

12.52 hrs

MATTERS UNDER RULE 377**(1) PROCEDURE FOR GUILLOTINE OF
OUTSTANDING DEMANDS FOR GRANTS
(GENERAL BUDGET)**

श्री मधु लिमये (बांका.) : अध्यक्ष महोदय, चूंकि कार्यसूची के अनुसार आज आप 6 बजे गिलोटिन लगाने जा रहे हैं, इस लिये मैंने इस प्रश्न को अभी उठाना उचित समझा है। हमारे संविधान के अनुसार जो मांगें आती हैं, वे दो हिस्सों में होती हैं। एक हिस्सा, अध्यक्ष महोदय, ऐसा होता है कि जिस के ऊपर वोट नहीं होता है—नानवोटेबिल—और दूसरा हिस्सा होता है जिस पर वोट लिया जाता है। संविधान की धारा 113 के तहत मदन को और सदन के सदस्यों को दो अधिकार दिये गये हैं। एक अधिकार है—जो डिमाण्ड्स हैं उन के ऊपर वोट देना, हा या ना कहना और दूसरा अधिकार यह दिया गया है कि जो अनुदान हों, उन में कटौती प्रस्ताव रख कर उन में कटौती करवाना।

अध्यक्ष महोदय, जो नियम है, रूलज आफ प्रोसीजर है, वे संविधान की धारा 113 के तहत बनाये गये हैं और संविधान की धारा 118 कहती है कि जो भी नियम होंगे वे संविधान के अनुकूल होने चाहिये। अध्यक्ष महोदय, यह बात बहुत महत्वपूर्ण है, इस से हमारी लोक सभा का जो मौलिक व्यक्तित्व है, लिमिटेड पर्सनलिटी है, वह उस से आफ होनी है, यट हाउम आफ कामन्ज की तरह नहीं है, हम संविधान से बंधे हुए हैं।

मैं मानता हूँ कि समय के अभाव के कारण सभी डिमाण्ड्स पर बहस करना इस सदन के लिये सम्भव नहीं है। एक तो दिक्कत यह होती है कि वोट-आन-एकाउन्ट एक सीमित अवधि के लिये होता है, साधारण तौर पर तीन महीने के लिये करते हैं, लेकिन

इस बार तो दो ही महीने के लिये पास किया है। इस लिये हर हालत में दो महीने के अन्दर हम लोगों को सारे वित्तीय काम को पूरा करना है। दूसरी अड़चन यह भी है कि इस लोक सभा का जो सत्र है वह अनिश्चित काल तक नहीं चल सकता है, उस को भी समाप्त करना ही पड़ेगा। इस लिये मैं यह मान कर चलता हूँ कि अनुदानों पर या बजट पर जो बहस चलती है उस को सीमित करना ही पड़ेगा, हर डिमाण्ड पर बोलने की छूट नहीं दी जा सकती है। लेकिन, अध्यक्ष महोदय, हमारे संविधान की धारा 113 के तहत हर सदस्य को डिमाण्ड को रिड्यूस कराने के लिये जो अधिकार दिया गया है, उस डिमाण्ड पर सदन की राय जानने का अधिकार है, मदन उस को माने या न माने, इस लिये जिन मंत्रालयों की मांगों पर बहस नहीं होत है, उन मंत्रालयों की मांगों पर कट-मोशन रखने का अधिकार हम को मिलना चाहिये। क्योंकि जब कट-मोशन आयेगा, तो गिलोटिन लगाने से पहले आप को वोट लेना होगा और जब कट-मोशन पर वोट होगा तो जो संसद की कार्यवाही है उस कार्यवाही में वह कटमोशन आजायगी। जब संसद की कार्यवाही में वह कटमोशन आजायगी तो फिर समाचार-पत्र भी उस को प्रकाशित कर सकते हैं और साधारण लोग भी उस इस्तेमाल कर सकते हैं।

