया गया है, लेकिन इस सिलसिले में मैं यह कहना चाहता हूँ कि दूसरे देशों के अन्दर भी यह प्रथा रही है कि जितनी रकम पार्लियामेंट ने मंजूर की है, उससे ज्यादा खर्च करने की किसी भी विभाग को अनुमति न दी जाये।

अध्यक्ष महोदय, मैं हाउस आफ कामन्स ने 1849 में जो एक रेजोल्यूशन पास किया था उसकी तरफ आपका ध्यान दिलाना चाहता हूँ। मैं बासू के कांस्टीचूशन के बाल्यूम 5 से कोट करना चाहता हूँ—

12.44 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

"The Commons recorded a permanent disapproval, of these departmental excesses by resolving in 1849 that when a certain amount of

*Moved with the recommendation of the President.

expenditure for a particular service has been determined by Parliament, it is the bounden duty of the department which has that service under its charge and control to take care that the expenditure do not exceed the amount placed at its disposal for that purpose."

इंग्लैण्ड में हाउस आफ कामन्स ने 1849 में यह प्रस्ताव पास किया था कि किसी भी महकमे को इस बात का अधिकार नहीं होगा कि वह जो रकम वहां की पार्लियामेंट में मन्जूर की है, उससे अधिक खर्च कर सके और इसी लिये मैंने कहा है कि 1935 के गवर्नमेंट आफ एक्ट में भी इस बात की व्यवस्था नहीं थी। यह मैं इस लिये कह रहा हूं कि हर एक महकमे पर इस बात का कड़ाई से पालन करना चाहिये कि जितनी रकम उन महकमों के लिये मन्जूर हुई है उससे अधिक रुपया खर्च करने की उनकी किसी प्रकार से अनुमति न हो।

अब आप देखेंगे कि डिमाण्ड नं० 15 में 77 लाख रुपया अधिक खर्च हुआ है, इसमें से 55 लाख रुपया जो खर्च किया गया है वह पूंजी का जो उचंती खाता है उस पर और 27 लाख रुपया की रकम रेलवे की जो चल सम्पत्ति है, उस पर खर्च किया गया है। उपाध्यक्ष महोदय, यह ऐसी रकम नहीं है कि जिसका पहले से सही अनुमान नहीं लगाया जा सकता था।

जहाँ तक प्रश्न है रेलवे की सम्पत्ति का—उसमें हम ने कितनी बढ़ोत्तरी करनी है, उसको कायम रखने के लिये कितना धन खर्च करना है—यह ऐसी मांग नहीं है जो अचानक पैदा हो गई हो तथा 77 लाख रुपये की रकम बिना पार्लियामेंट की मन्जूरी के खर्च करना—मैं समझता हूं कि अनुचित है।

इसी प्रकार आप देखेंगे कि अनुदान 5 पृष्ठ 2 पर दिया गया है जिसमें 66 लाख रुपये की रकम अधिक खर्च की गई है।

किस चीज पर खर्च की गई? मरम्मत पर, जो रेलवे की सम्पत्ति है उसकी मरम्मत पर, जो रेलवे लाइन्ज हैं रेलवे के जो भवन हैं या रेलवे का जो रॉनिंग स्टॉक है, जो चल सम्पत्ति है, उसके ऊपर हमने 66 लाख रुपये मरम्मत के निमित्त में ज्यादा खर्च किये हैं। मैं यह जानना चाहता हूं कि जहाँ तक इस सम्पत्ति का कायम रखने का या इसकी मरम्मत की समस्या है, वह तो एक स्थायी समस्या है उसका सही अनुमान हमेशा महकमा लगा सकता है। इसके ऊपर 66 लाख रुपया अधिक रकम खर्च करना—मैं समझता हूं अनुचित है। 1965-66 में यह रकम खर्च की गई, वह लोक सभा आज नहीं है, फिर भी गड़े मुर्दे उखाड़ने की बात है, लेकिन आगे के लिये मैं महकमे को मंचित करना चाहता हूं कि वह कड़ाई से इस नियम का पालन करे। दूसरे देशों में जब इस नियम को पालन किया जाता है कि जितनी रकम की उनकी संसद ने मन्जूरी दी है, उससे अधिक खर्च नहीं करते हैं तो यहां पर भी ऐसे नियम का हम पालन कर सकते हैं, खास तौर पर इस प्रकार की मदों पर जिनका अन्दाजा महकमा पहले से लगा सकता है।

SHRI DHIRESWAR KALITA (Gauhati) : It has become a regular feature for the hon. Minister to come to this House with demands for excess grants. I do not understand it. Only three months back we passed the Railway Budget.

THE MINISTER OF RAILWAYS (SHRI C. M. POONACHA) : This is in respect of the year 1965-66.

SHRI DHIRESWAR KALITA : That is what I am saying; this is a regular feature. You come with demands for excess grants and supplementary demands. I shall say only one thing. We have written certain letters. In these demands you have not included anywhere about the laying of new railway lines.

AN HON. MEMBER : These relate to 1965-66.

SHRI DHIRESWAR KALITA : I have written so many times regarding a railway bridge over the Brahmaputra. Seventy Members of Parliament have given a letter to him. He has also promised that he would look into this. Times without number I had written to him but he has not replied to that. That is why I am raising this matter on the floor of this House. Assam is the only State where there is no broad-gauge line. The broad gauge line was taken to a certain point but has not been further extended.

