

12 hrs.

RE: MOTION FOR ADJOURNMENT

Shri Hem Barua (Gauhati): I had given notice of an adjournment motion about the integration of Dadra and Nagar Aveli into Indian territory, but you were pleased to intimate that it is not a matter for an adjournment motion. Subsequently some new developments have occurred.

Mr. Speaker: I am not going to allow this. I have repeatedly held that once I intimate that I refuse my consent to an adjournment motion the hon. Member ought not to raise it in the House immediately. If he does, then the purpose of my refusing consent will be absolutely defeated. The hon. Member converts himself into a Speaker and goes on like this. I have to decide one way or the other, and I come to a conclusion. I have repeatedly stated that that is not the last word. If an hon. Member satisfies me that there is something else also, then I will bring it up tomorrow—I will never hesitate to bring it up.

Shri Hem Barua *rose—*

Mr. Speaker: Let him wait and have patience. He can write to me or talk to me in my Chamber. My Chamber is part of the House. I dispose of questions, resolutions and other things in my Chamber. I do not bring them and dispose of them here in the House. In my office, the hon. Member may come and see me. If he does not want to come there, he can write to me. I will bring it up here tomorrow if he satisfies me.

12.02 hrs.

MOTIONS FOR ADJOURNMENT

Supreme Court Judgment re U.P. Sugarcane Cess Act, 1956

Mr. Speaker: I have received notice of an adjournment motion tabled by

Sarvashri Banerjee, Jadhav, Braj Raj Singh and a number of hon. Members relating to the judgment of the Supreme Court declaring the U.P. Sugarcane Cess Act of 1956 invalid.

Shri Braj Raj Singh (Ferozabad) *rose—*

Mr. Speaker: Let him wait for a while. I was of the view that this is a State subject, and therefore when the Supreme Court has declared it invalid, nothing more can be done here. Then hon. Member Shri Braj Raj Singh has written to me saying that that cess includes some portion over which the Central Government has got control. He wanted, I think, to ask one question. What does he want to ask?

Shri Braj Raj Singh: My point was that while the Central Government fixes the price of sugar ex-factory, it includes in it the cane cess imposed by the U.P. Government. It is Rs. -3|- per maund of sugarcane. That means for one maund of sugar they realise near about Rs. 2|- . Cane cess was being imposed in U.P. since 1954 and subsequently in 1956 this Act was passed which has now been declared by the Supreme Court to be beyond the competence of the State legislature and therefore invalid. It was carried on after 1954 also and some crores of rupees are due to be realised . . .

Mr. Speaker: What is the point?

Shri Braj Raj Singh: The point is that since the Act has been declared invalid by the Supreme Court . . .

Mr. Speaker: When was it done?

Shri Braj Raj Singh: It was done yesterday. The Central Government have now got to see that the ex-factory price of sugar fixed by them is decreased at least. If they cannot realise the arrears from the factory owners, they can do this very well, namely, that they can decrease the ex-factory price of sugar by Rs. 2|- per maund which shall be equivalent to

[Shri Braj Raj Singh]

Re. -]3]. per maund of cess on sugarcane. This is the direct responsibility of the Central Government. Therefore, they come in, and they have to explain.

Shri S. M. Banerjee (Kanpur): My submission is that the judgement of the Supreme Court—it has appeared in the *Statesman*—clearly says that this Act is not within the competence of the State legislature. A serious situation has arisen after this particular Act of 1956 has been declared invalid. So it is for the Centre now to come forward with some legislation.

It is stated here—

“The appellant company owns a sugar factory at Pipraich in the district of Gorakhpur. It had filed an application in the High Court challenging the imposition of a cess under the U.P. Sugarcane (Regulation of Supply and Purchase) Act, 1953. Section 20 of this Act gave the Government power to impose a cess not exceeding 25 nP. per maund . . .”

Later on the U.P. Government brought a legislation in the month of May, 1956 . . .

Mr. Speaker: He need not go into the details. At this stage what I am only concerned with is this. Is there a censure on the Central Government by the Supreme Court.

Shri S. M. Banerjee: There is no censure.

The Minister of Food and Agriculture (Shri S. K. Patil) rose—

Shri S. M. Banerjee: But the State Government is losing Rs. 8 crores.