इस लिये मेरी यह राय है कि हर सदस्य को सभी मंत्रालयों की मांगों पर कटमोशन रखने का जो अधिकार संविधान ने दिया है उस अधिकार को हम से नहीं छीनना चाहिये। इस बार आप जानते हैं—चूंकि सदन के पास समय बहुत सीमित होता है इस लिये प्रतिपक्ष के लोग और सरकारी लोग मिल कर बठते हैं और यह तय करते हैं कि किन किन मंत्रालयों की मांगों पर इस साल बहस करनी चाहिये—इस साल भी ऐसा ही हुआ, इस लिये इस के बारे में

मेरा झगड़ा नहीं है, लेकिन इस साल जो एग्जीक्यूटिव का कार्यक्रम बना, उस पर भी बहस नहीं हो पाई। इस के कई कारण हो सकते हैं, लेकिन एक महत्वपूर्ण कारण यह है कि 10 दिन की छुट्टी हम ने ले ली, इस ले जो काम के दिन थे, इन दिनों में बहस नहीं हो पाई इस लिये मेरा विवेदन है कि आप को डिमाण्ड्स पास करनी है, एप्रोप्रियेशन बिल पास करना है, वह करिये, उस से मेरा झगड़ा नहीं है, लेकिन उस के बाद जिन मंत्रालयों की मांगों पर बहस नहीं हुई है, उन मंत्रालयों की जो वार्षिक रिपोर्ट आती है, उस पर बहस करने का मौका हम को मिलना चाहिये।

श्री जनेश्वर मिश्र (इलाहाबाद) :
उन की दुर्दशा पर चर्चा होनी चाहिये।

श्री मधु सिन्हा : जो भी उन की स्थिति है, दुर्गति है या गति है, उस पर चर्चा का मौका मिलना चाहिये।

दूसरी बात—भविष्य में हम लोगों को इस प्रणाली को चलना चाहिये कि जैसे ही फाइनेन्शियल बिजनेस शुरू हो, सभी मंत्रालयों की मांगों पर सदस्य कट मोशन दे सकें और जब वोट लिये जायें तो पहले कट मोशन पर वोट लिये जाये। जो भी कट मोशन आयें उन को आप नहीं रोक सकते हैं। यह हमारा संवैधानिक अधिकार है। आप चर्चा को सीमित कर सकते हैं, नियमित कर सकते हैं, आप कह सकते हैं कि आप को फ्रीडम आफ स्पीच है, लेकिन सदन के पास समय नहीं है, इस लिये चर्चा नहीं होगी। आज भी ऐसा होता है कि बहुत से लोग कट मोशन देते हैं, लेकिन उन सब को बोलने का मौका नहीं मिलता है, उन की कट-मोशन पर वोट होता है, इकट्ठा हो या अलग अलग हो, यह दूसरी बात है।

इस लिये मैं आप से कहना चाहता हूँ—जो नियम हैं, वे संविधान के अनुरूप होने चाहिये। हमारे संविधान में एक और धारा है, जिस का हमने इस्तेमाल नहीं किया है—वह धारा है—119। यह जानबूझ कर इस में रखी गई है—

“Parliament may, for the purpose of the timely completion of financial business, regulate by law the procedure of, and the conduct of business, in, each House of Parliament, in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of India and if and so far as any provision of any law so made is inconsistent with any rule made by a House of Parliament under Clause (1) of Art. 118 or with any rule or standing order having effect in relation to Parliament under Clause (2) of that article, such provision shall prevail.”

