

टाउन प्लानर का भी उस में समावेश करें।

श्री भोला पास्वान शास्त्री : जब यह विधेयक विचारार्थ इस सदन के सामने आया तब माननीय सदस्य इसके बारे में कह सकते हैं। सरकार अपना विचार इसके बारे में बता देगी।

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of the Delhi Urban Art Commission with a view to preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi."

*The motion was adopted.*

SHRI BHOLA PASWAN SHASTRI: Sir, I introduce the Bill.

12.29 hrs.

#### MATTER UNDER RULE 377

GOVERNMENT'S DECISION TO RAISE EX-FACTORY PRICE OF LEVY SUGAR AND TO INCREASE DUTY ON FREE SALE SUGAR

MR. SPEAKER: On Rule 377, regarding extractive prices of levy sugar, I got this notice from two hon. Members. I hope that the little time that is available, they will be able to distribute among themselves.

SHRI SHYAMNANDAN MISHRA (Begusarai): I respectfully draw the attention of the House to the decision of the Government effective from December 15: (a) to raise the ex-factory price of levy sugar from Rs. 151 to Rs. 158.6 per quintal; and (b) to increase the duty on free sale sugar, which constitutes 30 per cent of the total production, from 30 per cent to 37.5 per cent *ad valorem*. The decision to raise ex-factory price of levy sugar will make a clean gift of more than Rs. 20 crores to the sugar magnates. The decision to increase

the duty on free sale sugar will increase the price of sugar in the open market

It raises a serious constitutional issue whether excise duty could be increased without the approval of Parliament. Parliament is sitting and the excise duty has been raised by the Government without its approval.

Coming as it does, on the eve of the elections in U.P. and in some other States, there are serious allegations that the Government had done it as *quid pro quo*. The ruling party, it is alleged, has got quite a huge amount—Rs. 5 crores or so—from the sugar factories, from the sugar manufacturers. (*Interruptions*). Why are you objecting? I am only referring to the allegations. I am also making an allegation that Rs. 20 crores went to the sugar magnates. Earlier also, during 1971-72, there were serious allegations that the Government had extracted a huge amount of money from the sugar magnates and later on allowed them to fleece the consumers. Now, that is what is being repeated.

SHRI VIKRAM MAHAJAN (Kan-  
 gra): Sir, I rise on a point of order.

श्री छटल बिहारी बाबूदेवी (स्वालयर) : अध्यक्ष महोदय, यह ठीक है कि आप ने यह प्रश्न उठाने के लिए श्री मिश्र को इजाजत दी है, लेकिन यह मामला सारे सदन से सम्बन्धित है। अगर पार्लियामेंट की बैठक ही रही है और सरकार एक्साइज ड्यूटी बढ़ाना चाहती है, तो उस को सदन के सामने घाना चाहिए। मंत्री महोदय शुक्रवार को 5 बजे इस बारे में एलान कर सकते थे, लेकिन पार्लियामेंट को ताक पर रख कर, रुसद् की प्रवहेलना कर के, एक्साइज ड्यूटी बढ़ा दी गई है। यह तो सारे हाउस का कन्ट्रिप्ट है।

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): Sir, I wrote to you.

**अध्यक्ष महोदय** : रूल 377 में सवाल उठाने के लिए एक दो मंत्रियों के नाम होते हैं, लेकिन दूसरे बहुत स मंत्र्य भी खड़े हो जाते हैं।

**SHRI JYOTIRMOY BOSU**: Sir, I can throw more light.

**MR. SPEAKER**: Kindly note that we have to confine to the rules.

**SHRI S.M. BANERJEE** (Kanpur): When the Ordinance was brought without the Parliament's approval, you very kindly observed that it was not proper. Is it not a Parliamentary violation to justify this order?

(Interruptions)

**MR. SPEAKER**: Mr. Bosu, I request you not to get up without your being allowed. I am not calling you. I only allowed Shri Mishra.

**SHRI SHYAMNANDAN MISHRA**: Sir, what is your ruling on this, namely, whether the Government can raise the excise duty by an executive order? It requires your ruling.

