

14 hrs.

I agree with the feelings of the hon. Member, Shri Shastri about the mismanagement done by a large number of industries and some industrialists. That is why we have tried to plug the loopholes of the earlier Act, and that is why we have made these provisions so that whenever any company is under liquidation we will be able to take it over and make that a good company. After that we will not return it back to him as a prize but will reconstruct that company and sell it to somebody else.

All these are penal measures against such kind of mismanagement and inefficient management. I hope, the hon. Members will agree with us that there is the good intention to penalise people who will be mismanaging the affairs of companies or who will be misappropriating the funds of companies. I, once again, assure the Members that we will administer this law passed by the House with the utmost consideration and sympathy for labour.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill, as amended, be passed."

*The motion was adopted.*

14.02 hrs.

RESTATUTORY RESOLUTION ON  
DELHI ROAD TRANSPORT LAWS  
(AMENDMENT) ORDINANCE  
AND DELHI ROAD  
TRANSPORT LAWS  
(AMENDMENT) BILL

MR. DEPUTY-SPEAKER : The House will now take up Statutory Resolution disapproving the Ordinance and the Delhi Road Transport ( Laws ) Amendment Bill.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, I rise on a point of order. Rule 69(1) reads as follows :

"A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to

the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

Here, we have a Financial Memorandum all right. But in this Financial memorandum what is lacking is a clear estimate of recurring and non-recurring expenditure. Therefore if this Bill is taken into consideration without that will be irregular.

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND SHIPPING AND  
TRANSPORT (SHRI RAJ BAHADUR) :  
It is not physically possible to indicate an exact amount. The recommendation is there in specific terms. The budget is passed from year to year, from period to period.....

SHRI JYOTIRMOY BOSU : May I invite the attention of the House to Rule 69 (1) again ? It says :

"A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

You cannot violate this rule. It clearly says that without showing an estimate of recurring and non-recurring expenditure involved, the Bill cannot be taken into consideration. In spite of that, if it is taken into consideration, that will be quite irregular.

SHRI RAJ BAHADUR : May I read the Financial Memorandum itself ?

SHRI R.V. BADE (KHARGONE) : He has not given an actual figure. He can give at least some figure that this much will be recurring expenditure and this much will be non-recurring expenditure. (*Interruptions*)

SHRI RAJ BAHADUR : May I say that necessary precaution has been taken.

[ Shri Raj Bahadur ]  
Memorandum regarding Delegated Legislation is there.....

MR. DEPUTY SPEAKER : We are talking of Financial Memorandum. His submission is that under Rule 69(1), you should give an estimate of recurring and non-recurring expenditure. I have been trying to go through this Bill hurriedly but I am not able to find it. If you can point it out to me where an estimate has been given, even if it is an indication.....

SHRI RAJ BAHADUR : As I have explained, it is not physically possible in the nature of things, if I may say so. We have made our efforts about it. If it is physically possible, we will do it. It is physically not possible. May I say that the Lok Sabha Secretariat itself observed that the Memorandum need not give an estimate of recurring and non-recurring expenditure ? This matter was very carefully considered. The memorandum has been seen by the concerned Ministries. We have not really left at that. In the case of a statutory corporation, the question of recurring expenditure by the Government does not arise. But loans are given from time to time.....

MR. DEPUTY SPEAKER: From Where are you reading ?

SHRI RAJ BAHADUR : I am reading from my notes.

I am saying that we have taken all precautions to see whether any such thing can be done. In this case; my submission is, my plea is that in the case of a statutory corporation, the question of recurring expenditure by the Government does not arise because loans are given from time to time to cover the needs of the Corporation according to requirements. Strictly it would be entirely wrong for us to indicate that this figure in this respect would be such and such in any particular year. It is for this reason that we have stated in our memorandum that loans are to be granted to the Corporation according to Plan and also for ways and means purposes to the actual extent of inevitable working deficits through the annual budgets. This is all that we could do. It is not really physically possible for us to identify an exact amount.

The Bill, if passed, will not involve any expenditure from the Consolidated Fund of India as much.

SHRI JYOTIRMOY BOSU : This is a contradiction.

SARI RAJ BAHADUR : It is not. The Corporation is given loans. In fact it is not given..... (*Interruptions*)

We have got a Financial Corporation. It is a transfer from corporation to corporation.

MR. DEPUTY SPEAKER: Your submission is that it would not involve any expenditure from the Consolidated Fund of India ?

SHRI RAJ BAHADUR : Yes. From the Consolidated Fund of India a Financial provision is made for loans and from this loans are given to the Road Transport Corporation. It is only a question of transfer from one provision to another provision.

MR. DEPUTY SPEAKER : My difficulty is the Rule here. I am guided by these Rules. Here it says 'A Bill involving expenditure...'. It does not say 'expenditure from the Consolidated Fund of India.' Any expenditure.

SHRI RAJ BAHADUR : Expenditure means expenditure by the Government of India and not by the Corporation.

