

[Shri Rane]

vacancies caused by the retirement of Dr. Shrimati Seeta Parmanand, Shri S. D. Misra, Kazi Karimuddin, Shri C. L. Verma and Shri H. D. Rajah from Rajya Sabha and communicate to this House the names of members so appointed by Rajya Sabha to the Joint Committee."

12-05 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker: The question is:

"That this House recommends to Rajya Sabha that Rajya Sabha do appoint five members of Rajya Sabha to the Joint Committee on the Parliament (Prevention of Disqualification) Bill, 1957 in the vacancies caused by the retirement of Dr. Shrimati Seeta Pramanand, Shri S. D. Misra, Kazi Karimuddin, Shri C. L. Verma, and Shri H. D. Rajah from Rajya Sabha and communicate to this House the names of members so appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

CONVENTION REGARDING VOTE ON ACCOUNT

Shri Naushir Bharucha (East Khandesh): **Mr. Speaker**, in the first week of March this year, this House was presented a statement on Vote on Account running into nearly Rs. 715 crores and when one of the Members, Shri Mahanty, wanted to speak on it, you were pleased to rule that in view of certain existing rulings given by previous Speakers, Vote on Accounts was to be passed without discussion. I had also written to you requesting your permission to let me speak on Appropriation Bills but there also your ruling was that you preferred to follow the rulings given on previous occasions and the hon. Prime Minister who was then the Finance Minister also concurred with your ruling. Thereupon I wrote to you that the ruling requires to be examined carefully in the light of certain articles

in the Constitution and our Rules of Procedure and requested you to see whether the ruling could not be modified or perhaps set aside in the light of what submission I propose to make before the House.

I think the first ruling on the subject was given on 12th March, 1951, when the Speaker in announcing the procedure on the motion for Voting on Account observed as follows:

"As hon. Members are aware, the procedure for Voting on Account is designed to give the Members a longer time for discussion on the Budget by putting the same off to convenient dates after the 31st March. The principle of the practice is that the House ought to grant sufficient funds to Government to enable it to carry on till the Demands are scrutinised and voted upon. In this procedure, as full discussion follows.....".

Mr. Speaker: May I ask the hon. Member what is it that he wants? Does a Vote on Account, according to him.....

Shri Naushir Bharucha: What I want is this....

Mr. Speaker: Let him hear my question. Does he want a full-dress debate on the Vote on Account as we have on the Demands for Grants?

Shri Naushir Bharucha: My request is, if not a full-dress debate, at least a reasonable debate should be permitted.

Mr. Speaker: May I know what is 'reasonable'?

Shri Naushir Bharucha: General discussion should be permitted and if a cut motion or cut motions are sent in by Members, they should be discussed and debated.

Mr. Speaker: Vote on Account is after the discussion on the Budget is over. The hon. Member will always notice this.

Shri Naushir Bharucha: It may be prior to the general discussion. It is a Vote on Account and not a Supplementary Demand.

Mr. Speaker: The practice has been this. There is no Vote on Account unless the Budget is introduced. Let us clear up the points one after another. After the Budget is presented, a Vote on Account is presented to the House. Even then, it is not until the general discussion on the Budget is over that a Vote on Account is asked for. If there has been any deviation from this rule, I shall certainly strictly follow it and I am sure every Speaker in future will always follow this practice of allowing a general discussion on the Budget first and thereafter allowing a Vote on Account before the Demands for Grants are taken up. That has been the practice. If there has been deviation in any particular year, we will set it right. Now, therefore, what are the other points that he wants to raise?

Shri Naushir Bharucha: Even then my submission is, no convention can survive as against the rules of procedure which we ourselves have laid down. If we turn to rule 214 of the Rules of Procedure—

Mr. Speaker: Before going into the technicalities of the law, I would like to know what exactly the hon. Member wants to say about the Vote on Accounts. What is it that he wants?

Shri Naushir Bharucha: I desire that the same procedure should be followed as in the Demands for Grants or in the discussion of the General Budget.

Mr. Speaker: That means he wants once again a repetition of the general discussion on the Budget. In a Vote on Account, there are a number of items. Something is cut off from each item, that is, 11/12th of the total amount is cut off from each item, and the rest of the amount is voted upon. That has to be granted. Therefore, there can be a discussion at one stage,

namely, during the general discussion of the Budget. We have also discussions of the Demands for Grants and also on the cut motions. Therefore, what is the need that the hon. Member has in mind?

Shri Naushir Bharucha: If you will permit me to develop my arguments further, I shall proceed.

Mr. Speaker: The hon. Member must let me know the points as to what he wants to say.

Shri Naushir Bharucha: That is what I stated very clearly in my letter, namely, that I desire that a reasonable opportunity should be given to discuss the Vote on Account. There should not be a convention that nobody shall say anything on the Vote on Account and that whatever the amount, even if it extends to hundreds of crores of rupees, should be passed. That is what I object to.