SHRI DATTATRAYA KUNTE (Kolaba) : On a point of order. We are now discussing the excess demands for grants. I raised the same point last year also. This discussion ought to be limited to those demands. He is now making a demand for a broad gauge line in Assam. I am in full sympathy with him; I stand by him. But these are excess demands and matters that are not covered by these demands could not be discussed. As I said last year, you do away with these distinctions such as excess demands, supplementary demands, etc. and then speak on all these things. Otherwise, Members like me who want to abide by the rules find themselves in difficulty when the issues that are discussed are not relevant.

MR. DEPUTY-SPEAKER : I do realise that he has gone a little beyond the scope of the debate. Even the Minister pointed this out to him but he wanted to raise some questions regarding his letter. He ought to have raised those issues yesterday really. The point of order is correct.

SHRI DHIRESHWAR KALITA : My grievance is also correct.

MR. DEPUTY-SPEAKER : The hon. Minister has taken note of all that you said. But if he does not reply to your points, I am not in a position to ask him to reply to you.

SHRI DHIRESWAR KALITA : After three months, he will come again :

SHRI C. K. BHATTACHARYYA (Raiganj) : Sir, Mr. Kalita has made by task easier. I shall refer only to a small section of railway line in North Bengal.

MR. DEPUTY-SPEAKER : It would be difficult for me to allow it, because I have just now ruled against such a thing. You can only refer to the excess demands so far as the expenditure that was incurred, and ask why it was exceeded and all that. Beyond that, nothing.

SHRI C. K. BHATTACHARYYA : There is a question of the improvement of the railways included in that item.

MR. DEPUTY-SPEAKER : Not today; I am extremely sorry.

SHRI C. K. BHATTACHARYYA : The question of improvement in the railways might be referred to.

MR. DEPUTY-SPEAKER : I am sorry; yesterday you could have raised it. On the next occasion, you can do that.

SHRI LOBO PRABHU (Udipi) : Since the discussion is being confined only to the actual heads of excesses, I would like to begin by asking why the Minister delayed to bring this matter up earlier. The demands relate to 1965-66. The appropriation accounts must have been reconciled in 1967, and we are now near the end of 1968. The accounts, if they are of any importance, have to be brought to the notice of Parliament without delay. A little explanation on this, I think, is due to the House.

The first demand relates to a miscellaneous one where there is an excess in a very considerable percentage : 2.84 per cent. It is explained that the difference has arisen because the Central Bureau of Investigation made a demand which was not expected. The Central Bureau of Investigation is not an accident; it has been in existence for long, and if any kind of proper

budgeting and any kind of proper appropriation takes place in the month of March, this excess could have been avoided. The point that I wish to stress is that it is a substantial amount relating to a department which is by no means transient, by no means accidental.

The second demand is in relation to the repairs and maintenance of works. It is not in a very high percentage. But here again, the question arises why adjustment was not made in March when the facility exists, and when the provision exists for squaring the accounts. If an expenditure is incurred after the adjustment are submitted—I would like the Minister to note this—then it is not a proper kind of expenditure. It is a kind of expenditure which probably will not bear scrutiny at any level.

The third demand is about staff and fuel to the extent of about Rs. 9 lakhs which has been recommended for regularisation by the Public Accounts Committee like the other demands. I would like to know here also whether there was any change in the rate of the fuel used so that it was necessary for this excess amount of Rs. 9 lakhs to be incurred.

The last demand relates to the Reserve Fund and Development Fund which is a small amount to the tune of 15 per cent, but it is actually Rs. 77 lakhs. Rs. 77 lakhs is a considerable amount to be spent after the appropriation accounts have been submitted. Whether it is on right lines or not, I think the Minister may give us an explanation which he gave to the Public Accounts Committee, as to why this very large difference arose.

13 HRS.

The Lok Sabha adjourned for lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen hours of the clock.

[MR. DEPUTY-SPEAKER in the Chair]

DEMANDS FOR EXCESS GRANTS

(RAILWAYS). 1965-66—Contd.

SHRI S. M. BANERJEE (Kanpur) : Mr. Deputy-Speaker, Sir, I would like to confine my remarks only to two or three points. The hon. Minister is aware that nearly 12 lakhs of railway employees....

MR. DEPUTY-SPEAKER : Before you began your speech, there was a point of order on this subject. So far as the excess demands are concerned, you cannot raise other issues during this discussion.

SHRI S. M. BANERJEE : I am referring to railway employees.

MR. DEPUTY-SPEAKER : That is true. You can ask why the excess was incurred and why it could not be anticipated. You cannot refer to other general problems.

SHRI S. M. BANERJEE : This House is going to vote the excess demand because they have spent something without anticipating it in advance. If excess could be voted for that, why could it not be granted to meet the dearness allowance and other demands of the railway employees? That is my argument.

MR. DEPUTY-SPEAKER : You could refer only to the past period, why the excess expenditure was incurred. You are suggesting that even in the current budget excess could be incurred to satisfy the demands of the workers. I suppose that is your argument.

SHRI S. M. BANERJEE : Exactly.

MR. DEPUTY-SPEAKER : I do not know how far it will come within the scope of this discussion.

SHRI S. M. BANERJEE : The Minister may not accept it, but it is an argument. When the hon. Minister replies to the debate, let him throw some light on it, because he has granted, he has agreed in principle, to appoint a tribunal to go into 24 demands which

[Shri S. M. Banerjee]

are not of an all-India nature, for which we are thankful; at least, Shri Parimal Ghosh assured this House that you are thinking of appointing a committee.

