

12.14 hrs.

ELECTION TO COMMITTEES

ESTIMATES COMMITTEE

Shri Dasappa (Bangalore): I beg to move:

"That the Members of this House do proceed to elect in the manner required by sub-rule (1) of Rule 311 of the Rules of Procedure and Conduct of Business in Lok Sabha, thirty Members from among themselves to serve as Members of the Committee on Estimates for the term beginning on the 1st May 1960 and ending on the 30th April 1961".

Mr. Speaker: The question is:

"That the Members of this House do proceed to elect in the manner required by sub-rule (1) of Rule 311 of the Rules of Procedure and Conduct of Business in Lok Sabha, thirty Members from among themselves to serve as Members of the Committee on Estimates for the term beginning on the 1st May 1960 and ending on the 30th April 1961".

The motion was adopted.

Shri Barman (Cooch-Bihar-Reserved-Sch. Castes): I beg to move:

"That the Members of this House do proceed to elect in the manner required by sub-rule (1) of Rule 309 of the Rules of Procedure and Conduct of Business in Lok Sabha fifteen Members from among themselves to serve as Members of the Committee on Public Accounts for the term beginning on the 1st May 1960 and ending on the 30th April 1960."

Mr. Speaker: The question is:

"That the Members of this House do proceed to elect in the

manner required by sub-rule (1) of Rules 309 of the Rules of Procedure and Conduct of Business in Lok Sabha fifteen Members from among themselves to serve as Members of the Committee on Public Accounts for the term beginning on the 1st May 1960 and ending on the 30th April 1961".

The motion was adopted.

12.15 hrs.

CORRECTION OF STATEMENT
BY MINISTER

The Minister of Defence (Shri Krishna Menon): Mr. Speaker, on page 14,597 of the uncorrected transcript of the proceedings of Lok Sabha of the 9th of April, the following appears:—

"In regard to this report, all items but Chapter 8 have been seen by us and we have sent our comments".

I request that the last part of this sentence be corrected to read:

"have been seen by us and on many we have sent our comments" . . .

Shri Feroze Gandhi (Rai Bareli): On a point of order. If this refers to the Audit Report, I would like to raise a very important point of order and draw your attention to a gross violation of article 151 of the Constitution . . .

Mr. Speaker: Order, order. I will give the hon. Member an opportunity. Let him first hear the hon. Defence Minister. If any hon. Member or hon. Minister makes a statement here and wants to correct that statement, I do not know how article 151 of the Constitution stands in the way. I will hear him later. He possibly has got an objection to refer to this matter.

Shri Feroze Gandhi: Yes, Sir.

Mr. Speaker: It has been referred to and it is being corrected. It is too late to go behind it now. Let the hon. Defence Minister be allowed to complete his statement.

Shri Krishna Menon: (2) On page 14,617 of the same proceedings, there appears the following:—

“Audit Report refers to a loss of Rs. 50 crores”.

This is a reference to Rs. 57 lakhs mentioned in this item in the Audit Report. The figure ‘Rs. 50 crores’ is an obvious mistake. I therefore request that the words ‘of Rs. 50 crores’ be corrected to say ‘of over Rs. 50 lakhs’.

(3) Mr. Speaker, in view of the wide publicity that this Audit Report has obtained, I would ask permission to lay on the Table of the House on an early date before the end of the session the statement of Government in regard to each of the items by way of relevant factual information, so that the same is available to the House in their thinking and consideration of these problems.

Shri Feroze Gandhi rose—

Mr. Speaker: The hon. Member is aware—I will allow him to raise it if necessary—and all hon. Members are aware that I do not like anything to be raised in this House unless previous notice is given to me and my consent is obtained. I have not given my consent to raise any point to the hon. Member.

Shri Feroze Gandhi: I am rising on a point of order for which no consent is required. This is a point of order arising from the statement of the hon. Minister of Defence. I want to draw your attention to the Audit Report and point out that certain grave violations of article 151 of the Constitution have been committed.

Mr. Speaker: I am not going to allow it now.

Shri Feroze Gandhi: Then when can it be allowed?

Mr. Speaker: There is no hurry. I will allow every hon. Member to make all reasonable representations in this House. I am not going to prevent any hon. Member from making proper representations. But the point here is that the hon. Minister made certain statements the other day which he wanted to correct now. Assuming that the hon. Minister did not want to correct the statements, would not the hon. Member be out of court in raising this matter without notice to me? How can he take advantage of the statement made by the hon. Minister to correct his earlier statement?