The Minister of Finance (Shri Morarji Desai): May I make a submission?

Shri Mananty rose—

Mr. Speaker: I will allow the hon. Members to speak. Now, the Finance Minister.

Shri Morarji Desai: In this matter, as I understand, the hon. Member's desire is to have a discussion on Vote on Account just as there is a discussion on Supplementary Demands and also on the cut motions. The reason why the vote on account has been introduced is that all the hon. Members of the House should have a proper and fuller opportunity for discussing the various Demands in the Budget. If there is no vote on account, then the budget will have to be passed before the 31st March. In that case, there will not be as much time available as is available now.

Now, the apprehension that some extra service or a new service may be introduced in the Vote on Account and the House has not given that

[Shri Morarji Desai]

sanction, is easily allayed by an undertaking given by the Minister' that no new service will be introduced in the Vote on Account and that the Vote on Account will contain only one month's provision for normal and obligatory expenditure,—nothing to be departed from the last year. That is the undertaking that is given.

As was said last time by you, Sir, that a fuller explanation should be given, we have said that fuller explanation will be given next year. Therefore, if there is going to be another duplicate discussion on the same budget, well, I do not know why. After all, it is the same budget. Vote on Account does not mean two separate budgets. It is part of the same budget. Only one month's needs are put down, not taking into account any new service. That much is provided in the budget of the year on the old basis. Therefore, there is nothing new and there is going to be no new sanction taken from the House. The Vote on Account is only for carrying on for one month, so that the House has fuller opportunity to discuss all the Demands, and the discussion is not shortened for want of time. That is the only purpose of this Vote on Account. So, if there is going to be a discussion on it, then it will make it difficult.

As for the argument that there cannot be a convention, we have a convention here of having no quorum from 1-0 to 2-30 p.m. So, even on that it can be argued that that is against the Constitution or the rules and that therefore it is out of order. That would not be right. The House can certainly have a convention. The House can have its convention and to that extent the rule is bound to be affected. Therefore, I do not think that there is anything wrong. That is what I wanted to submit.

Mr. Speaker: The hon. Member, Shri Naushir Bharucha, must be heard, and of course the Government has to reply and so I allowed the hon. Finance Minister to say a few words.

Now, I shall hear all hon. Members who can throw some light on this. First, let us divide this into two portions. Firstly, about the convention. Now, a convention is always a little modification of an existing rule or an article in the statute without offending the principle. Otherwise, if the convention is the same as a rule, there is no need for a convention. I would like to know how the hon. Member says that once there is a rule, and unless that rule is changed, there cannot be a convention at all developed in this House. I would like to hear him on this point.

The second is a question of fact. Assuming that we allow opportunity to have a full discussion on the Vote on Account, are we to do the same thing again? For, the hon. Members have an opportunity to talk on the same thing during the general discussion of the budget. Then, are they going to consider them in detail during the discussion on the Demands for Grants also? Thus, one affirmative or one multiplied even by four times results in the same thing. So, shall we have the time of the House spent this way, by discussing the matters four times over and over again? These are the two points on which the hon. Member has to satisfy me. If the hon. Members have got new points to give me, I shall hear.

Shri Naushir Bharucha: So far as the first point is concerned, I shall say this. The point is whether a convention can at all survive against the express provisions of law. A convention is certainly a modification of a certain rule or procedure. Otherwise, there is no need in having a convention. I agree with that. The point is, where any law or statute has laid down specifically a procedure or practice, whether a convention can override that. If that is always so, then we will be setting aside every law. But a convention may be developed. For instance, it is permissible for the Chair to regulate the debate on the vote on account;

certainly. He can say that the discussion may be permitted for, say, one hour or two hours. But when it is said that there cannot be any discussion whatsoever, that is not regulating the debate or modifying a rule. That is simply denying the provisions in the law or statute. Therefore, I say that the convention must be such that it fits in generally with the rules and regulations with slight modifications required for the purposes of convenience or otherwise.

For instance, as was submitted by the hon. Finance Minister, the Constitution requires that the quorum shall be 1/10th. To say that there shall not be a quorum or there need not be a quorum between 1-0 and 2-30 p.m., I submit, is totally unconstitutional. It is an unconstitutional convention. I have never raised that point so far, but since it has been mentioned now, this is what I say; that is my frank opinion. So, what I say is, no convention can survive which deletes part of the Constitution or at least part of the law. That is one point.

On the second point, I quite see the difficulty that a certain amount of repetition is bound to occur. But surely it is open to the Chair to rule and say that what has been discussed in the vote on account shall not be repeated, so that it does give further opportunities to hon. Members to discuss other matters which they cannot pack within 15 minutes or so that are given for every hon. Member for the general discussion of the budget. The points already discussed can be cut out. That point or those points need not be discussed. I quite understand it. The regulation of the debate may be permitted, but complete negation of the right to speak, I submit, is not constitutional.