SHRI C. M. POONACHA : That is it.

SHRI S. M. BANERJEE : I would only request him if he could possibly put his weight in the cabinet, if he has any, to see that Finance Minister also agrees to that. Because, a convention is going on now at Jamalpur of the All India Railwaymen's Federation from the 19th of this month and out of the 27 lakhs Central Government employees 12 lakhs are out of the railways. So, the Railway Minister should react very sharply and do something about their demands.

Coming to the other minor points, much has been said about railway accidents.

MR. DEPUTY-SPEAKER : It is not fair to refer to railway accidents at this stage. When Shri Kalita wanted to say something about Assam railways and some other hon. Member wanted to say something about the Bengal railways, I said that the scope of the debate, so far as excess grants are concerned is very limited. You have begun and you have admitted that though it is not quite relevant, still you wanted to make a point about the tribunal.

SHRI S. M. BANERJEE : Sir, I would request you to look at "Demand No. 8—Railways—Revenue—Ordinary Working Expenses—Operation other than Staff and Fuel". It is stated there :

"This demand is for railway operational expenditure for stationery, forms and tickets, handling, collection and delivery of goods and expenses at out-agencies, compensation for goods lost or damaged, including amounts kept in suspense pending settlement of inter-railway liability, electrical general services, clothing and stores, and other mis-

cellaneous operating expenses." Everything is there. If I am intelligent enough, I can speak on everything within this Demand.

MR. DEPUTY-SPEAKER : He is entitled to speak provided he confines his remarks to the Excess Demand and questions the hon. Minister as to why the excess expenditure had been incurred and why he has come forward before the House with these Excess Demands. That is the only question which he can raise.

SHRI S. M. BANERJEE : I shall confine myself to that. These Excess Demands are the result of lack of foresight and also due to inefficiency. When I am talking of inefficiency, I do not accuse any one Minister but I accuse them all because they are an emblem of inefficiency. Since the Railway Minister is a new Minister, I would forgive him because I always forgive new Ministers.

But as regards the operational expenses you may kindly see why the operational expenses have been incurred in excess of budgeted figures. This is due to the fact that the railways have no proper planning with the result that they incur certain expenditure which according to us is extravagant, and naturally they come before this House with these Excess Demands knowing full well that they have a majority here and they will be granted the amounts. The same thing was happening when Shri S. K. Patil was there or even when Shri Jagjivan Ram or late-lamented Shri Lal Bahadur Shastri was in charge of the railways. Therefore, I would suggest that there should be proper budgeting and proper expenditure. I am pointing this out because the country is suffering as a result of this. Without disclosing your identity as Deputy-Speaker, if you, Sir, would try to travel in a third class compartment you would find that you cannot get into the compartment. And yet there is loss of revenue. Either the men are travelling without tickets or

else there is something wrong somewhere else. If they are really travelling with tickets, there cannot be any question of loss to the railways.

I would request the hon. Railway Minister to be very vigilant. He should control the Railway Board which is a white elephant to us. If he is subservient to the Railway Board, he will not be able to work at all. He should see that the Railway Board is subservient to him.

With these words, I would warn him that we shall never sanction such Excess Demands in future.

SHRI SRINIBAS MISRA (Cuttack): I would just like to ask one question. The other day when the Demands had come before the House. I had my say on both the sets of Demands. Now, I do not want to say anything. But I only want to ask one question. The audit report was published in February, 1967. In 1968, the hon. Minister has come forward for getting the excess expenditure regularised. I would like to know why this delay had been there. Did he expect that the PAC will somehow not see it? Why has he come forward with these Excess Demands after the report of the PAC? Why should he not have come forward earlier? Why has there been this delay? Let the hon. Minister explain that.

श्री एस० एन० जोशी (पूना): उपाध्यक्ष महोदय, मैं कहना चाहता हूँ कि रेलवे में जो हमको इस तरह से ज्यादा खर्च करना पड़ता है और उनमें इन एफिशिएन्सी है, उसका सब से बड़ा कारण यह है कि जो हमारे कर्मचारी हैं रेलवे के उनको हम सन्तुष्ट नहीं रखते हैं। चूँकि वह असन्तुष्ट हैं इस लिये सब झगड़े होते हैं। इस लिये हमको सोचना चाहिये कि उन में असन्तोष क्यों है और उनके लिये हमको क्या कुछ करना चाहिये। हम इसके लिये कोशिश करें और हमारे फाइनेन्स मिनिस्टर साहब जो कुछ सुनते नहीं हैं उनको मंत्री महोदय को सुनाना चाहिये।

श्री न० ता० दास (जमुई): उपाध्यक्ष महोदय, मैं अपने कांस्टिटुएन्सी के हित की बात आप के सामने कहना चाहता हूँ। लक्खी-सराय ऐक्सिडेंट के वक्त मैंने कुछ डिमान्ड्स रखी थीं। उनमें दो टैम्पोरेरी डिमान्ड्स भी थीं। उन डिमान्ड्स में से एक को पूरा कर दिया गया है, यानी दो लाइनों के बीच में बैरियर पड़ गया है, लेकिन जो दूसरी डिमान्ड थी वह अभी पूरी नहीं हुई है। प्लेटफार्म को बढ़ाना बाकी है। दो फुट ब्रिज भी बनने हैं, लेकिन यह कुछ नहीं किया गया है। इन सारी डिमान्ड्स को ले कर शायद अबतक महीने में वहाँ पर सत्याग्रह भी होने वाला है।

MR. DEPUTY-SPEAKER: The hon. Member should realise that I have already ruled that the scope of the discussion is very limited. I had already asked hon. Members on the other side to confine their remarks to the specific Excess Demands. This is not the time when all these things can be raised. If anything requires to be done, the hon. Minister would look into it.