Shri S. K. Patil: This is a State Act which was challenged in a court of law. The Supreme Court has held that this particular Act is invalid. The Government of India only comes in

in this way, namely that this particular cess that was charged on sugarcane—it is somewhere about Rs. 1.95 nP. or near about Rs. 2]- per maund—was included by the Tariff Commission when it recommended the ex-factory prices that we are charging. Therefore, the Government of India does come in indirectly.

Now the point is that the judgment was delivered only yesterday. We are in communication with the State Government as to what are going to be the repercussions. The cess comes to somewhere about Rs. 5 crores per year. Therefore, for the last two or three years over which this Act has been operating, it might have come to Rs. 10 crores or Rs. 15 crores.

Shri Braj Raj Singh: Rs. 25 crores.

Shri S. K. Patil: Maybe. This cess has been passed on to the consumers in the price. There also we are concerned. But there is no case for an adjournment motion just now because we are looking into that question. Under no circumstances shall we allow that money to go into anybody's pocket.

Shri Braj Raj Singh: That is my point. I do not press the adjournment motion. But the hon. Minister may be pleased to find out some method by which these Rs. 25 crores which have been recovered from the consumers may be recovered from the factories. For future also these 2½ annas which are being charged may not be charged.

Shri S. K. Patil: He is saying the same thing. We are trying to see that that money which is there does not go where the hon. Member is expecting it to go. Some kind of legal action has to be taken by the State Government in consultation with the Government of India. We are proceeding about it. Twenty-four hours is too short a time to come to any final conclusion.

Shri S. M. Banerjee: The whole point is that the State Assembly is not in session.

Mr. Speaker: The hon. Member cannot take up in this House whatever is happening in the State Government there and vest this House with jurisdiction over the State Government. It is for his counterparts in the State Legislature to take up this matter.

Shri S. M. Banerjee: The U.P. Assembly is not in session.

Mr. Speaker: The hon. Member will convene the Assembly.

Shri S. M. Banerjee: If you authorise me.

Mr. Speaker: I am dismissing this adjournment motion. Tabling an adjournment motion has become a common practice. The House may be interested, the Government may be interested but it was only yesterday that the Supreme Court found that that Act was invalid. Rs. 25 crores are involved, but should not we allow the hon. Minister an opportunity to think out as to what should be done?

An adjournment motion means censure of the Government. We are making light of it and because of that, just as in the case of the boy who went on crying "Tiger, tiger," even if it were a real case for adjournment motion I am inclined to dismiss it.

Shri S. M. Banerjee rose—

Mr. Speaker: Order, order The hon. Member is irrepressible. I am trying to give him as much indulgence as possible. He is all alone here. He does not belong to any party, but all the same.....(*Interruption*).

Shri S. M. Banerjee rose—

Mr. Speaker: There is no meaning in his getting up like this. He is taking improper advantage of my indulgence.

I have devised a number of methods by which matters can be brought up

here. If hon. Members are interested in a particular matter, I myself make suggestions. But why should there be an adjournment motion for every thing? Thereby, the seriousness of it disappears. Hon. Members must always feel that the whole country is looking to this House. We have no king here. It is the Parliament that ought to be the sovereign body. It must conduct itself in such a manner that what the Parliament does must appeal to the country. I expect that every hon. Member will increase the prestige of Parliament from day to day and make it the Supreme Sovereign body. Once any matter is brought up through an adjournment motion, it must be of serious consequence: not otherwise. This particular matter could have easily been raised by way of a Short Notice Question or a Calling Attention Notice and I would have allowed it. I am really surprised that on every small matter there is an adjournment motion as if the Government should immediately go out of office. I am very sorry that these two hon. Members get up every day on some matter or other, even if I refuse my consent. I have devised methods to get rid of this kind of improper interference with the proceedings of the House. I dismiss—it is not as if the hon. Member is withdrawing—I dismiss this adjournment motion. It is very wrong.

Shri Braj Raj Singh: What fault have I committed?

Mr. Speaker: The fault is: I said I am not giving my consent and he again writes, "No, no. It is so much." I knew that notwithstanding my refusal to give consent, this hon. Member would get up.

Shri S. M. Banerjee: I have not done that, Sir.

Mr. Speaker: Both of them have done so. Now, papers to be laid on the Table.