The hon. Finance Minister referred to new service. I am thankful to him for his saying that no new service will be incorporated, and he gives an undertaking. A Government's undertaking need not be an undertaking for the succeeding Government, which

can say, "No, we shall do such and such a thing. We are pressed for that, and we will have to do it". For instance, take an extreme case which, I know, this Government will not do. Supposing a part of the 1/12th expenditure includes certain expenditure on the manufacture of tactical atomic weapons. Surely, new service like that cannot be permitted to be showed in through the back-door. The undertaking may be there. That is not law.

There is another point. The hon. Minister has also stated that fuller explanation will be given. Now, in the present vote on account, the vote on account includes an item of Rs. 522 crores for debt redemption, etc. There is also an item running to about Rs. 5,098 crores which is shown under debts. We do not know the head or tail of this. We do not know whether this represents accumulated treasury bills or what. Supposing the hon. Minister gives us the necessary explanation and we are not satisfied with it, what are we going to do about it, if we are not allowed at all to speak.

Now, if I may anticipate a little, may I point out another feature? The hon. Deputy Minister presented to the House the third report of the Rules Committee which touches on this point. They have made a suggestion that with regard to rule 214, a discussion may be provided. The amendment proposes to provide that discussion on the Vote on Account is permitted. That is a different thing from saying that there shall be no discussion at all.

Mr. Speaker: The hon. Member will read sub-rule (3).

Shri Naushir Bharucha: Yes; sub-rule (3) says:

"Discussion of a general character shall be allowed on the motion or any amendments moved thereto, but the details of the grant shall not be discussed further than is necessary to develop the general points."

[Shri Naushir Bharucha]

That is a legitimate regulation of the debate. But when we say, "Nobody shall discuss; the Vote on Account shall be voted upon, even if it contains an item for Rs. 715 crores, without a word of criticism", that, I submit, is not regulation. The convention cannot be so extended as to take away the rights of the hon. Members to discuss at all. That stand, I submit, is unconstitutional and cannot be permitted.

Shri Mahanty (Dhenkanal): There can be one Appropriation Bill under article 114 of the Constitution and a Vote on Account under article 116 of the Constitution. I venture to think we are confusing the Vote on Account Bill under article 116 with the Appropriation Bill under article 114. This issue must be clarified from the beginning for a better appreciation of our submission.

Now the point is that after we consider all the budget demands and have a full-length discussion on it, the Appropriation Bill comes under article 114 for appropriating certain sums from the Consolidated Fund of India to meet the expenditure. Here we are concerned not with the Appropriation Bill under article 114 but with the Vote on Account under Article 116. This year a very unusual thing had happened and, I think, the Government themselves flouted the convention. Out of the total estimated expenditure of Rs. 812 crores, we were presented with a Vote on Account Bill for providing a sum of Rs. 715 crores with not a single line of explanation or explanatory memorandum.

This naturally raised some concern among us. Unless we consider for what it is going to be appropriated, how it is going to be appropriated, how can this House be asked to give its seal of approval to that Vote on Account Bill? Therefore, we made a submission to this House that we might be accorded some opportunity to discuss the matter.

Now, if you kindly look into article 116, you will find it stated that:

"Notwithstanding anything in the foregoing provisions of this Chapter, the House of the People shall have power—

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year...."

Now, "part of any financial year" may be one month; it has been understood as one month, pending the final passing of the budget. Therefore, so far we have understood "part of financial year" as one-twelfth of the year and, consequently, part of the estimated expenditure as one-twelfth of the total estimated expenditure. But a part of the year may also mean 11 months and 29 days, in the same way as it may mean one month. If under this article of the Constitution a Vote on Account is passed in this House without any discussion for Rs. 715 crores out of Rs. 812 crores, then we think it is rather too much on the high side.

Now I would like to refer to another thing. The hon. Finance Minister has stated that no new services can be sanctioned out of a Vote on Account Bill. May I invite his attention to article 116(c), which permits him to include any new service? I wonder how he can say that in the Vote on Account Bill no new service can be sanctioned.

Shri Morarji Desai: May I say that I did not refer to article 116? Government gave only an undertaking.

Shri Mahanty: Government's undertaking cannot flout the mandate of the Constitution. The hon. Finance Minister has given an undertaking, and I am grateful to him for that. But what is the guarantee that a new Finance Minister may not come in and introduce a new service? Here we are not concerned with the assurances that are

being given, for which we are thankful to him. It is for you to consider whether under article 116(c) it is not open to the Government to make exceptional grants which form no part of the current service of any financial year? If that happens, as it happened this year, then we will be perfectly in our right to have a discussion, a full length discussion, on that aspect.

We are not confusing the Appropriation Bill with the Vote on Account Bill. If the Government gives an assurance that in future years the Vote on Account will be only up to one-twelfth of the estimated expenditure, well, we may not—personally, I may not—raise this point. But if they are going to come to this House with such exceptional appropriations, Rs. 715 crores out of a total estimated expenditure of Rs. 812 crores, then certainly this House must be afforded full opportunity to discuss the matter.