श्री न० ता० दास: मैं निवेदन करूँगा कि इन डिमान्ड्स को पूरा किया जाय और सारी डिमान्ड्स की लिस्ट दी जाये।

MR. DEPUTY-SPEAKER: This is not the time to raise it. If he has any complaint I would request the hon. Minister to look into it.

श्री न० ता० दास: मैं दोहरा नहीं रहा हूँ। मैं तो सिर्फ याद दिला रहा हूँ।

THE MINISTER OF RAILWAYS (SHRI C. M. POONACHA): Mr. Deputy-Speaker, Sir, you have correctly observed that the scope of the discussion rising out of these Excess Demands is very limited and it is restricted only to the budget heads that are brought up before the House for approval of the expenditure in-

[Shri C. M. Poonacha]
 curred thereunder.

It is true that these relate to the year 1965-66. A question has been asked as to why and how such long delays are taking place. My hon. friend Shri Shrichand Goel raised a very pertinent questions and he even quoted profusely from a voluminous record of the British Parliamentary manual or something like that. He has pointed out that the conditions or terms or rules governing the control of expenditure in the UK were of a particular type. I accept it and I admit it. But let us also recognise this fact that there is some difference between the financial structure of this country and that of the UK. In the UK, in the context there the hon. Member quoted from the rules prevalent there, but ours is a different context. We are concerned with federal finance here. It is not that type of finance which is in UK, and, therefore, advisedly in our Constitution we have article 115. This arises out of article 115 which has envisaged the possible difficulties that may arise from time to time in regularising expenditure.

श्री जार्ज फर्नान्देस (बम्बई-दक्षिण) :

उपाध्यक्ष महोदय, इसके बारे में स्पीकर की रूनिंग है कि जब आपको यह पता चलता है कि ग्रान्ट्स से कुछ ज्यादा खर्च हुआ है तब उसके तत्काल पश्चात् आपको सदन के सामने आना चाहिये । आप ने तीन साल लगाये हैं, यह आप की गलती है । 1956 में यह प्रश्न इस सदन के सामने आया था । अगर आप प्रोसीडिन्स को उठा कर देखें तो आप को उसका रिकॉर्ड उसमें मिलेगा । जब यह प्रश्न आया तब स्पीकर की रूनिंग यह हुई कि आर्टिकल 115 को मद्दे नज़र रख कर, इस सदन के नियमों को मद्दे नज़र रख कर—इस सदन में इस पर बहस हो चुकी है और स्पीकर ने कहा है कि पी० ए० सी० बाद में इस मामले में जा सकती हैं—आपका फर्ज है कि आप तत्काल इस सदन के सामने आयें,

जो कि आप ने नहीं किया है । यह आपकी गलती है । आपकी तो नहीं है, यह मेरे मित्र श्री स० का० पाटिल की गलती है, जिसके बारे में आपको यहां आना पड़ा है ।

SHRI C. M. POONACHA : I was just wanting to explain the facts connected with a situation of this kind where it would be difficult to assess precisely the expenditure booked, because there are ever so many transactions. It is not a single line transaction so far as the railways are concerned. The operation of the railways depends on the purchase of a variety of stores items at various levels and a variety of services, inter-railway adjustments, inter-governmental adjustments and so on. The AG books the expenses and then he advises us. This takes some time. These could not be precisely assessed at the time of the budget. Therefore, article 115 has been very advisedly drafted and it says that if any money has been spent or any service during a financial year in excess of the amount granted for the service and for that year the President shall cause to be laid before both Houses of Parliament a statement showing the estimated accounts of that expenditure and cause to be presented to the Lok Sabha a Demand for such excess grants as the case may be. This is the Constitutional provision. Then, there are also other procedures laid down. The Comptroller and Auditor General has to go through all these things. The accounts are audited and the audited accounts come before the administration or the Ministry concerned. Then the PAC is seized of the matter. It goes before the PAC. and after having gone through the entire question, the sphere of the excess expenditure incurred, and the justification or clarification given by the Ministry concerned, the PAC would make a recommendation for the presentation of such Excess Demands as they deem fit before Parliament.

SHRI GEORGE FERNANDES : On a point of order. Sir.

SHRI C. M. POONACHA : Sir, I am not yielding. I am coming to that point. He is trying to misquote.

SHRI GEORGE FERNANDES : The Minister is trying to mislead the House.

MR. DEPUTY-SPEAKER : He is raising a new point of order.

श्री चार्ज फरनेन्डीज : 1956 की ये प्रोसीडिन्ग है : आप 22 अगस्त की प्रोसीडिन्ग को निकालें और उसके पेज 3950 को देखें। यह बहुत लम्बा रूलिंग है और आर्टिकल 115 को ले कर दिया गया था और उन दिनों का जो रूल 241(4) था उसका ले कर दिया गया था। चूँकि मिनिस्टर साहब बहुत गलत बयानी कर रहे हैं इस वास्ते मैंने इसको पढ़ना पड़ेगा। शाह साहब की इसी मसले पर बयानी हुई थी और उसी पर स्वीकर साहब कहते हैं पेज 3948 पर :

"Mr. Speaker : We had a discussion on this matter. I also want to make a few observations regarding the accounts. The Budget ought to contain all the provision which can possibly be anticipated for expenditure during the course of the year and if they are voted and the Appropriation Bill is also passed in this House under article 114, no money shall be spent which has not been granted by the House and is not provided for in the Appropriation Bill. But an exception has been created in article 115—an exception is always an exception and ought to be resorted to in as few instances as possible—in favour of certain new services and certain excess items which might not have been reasonably anticipated."