**श्री शचु लिसये (बांका)** : अध्यक्ष महोदय आप ने मुझे अनुमती दी है, इसलिए मैं संक्षेप में अपनी बात कहना चाहता हूँ।

मैं इस बात का विरोध करना चाहता हूँ कि पार्लियामेंट को, इस सदन को, विश्वास में लिए बिना एक्ससाइज ड्यूटी ऐसे दिन बढ़ा दी गई है, जिस दिन लोक सभा का सत्र नहीं था। जान बूझ कर ऐसा किया गया है।

इस के बहुत खतरनाक नतीजे निकलने वाले हैं। लंबी सूगर का बंटवारा फूड कारपोरेशन आफ इंडिया की मार्फत होता है।

राज्यों के लिए जो कोटा निर्धारित किया जाता है, वह मुक्कमल कोटा उन को नहीं मिलता है। जो कोटा बच जाता है, वह लैप्स हो जाता है और खुले बाजार में बेचा जाता है। सरकार को इस बारे में सदन को सब जानकारी देनी चाहिए।

इस तरह लेबी वाली चीनी भी खुले बाजार में जाएगी। सरकार ने 20 पैसे तो खुले रूप में बढ़ाने की इजाजत दी है, लेकिन असली बात यह है कि बीपावली के अवसर पर बम्बई में चीनी 6,7 रुपये किलो के हिसाब से बिक रही थी, और इकानोमिक एंड पोलिटीकल बीकली ने यह अभियोग लगाया है—मैं अपनी पार्टी या विरोधी दलों की बात हीं कर रहा हूँ; यह पल एक बहुत हो सांवर बीकली माना जाता है—कि अकेले नवम्बर में साढ़े थारह करोड़ रुपये कांग्रेस पार्टी के यू० पी० चुनाव फंड के लिए इकट्ठा किया गया है। (व्यवधान)

**DR. HENRY AUSTIN** (Ernakulam): One can question the constitutionality of it but not make allegations like this.

**SHRI VIKRAM MAHAJAN**: The hon. Member must withdraw the charge.

**SHRI JYOTIRMOY BOSU**: Government must make a statement here and now. He must tell us the justification for this.

**अध्यक्ष महोदय** : अगर आप लोगों ने पार्टियों और चुनाव के बारे में झगड़ा करना है तो इस सेशन के बाद बहुत टाइम है—दो महीने में उस को बाहर कीजिए। हाउस में क्यों करते हैं ?

**श्री मधु लिमये :** मैं मंत्री महोदय से यह जानना चाहता हूँ कि फूड कारपोरेशन आफ इंडिया की मार्फत जो चीनी का बटवारा होता है, उस में जो कोटा लेप्स हो जाता है, उस का क्या होता है। इकानॉमिक एंड पॉलीटिकल वीकली ने जो अभियोग लगाया है, उस की भी सफाई होनी चाहिए। (व्यवधान)

**श्री श्यामनन्दन मिश्र :** 1971 में इस हाउस में यह अभियोग लगाया जाना रहा है कि करोड़ों रुपये लिए गए हैं, लेकिन कोई संतोष जनक जवाब नहीं दिया गया है (व्यवधान)

**श्री अटल बिहारी वाजपेयी :** अध्यक्ष महोदय, आप मंत्री महोदय से कहें कि वह माफी मांगें। (व्यवधान)

**अध्यक्ष महोदय :** आप का यह शुगल हो गया है कि मन्त्री महोदय माफी मांगें। मैं तो हैरान हूँ। (व्यवधान)

**श्री अटल बिहारी वाजपेयी :** जब पार्लियामेंट की बैठक चल रही है, तो इस तरह एक्साइज ड्यूटी नहीं लगानी चाहिए। अगर आप हमारे अधिकारों की रक्षा नहीं करेंगे तो कौन करेगा? पार्लियामेंट को एक मजाक बना लिया गया है (व्यवधान)