Shri Morarji Desai: May I say that there is a mistake or misunderstanding about this figure....

Mr. Speaker: The hon Minister may reply once for all at the end.

Shri Morarji Desai: Later on?

Mr. Speaker: Yes, later on, when he can cover all the points.

Shri T. N. Singh (Chandauli): I feel that the issue that is raised, though important, may be taken to be academical. My argument is as follows. We generally get full opportunity....

Mr. Speaker: I am not able to hear.

Shri T. N. Singh: We generally get full opportunity to discuss the budget during the budget discussion, for which necessary provision has been made both in the rules as well as in the Constitution. Now the question arises whether we can duplicate any discussion in the same session or not. I am sure nobody,—I think neither Shri Bharucha nor anybody here—would like to have a duplication of discussion on the same subjects over and over again. I think that even if the rules

provide that, we should avoid it, and a convention to that effect is desirable and necessary.

Now the main point for consideration is whether a Vote on Account may be in effect a departure from the general trend of the budget itself and any amount voted by the House would be spent for a service to which it is not committed. I think that is a perfectly legitimate fear which must be satisfied. I hold that so far as these Votes on Accounts are concerned, one month is the maximum that should be allowed on any such account, and in that if there are no new services, I think that should be sufficient to meet the needs of a budget discussion itself. But it does arise in certain cases. Wherever there may be a departure, I think the Finance Minister will be wrong in giving an undertaking straightaway that no new expenditure will be incurred. I will now tell you why I am saying this. After all, this House has got the Five Year Plan to consider, and a particular aspect of the Plan, to which this House is committed, has to begin work in the very first month of April. Merely because it is a new service, if the work is not begun, that will be delaying the progress of the Plan itself. Probably, therefore, a new expenditure would come.

I would suggest, therefore, that the Vote on Account and Appropriation Bills thereto must give fuller explanations, wherever there are any new items involved. The House should have an opportunity to discuss that. Wherever there is some such amount involved, it naturally creates a doubt as to how it can be one-twelfth of the total budget expenditure. That should also be discussed. Within this limited scope if there is a discussion, it should be proper and I am sure that will lead to no duplication of discussion. But to discuss the general budget itself on Vote on Account will be wrong and will be wasting the time of the House. So, whatever be the rules, I think the convention is a healthy convention and we should stick to that. That is my humble submission.

The Minister of Law (Shri A. K. Sen): May I said a few words in order to clear what I consider mainly due to a confusion about the various rights of members of this House qua members. I am glad that Shri Bharucha has considered that this House has got to evolve conventions for guiding the deliberations of this House, as also for facilitating the transaction of business in this House, which may be different from the Rules of Procedure which are printed. He has raised another point, namely, that these conventions must, nevertheless, be subject to the Constitution. To that there is no argument. We all agree that we cannot evolve conventions which conflict with the Constitution. But these two things are separate altogether. One thing is the right of the House to pass certain grants and the other thing is the procedure as to how the passing can in fact be effective. These are the two things.

We are in complete agreement that this House is the master of its own procedure and that it can evolve any convention, impose any self-restraint on its own powers, as it had done in this particular case. The history of this convention is really based on a voluntary curtailment by the House itself of its right to enter into detailed discussion or general discussion on Votes on Account at the stage when those votes are sought, a voluntary agreement to defer its discussion until the grants are in fact completed ultimately. Because, the convention is almost a matter of *stare decisis*, that is, the subject of several rulings and it has never been questioned. I dispute further that this convention is in conflict with the Constitution in any way whatsoever. The relevant article is article 116 read with articles 113 and 114. Article 116 merely gives the power to this House to pass votes on account more or less in line with the practice obtaining in the Parliament in the United Kingdom. This provision was not there when the Government of India Act, 1935, was in operation. It was considered necessary and you will remember and the House will recollect the hurry with which the

House had to pass the budget and complete its work before the end of March, because otherwise the Government could not carry on as soon as the new financial year begins.

It is only for the purpose of allowing the House a longer time to discuss the budget in detail as well as in its generality that this convention was evolved in the United Kingdom and was incorporated in the form of an article in the Constitution, so that the Government may carry on after the end of the financial year and as soon as the new financial year begins; and, in the mean time, the House will consider it according to the time it chooses for itself as sufficient, so that the budget may be discussed threadbare and considered from all its aspects. Article 116 does not say how in fact the House should proceed to pass these votes on account. In fact, matters of procedure are left entirely for the House to decide. I do not see any relevance in quoting article 116 whatsoever. Nobody doubts the power of the House to pass votes on account as laid down in article 116. But article 116 does not say how the House should control its own procedure. Passing votes on account has been regulated for all these years ever since 1951 by a convention which is now recognised repeatedly by several rulings of the Speaker of this House. I do not see any reason why the House should change this convention. It is a healthy convention. It lends the House for its own convenience a longer time and a greater field for it to operate upon, so far as its deliberations relating to the budget are concerned.