जो इस चॉइ के बारे में आप नहीं कह सकते हैं।

"But they must have the prior sanction of the House in the same year. As soon as the Government comes to know that it is likely to

spend much more than what the House has granted, it must take the sanction. If under some unavoidable circumstances some money had to be paid just at the end of the year and there is no time to place the estimate before the House in advance by way of Supplementary Demands for Grants and obtain its permission, in those cases money can be spent for which the Consolidated Contingency Fund makes provision under article 116. Under those circumstances I feel that the Government ought not to remain satisfied or wait until the Audit Report comes and the Public Accounts Committee looks into it."

जो आप अभी कहने का प्रयास कर रहे हैं।

"Demand No. 75 in this case was due to the adjustment of interest on the capital invested in the Himachal Pradesh Government Transport for the years 1949-50 to 1951-52. The request for making the provision of funds was received from the State Government in March 1952 when it was too late to ask for supplementary appropriation. By the 31st March, 1952, that year will be over. The Budget would, naturally, have been presented earlier, some time on the 28th February or 29th February if it had been a leap year. Therefore after the presentation of the Budget there might not have been sufficient time to include that item by way of Supplementary Demands. But the Finance Ministry was aware of this. They have said in this note that it was too late to ask for supplementary appropriation. Why was it put off till today? As soon as they came to know of it, they ought to have come before this House. I feel that in regard to this expenditure every day of delay has to be accounted for to the House."

एकअउंट फार नहीं कर रहे हैं, आप प्लेन कर रहे हैं और वह भी गलत।

"As soon as it comes to the notice of the Government, they ought to bring it before the House for regu-

[Shri George Fernandes]

larising it. If it is a Supplementary Demand or an Excess Demand, it must be brought before the House. In each year that passes, in each session of Parliament that passes, the Government must come to this House and say why they did not bring it before the House during that particular session, why that session was not thought of. Of course, in particular cases it might have escaped the notice of the Government. Now, rule 241(4) was referred to...."

I do not know whether the same rule holds good today.

चूँकि वाद में उसमें कुछ फर्क कर दिया गया लेकिन उदा वक्त शाह साहब ने जो इस खाते के मंत्री थे इस कल को साइट किया था ।

"Now, Rule 241(4) was referred to. I am afraid there is misunderstanding regarding the interpretation of this Rule. The Rule says:

"If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with the reference to the fact of each case the circumstances leading to such an excess and make such recommendation as it may deem fit."

SHRI C. M. POONACHA : Which Committee ?

SHRI GEORGE FERNANDES : The Public Accounts Committee.

अब सब ने महत्वपूर्ण हिस्सा यह जाता है :

"Nowhere is it stated that the Excess Demand ought not to be placed before the House until the Public Accounts Committee looks into it.

यह स्पीकर कह रहे हैं । इस पर श्री शाह साहब कहते हैं

"SHRI M. C. SHAH : That was our interpretation.

MR. SPEAKER : That is wrong.

SHRI M. C. SHAH : If your ruling is that way, we will follow that.

MR. SPEAKER : It is not my own ruling for the first time. That interpretation does not seem to be warranted by the language of the Rule. Therefore, the Government ought not to wait so long. As soon as it comes to the notice of the Government, they must ask for regularising it. There may be cases where, with all diligence, they might not have done so and the Public Accounts Committee may just look into this matter. No doubt, there is some force in this. If the Public Accounts Committee looks into this immediately and places the facts before the House, the House will have material for the purpose of discussing this matter, whether it ought to allow the Excess Demand or not. That would be an advantage to the House. There is no doubt about that. But, not to place it before the House even in such cases which are definitely known to the Government, "saying that the Public Accounts Committee has not sent its Report, is not correct. There is no doubt regarding this matter.

I would urge upon the Government wherever it comes to notice such Excess Demands, to immediately bring them to the notice of this House and ask for Supplementary Grants or Excess Grants in such cases as are here...."

MR. DEPUTY-SPEAKER : You have made your point.

श्री जार्ज फर्नेन्डस : यह आप पर भी लागू होता है ।

"Here, I find a reference made in the introductory remarks. It is said here that the Public Accounts Committee sometimes suspects the *bona fides* of withholding this. Here it is said :

"In para 7 of the above Report, the Committee have held that any established mis-classification in the Appropriation Accounts which either attracts or avoids the necessity for regularisation of any excess by Parliament would be taken into account by them in making their recommendation to the Parliament."

यह उस वक़्त कहा गया था और अब आप वापिस जा रहे हैं।

"Therefore, no impression ought to be created that an attempt is made to make an excess expenditure and then try to avoid or screen it away from the Parliament or the Public Accounts Committee by taking it from something else. The House must, therefore, be very careful. The Finance Ministry, at the same time, must be very careful when it comes to know about an excess expenditure. The mere fact that so far the accounts have not been separated from the audit branch is not an excuse and it ought not be an excuse for not bringing it before the House as early as possible. Therefore, I hope hereafter there will be a change in the attitude of the Finance Ministry with regard to this point."

