

situation? The House would like to know about it.

SHRI RANGARAJAN KUAMRAMANGALAM: We should to deal with it collectively. I think there is unanimous thought. There is no individual thought of it. All of us are united on this issue. We will discuss it.

MR. SPEAKER: We will discuss it.

*(Interruptions)*

SHRI GEORGE FERNANDES: Let there be a meeting in your Chamber. Since the Government is prepared for a meeting, I urge upon you let there be a meeting. Please do not allow this issue to be discussed in a lighthearted manner.*(Interruptions)*

MR. SPEAKER: We will hold a meeting. I will be very very happy to receive you all there.

SHRI GEORGE FERNADES: Thank you, Sir.*(Interruptions)*

SHRI RAM NAIK (Bpmbay North): I would like to draw the attention of the House to the grave breach of privilage and contempt of the House committed by the Railway Minister hon. Shri Jaffer Sharief. I have already given you a notice under Rule 222.

MR. SPEAKER: I have asked for the comments from the Minister.

SHRI RAM NAIK: I must say that the facts of the case are that on the 9th May, a new suburban railway-line was introduced in Mumbai connecting Mumbai and Navi Mumbai on the Vashi-Mankhurd sector. While doing it the Railway Minister has levied a surcharge of Rs. 1.50 per single journey for second class and Rs. 3.75 for first class. For a montly traveller, it costs Rs. 50 per month for second class and Rs. 125 for first class. One lakh commuters will be affected by this

decision. Sir as you are aware, this is a financial increase and for any financial increase, the basic principle of the budgetary discipline is that the sanction of the Parliament must be taken. Now the sanction of the Parliament has not been taken by the Railway Minister.

When the presented the Budget, he had said the budget book is with me - that this new railway line will be completed in the year 1992-93 and after completion it will also be commissioned. And accordingly, it has been commissioned. Now, Sir, when this is commissioned and when the Minister knows that this will be ready, he should have come at the time of the Budget, with the proposal that he wants to levy. sometimes, it is said that it is a surcharge and it has been shown by the Railway Minister as surcharge. However, he has not informed the Parliament. When the function was being held, this was issued as a press release to the pressmen and through press, we now know that the Railway Ministry has increased the fare. And whether it is fare or surcharge, it has been increased. Parliament approval is necessary for such a newly introduced surcharge, for example, there is a surcharge on the sleeper charges. While presenting the Budget, the memorandum explaining the proposals at page 2, para 3.4, says;

"Sleeper surcharge: The second class sleeper surcharge for journeys between 501 Kms. to 1, 000 Kms is proposed to be revised from Rs. 22 to Rs. 25."

That means, even for increasing the surcharge the Minister had come earlier for consent of the Parliament. Now in this particular case, he has not come. Also, it is not increasing the existing surcharge ; it is levying altogether a new charge. So, this is a very serious matter and from that point of view, I hold that he has committed a breach of privilege. He has delein berately by assed the Parliament and he has tried to undermine the authority of the parliament *vis-a-vis*

Executive. and particularly, when the Parliament is in Session, levying of surcharge without the approval of the Parliament is a serious breach of privilege and contempt of the House.

So, Sir, I appeal to you to kindly give me your consent and allow me to move this breach of privilege. And please send this matter to the privileges Committee. Thank you.

SHRI LAL.K. ADVANI (Gandhi Nagar): It is not merely a sanction. But I do not think that I have received any notification saying that this kind of surcharge has been levied. And this is something remarkable. I have never seen it. There are precedents, even where notifications are laid on the Table of the House in respect of financial matters. There have been strictures from the press though it may not have been regarded as a breach of privilege. But there has been very stern strictures from the Chair if anything of this kind has happened because then financial accountability has been thrown to the winds. It is really a serious matter.

SHRI RAM NAIK; Sir, my senior colleague, Sir Ram Kapse is enlightening the House.

SHRI RAM KAPSE (Thane); Hon. Speaker, Sir, you must have received my notice of privilege. At page 636 of the book on 'Paratice and Procedures in Parliament', it has been said on the scope of discussion on the Demands for Grants that "whereas during the general discussion the Budget, the House is at liberty to discuss the Budget as a whole or any question of principle involved therein". The words 'principle involved therein' are very important.

if you start traveling from Bombay VT and go upto Mankhurd, you will be charged in one manner. If you go ahead and from Mankhurd if you go to Vashi, a distance of seven kilometres, you will be charged extra.