It is for the House to decide whether it wants to hurry up the work with regard to the budget and everything must finish by the end of 31st March, or whether it is not proper to allow the Government to be carried on with the old services, with a healthy check founded upon undertakings given by the Government that these votes on account will not at all deal with new services and will not deal with any expenditure beyond a period of one month.

Shri Mahanty: May I know how..

Mr. Speaker: The hon. Member has had his say and the hon. Minister has heard him. Now he should hear the hon. Minister.

Shri A. K. Sen: The convention was really founded upon these very healthy undertakings given on the part of the Government, so that when the House voluntarily curtails its right to discuss the matter, there is also at the same time a proper safeguard so far as expenditure is concerned, either from the point of view of the long time it relates to or from the point of other matters, namely new services and so on.

Therefore, I do not think any good reason has been shown why this healthy convention which has grown up should now be given up, when especially it is the only way by which the House can appropriate to itself more time for its deliberations on the budget. If that is true, if that is not in conflict with the Constitution—and I have submitted how it cannot be argued that it is—I submit that this healthy convention must remain not only for the convenience of the House, but for the convenience of everybody.

Shri Morarji Desai: I should first of all like to remove the misunderstanding about the figure of Rs. 715 crores as against the figure of Rs. 800 crores in the budget, which was quoted by the hon. Member.

Shri Naushir Bharucha: It is too late now.

Shri Morarji Desai: It is not a question of being too late. We are now discussing the very matter which has been raised here.

Shri Mahanty: On a point of order, Sir. What is meant by saying that he wants to remove the misconception? In the Bill itself it was stated Rs. 715 crores.....

Mr. Speaker: What is the point of order?

Shri Mahanty: The point of order is how it can be stated that a misconception is being cleared, because the misconception was there in the Bill itself.

Mr. Speaker: Any hon. Member can think that another hon. Member has misconceived a particular matter.

Shri Mahanty: It is a question of figures.

Mr. Speaker: Therefore, the hon. Minister is trying to remove the misconception. According to him, the point has been raised here due to a misconception and so he is trying to clear it up.

Shri Morarji Desai: Let me give my explanation.

Mr. Speaker: The hon. Member may or may not accept the hon. Minister's argument, but the hon. Minister is entitled to remove the misconception.

Shri Morarji Desai: The figure of Rs. 800 crores in the budget refers to the net revenue expenditure and does not take any account of capital expenditure, loans, advances and payment of debts. All this gross expenditure amounts to Rs. 7,124 crores and it is one-twelfth of this amount on which vote on account is taken.

Then again, 715 may not be exactly one-twelfth of 7,124, because there are some items which have to be paid not only for one month, but for three months, such as interest and some such charges. But on the whole it is only one-twelfth of the amount which is asked for. Therefore, I said that there is a misconception about it. This will remove the misconception, because Rs. 715 crores represents gross expenditure which can be tallied with only Rs. 7,124 crores and not with Rs. 800 crores net expenditure. That is what I would like hon. Members to understand.

Shri Mahanty: Then, where is the one-twelfth?

Mr. Speaker: That is another matter. Evidently in the mind of the hon. Member, there is a misconception that this one-twelfth relates to the normal revenue expenditure. The hon. Minister wants to point out that most of this is charged account and one-twelfth of the amount that has to be paid, which is provided for in this vote on account includes those charged items also. (Interruptions.) There ought not to be interruptions of this kind.

Shri Morarji Desai: I should like to explain also the undertaking I have given. I have said, we will not start any new services under the vote on account expenditure, because that will not be fair to the House and the House has not discussed any new expenditure; therefore, the House has not sanctioned any new expenditure. But I cannot say that nothing like that may have been included in Rs. 715 crores. It will be too far-fetched to say when Rs. 715 crores are taken, they are taken out of the whole expenditure for the new budget. Therefore, I cannot say it is not included. I said, we will not start any new services. That is all I said. But Government has always the power to start any new services at any time in the expectation of a vote if it is emergent and necessary. Government will certainly not allow any emergent work to suffer. But for normal expenditure, for normal behaviour, Government will not take to any extra expenditure or any new services which are not sanctioned by this House. If by inadvertence any such expenditure is incurred in the first month and it is not passed by the House, Government will certainly make proper accounting of it and will see that it is stopped immediately. Therefore, there is no question of by-passing the House in any way under the vote on account procedure.

Then again, I do not question the right of hon. Members to speak on this; but, it is only by convention that hon. Members do not exercise that right to speak on this. That is the convention and it is not absolute also. When we

had vote on account in 1951-52 or in 1956-57 at the time of the elections the vote on account was for three months and at that time there was discussion. Therefore, it was not claimed at that time that there should be no discussion. But when vote on account is only for a month, in order to enable the House to have a fuller time for discussion generally and also in regard to particular details, it is in the interests of the House and the Members that there should not be a duplicate discussion.