यह मामला बिल्कुल साफ़ है। यहां पर गलती हुई है और मिनिस्टर साहब को क्षमा मांगनी चाहिये। मैं समझता हूं कि एक्सपेंस ग्रांट्स को मंजूर करने की बात यहां नहीं आनी चाहिये।

SHRI C. M. POONACHA : I have heard the hon. Member's reference to this particular ruling and I hold what I am doing is strictly within the ruling of the hon. Chair given at that time. I have not deviated even one inch, and this fact can be proved by a reference to the Public Accounts Committee's observations contained in their report which was submitted to us on the accounts.... (Interruptions.) The Public Accounts Committee considered the accounts of the Indian Railways for the year 1965-66 in 1967-68, and

the excess grants now before Parliament were recommended for regularisation by Parliament in the 23rd Report of the Committee which was presented to Parliament only on 30-4-1968. I have not lost any time....

SHRI N. DANDEKAR (Jamnagar) : When did the Audit point out that the excess expenditure had been incurred?

SHRI C. M. POONACHA : That was in 1967.

SHRI N. DANDEKAR : In the accounts of 1965-66 of which excess grants we are considering, when did the Audit point out that excess expenditure had been incurred?

SHRI C. M. POONACHA : That was in February 1967.

SHRI N. DANDEKAR : Why has this been delayed there from February 1967, when the Audit pointed it out, to August 1968? That is the question which my hon. friend has raised.

SHRI C. M. POONACHA : Our procedure requires that the matter will have to be placed before the Public Accounts Committee. The Public Accounts Committee will have to look into it very carefully and make a recommendation whether this excess demand could be presented to Parliament under article 115, and this is exactly what they have done. In their Report they have precisely and in clear terms suggested that this should be presented to Parliament under article 115. This was on 30-4-1968 and we have not lost any time.... (Interruption).

SHRI DATTATRAYA KUNTE : I would like to make a submission.

MR. DEPUTY-SPEAKER : Has the hon. Minister finished?

SHRI C. M. POONACHA : Not yet.

MR. DEPUTY-SPEAKER : Let the hon. Minister finish his reply. Then I will call the hon. Member.

SHRI C. M. POONACHA : This is what they have concluded in their Report. I am referring to the Public Accounts Committee's Report :

"The Committee recommended that subject to these observations, the excess expenditure of Rs. 1,64,49,314 under voted grants numbers 2, 5, 8 and 15 incurred during 1965-66 be regularised by Parliament in the manner prescribed by article 115 of the Constitution."

We have certain procedures laid down and in accordance with the procedure, the expenditure control is exercised in a very thorough manner by the Auditor-General of India who, after going through the details of each and individual case, comes to a certain conclusion which is subjected to an examination by the Public Accounts Committee which is the creation of this Parliament, a body of this Parliament, and PAC having gone into all the details, recommends. So, at various stages expenditure control is so rigorous and so detailed in its application that, every scrutiny is made before it comes to Parliament. When we come before Parliament, there would have been the complete examination of each and every individual item, and with that clarification. We come before Parliament for the necessary regularisation. It is true that at every stage we would be looking into the extra demands that would be necessary for meeting a particular charge and these would, no doubt, be included in the supplementary grants every year, but there are certain items which could not be anticipated with all the precision at the time of framing the budget or at the time of framing the supplementary budget, which exceptional cases, as was referred to by my hon. friend, Shri George Fernandes, could not be precisely spelt out, and on such minimum number of items where such a strict scrutiny or anticipation could not be made at the time of framing the budget, we come here. There are only four heads—Demands Nos. 2, 5, 8 and 15. It is not as if I am coming for all the Demands for the Railway Budget as a whole. It is not so.

On certain specific items, we have given all the details and particulars. I submit what has been presented by the Railway Ministry in this regard is strictly in accordance with the procedure and rules laid down.

SHRI SRINIBAS MISRA : What is the procedure he is referring to? Is it laid down anywhere?

MR. DEPUTY-SPEAKER : He is referring to art. 115.

SHRI DATTATRAYA KUNTE : I am afraid the hon. Minister in trying to make a reference to the recommendations of the Public Accounts Committee has not understood how the Committee functions.

SHRI N. DANDEKER : Exactly.

SHRI DATTATRAYA KUNTE : The PAC does not scrutinise the accounts of the Government at all. The Auditor General is supposed to audit the accounts. The accounts are audited. Then he makes certain observations regarding the defects he finds. I have asked for a copy of the Audit Report 1967 (Railways)—I could not get it earlier.

In that Audit Report, there will be a reference to the Auditor General saying that these excess demands ought to have been sanctioned by Parliament under art. 115 already. That has not been done. This was a matter which the Auditor General brought to the notice of the Public Accounts Committee. I am not supposed to divulge what evidence was tendered before the Committee or what took place there. But I must point out one thing. Normally, when there is an excess expenditure and when it is not regularised under art. 115, certain questions are asked and the Ministry has to answer as to why they were not able to do it. Normally, the Ministry say 'We will do it; we have not done it before. The moment the audit report is there with the department, they are supposed to answer that audit objection. In this particular matter, you will find from the Audit Report (Rail-

ways) 1967 that the audit objection was raised in the Report itself. Therefore, Government need not have waited for the PAC to have dealt with this matter. It might have happened that the PAC might not be able to take up any of these matters; it is possible that the Committee could not find time to deal with any of these matters. So Government should have immediately come to the House.