MR. DEPUTY SPEAKER : Very well. I will accept that, 'A Bill involving expenditure from the Consolidated Fund of India...'

SHRI RAJ BAHADUR : It is not involved.

MR. DEPUTY SPEAKER : If it not involved then even a Financial Memorandum will not be necessary.

SHRI RAJ BAHADUR : No, Sir. Even then, for the sake of abundant caution we have done it and we have also explained to the concerned Ministers and

to the Lok Sabha Secretariat the reason why we have not done it. Perhaps, in the Secretariat... (Interruptions) Sir, you can take us to task if we had been unmindful. But we have not been unmindful and whatever is physically possible has been done.

**MR. DEPUTY - SPEAKER:** I would like to understand this. Loans will have to be granted to the Corporation by the Central Government. Now, will not the Central Government incur expenditure when it gives loans to the Corporation? This is an expenditure from the Consolidated Fund of India.

**SHRI RAJ BAHADUR:** But Government gives loans to the Financial Corporation and that corporation gives to this corporation. Therefore, if we come for that purpose, we may require it. Then it varies from year to year. Even this year we do not know how much loan will be required. We do not know how much the S. T. C. will be able to mobilise from its own resources. Suppose the Corporation runs profitably, then it may not require any loan. So, we may not be required to do anything. I am happy to say that this Corporation has already started yielding some good results.

**MR. DEPUTY-SPEAKER:** I would like to be guided in this matter.

**SHRI JYOTIRMOY BOSU:** Sir, Mr. Hiren Mukerjee wants to say something.

**SHRI H. N. MUKERJEE** (Calcutta-North-East): Sir, I cannot understand the sophistry of the Minister. If loans are envisaged from whatever Government source it may be, they are intended for expenditure by the Corporation and, therefore, certain expenses are certainly part of this proposition which he is trying to put forward. I remember several occasions in the last Parliament when the Government had to go back and give another additional memorandum in order to fulfill the terms of the Rules and you, Sir, have been pleased to point out that the Rule is very specific. There is no doubt about expenditure being involved. Only the expenditure is likely to be covered by loans from

one or the other which again draws from the Consolidated Fund of India. Therefore, the expenditure is definitely involved and he can give an assessment, some assessment. He cannot say this way that it is impossible to estimate. He is giving us a Bill which necessarily would require certain amount of expenditure and right or wrong he must make an attempt at an assessment of the expenditure and let the House know. I think as you have pointed out, the Rules are explicit and the Government has to go back and must do some more home-work and come before us with a better memorandum.

**SHRI RAJ BAHADUR:** We are in your hands. In fact all that we could do we have done.

First of all, may I clear a point? Loan is not expenditure. If an amount is given in loan it earns interest and it is repaid and returned. How can it be an expenditure at all. We cannot really anticipate the demand of loans of the corporation and it may be possible they may not require any loan at all.

**SHRI JYOTIRMOY BOSU:** I stand by what I said. Please see line 4 and 5 in which it is said that consequential expenditure from the Consolidated Fund of India will be involved.

**MR. DEPUTY-SPEAKER:** It will involve expenditure from the Consolidated Fund of India, You have yourself said so.

**SHRI JYOTIRMOY BOSU:** Lines 4 and 5, para 1.

**MR. DEPUTY-SPEAKER:** The Financial Memorandum of your Bill says this.

**SHRI JYOTIRMOY BOSU:** Sir, it will be a bad precedent for the House if this Bill is allowed to be discussed in this House.

**SHRI RAJ BAHADUR:** It is not that it is not there; it will be there indirectly and you will not expect me to mislead or misguide the House. I would certainly say that we did our homework very well and it is not

[Shri Raj Bahadur]

possible to estimate what the requirement of loan would be. Let my hon. friend help me if he can. The short point is that he wants us to specify the specific sum of money...

**SHRI JYOTIRMOY BOSU :** As required by the rule.

**SHRI RAJ BAHADUR :** I could not do that as I could not estimate what the requirement of loan would be. That is not possible except to the extent what way have been provided in the Fourth plan and when a specific demand is made we shall certainly do it.

**SHRI R. V. BADE :** In the supplementary Demands for Grants which we have passed, they have given the amount necessary for the Corporation. This is stated at page 21. I am reading that. It says :

"It became necessary for Government to give financial aid to the Corporation immediately after the issue of the ordinance. An advance of Rs. 1 crore was accordingly obtained from the contingency Fund of India to meet the immediate requirements of the Corporation which would be resumed to the Fund after the Supplementary Grant is sanctioned."

Here, it is stated like that in page 21.