When my hon. friend, Shri Bharucha said, "Let there be a convention that Members will not speak again," is that not by-passing the rule? Is that not against the convention? Now, he is prepared to by-pass rules by convention only when it suits him; but, he is not prepared to have a convention which suits the House.

Therefore, I am only pleading for patience and understanding in this matter. That is all that I am asking for. Nothing is taken away from the right of the House. It is not questioned in any way. It is only that by a convention hon. Members agreed not to exercise the right as we do not exercise the right for quorum from 1.00 to 2.30 p.m. The other day even when it was said that we should have voting between 1.00 and 2.30 p.m., it was immediately pointed out that we have a convention that we shall not have voting between 1.00 and 2.30 p.m. We did not exercise the right that we have voting immediately. That was a convention and convention is certainly a thing which helps in the working of the House. Therefore, there is bound to be such conventions and perhaps conventions are of more benefit to the House than anything else. It is not, by itself, the rule in any way. It is only by a convention that the House accepts not to exercise the right in the interest of the House itself. That is the only effect of this convention and that is all that I have got to submit.

Mr. Speaker, A point has been raised that the establishment of this convention or the continuance of this convention is opposed to the Constitution itself and also to the Rules of Procedure that have been framed under the Constitution, and that no convention could be established which is inconsistent with and goes contrary to the express provisions of law. The second point is regarding the limits. I was more anxious to ascertain from the hon. Mover and also from Shri Mahanty, who followed him, as to within what limits, if any, the discussion should be allowed. If it is a question of allowing discussion on all those points that are raised on all the Demands which formed the subject-matter of the Vote on Account, that will be a duplication of the General Discussion which has already preceded it and anticipating a discussion which will follow on everyone of these Demands.

In the letter that Shri Bharucha wrote to me he refers to the precedent and says that the Vote on Account should be dealt with on the analogy of Supplementary Demands for Grants. I have not seen any Supplementary Demand on all the Demands. Supplementary Demands generally relate to a few Demands. Therefore, we go into those particular demands, which are very few. But this is a case where a Vote on Account with respect to most of the Demands or all the Demands is sought and therefore, it will in effect involve the same procedure, (whatever might be the language of the statute), about which I shall give an explanation to the House. If that means a general discussion on all those points followed by a discussion on the various Demands, there would then be no need for a Vote on Account at all.

Hon. Members will kindly refer to article 116 of the Constitution. The object is that after the presentation of the Budget and before the regular Demands are granted, there will be discussion in this House under article 113 for each item. For each Demand, there may be cut motions. Time is

allotted for the discussion on the Demands. Article 113(2) says:

"So much of the said estimates as relate 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."

"Other expenditure" here means votable expenditure, i.e., other than charged expenditure. So, there is a normal procedure set out under article 113 with respect to the Demands for Grants.

Then, article 116 which follows refers in the following terms to the earlier article and the limitation is contained in the Article itself:

"Notwithstanding anything in the foregoing provisions of this Chapter....

"...the House of the People shall have power—

- (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113...."

What is the procedure prescribed in article 113? The procedure prescribed is that each Demand should be discussed by the House before the Demand is finally put to the House. Cut motions must be allowed and there must be a regular discussion. Ultimately, the demands with or without cuts are put to the vote of the House.

Now with regard to the Vote on Account, I am not able to see exactly as to how the House will consider it in the same manner as in the case of the regular Demands. As a matter of fact, whenever any hon. Member goes out or possibly any officer goes out, he takes some advance from his office for expenditure. If he has to give the

[Mr. Speaker]

details of all the expenditure at that time, he might as well wait till the expenditure is incurred. How is it possible in the case of Vote on Account to discuss the details?

Now, this convention has been adopted in terms of article 116. I am doubtful if rule 214 which we follow is itself *intra vires* or *ultra vires*. The rule does not seem to follow the spirit of article 116 and, therefore, the Rules Committee has thought it fit to amend it. Shall there be a discussion at each stage—discussion on the General Budget, discussion on the Vote on Account, discussion on the Demands and finally discussion on the Appropriation Bill also to some extent on matters which have not been dealt with earlier, i.e., once, twice, thrice and four times? On the whole, the House has accepted the present convention.

So far as the Appropriation Bill is concerned, it is specifically set out under the rules that excepting those points that have been dealt with already, if some points have been left out in the debate on the Budget and the Demands, the House may address itself to them. There is no confusion in the mind of anyone that article 116 and article 114 which refers to the Appropriation Bill are independent. This is an anticipation midway between a General Discussion on the one side and the detailed discussion on the Demands for Grants. The vote on Account is an advance of a lump sum given at that stage. Therefore it is inconsistent with the spirit of article 116, (in fact it makes it nugatory) if we go threadbare into every detail of the vote on account. It will have to be left to the good sense of the hon. Members.

