

MR. DEPUTY-SPEAKER: Shall we continue with this Bill now?

SHRI K. D. MALAVIYA: Sir, if the hon. Members... *(Interruptions)* I am standing on my legs. Will you ask them to sit down? I am standing on my legs.

मैं भः एक सदस्य क. हैसियत से कहना चाहता हूँ कि आपको कोई अधिकार नहीं है जहाँ मैं बात कर रहा हूँ तो बीच में खड़े होने का। विशेषाधिकार किसी सदस्य को नहीं दिया गया है। मेहरवानी करके आप नहीं बोलेंगे जब तक मैं समाप्त न कर लूँ।

मैं बिना कुल नहीं चाहता हूँ कि सदन से कोई समय लूँ, अगर सदन नहीं चाहता है इस बिल को आगे बढ़ाना तो इसको बन्द कर दे। फिर कभी जब सदन बैठेगा तब इस पर विचार होगा। मैं और कोई प्रार्थना नहीं करती है।

16.13 hrs.

RE. SUPPLEMENTARY DEMANDS FOR GRANTS, PONDICHERRY, 1973-74

MR. DEPUTY-SPEAKER: Shall we take up the Private Members' business now?

Before we take up the Private Members' business, I have a request from Mr. Sezhiyan. We can do that if the House agrees. The point is that the next item, after the Bill of Mr. Malaviya, is the Gujarat Budget. That we are not taking up because there is no time. The next Bill is that of Mr. Ganesh. That also we are not taking up. Mr. Sezhiyan's item comes later, item No 36. He wants to raise some points regarding the statement made by the Finance Minister on 2nd May, 1974 on the constitutional position regarding the Supplementary Demands for Grants for 1973-74 in respect of the Union territory of Pondicherry.

Now, I cannot jump over to this item unless the House agrees.

The point is this. Today is the last day and we have been very generous in allowing many members to

raise their points. If the House does not have too much of an objection, I will give him two or three minutes to raise and the matter will be over.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Is it the hon. Member's intention that it should be taken up in the next Session?

SHRI SEZHIYAN (Kumbakonam): Yes. Meanwhile, there are some basic points on which I would like to have the decision of the Chair.

On 23rd April, 1974, I invited the attention of the House to the fact that the Supplementary Demands for Grants for 1973-74 of the Union Territory of Pondicherry, though presented to the concerned Legislature on the 26th March, 1974, were not passed as scheduled the next day; by the time item 4 in which this had been put could be taken up by the Pondicherry Assembly, the Pondicherry Government fell. Then I raised this point because the Supplementary Demands provided for additional funds for the schemes for which grants had already been made in the annual budget and funds for new schemes not contemplated in the annual budget. These two procedures should have been finalised. The expenditure incurred under the Supplementary Demands—those expenditure which have already been incurred before 31st March—should have been regularised. Otherwise, they become null and void, so much so they become illegal and unconstitutional. I do not want to go into the entire ambit; I want to confine myself only to two or three points....

SHRI K. RAGHU RAMAIAH: Is he?

SHRI SEZHIYAN: No. I just want to appeal to him. A similar question has been decided earlier by a Committee of this House and an opinion has also been given by the Attorney-General—regarding a new scheme undertaken by the Government of U.P. which was referred to the Public Accounts Committee of Parliament in

1958; then again in 1964 the question was taken up. The Public Accounts Committee in their Thirty-Ninth Report have stated:

"The Attorney General expressed his opinion to the effect that there was no provision in the Constitution for the sanctioning or validating the payment of such items... The Constitution expressly provides by art. 114(3) that 'no money shall be withdrawn from the Consolidated Fund except under an appropriation made by law' and that prohibition applies equally to articles 115 and 116"

Article 115 relates to Supplementary Demands. Therefore, his contention was that, without an Appropriation Bill being passed by the concerned Legislature, no amount could be withdrawn. He has further said:

"If, therefore, such items are paid out without a previous grant duly approved by law, such payments are illegal and no resolution of the House can render it valid or condone the illegality."

If any expenditure has been made..

MR DEPUTY-SPEAKER: What do you want me to do?

SHRI SEZHIAN: Certain expenditures which have not been legalised either by the Legislature of Pondicherry or by this Parliament which has assumed the powers of the Legislature of Pondicherry, remain illegal and unconstitutional. As I have pointed out, there are many new schemes which have been started, and those new schemes are being continued without proper sanction. If the basis is illegal, all the expenditures that have been incurred on the new schemes become illegal. Therefore, illegality continues. I want the ruling of the Chair on the illegality of those expenditures. Today is the last available day for any action....

SHRI K. RAGHU RAMAIAH: The Finance Minister made a statement. He is not here now.

MR. DEPUTY-SPEAKER: In any case, I am concerned with the procedures of the House. I am not here to rule on legality or illegality. You have an opinion. The Finance Minister has another opinion. There should be some other forum to decide whether it is legal or not. I cannot go into this.

SHRI SEZHIAN: Who can go into it?

MR. DEPUTY-SPEAKER: I do not know. It is upto you.

Now we take up the Private Members' Business....

SHRI SEZHIAN: Then will this be taken up in the next Session? This has been hanging fire from 23rd. They have been postponing it from day to day, and on the last day when it could be stalled, my purpose is lost. Therefore, some time should be provided in the next Session.

SHRI SHYAMNANDAN MISHRA (Begusarai): The hon. Minister should say that it would be taken up in the next Session.

16.20 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
FORTY-FIRST REPORT

SHRI GIRIDHAR GOMANGO (Koraput): I beg to move:

"That this House do agree with the Forty-first Report of the Committee on Private Members' Bills and Resolution presented to the House on the 8th May, 1974."

The motion was adopted.

16 22 hrs.

RESOLUTION RE. POLICY IN RESPECT OF PRICES AND AGRICULTURAL PRODUCTION—contd.

MR. DEPUTY-SPEAKER: Now we take up the Resolution moved by Shri