इस लिये हम लोगों को यह छूट दी गई है कि वित्तीय कार्य समय पर समाप्त करने के लिये हम लोग कानून पारित कर सकते हैं, इस में जो कुछ आप को रखना है, वह रख सकते हैं, लेकिन वह भी हम ने नहीं किया। इस लिये जो प्रश्न मैंने उठाया है इस पर आप और आप का सचिवालय 6 बजे तक विचार कर ले, आज तो मैं इस पर अड़गा नहीं डालूंगा, लेकिन भविष्य में नियमों में आवश्यक परिवर्तन कर के सभी मंत्रालयों की मांगों पर कट मोशन इन्वाइट कीजिये और गिलोटिन लगाने के पहले कट मोशन पर वोट करवाइये। इतना ही मुझे कहना है, क्योंकि यह संवैधानिक अधिकार है कि किसी भी डिमाण्ड पर कट मोशन दिया जा सकता है—धारा 113 इस प्रकार है—

अध्यक्ष मोदय : यह मैंने देखा हुआ है।

श्री मधु लिमये : "So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the House of the People, and the House of the People shall have power to assent or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein."

13 hrs.

इसलिये रिडक्शन की माग पर इस सदन की राय जानने का मुझे अधिकार है और वह अधिकार हमारा छीनना नहीं चाहिये । यही मुझे कहना है ।

SHRI SHYAMNANDAN MISHRA:
rose.

MR. SPEAKER: We have been following this practice. The identical motions were in the name of different Members. I mentioned their names. I allowed only one Member. What you have written is identical.

SHRI SHYAMNANDAN MISHRA (Begusarai): This is of a general nature.

MR. SPEAKER: If it had been done slightly differently, I would have certainly allowed you.

SHRI SHYAMNANDAN MISHRA: I shall take only a minute. My submission is this. The position with regard to the discussion of the financial matters is unsatisfactory. That has been so every year. I really do not know whether there is something sacrosanct about the presentation of the budget on a particular day that we have fixed for it or whether we should not present the budget in a manner that enough time is available for the discussion of all possible demands which we are asked to consider. However, that is a different matter. But, so far as this year's discussion is concerned, my submission is that this is all the more unsatisfactory. This time, I am not quite sure, whether 29 days are available to this House as are made available to the House of Commons for the discussion of the financial matters. I

have tried to enquire from the Table but I have not been able to ascertain the position yet about it, that is, whether we would have 29 days that are being allowed in the House of Commons. I do not agree with the view that the House cannot voluntarily impose upon itself a limitation in this matter as is done in the House of Commons. That is called 'Allocation of time Order', and also goes by the name 'Guillotine'. That is almost an accepted practice and it is precisely for a better discussion; for the more meaningful discussion, certain items are selected.

The point that has been raised by the hon. Member, Shri Madhu Limaye merits a serious consideration—whether it does not militate against the Constitutional provisions in this regard. He has quoted Art. 113 of the Constitution to assert that a Member has a right to move cut motions; and that right is being denied when the Guillotine is applied.

Here I wish to refer to Art. 105 of the Constitution. It does not only relate the privileges and immunities but also to the powers of this House. And, the powers of the House would relate to all the powers including those powers. I would not say that these belong to only the privileges and immunities. So far, those powers are not defined by any law, my submission is that we are bound to be guided by the practices, conventions and the privileges in the House of Commons. And, in this matter, since the House of Commons has been adopting the procedure of guillotine, this procedure is quite in order here also. But, then, my further submission would be that, in order to make our position absolutely clear in the matter of financial discussions, we should assert the right of discussing those ministries which are left out; the discussion may not be precisely on the Demands for Grants but the discussion on the Annual Reports of these ministries presented to this House. Since in this

Session, Mr. Speaker, because of a peculiar kind of holiday that we enjoyed, for five days also, it should be the pleasure of the Chair to concede to us as many number of days for the discussion of the Ministries on the basis of the annual reports that have been presented to us. So, this House does require extension of time for the discussion of those Ministries which are going to be left out as a result of the guillotine that is going to be applied this evening. This is my humble submission. It should be the concern of the Chair as much as of the entire House that time must be made available to this House for the discussion at least of those Ministries which are going to be left out as a result of the guillotine.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I would like to make an observaion. If you read Article 113 (1), it says:

"so much of the estimates as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament, but nothing in this clause shall be construed as preventing the discussion in either House of Parliament of any of those estimates."