**SHRI RAJ BAHADUR :** Even then, Sir, it was an *ad hoc* grant and the other question does not arise. I hope my friend will try to understand me. I cannot by any stretch of imagination anticipate what the exact requirement would be. I cannot make an estimate saying that it will be Rs. 1 crore or Rs. 98 lakhs or whatever it is. I cannot make that kind of estimate. We have taken all the precautions. We have not kept the Lok Sabha Secretariat in the dark. They raised some objection. We have replied to them. If they were not satisfied we could certainly be asked

**MR. DEPUTY SPEAKER :** I am to be satisfied, not the Lok Sabha Secretariat.

**SHRI JYOTIRMOY BOSU :** This is

strange, coming out of the Minister for Parliamentary Affairs.

**SHRI RAJ BAHADUR :** If you ask me to go back, I will come and tell the same thing; it is not possible to anticipate the requirements in exact terms. That is what I would again say.

**SHRI JYOTIRMOY BOSU :** I would only appeal to the Minister to take back the Bill and come again. Mr. Hiren Mukerjee has stated it very clearly. Rule 69 is there. You cannot evade that.

The hon. Minister has just now said that no expenditure will be involved. But may I read for his benefit once again the following from the financial memorandum :

"Consequently, expenditure from the Consolidated Fund of India will be involved."

**SHRI RAJ BAHADUR :** I have already replied to that point.

**SHRI JYOTIRMOY BOSU :** So, he has misled the house.

**SHRI RAJ BAHADUR :** I have not. Even if you ask me to go back and then come, I shall come forward with the same thing that I cannot give any exact estimate.

**SHRI JYOTIRMOY BOSU :** If the Chair allows the Bill to be discussed we shall walk out of the House.

**MR. DEPUTY-SPEAKER :** While I fully appreciate the difficulties of the hon. Minister, here I am guided by the rules. Firstly, expenditure from the consolidated Fund of India is involved. It is not only I who say it but the financial memorandum itself says so. If that be so, then this rule applies. The rule seems to make it mandatory that an estimate has to be given. It is only an estimate which is required. I have noticed that in the financial memoranda attached to other Bills, they indicate that so much is the nonrecurring expenditure and so much the recurring expenditure, and where Government are not sure, they say that it is difficult to anticipate how much it will be,

but even then they say that it will not be less than so much or it will not be more than so much. That kind of thing has always been done. But here I fail to find any statement where Government have said that the figure will not be more than this or less than so much. If as Shri Bade himself has said, in the Supplementary Demands for Grants, a sum of Rs. 1 crore or so has been given, then it should be possible for the Ministry to anticipate and give an estimate, though it may not be very exact.

**SHRI RAJ BAHADUR :** May I just have a word ? It has been mentioned here that the income of the DTC is likely to be of the order of Rs. 9 crores per annum and the expenditure of the order of Rs. 11 crores per annum on the basis of the present schedule of fares and operational efficiency. So, an amount of Rs. 2 crores has to be accounted for. You, Sir, are asking me to indicate a specific amount. I have already indicated that Rs. 9 crores would be the income and Rs. 11 crores the expenditure, and, therefore, the difference of Rs. 2 crores is there as the estimate. But if you ask me to specify it in exact terms, it is not possible for me to indicate it.

**MR. DEPUTY-SPEAKER :** The hon. Minister has given the estimated income and expenditure of the DTC and the difference between the two. But that is only a statement of what it is. It is necessary to say in clear words that it is not possible to anticipate the exact amount but it would not be more than so much or it would not be less than so much, that is the usual way in which it is done. Here the hon. Minister has not said anything of that sort.

**SHRI RAJ BAHADUR :** If I may say so, there may be some objection to the extent, as your goodself observed that I have not indicated that it will not be more than a given amount or it will not be less than that amount but I would submit that it has been broadly indicated, as I have just pointed out. In view of the fact that steps had to be taken through an ordinance, and this ordinance would have to be replaced by the Bill, I would submit that this Bill may be taken into consideration. But in case you say that there is any infringement or violation of any rule, then I can only

state here the steps that we have taken. I have got the full record here with me of how we have tried to move in the matter, and we have in fact shown everything to the Lok Sabha Secretariat, and taken their advice. I think that should satisfy everyone. But in case you are not satisfied, and you say that the rule should be observed in that particular way, then I would submit that the rule may be suspended for this purpose,

**MR. DEPUTY-SPEAKER :** I do not know about the motion for suspending the rule.

**SHRI RAJ BAHADUR :** I shall make that motion immediately if so required.

**SHRI JYOTIRMOY BOSU :** No, how can it be done ? It is atrocious.

**MR. DEPUTY-SPEAKER :** I would not like to give my ruling so quickly over this issue. It looks to me rather ticklish. So, I would like to go into the matter a little deeper, therefore, we shall hold it over until tomorrow and we may not discuss it today.

**SHRI RAJ BAHADUR :** As you please, Sir,

14.18 hrs.

RESOLUTION RE : INTERIM  
REPORT OF RAILWAY  
CONVENTION  
COMMITTEE

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : I beg to move :

"That this House approves the recommendations contained in the Interim Report of the Committee appointed to review the rate of dividend which is at present payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance *vis-a-vis* the