Shri Feroze Gandhi: I am not taking advantage of the correction. I am taking objection to the Report itself.

Mr. Speaker: He cannot do that now.

Shri Feroze Gandhi: It is a point of order. You must hear me. Under the rules, I have the right to raise a point of order. I raise the point of order because a grave violation of the Constitution has taken place. Where else can I go?

You allow every Member there to say what he likes, but when we want to say anything, you say we cannot. (Interruptions).

Mr. Speaker: No, no. I am sorry. The hon. Member is casting an aspersion that I am not allowing some hon. Members to raise points.

Shri Feroze Gandhi: I am sorry. But I want to draw your attention to certain facts. If you feel that the facts are correct you may allow; but you must listen to my point of order because the point of order arises immediately out of the submission made by the Defence Minister (Interruptions).

Mr. Speaker: What is the point of order?

Shri Feroze Gandhi: My point of order is.....

Shri Bimal Ghose (Barrackpore): On what is this?

Mr. Speaker: The hon. Member wants to raise a point of order on what the Defence Minister has stated just now.

Shri Feroze Gandhi: My point of order is this. A reference has been made to the Audit Report—Defence Services—1960 by the Defence Minister in the statement. It does not conform to the Constitution and a violation has been committed by going against article 151 of the Constitution which says.....

Mr. Speaker: Is it the statement or the Audit Report?

Shri Feroze Gandhi: The Report
(Interruptions).

Mr. Speaker: How can we consider the Report here?

Shri Feroze Gandhi: I want to point out to you that the manner of presentation of this Report to the House violates article 151 of the Constitution, and..... (Interruptions).

Mr. Speaker: Order, order. I understand the hon. Member's point of order. The point of order only must be stated; and if I am still in doubt and want to ascertain from him the reasons for my deciding one way or the other, I will do so. But I have understood his point of order. The point of order really is.....

Shri Feroze Gandhi: No, no.

Mr. Speaker: What is the meaning of the hon. Member saying that I have not understood his point of order? I have understood his point of order. The point of order is simply this, that the Report itself ought not to have been presented. But we are not going

into that matter. We are only going into the matter of the correction of some statement made by the hon. Defence Minister which might refer to that other thing. But we are not going into the original question.

Of course, the hon. Member has been taking some interest in this and he has seen me also. But there must be a proper motion before the House. I only say that that matter cannot be brought up here without getting my consent. I find we are not going through that today. We cannot decide that unless, under the rules, the hon. Member makes a motion and gives notice of it. Then, I will certainly bring it before the House tomorrow if not today. There is no point of order.

Shri Feroze Gandhi: If the Constitution is violated it is my duty to bring it to your notice.....

Mr. Speaker: Not at any time.

Shri Feroze Gandhi: You must allow me to have my say. You are gagging me (Interruption). I must be allowed to have my say.

Mr. Speaker: I only say, let him give notice. Let him give proper notice so that I may bring it before the House if necessary. I am not preventing him at all.

Shri Feroze Gandhi: On a point of order no notice is necessary.

Mr. Speaker: There is no point of order. My position is clear. There is no point of order. A point of order can only be raised on a matter which is before the House. Here it is only a correction to his statement made by the hon. Defence Minister. I have heard the hon. Member's point of order. The point of order does not arise here. This closes the chapter. (Interruptions).

Shri Feroze Gandhi: Mr. Speaker, the Defence Minister has said that he is going to lay on the Table soon

[Shri Feroze Gandhi]

a statement with regard to the statements made in the Audit Report. I say the House cannot take cognizance of the Audit Report because the manner of presentation of the Audit Report is invalid. It is not a valid document as provided for in article 151 of the Constitution. You must allow me to explain that. (*Interruptions*). The proposal made by the hon. Defence Minister is wrong. That is what I want to point out.

Mr. Speaker: But even with respect to that I would immediately state this. The hon. Minister wanted only to correct his statement. In the statement he has added a last paragraph that he wants to make a detailed statement regarding some of the portions of the Audit Report. I have not applied my mind to that. He merely says that he will do so. I do not know whether it would be right or wrong or whether it has to be sent to the Public Accounts Committee. I do not want to anticipate all that. Simply because he says that he proposes to make a statement here later on.....

Shri Feroze Gandhi: May I ask you.....