**अध्यक्ष महोदय :** क्या सरकार कोई टैक्स लगाने के लिए पहले मुझ से पूछेगी?

**श्री अटल बिहारी वाजपेयी :** अध्यक्ष महोदय, अगर आप इतने हैल्पलस, असहाय, हो गये हैं... (व्यवधान)

**अध्यक्ष महोदय :** अगर आप एशोरेंस देंगे कि जब जनसभ की गवर्नमेंट अयेगो तों मुझ से पूछा करेंगे कि स्पीकर साहब, यह

टैक्स लगायें या नहीं, तब मैं मिनिस्टर साहब को कुछ कहूँ।

**श्री अटल बिहारी वाजपेयी :** यह मामला इतना सरल नहीं है।

**MR. SPEAKER:** Hon. Members have said what they wanted to say. Now, Government will say what they have to say on this.

**श्री अटल बिहारी वाजपेयी :** अगर यह पहले माफी मांगेंगे, तब हम उन को सुनेंगे। उन्होंने ससद की अवहेलना की है।

**श्री मधु लिमये :** अध्यक्ष महोदय : आप श्री गणेश से माफी मागवाइये। फखरु-दीन साहब का जुर्म बहुत बड़ा है। श्री गणेश की तुलना में श्री फखरुदीन अली अहमद ने जो अपराध किया है, वह अक्षम्य अपराध फिर भी हम उन की क्षमा को मानने के लिए तैयार हैं। अध्यक्ष महोदय, वह अनपार्डने सिन है। (व्यवधान)

**SHRI P. G. MAVALANKAR** (Ahmedabad): Do you approve of what Government have done?

**SHRI S. M. BANERJEE:** I rise on a point of order (Interruptions).

**MR. SPEAKER:** If this is how Opposition will say whatever they like and not listen to the others, I do not know how we can function here. After all, they are also a very big party. Do the Opposition Members want to carry on the business only by mere shouting?

**SHRI SHYAMNANDAN MISHRA:** My constitutional point has to be answered by you, Sir. There is no ordinance yet. An ordinance could be construed as legislation. But it is only by an executive order in a notification that the excise duty has been raised.

MR. SPEAKER: There is nothing before me except what the hon. Member says. I have no power to declare out the question whether they have rule-making power or ordinance-issuing power. I have no power to do so. Let me know under what rule I can do it.

SHRI H. N. MUKERJEE (Calcutta-North-East): On a point of order. I have listened to what has been permitted to be said by Shri Mishra and as far as I can make out, the House has taken possession of a report that there has been a quantum of increase in the excise surreptitiously at a time when the House has been in session. That having been brought to the notice of the House it is for you to decide whether the Minister, before he answers whatever is in his mind, explains that there has not been a quantum of increase surreptitiously made during the pendency of the session of this House, and if that has happened, he must make proper amends, that is to say, if surreptitiously an increase in the excise has been made, wrongfully during the pendency of the session of Parliament. If this has happened something absolutely against constitutional form and propriety has taken place. I am only taking note of what I have heard and on that basis, I am asking you to call upon the Minister, first of all, to deny the increase if he can, and then to apologise for the increase if that is possible, and then to give constitutional justification for that, if that has taken place. It is for you to extract this from the Minister.

This is a matter which pertains to the rights of Parliament. This is not a matter where you have personally to be informed. In your office, you represent the majesty of the House and of the sovereignty of our people. Therefore you have to ask the Minister to explain the position which has been brought up in this kind of a very menacing fashion by Shri Mishra's statement.

SHRI VIKRAM MAHAJAN: On a point of order. Two hon. members of this House have used expressions which are offensive and defamatory. Under rule 353, no allegation of a defamatory or incriminatory nature shall be made. Now, there are allegations made by Shri Mishra and Shri Limaye against the Congress party. Either they should be asked to withdraw them or these expressions should be expunged. Therefore, I suggest that this must be done first before we proceed further.

SHRI MADHU LIMAYE: The Congress is not a party but a crowd.

PROF. MADHU DANDAVATE (Rajapur): The Official Secrets Act has been violated by making this statement.

SHRI ATAL BIHARI VAJPAYEE: Is it defamatory or complimentary to the ruling party, Congress, that they collect so much money?

अध्यक्ष महोदय : आपने बहुत कामली-मैट्स पहले ही पे कर दिए ।

SHRI S. M. BANERJEE: My point of order arises out of a previous ruling which you in your wisdom gave in this House when most members on this side took serious objection to the promulgation of an Ordinance when the Lok Sabha was about to commence, six days before (*Interruptions*). That was an Ordinance which has the force of legislation. But in this particular case, when Parliament was in session this has been done. Saturday and Sunday are closed holidays for Parliament. It was known to the Minister. It was not out of ignorance or innocence that this has been done. This has been deliberately done. They have a contempt for Parliament. I do not know what they are doing. They never consult. They just issued a notification. This was not an Ordinance because an Ordinance cannot be issued when Parliament is in session. They issued a

notification increasing the price of sugar. In the open market, sugar price has risen from Rs. 4.10 to Rs. 4.85 in Delhi. In Bombay, it is Rs. 7 per kg. They have done it with the political motive as was stated by Shri Madhu Limaye, who said they are having Rs. 11 crores. Let them collect Rs. 11 crores, or Rs 8 crores of Rs. 7 crores. I am not concerned about that. In this very House, the Supreme Court judgment was referred to. By a notification it was done. That Bill has not been discussed. I want a clearcut ruling from you whether whatever has been done by the Minister is correct and whether the dignity of Parliament has been enhanced or shattered to pieces by this. (*Interruptions*).