With all respect, I do not think that rule 214 has been framed so rigidly. The interpretation that has been given does not seem warranted. Therefore, the rule itself has to be changed in accordance with the recommendation of the Rules Committee which has gone into this matter thoroughly. It is therefore in this background that a

convention was set before the House and duly adopted by the whole House in 1951.

The same point arose in 1951 as has been raised now. Hon. Members then raised the objection that it was going to set up a precedent. My predecessor, on the 12th March 1951, said:

"As hon. Members are aware, the procedure for Vote on Account is designed to give hon. Members a longer time for discussion by putting the same off to convenient dates after the 31st March. The first point is whether we should have a full dress debate on everyone of these items in the Vote on Account. That will mean that we are not going to allow them to spend the money or we will have to rush through the entire Demand before the 31st March. Shall we hustle ourselves or allow this money to be paid, i.e., 1/12th of the amount? We can take all this into account."

Whatever has been granted on the Vote on Account is not conclusive. It might be spent by Government, but the House is entitled to withhold the rest of the money and make it impossible for Government to proceed. Now, he says further—

"The principle of the practice is that the House ought to grant sufficient funds to the Government to enable it to carry on till the Demands are scrutinised and voted upon. In this procedure as full discussion follows the grant specially for the interim period in the motion for voting on account is always treated as formal. One such is a motion for leave to introduce a Bill or the introduction of a Bill. I trust hon. Members will appreciate this position and treat the Vote on Account as a formal affair as they would have a full opportunity to discuss the Demands for Grants in a detailed manner later from the 26th March to 19th April."

Upon the House agreeing to the above procedure, the Speaker stated that this decision meant that the motion for Voting on Account shall be assented to by the House without discussion.

We have been following this convention since 1951. The other day when this matter was brought up, I said I will set out the limits within which some discussion can be allowed. The limits are that if any hon. Member has got a doubt that it is not merely 1/12th or for one month but for a longer period of, say, four or five months that a Vote on Account is asked for, then this House may go into all those matters as if they were discussing the General Demands for Grants.

If a vote on account is for more than a month or a reasonably long period, a discussion has always been allowed. It is open to the House to restrict the period. Or it is open to the Government to say, "No, we want it only for one month", in which case the discussion may be curtailed.

The other point is this. We shall adopt it as a convention except in certain cases, as for instance, when a new service is introduced. Hon. Members need not depend only upon the assurance of the Government. It is this House that is adopting the convention. It is for the Government to say what they will do, and if any assurance is going to be broken, the House is always there. Either ourselves or our successors will be there to enforce whatever assurance has been given, and, irrespective of the assurance, to stick on to the convention that is established. Therefore, nothing is dependent upon an individual Minister who may come and go. It is this House which accepts the convention. It has already accepted it. Under the circumstances, it is not correct to say that the Minister may go away and, therefore, his assurance is nothing.

The next point relates to the limits. Any hon. Member can say that the period for the vote on account is too

long. He can say, "Within this period this amount is not likely to be spent; therefore, let us not vote this much. These are the limits within which we shall spend during this period."

I shall, of course, see that the vote is not asked for before the general discussion on the Budget. This convention will continue in this manner on the understanding that a vote on account shall be asked for only after the presentation of the Budget and the general discussion on the Budget is over. The vote on account shall be restricted to a short period and the period shall normally be a month. If the period is longer, this House is entitled to express an opinion. It can say, "It shall not be a longer period; it shall be one month or one and a half months, according to circumstances". That aspect may be discussed on the floor of the House. And even so far as that period is concerned, it is open to this House to say, "So far as these items are concerned, it is too much; you are not going to spend so much; therefore, spend less." Let us not get into further details, as to whether the provision is proper or not.

The next thing is, inasmuch as we are not allowing a regular discussion but all the same the House is called upon to vote, it must have fuller details. And the hon. Minister also has said that he will give fuller details regarding these items than have been given till now. They had given on the last occasion some details, but we were not able to understand them in the context in which they were given. They will certainly give fuller details on every vote on account.

Subject to these limitations, I would say the House should continue to follow the convention that has been observed all along. This convention is not contrary to article 116. There is no convention which cannot be revised; it is always open to the House to do so in the interests of proper working of the House. It is a matter

[Mr. Speaker]

of procedure, not a matter of substance. Hon. Members are not altogether denied the opportunity; later on, they have an opportunity to discuss the Demands. A vote on account is only for the interim period.

Under these circumstances, I do not think there is any necessity to deviate from the convention, except in so far as some opportunity may be allowed to ask for explanations, if necessary, at the time the motion for vote on account is made.

We shall now proceed to the next item of business.

Shri T. N. Singh: May I submit one point? You have suggested that no discussion on the vote on account should come before the general discussion on the budget. The point is, in another context we are discussing this and our Committee has also submitted a report relating to this matter. The idea is that information about the Central assistance should be communicated to the States well in time. Suppose the general discussion on the budget takes place some time towards the second or third week of March. That means that the vote on account will be passed only in the third week or the early part of fourth week of March. In that case, the State Governments would be informed of their allocations rather late. That would be rather rigid.