It is true that this House has followed certain practices and the present Minister of Railways has gone on the basis of those practices. In connection with the Excess Grants themselves this morning, I had raised a point of order saying that we were exceeding the limit as regards debate. That suited his purpose, and he liked it. But he may not like the point of order I now raise.

AN HON. MEMBER : It does not suit him now.

SHRI DATTATRAYA KUNTE : I do not know. I do not want to make such sort of comment.

As I was saying, in so far as the defects that have been brought to light are concerned, even though he may be correct so far as the practice is concerned, it was his duty, on principle, to have come to the House the moment these defects were pointed out by audit and they came to his notice. It might have happened that the department was not notified. We do not know if their own accounts department has pointed these things out. They must have pointed out to the department that 'you have exceeded your expenditure on items such'.

Then again, audit does not look into all these items. Many times it is a sample audit and sometimes it is possible that these would escape the notice of audit.

Therefore, it is necessary, it is laid down, that the department must *suo motu* come to the House immediately

these things come to notice. As to what that 'immediately' is, one has got to find out. I am sure the Minister will agree with me that in this particular case he cannot take the stand that in spite of the audit note it did not come to the notice of the department. The stand he is taking is that the procedure is that only after the PAC looks into it, he has to come to the House. On that very small point, I most humbly submit that the Minister though right in his practice is wrong in principle. Let us go back to the principles. We should look to the principles.

SHRI SRI CHAND GOYAL : I have to make a submission with regard to this point of order. The Railway Minister does not seem to have carefully listened to the ruling given by your hon. predecessor. The ruling is that the House should not wait, the department should not wait for the report of the Public Accounts Committee. As soon as an audit objection is raised it is the bounden duty of the Government to bring the matter before the House. The audit report came to their notice in February 1967. After that five sessions of Parliament have been held : 15th March, 1967; May 67, November-December 1967; Budget session, 1968 and the present session. This is the fifth session after that. The Government ought to have brought these demands in earlier sessions. The ruling was that the Government should not wait for the report of the PAC. He has not met that point. The ruling also says that each day of delay has to be accounted for and explained. Either he has to take shelter under ignorance of this ruling and say that it escaped his notice or he has to offer some other satisfactory explanation why the Government failed to bring it up in earlier sessions. This shows the height of inefficiency on the part of the Government.

SHRI C. M. POONACHA : My hon. friend wants me probably to take shelter under ignorance according to his arguments. That is not the case.

[Shri C. M. Poonchal]

Rule 308(4) of the Rules of procedure says :

"If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendations as it may deem fit."

It is according to this Rule that the excess expenditure after having been received from the audit is sought to be placed before the Public Accounts Committee which had gone through them. The PAC functions as an organ of this House and examines all the facts relating to each excess demand and had given its recommendations. We are coming before the House following that procedure and neither in spirit nor in letter am I deviating from past practices and the rules laid down in this regard.

SHRI N. DANDEKER : With great respect to the Minister's understanding of rule 308(4), I think he is confusing two issues : rule 308 is concerned with the functions of the Public Accounts Committee. I have no quarrel with any of it, and in particular sub-rule 4 which he read : "If any money has been spent on any service" etc., "in excess of the amount granted by the House..." "The Committee shall examine..." This is concerned with what the Committee shall do. It has nothing to do with what the Ministers shall do. And the ruling which my friend read out was concerned with the responsibility of the Government in respect of excess expenditure such as could not, in the ordinary course of business, have been brought under a supplementary grant, because in the last month expenditure will be incurred; there will be excesses; it is not necessarily anybody's fault that excess expenditure occurs; it does occur. And the ruling which my hon. friend read out was to the effect that as soon as it comes to the notice of the Government that excess expenditure has in fact been

incurred,—whether it comes to their notice from their own internal audit, from their own accounts department, from their Accountant-General or Auditor-General, from any source whatsoever,—it then becomes the incumbent duty of the Department concerned immediately, that is to say, forthwith,—within the practicable meaning of that word,—to come to the House and seek sanction.

SHRI DATTATRAYA KUNTE : As the hon. Member Shri Dandekar has pointed out this is a rule as regards the functioning of the Public Accounts Committee has got certain procedures on its own. It is now a question of the financial procedure of this House; I should like the Minister to point out any rule in the financial business of this House and not the Rules of Procedure.

SHRI RANDHIR SINGH (Rohtak) : Just one minute. The thing is of a very technical nature and it is something in which I find nothing wrong anywhere. Immediately after a cause of action has arisen,—

MR. DEPUTY-SPEAKER : Just one minute. I will give you time after I say just one word. Whether it is technical or otherwise, this House has to perform some duties, and so far as the accounts are concerned, certain provisions, constitutional as well as procedural, are there, and if they are not adhered to, you must be vigilant. It is not a technical matter in that sense. Now, you can proceed, if you have any points to make.

SHRI RANDHIR SINGH : I am saying something which is quite in tune with the procedure. What I feel is, it is just like a client going to the wrong court. The cause of action has arisen on a certain date, and in the course of that, there was an audit objection which was raised in February, 1967. The estimates were under the scrutiny of the PAC and the matter was being enquired into by the PAC. I am told that there was only a lapse of one month at that time. When the matter was before the PAC for more than a year,

from February, 1967, there was only one-month lapse. If a case is not filed before the proper court, and it is filed before another court, then the time consumed before the other court is always deducted. That analogy should be taken into account in this case. If the time consumed by the PAC is so much, that time should be deducted from the whole time. That is my plea. One month is not a long period. The Minister has come before the House in time and I feel no error has been committed, and the whole thing should be regularised.