MR. SPEAKER: Order, please. Kindly sit down. Mr. Chatterjee Please sit down. After all, you are a lawyer.

Now we have got certain methods. Without my intervention, you are asking the minister to do this and to do that. If you do not allow me to listen to the others, and if you allow yourselves to be listened to, so well and good. Allow me to listen to the others if you want an apology. After that I can come out with some observations. Will I go on condemning people without hearing them? You do not allow me to listen, and then you lay the condition that they must apologise. Then, what is my position in this matter?

श्री अटल बिहारी वाजपेयी : आप उन को मुन लीजिए और फिर कहिए कि वह माफी मांगें ।

अध्यक्ष महोदय : जो आर्डिनैन्स वाली बात थी वह तो ठीक थी । लेकिन इसके बाद फिर प्वाइंट ऑफ़ आर्डर रेंज किया। मुझे तो सोचने का मौका ही नहीं देते । जैसे मैं कम्प्यूटर हूँ बीच में से कोई रूलिंग निकल आयेगी

यह तो सोचना चाहिए कि मैं भी ह्यूमन बीइंग हूँ । जो कुछ रखना हो जरा शान्ती से रखा करें ।

SHRI SOMNATH CHATTERJEE (Burdwan): Sir, a point of order. Assuming that the Government had powers to increase the excise duty by framing rules—let us assume it for a moment—I would like to know from you, whether the Government could be permitted to take recourse to this procedure when the House is in session and not come to the House first and announce its decision and not face the House with a fait accomplie. Could the House be treated in such a manner in relation to this situation?

MR. SPEAKER: It has been pointed out already. There is no need to repeat it.

SHRI SOMNATH CHATTERJEE: I think you should take up this matter very seriously.

MR. SPEAKER: Well, if hon. Members want to interrupt when the Minister has risen to speak, it is no use allowing him to speak. He has been listening to you patiently. He has been listening to 10 hon. Members patiently. So, you listen to one person patiently.

SHRI JYOTIRMOY BOSU: He is in the dock.

MR. SPEAKER: You always take everybody is in the dock.

THE MINISTER OF AGRICULTURE (SHRI F. A. AHMED): Sir, hon. Members are under the impression that there is an ordinance, which ought not to have been promulgated when Parliament is in session. (*Interruptions*).

MR. SPEAKER: Please listen; do not lose your patience.

SHRI F. A. AHMED: I would like to mention that no ordinance has been promulgated (*Interruptions*).

MR. SPEAKER: Whatever he says, he has a right to speak; to whatever you said, he was quiet. Why can't you keep quiet?

श्री अटल बिहारी वाजपेयी : यह किस ने कहा कि आर्डिनैन्स निकाला ?

SHRI F. A. AHMED: The word 'ordinance' was mentioned by some hon. Members, and so I referred to it.

So far as this particular order is concerned, it is passed under the administrative authority of the Government, and for this purpose, the notification is laid on the Table of the House. I do not know why it has not been laid. I shall make enquiries and find out....(Interruptions.)

श्री अटल बिहारी वाजपेयी : अब तो ये फंस गये, अब ये नहीं बच सकते ।

अध्यक्ष महोदय : आप यह क्या करते हैं ? एकदम खड़े हो जाते हैं ।

SHRI F. A. AHMED: In a matter of this nature it is not necessary to mention it to Parliament before an order is passed within the administrative authority of the Government.

But so far as the other matters are concerned, I shall make a statement with regard to them, if you permit me, either this evening or tomorrow.

MR. SPEAKER: When was this decided? When this administrative action taken about the enhancement of duty?

SHRI F. A. AHMED: Yesterday was Sunday and this came into operation since Saturday.

MR. SPEAKER: The earliest opportunity should have been today; it is rather improper that it has not been brought here today. I do not approve of it.