We are interested in discussion.

We cannot defeat the Government through votes. I am not going into the material aspect of the whole thing because my learned friends have covered the legal aspect adequately.

SHRI B. V. NAIK (Kanara): You may cover the illegal aspect.

SHRI JYOTIRMOY BOSU: Sir, this House is the only scrutinising forum on the expenditure and revenue of the Government of India. Now, Sir, if the Ministries' Grants are not discussed here, kindly tell me, how is this House going to exercise its authority with regard to those Grants? All that I would request is that this House be extended by a week and the annual

reports of half a dozen Ministries like Home, Information and Broadcasting etc. etc. be discussed so that we can know exactly what their performance is and where they are digging big holes on the walls.

MR. SPEAKER: I think you want to save time. There is hardly enough time for discussion of the Demands which you are taking away by this.

SHRI SOMNATH CHATTERJEE (Burdwan): Sir, Mr. Limaye has very pertinently raised the question of publication of a cut motion. Our rules as such say that cut motions cannot be moved unless the Grants are taken up for discussion. Therefore, we have to think of changing the rules so that cut motions can be treated as moved even before the Grants are taken up for discussion. Otherwise, cut motions would be of no use. It is very important to consider...

MR. SPEAKER: This is not the time when we consider all these things.

SHRI SOMNATH CHATTERJEE: Sir, the question is in regard to the reduction of the amount specified. The Constitution confers this power. The Constitution does not contemplate guillotine as such except that Article 119 says that the rules can be prescribed and laws can be made. But, Sir, that must be consistent with the right to reduce the amount. Unless, in some form or other, that comes up before the House, the scope will never be there. The Constitutional provisions will not be implemented. Therefore, procedure has to be evolved in connection with this matter.

SHRI SEZHIYAN (Kumbakonam): I do not agree with Mr. Mishra when he said that under Article 105, we can make some rules which go against the specific Constitutional provision.

SHRI SHYAMNANDAN MISHRA: I have not said that we can make rules. Unless we frame a law on that

subject, we are bound to be guided by the conventions and practices in this House.

SHRI SEZHIYAN: Article 119 provides for a law to be made to regulate this. That law is not made. Therefore, whatever has been prescribed under Article 105, is there. Now, Sir, Article 113(2) mentions three things.—To give assent to the Demands as a whole, to refuse to give assent or to give assent subject to a reduction. Whenever these demands are put before the House, then, we can give the assent or refuse to give the assent. But, there is no right for reduction unless the cut motions are moved. Therefore, I would suggest that this question may be referred to the Rules Committee so that the rules can be amended, at least from next year onwards. Then, Sir, whatever cut motions have been given notice of in respect of the various Ministries, you can put them at 6 O'clock.

SHRI SHYAMNANDAN MISHRA: They have not yet been given.

SHRI SEZHIYAN: But this point is very valid. Even though we have not been following this for the past so many years, we should ask the Rules Committee to amend the rules suitably so that Art. 113(2) is implemented.

SHRI S. M. BANERJEE (Kanpur): The only solution to this problem is to have a Standing Committee for this purpose because even if we sit for four months with these Demands, because other items come up in between which are not financial business, we will not be able to complete all the Demands. This time the guillotine is on a mass scale, a sort of mass massacre. Never in the history of Parliament in the last 17 years have I seen a guillotine to this extent. So this is my suggestion.

SHRI DINEN BHATTACHARYYA (Serampore): The credit goes to Shri Raghu Ramaiyah.

SHRI S. M. BANERJEE: So kindly consider this seriously. You can apply your mind to it and advise us whether we should not have a Standing Committee where these Demands are discussed so that when they come here little time is taken.