Mr. Speaker: I shall cut short the time by saying that the general discussion on the budget shall not be put off for a longer period than a week after the presentation of the budget. The budget is presented, and normally any section of the House or any Member can acquaint himself with the details of the budget, and in a week the general discussion can start. After all, the general discussion is only for four days. After a week's interval, we can finish the general discussion in four days, and within eleven days after the presentation of the budget, the general discussion would be over. That will be part of the convention

that we will adopt. We can go on adding to the conventions. Hon. Members are forgetting that we are not made for the procedure; the procedure is made for us. Therefore, whenever it is convenient for us we can modify it. After all, a convention is not an absolute rule or something like an article of the Constitution for amending which a two-thirds majority is necessary. If we find it is inconvenient, we can sit together and modify it and not become slaves to some rule that we ourselves have made. We are a sovereign body and hon. Members must be proud of the sovereign right that we possess, we are masters of ourselves.

Dr. Krishnaswami (Chingleput): May I ask for a clarification on a small point related to what you have said?

You have pointed out that this convention of having no discussion on the vote on account was adopted in order that we might have a fuller discussion on the demands for grants later. It seems that the procedure is based on the one in the United Kingdom. But there a much fuller period, of 2½ months to three months, is given. Are we to take it that Government have applied their minds to this matter and that more time will be given for discussion of the demands of the various Ministries? Because, the purpose of the convention will be defeated if the time for discussion of the demands of the various Ministries is shorter. This is all that I would like to place before you for your consideration and for the consideration of the Leader of the House.

Mr. Speaker: The hon. Member will kindly go through the time that has been allotted during all these six years. We started with 56 hours, then made it 60 hours, 70 hours, 80 hours, 119 hours. I have made it a rule that no Ministry, except in the case of one or two Ministries—(and that also I intend changing)—shall be allotted anything less than five hours, i.e., a full day—including even information

and Broadcasting and Health Ministries. Hon. Members themselves in the Business Advisory Committee suggested only three hours, but on the floor of the House I found that a large number of Members wanted to speak. Therefore, no Ministry will be disposed of in less than five hours or a full day. Some Ministries will have two days. The Government have never stood in the way. Hon. Members who are members of the Business Advisory Committee themselves felt that the time allotted was sufficient. And if some more time is necessary, as suggested by Dr. Krishnaswami, I think Government will be only too willing to agree to it, and to the best of my ability I shall see that no restriction is placed on the discussion and that it is allowed in as great a detail as is necessary and proper.

Shri Tangamani (Madurai): This time the Law Ministry was left out, and also Planning...

Mr. Speaker: Planning is not a separate Ministry by itself. Anyhow, if it is the desire of the House, I shall consider it.

SITUATION IN ORISSA

Mr. Speaker: Now, Mr. Mahanty has written to me and I understand that before I came to the House this morning he raised this point as to whether, regarding the affairs in Orissa, the hon. Minister is going to make a statement.

The other day, when this matter was brought up, I asked the hon. Minister and he said, "We are also in possession of only as much material as is available in the Press" and he said that as soon as fuller material is gathered he will place it before the House. I myself, like hon. Members, have looked into these papers recently and I myself thought that everything is settling down in Orissa. The Members who were arrested have gone into the Assembly and an adjournment motion on either side is not likely to

be pressed. These are all things. When the Assembly is there, full of representatives for a shorter area and a smaller number of people, they can claim representation in the Assembly as much as we do, if not a little more, and when they are there on the spot and are interested in the subject, why not they settled it themselves? That was what was passing in my mind. Otherwise I would have asked the hon. Minister to make a statement in the matter. I myself felt that nothing should be done here from Parliament with respect to any matter which arises in the State Legislature and which they could settle themselves. Far from easing the situation possibly by some remarks here we may be disturbing the situation and once again creating or reviving a situation that has lapsed. That was what was passing in my mind. It is not as if the Minister at any time refused to accept or carry out any direction from the Chair. The Home Minister has always been ready to accommodate and give more information than what is being asked for.

If, however, the hon. Member Mr. Mahanty wants any statement from the hon. Minister and if the hon. Minister is in possession of new ideas or new facts he may give them to the House.

13 hrs.

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I have hardly any new facts except the text of the complaint that was made to the police. If Mr. Mahanty wants me to place it on the Table or to read it to the House, I shall submit to his wishes. Apart from that, as he knows, some persons who were arrested on the 27th were released on bail on the 28th. The Orissa Legislative Assembly has been sitting from day to day. Some Adjournment Motions, one perhaps by Members belonging to the Congress Party and another by the Opposition, or the Gantantra Parishad, were notified on the 28th. The Congress Party Members complained about the subject matter of the reports that were