श्री अटल बिहारी वाजपेयी : लेकिन इस के लिए भी इन्होंने मार्फा नहीं मांगी है । इन्होंने दो जुर्म किये हैं—एक तो यह कि पार्लियामेंट बँठी हुई है और इन्होंने रेट बढ़ा दिये । दूसरा—उस का नोटिफिकेशन टेबिल पर नहीं रखा—ये इस के लिए मार्फा मांगें ।

श्री मधु लिमये : नोटिफिकेशन कब निकाला गया और डा. ज. रत्न के समक्ष क्यों नहीं आया ?

SHRI F. A. AHMED: With regard to the other allegation which has been made by the hon. Member I should like to submit that there is no substance whatsoever....(Interruptions)

SHRI SEZHIYAN (Kumbakonam): The point raised by Prof. Mukherjee and Shri Mishra are different; when the House is in session, before an important notification like this issues, why should not the House know about it?... (Interruptions).

MR. SPEAKER: I do not know anything about this. The only thing is that if they took action, it should have been laid on the Table of the House at the earliest opportunity. I cannot decide whether they were competent or not. If they could do it themselves under the law, they could do it. Everything in the world cannot be brought before the House. Do not stretch it too far; I am not going to accept it. The time of the House is precious and so much time is taken every day in these little procedural wrangles. I do not have any authority to give any ruling on it. You better convince me and you can come to my Chamber. If I have authority, I shall certainly do it. Why do you give me powers I do not have?

श्री मधु लिमये : अध्यक्ष महोदय, यह 20 करोड़ रुपये का सवाल है, प्रोसीजरल मैटर नहीं है ।

श्री सटल बिहारी बाजपेयी : सरकार ने जो कुछ किया है, उस के खिलाफ अपना रोष प्रकट करने के लिए हम सदन से बाहर जा रहे हैं, हम आप से मिलेंगे और अपनी बात आप को समझावेंगे, लेकिन हमें अफसोस है . . . . .

12.55 hrs.

RESOLUTION RE. INTERIM REPORT OF RAILWAY CONVENTION COMMITTEE, SUPPLEMENTARY DEMANDS FOR GRANTS (RAILWAYS), 1973-74 AND STATEMENT RE. STRIKE BY LOCO RUNNING STAFF

श्री मधु लिमये : अध्यक्ष महोदय, आप, दो प्रश्नों पर निर्णय दीजिये—यह नोटिफिकेशन क्यों निकाला गया और यह नोटिफिकेशन आज सदन के सामने क्यों नहीं आया ?

THE MINISTER OF RAILWAYS (SHRI L. N. MISHRA): I beg to move:

"That this House approves the recommendations made in paras 60, 70, 71, 75, 76, 77, 78 and 19 contained in the Interim Report of the Committee appointed to review the rate of dividend payable by the Railway undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance and General Finance which was presented to Parliament on 11th December, 1973,

MR. SPEAKER: It is nearing the time for lunch break. Do you want to take up the next item?

That his House further directs that the action taken by Government on the other recommendations made in the Report should be reported to the Committee."

SHRI SHYAMNANDAN MISHRA: Certain clarifications are in order. How is it within the administrative capacity of the Government? Had they got approval earlier, say, for going up to 40 per cent and they are now going up to 37 per cent? He had not said anything about it.

अध्यक्ष महोदय : मुझे जो आश्चर्य है, आप वह मुझे बतला सकते हैं ।

Railway Finances were separated from the General Finances by a resolution of the then Central Legislature in September, 1924. The resolution adopted prescribed the rate of contribution to be made by the Railway to the General Revenues, worked out on the basis of the capital-at-charge of the Railways and the working results of the commercial lines.

श्री मधु लिमये : अध्यक्ष महोदय, जब लोक सभा का सत्र चल रहा है तो क्या इन को नैतिक अधिकार है कि उस अधिकार का इस तरह इस्तेमाल करें और जब इस्तेमाल किया है तो नोटिफिकेशन यहाँ क्यों नहीं लाये—इन दो मुद्दों पर इन का असन्तोष का व्यवहार है, इसलिए हम सदन का त्याग कर रहे हैं ।

The Railway Convention Committee, 1949, the first such Committee to meet after Independence, had a fresh look at these arrangements and recommended the concept of a fixed dividend which the Railways should pay to the General Finances on the loan capital invested in the undertaking as computed annually. The

Shri Madhu Limaye and some other hon. Members then left the House.