

Ministry of Commerce and Industry'."

DEMAND NO. 106—CAPITAL OUTLAY OF THE MINISTRY OF COMMERCE AND INDUSTRY

"That a sum not exceeding Rs. 23,47,92,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1961, in respect of 'Capital Outlay of the Ministry of Commerce and Industry.'"

13.29½ hrs.

SUSPENSION OF RULE

Mr. Speaker: The House will now take up consideration of the motion to be moved by Shri G. B. Pant.

The Minister of Home Affairs (Shri G. B. Pant): Sir, I beg to move:

"That the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Bombay Reorganisation Bill, 1960, to a Joint Committee of the Houses be suspended."

I do not think that this motion calls for any speech or any remarks from me.

Mr. Speaker: The hon. Minister may explain why it should be suspended.

Shri G. B. Pant: Under the Rules of Procedure and Conduct of Business the rules relating to financial business require that the Select Committee in a way should consist only of the Members of this House unless the rule is suspended. We have to deal with an important measure and we

want also to expedite its passage through both the Houses as speedily as may be reasonably possible. So, in order to save time of the both Houses and also for having the advice of the representatives of this House and also of the other House I request that the proviso be suspended.

Shri B. C. Kamble (Kopergaon): On a point of order, Sir,....

Mr. Speaker: Does it contain any financial provisions?

Shri G. B. Pant: It does not contain any such provisions as could strictly be called as financial. But in all such Bills there are some references to matters relating to the distribution of assets and liabilities and so on which are of a different character altogether. I would remind the House that the whole matter was discussed fully before you when the States Reorganisation Bill was introduced. I had made a similar motion and the points were discussed thoroughly in the House and after that you were pleased to say that the motion should be accepted. Similar position was also taken, I think, when the Madras-Andhra Bill was adopted by the House.

Shri B. C. Kamble: On a point of order, Sir.

Mr. Speaker: What is the point of order?

Shri B. C. Kamble: My point of order is: if the motion of the hon. the Home Minister is accepted by this House, then it will amount to the suspension of Article 109 of the Constitution which prescribes a definite procedure so far as the Money Bills are concerned.

Now, what is it that the hon. the Home Minister wants to suspend? He wants to suspend the first proviso to Rule 74 of the Rules of Business. This proviso has a direct link with Article 110 which gives the definition of a Money Bill. Now, according to

Article 109 the procedure established is that this House will discuss the Bill and pass it. Then it will be transmitted to the Upper House. The Upper House will only make recommendations and then this Bill will be returned back. This House may either accept the recommendations or may reject the recommendations; it may either accept or reject any part of the recommendations. That is to say, this is the exclusive right of the House of the People and, therefore, a particular procedure has been prescribed under the Constitution.

Therefore, my submission to the hon. the Home Minister and to the House is that this procedure should not be violated. Nothing is going to be lost if this procedure is followed. I am quite sure that there will not be any delay. If the two House are mixed up, then I am afraid there will be such a bad and extraordinary precedent that the Upper House may claim the same rights. I therefore, request that in good fairness the procedure as it has been prescribed in the Constitution should be followed and even though the whole House may be very much willing, we cannot suspend the procedure as laid down in Article 109 of the Constitution of India.

That is my point of order. I have nothing to say with regard to expediting the Bill and I have no objection whatever with regard to the purposes of the Bill.

Shri G. B. Pant: Article 109 defines a Money Bill and a Money Bill shall consist only of matters which are strictly of a financial character—rather the word 'financial' is of much wider significance than what a Money Bill can provide for. So Article 109 does not at all apply to this case. This is a Bill which relates to the re-organisation of a State and such Bills have been introduced from time to time. As I said, the whole matter was discussed at great length when the States Reorganisation Bill was placed before this House. You will

be pleased to look at Article 110. It says:

"... a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely,..."

Those matters are given in sub-clauses (a) to (g).

Then it further says:

"A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, and so on."

It is only a Bill which provides exclusively for the matters specified in (a) to (g) that can be regarded as a Money Bill. So this cannot be regarded as a Money Bill and I do not see how any occasion for the objection of the type that has been raised by the hon. Member can possibly arise in this connection. As I said, the whole matter had been discussed previously and a ruling had been given by you. That was, I think, sometime in April, 1956—I do not remember the exact date. But it was discussed at a very great length and I do not know if the hon. Member was here then or if he has seen the debate that was then held. If he had seen the debate, I think he would not have raised the objection. If he had been here, then too he would not have done so. Unfortunately he was not here and he had perhaps no occasion to glance through these pages.

Shri B. C. Kamble: In view of the fact that there is a mention of Article 110 in the proviso, may I read it? It says:

"Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1)

[Shri B. C. Kamble]

of Article 110 of the Constitution."