श्री रामावतार शास्त्री (पटना) :
रिपोर्ट तो हम लोग डिस्कस कर लें ।

अध्यक्ष महोदय : आर बैठ जाइए,
काफी समय इस में ले लिया गया है ।

These are suggestions that you have given to me. The basic question raised is that certain Demands which ought to have come for discussion have not been able to be placed within the timelimit for discussion. Many of them will be guillotined. But there is no alternative so far as the practice we follow since the last many years is concerned, The House of Commons practice is our pattern; under that pattern, we find it very difficult how to get out of this situation. Personally I feel that the Ministries which are not touched for years are bound to get irresponsible sometimes. They must have some fear that the discussion might come one day and Parliament might express its views on that. But if we miss it like this and at the end of it we guillotine all of them, there is no use. I think that this pattern that we are following will perhaps have to change a bit to suit our genius. The British themselves have found an alternative. They have a vote on account for three or four months and then with the rest of the time they go on discussing these even after the financial year starts, They have followed it quite with success.

The other world is thinking entirely on different lines. They think that this plenary system of parliament sitting throughout the year has got outdated. They find it is meaningless; it cannot scrutinise each and everything on an expert basis with full attention

[Mr. Speaker]

and full direction. They have split themselves into committees and commissions quietly sitting throughout the day and going into these things with no press, no galleries, with a little calmness without any desire lurking for publicity.

SHRI MADHU LIMAYE: What is wrong with publicity?

MR. SPEAKER: Mr. Limaye, whatever you say, whether it is right or wrong, I have no dispute with you. But you know it is much better not to ask me. But a day is coming...

SHRI SHYAMNANDAN MISHRA: We are pitted against much mightier instruments of publicity of the Government.

MR. SPEAKER: You do not know what mightier force this system to which I am referring, to which Shri Banerjee referred and which Prof. Hiren Mukerjee may also recommend, is. They have this system, I do not comment on anything because we have a constitution. Within that Constitution, we have rules and procedures. We have to work it and make it as flexible as possible so that it may meet the aspirations of the people.

SHRI SHYAMNANDAN MISHRA: Could not the date for the presentation of the Budget be advanced so that more days are available for the session? What is sacrosanct about the present date?

MR. SPEAKER: These are all suggestions. We can consider all these suggestions. For the time being, I do not agree that we can get rid of the procedure which we had been following in the past... (Interruptions)... Let us live for long and see what changes come. Mr. Banerjee.

(ii) PAYMENT OF DA INSTALMENTS TO
CENTRAL GOVERNMENT EMPLOYEES

SHRI S. M. BANERJEE (Kanpur):
With your permission I want to raise

a very important matter because today at 6 p.m. all the demands are going to be guillotined. This has appeared in the newspapers and from our experience also we know that when we were discussing the Budget no provision had been made for payment of five instalments of dearness allowance to the Central Government employees throughout the country. Thirty lakhs of Central Government employees were expecting that after the discussion between the officials and the employees on 15 April and 21 April, an announcement would be made about payment of five instalments of DA; they have accepted the liability because it is according to the Third Pay Commission Report. We expected a provision to be made in the budget but no provision had been made and no assurance had also been given by the Finance Minister that adequate amount would be provided for the five instalments. I am not asking for the future; five instalments are due from 1-10-1974 till 1 March 1975. Today in the newspaper it has come out that a discussion was going on with the Planning Commission and the Finance Ministry, and that the Finance Minister also agreed to pay some amount but the Almighty Deputy Chairman of the Planning Commission was standing in the way. I wish him all success in his Plans but why should he stand in the way of paying the Central Government employees their legitimate dues. I am not warning the Government, I am asking the Finance Minister to make a statement before 6 O'clock today when the demands are going to be guillotined that adequate amount would be provided and they would not be deprived of their dues. If that is not done, at the time of guillotine we will have to oppose it. Otherwise, it will be a betrayal and a breach of faith and gross injustice. Through you I request the Minister to make a statement. The Finance Minister has come back yesterday. Even if he could not make a statement, Shri P. K. Mukherjee or Shrimati Sushila Rohatgi can make a statement; I shall accept that. The Central Government employees