Mr. Speaker: Should the hon. Member go on disturbing me? I cannot understand this. When the matter will arise here, when the Defence Minister makes any such statement then it is for Shri Gandhi to raise the point of order and say that this ought to be looked into or ought not to be looked into. Merely because the hon. Minister says that he will do so later on should the hon. Member raise a point of order and should I be committed even before he does so?

Shri Feroze Gandhi: Sir, may I ask you a question? (*Interruptions*). If the House has been given the Audit Report, may I know where the Appropriation Accounts are on which

this Audit Report is based? We should first have the Appropriation Accounts on which this Audit Report is based. Under article 151 the House is entitled to the Accounts. And 'Accounts' are defined by the Auditor General himself as meaning the Audit Report and the Appropriation Accounts. Today, just now, the Finance Minister has placed on the Table of the House—as stated in the Agenda—the Audit Report on the Railways, the Audit Report and the Appropriation Accounts etc. Every year it is the custom. (*Interruptions*).

Mr. Speaker: Order, order.

Shri Feroze Gandhi: It is a very serious matter. It is my suggestion that in the absence of the Appropriation Accounts the Audit Report has got no meaning. The two must come together. Otherwise, it is like the body without the head or the head without the body. The Parliament is entitled to have the Appropriation Accounts and not the Audit Report alone. I can point out the law; I can point out the appropriate order; I can point out the provisions in the Audit Code..

Mr. Speaker: Order, order. I have heard him enough. It is unfortunately a case where I am feeling helpless. It is improper; the hon. Member ought not to say so. The other day the Audit Report was placed on the Table of the House. This is not the occasion for the hon. Member to raise this question. I am not preventing him. But merely because the Finance Minister placed the Appropriation Accounts of the Railways on the Table of the House today, the hon. Member cannot make a reference to these Appropriation Accounts.....

Shri Feroze Gandhi: An irregularity is committed.

Mr. Speaker: How can I get over.....

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I appeal to this House. Either this matter is important or it is unimportant. If it is important it should be dealt with in the proper way. I do not think it can be pushed in in this way as a kind of addendum to the statement of the Defence Minister. I am not seeking any legal way of approach. If the hon. Member feels that an important constitutional issue has been raised, let it be considered. If he wants, let him bring a proper motion to consider it. I do not think it would be proper to consider it in this way (*Interruption*).

Mr. Speaker: That is all that I have been saying. (*Interruptions*).

Shri Feroze Gandhi: I am sorry. I would like to express my regrets to you. This is the first time I got a little excited. If I have said anything please forget it.

Shri Naushir Bharucha (East Khandesh): Sir is it possible to have a discussion on this?

Mr. Speaker: The hon. Member is a lawyer. How can I give him an assurance? If a proper notice is given, then, I will consider it.

Shri Naushir Bharucha: Will the Government give the time for it? There may not be any spare time. Unless the Government is agreeable to spare time it cannot be discussed. I want to know from Government whether they can spare time to discuss that.

Shri Tyagi (Dehra Dun): The hon. Member has not given any notice. How can we go on with this?

Shri Khadilkar (Ahmednagar): I have given a regular notice so far as this is concerned. I am afraid that there would not be any opportunity provided for discussing this on the floor of the House. And now you are

coming out with another explanation, 'How can I assure anything about .

Mr. Speaker: I am afraid every hon. Member is trying to take advantage of this and say something to suit his own purpose. I have not said that I am not going to allow any motion of censure on the Auditor General, in some way, directly or indirectly. If we want to get rid of one of the dignitaries, there is provision in the Constitution. Therefore, I did not want to give specific orders on the issue. When I received Shri Khadilkar's notice I said there is no way of introducing it. I do not want to shut out legitimate criticism allowed under the rules. Therefore, I cannot give an assurance in advance. When the proper notice comes I will deal with it properly. There is no use of anticipating my ruling.

Next item.

12.29 hrs.

PUBLIC ACCOUNTS COMMITTEE
ASSOCIATION OF MEMBERS OF RAJYA
SABHA

Shri Barman: Sir, I beg to move:

"That this House recommends to Rajya Sabha that they do agree to nominate seven members from Rajya Sabha to associate with the Committee on Public Accounts of the House for the term beginning on the 1st May, 1960 and ending on the 30th April, 1961 and to communicate to this House the names of the members so nominated by the Rajya Sabha."

Mr. Speaker: The question is:

"That this House recommends to Rajya Sabha that they do agree to nominate seven members from Rajya Sabha to associate with the Committee on Public Accounts of the House for the term beginning on the 1st May, 1960 and ending on the 30th April,