It means that this proviso is connected or related to Article 110 of the Constitution which defines a Money Bill. The fact that the Government has come with such a motion is equivalent to an acceptance that this is a Money Bill. That is why the Government has come forward with this motion.

Mr. Speaker: Points of order are raised only stating the point and not arguing at length. I have heard both sides.

This is not a case of first impression. Hon. Member ignores that the same language is used in article 117 also. Two sets of Bills are contemplated under the Constitution. One, under article 110, is a Money Bill, when it does not have any provisions relating to other matters. An Income-Tax Bill is a Money Bill. A Financial Bill has other provisions relating to collection of taxes and other matters. That is what is provided in article 117.

So far as a Financial Bill is concerned, the Rajya Sabha has got the jurisdiction, not merely to recommend as in the case of the Money Bill, but to amend, alter, to pass or not to pass it.

Among the various provisions in the present Bill, there is no doubt a clause, Clause 64, which reads:

"All sums payable either by the State of Bombay or by the State of Gujarat to the other State or by the Central Government to either of those States, by virtue of the provisions of this Act, shall be charged on the Consolidated Fund of the State by which such sums are payable, or, as the case may be, the Consolidated Fund of India."

This no doubt refers to clauses (a) to (f) of article 110(1), but there are other clauses also; this is only one of the clauses. Under the circumstances, it becomes a Financial Bill and not a Money Bill, and the other House has also got jurisdiction to amend or alter it after it goes there.

Under article 117 it is only said that a Money Bill ought not to be introduced in the other House; otherwise, they can go into the various details. The Bill has been introduced in this House, it has not been introduced in the other House, it only goes there.

All that the hon. Member wants is that it may go there in the usual course, but he makes a mistake in thinking that the other House has only the right to recommend. That is so with regard to a Money Bill, not a Financial Bill.

All that is sought to be done now is to avoid delay, so that the other House may consider at this stage what it will consider at a later stage. They can appoint a Select Committee of their own with regard to a Financial Bill. We are only trying to save time by having things done jointly by both the Houses what can be done by either House of its own accord.

Therefore, I do not agree with the point of order. This is not a case of a first impression. We have been deciding this from time to time.

Shri B. C. Kamble: What is the purpose of this motion?

Mr. Speaker: The suspension of the rule is sought under rule 388. Rule 74 lays down that no motion for reference to a Joint Committee shall be made where the matter relates to any of the sub-clauses (a) to (f) of article 110(1). Since that stands in the way of referring the Bill to a Joint Committee, this motion is being made under rule 388.

If the hon. Member's objection is that the suspension of the rule would violate the provisions of the Constitution, I have already said that it is not so, since the other House has got the jurisdiction to appoint a Select Committee of their own. We are only trying to appoint by this motion, a Joint Committee of both the Houses, instead of having separate Committees in respect of the same matter. In view of that, there cannot be any objection. This House, if it is so inclined, can allow suspension of the first proviso to rule 74 which prevents its reference to a Joint Committee. There is provision under rule 388 for this.

The question is:

"That the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Bombay Reorganisation Bill, 1960, to a Joint Committee of the Houses be suspended."

The motion was adopted.

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13.45 hrs.

BOMBAY REORGANISATION BILL

The Minister of Home Affairs (Shri G. B. Pant): I beg to move:

"That the Bill to provide for the reorganisation of the State of Bombay and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely:—Shri Shripad Amrit Dange, Shri B. N. Datar, Shri Bhaurao Krishnarao Gaikwad, Shri Maneklal Maganlal Gandhi, Shri Narayan Ganesh Goray, Shri Arun Chandra Guha, Shri R. M. Hajarnavis, Shri H. C. Heda, Shri Ajit Prasad Jain,

Shri Gulabrao Keshavrao Jedhe, Dr. Gopalrao Khedkar, Shri Bhawanji A. Khimji, Shri Balvantray Gopaljee Mehta, Shri Narendrabhai Nathwani, Shri Ghanshyamlal Oza, Shri Shamrao Vishnu Parulekar, Kumari Maniben Vallabhbhai Patel, Shri Manubhai Nichhabhai Patel, Shri Purushottamdas R. Patel, Shri Uttamrao L. Patil, Shri Shivram Rango Rane, Shri Ajit Singh Sarhadi, Shri M. Shankaraiya, Shri Vidya Charan Shukla, Shri Digvijaya Narain Singh, Shri M. S. Sugandhi, Shri N. R. M. Swamy, Swamy Ramnanda Tirtha, Shri Balkrishna Wasnik and Shri Indulal Kanaiyalal Yajnik, and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 14th April, 1960;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The motion that I have made for the reference of this Bill to a Joint Committee of both the Houses is a simple one. All the same, I deem it a privilege to commend this Bill to the consideration of this House.

The problem of Bombay and Bombay State, as I will state later, has so far not been solved in such