MR. DEPUTY-SPEAKER : It is not like the question of filing a suit in the wrong court. That is not his plea. The question is reference was made to an earlier ruling, if I mistake not by Speaker Mavalankar perhaps, and he had gone into this matter from the procedural and the constitutional angle as well. He had made it categorically clear when Mr. M. C. Shah raised this point as a matter of clarification. I do not want to read the whole of it because it is a lengthy statement, but he had said : "It is not my own ruling for the first time, that the interpretation does not see to warrant by the language of the rule. Therefore, the Government ought not to wait so long. As soon as it comes to the notice of the Government, they must ask for regularising it."

Now, the question is, what is the practice. I cannot say it just now, off-hand. If it is the practice that once excess expenditure is incurred and the audit note is presented to the Public Accounts Committee, then, after the Public Accounts Committee's recommendations if it comes before the House, it contravenes the ruling given by the Chair. So far as the functions of the Public Accounts Committee are concerned they are defined in the rule which you have read out just now. I do not want to say anything on that. If it is the practice and you have followed that practice this time I would say even a little delay could be excused. But if you want to adhere to the ruling given by the Chair earlier you ought to

have come to the House as soon as the audit note was ready. There is no other way.

SHRI C. M. POONACHA : Sir, let me try to understand this. Supposing I came before the House as soon as the audit report was in my hands, what would this House have decided about it?

AN HON. MEMBER : We would have passed it.

SHRI C. M. POONACHA : Either a special committee would have to go into the matter or the entire House would have to consider it in detail (*Interruption*). Sir, I am only making a submission. As soon as we get the report the Report and Appropriation Accounts are laid on the Table of the House. If it is suggested for the information of the House only the matter should be brought before this House or brought to the notice of this House, then it is duly presented to the House and the House is aware of the fact that there have been certain excess expenditures incurred. If it is a question of approving the excess expenditure then a certain procedure will have to be gone through and before coming to this House it is presented to the Public Accounts Committee who have all the time with them to go into every matter in greater detail and with their recommendations when it comes before the House the House is in a better position to apply its mind in greater detail and come to its own conclusion. So it facilitates the consideration by this House in respect of these excess demands.

MR. DEPUTY-SPEAKER : Unfortunately, I do not want to go through the entire ruling just now because it is a very lengthy ruling. Shri T. N. Singh and Shri M. C. Shah were all the time questioning and the Chair was trying to meet their point in the ruling that was delivered. I will read only the relevant part of that ruling. It was said :

"No doubt there is some force in this. But if the Public Accounts

[Mr. Deputy-Speaker]

Committee looks into this immediately and places the fact before the House the House will have material for the purpose of discussing the matter whether it ought to allow the excess demands or not. That would be an advantage to the House. There is no doubt about that. But not to place it before the House even in such cases which are definitely known to the Government saying that the Public Accounts Committee has not sent its report is not justified."

It is a very lengthy ruling on this point taking into consideration the procedure and practice followed in this House. But if the practice has changed I cannot say off-hand just now. As I have said, if there is some justification or some excuse he may advance that but so far as the previous ruling is concerned nobody can challenge it on the floor of the House.

SHRI S. M. BANERJEE: Sir, my only demand was, let the Minister become humble and submissive and let him tender an apology.

MR. DEPUTY-SPEAKER: That is not relevant.

SHRI S. M. BANERJEE: All right, I withdraw.

MR. DEPUTY-SPEAKER: He has tried to explain the present practice and he has justified it. But it is not justified if you keep in mind the ruling given by the Speaker taking into consideration the procedure and taking the point that he made regarding examination by the Public Accounts Committee. The ruling is very clear (*Interruption*).

SHRI DEORAO PATIL (Yeotmal): A point of order has been raised and you have given your ruling. Now what is to be done?

MR. DEPUTY-SPEAKER: This time he will explain the position and those hon. Members who feel that there is dereliction of duty might vote against it. That is all. Nothing more

could be done. Now, does the hon. Minister want to explain the other points?

SHRI S. M. BANERJEE: Let the Minister realise the seriousness.....

MR. DEPUTY-SPEAKER: No question of drubbing him.

SHRI C. M. POONACHA: Shri Goel referred to the British Parliamentary practice and all those things. The excess expenditure now sought for approval by this hon. House has been explained in the papers that have been circulated. I submit that the Demands may be adopted.

MR. DEPUTY-SPEAKER: The question is:

"That the respective excess sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President to make good the amounts spent during the year ended 31st day of March, 1966, in respect of the following demands entered in the second column thereof—

Demands Nos. 2, 5, 8 and 15."

The motion was adopted.

14.57 hrs.

GOLD CONTROL BILL

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI): Mr. Speaker, Sir, I rise to move for consideration of the Gold (Control) Bill, 1968. The Bill has been considered by a Joint Committee of the two Houses and the report of the Committee is already before the House. I should remind the honourable Members that the present Bill, being in replacement of the Gold (Control) Ordinance, 1968, it is necessary that its consideration by both the Houses of Parliament is completed by 30th August at the latest.

The Bill almost entirely follows the arrangement and includes the provisions as in the Ordinance which was promulgated by the President on 29th