That charge it is a new policy. They want to collect some Rs. 200 crores and they want to collect that amount by way of surcharge. The Railways want to collect Rs.200 crores by way of surcharge for seven kilometres only, on this line. And they have not come to us.

Here, it clearly mentions that at the time of Demands for Grants - Kaul and Shakdhar at page 636 - that it can be discussed as a matter of principle involved therein. There is a principle involved. A new policy- a new principle - has been coming into force. Never in the history of Railways have they charged differently.

Suburban passengers or commuters are going from one place to another. In Madras, in Mumbai, in Calcutta and in Delhi, they are charged same. But between Mumbai and navi Mumbai, they will be charged differently, and the same persons travelling from Bombay V.T. to Mankhurd were charged. From Mankhurd to Vashi, there is another charge. Then, it will be a surcharge.

There are two way of doing a thing. One is budgetary provisions. There is not a single word as far as the railway budget is concerned. At the same time, as far as the notification is concerned, the Minister has never approached the Parliament that we are thinking of this new policy and that a new principle is being evolved, and you give sanction to it. There are many instances when levies are laid down or there is any surcharge. I can give you Privilege Digest 123, 1980. My leader Shri Atal Bihari Vajpayee raised this matter on 9th June 1980. It was about the increase prices of certain petroleum products. And the ruling by the Chair was:

"When Parliament is sitting and important decisions are taken, one thing which I cannot ignore is that to take such decisions without informing the House, is improper."

There are so many decisions.

In 1983, it was raised by Prof. Madhu Dandavate. In Rajya Sabha, in 1982, our leader, Shri Lal K. Advani, had raised the same point. The ruling by the Chairman everywhere is that at the time of budget, you will be getting the chance to discuss the whole issue. So, you will discuss at that time. Where is that now? It is done by way of notification. Today, this is the last day. Even about that, *Kaul and Shakdher are very clear.*

SHRI LAL K. ADVANI: It is illegal apart from being breach of privilege.

SHRI RAM KAPSE: it is illegal and discriminatory. It has not been brought to the notice of the Parliament. About subordinate legislation, rule 234 says:

"(1) Where a regulation, rule, sub-rule, bye-law etc. framed in pursuance of the Constitution or of the legislative functions delegated by Parliament to a subordinate authority is laid before the House, the period specified in the Constitution or the relevant Act for which it is required to be laid shall be completed before the House is adjourned *sine die*."

That is 'today'. And they have not approached us. So, I urge upon the Speaker..

MR. SPEAKER: I will get the comments.

[Translation]

SHRI GEORGE FERNADES (Muzaffarper): Mr. Speaker, Sir, I would like to point out one thing only. Now it is upto the Government to decide. I would only like to draw your attention to the following.

[English]

Now I am reading page 627 - procedure in Financial Matters: Presentation of Budget:

"In respect of every financial year,

the President causes to be laid before both Houses of Parliament an annual financial Statement or the estimated receipts and expenditure of the Government of India. The Annual Financial Statement, otherwise known as the Budget, is presented in two parts, namely, the Railway Budget pertaining to Railway Finance and the General Budget, which gives an overall picture of the financial position of the Government of India, excluding the Railways."

[Translation]

Mr. Speaker, Sir, the issue is very obvious. The Financial Statement of the Government consist, of two parts one is Railway Budget and the other is General Budget which give the over all income and Expenditure position of the Government. Therefore, it should be classified in two parts. So these rules related to the accounts, are applicable to the Railway Finances and the Government is not authorised to impose any tax etc. without the prior approval of the House

[English]

MR. SPEAKER: At this, time there is no doubt. Not a single pie can be taxed without the sanction of the Parliament, whether it is a tax or a surcharge. And what is the difference?

SHRI GEORGE FERNADES: I do not know. But it is part of the revenue.

[Translation]

Anyway, the Government may recover it in the form of surcharge or otherwise. But you must take this problem very seriously and it is upto the Government to decide (Interruptions)