

SHRI N. DANDEKER (Jamnagar): Sir, I would like to interrupt on a point of order. This is the first time I am raising a point of order in my history as a Member of Parliament. You were pleased to rule on Friday last to leave it to the wisdom of the House on the constitutional point which I had then raised concerning this Bill. I am reading from the Synopsis which says :

"The Government thought those were not fundamental structural changes and that they were incidental. So, he—that is yourself—would leave that to the wisdom of the House".

I will not read anything more than this.

Under clause (4) of article 110, I am afraid, this is not a matter that is to be left to the wisdom of the House. It is a matter to be decided according to your wisdom. Clause (4) of article 110 says :

"There shall be endorsed on every Money Bill...."

You will recall, the objection that I had raised was that this was not a Money Bill in the form in which it came. Either it could be cured by deleting certain clauses or you would have the unpleasant duty of saying that it was not a Money Bill.

Clause (4) of article 110 says :

"There shall be endorsed on every Money Bill when it is transmitted to the Council of States under article 109, and when it is presented to the President for assent under article 111, the certificate of the Speaker of the House of the People signed by him that it is a Money Bill."

Consequently, my respectful submission is that you have to give a ruling on the point that I have raised. It is not possible for you to say that you leave it to the wisdom of the House.

MR. DEPUTY SPEAKER: Your contention is that this is not a Money Bill....

SHRI N. DANDEKER: Either the Speaker would have to rule it is not a Money Bill or the defect can be cured in the manner I have suggested.

MR. DEPUTY SPEAKER: I feel, at the moment, the Bill has been accepted by the Speaker and it has been introduced in the House.....

SHRI N. DANDEKER: This is the occasion for considering the Bill and passing it. My submission is that for the reasons I have stated you have to now indicate whether it is a Money Bill or not.

MR. DEPUTY SPEAKER: That will come at that stage.

SHRI N. DANDEKER: This is the proper time for me to make a submission. Otherwise the time of the House would be wasted. There will be a three days' debate on an important matter concerning which the Speaker may rule that it is not a money Bill.

MR. DEPUTY SPEAKER: In this case the Speaker will be guided by the wisdom of the House if you can establish that it is not a money Bill. The Speaker would be guided by the wisdom of the House at the time of certification. After the debate has taken place and he has had the benefit.....

SHRI N. DANDEKER: I am suggesting that the ruling should come now. Otherwise, the time of the House would be completely wasted in the next three days' debating of what everybody thinks is a money Bill but which, I submit, is not a Money Bill and which can either be cured or the Speaker would have to say that it is not a Money Bill. I am suggesting a course which the Speaker ought to be adopting. Otherwise, we would be wasting the time of the House.

SHRI R. D. BHANDARE (Bombay Central): The other day the point was argued. Now so far as your leaving the matter to the House is concerned, in a sense Mr. Dandekar is right because it was argued by the Law Minister that on the ground of propriety, convention, we can incorporate matters dealing with different laws incidental for taxation.

[Shri R. D. Bhandare]

So under the Constitution we have to determine whether it is a Money Bill or not. My prayer, and my suggestion, is that on the ground of propriety, on the ground of convention and on the ground of Art. 110 (g) which covers all incidental matters... (Interruptions) I am just helping the Chair to come to certain positive conclusion so that your doubt and your point can be set at rest. (Interruptions) I am not talking on merits. I am talking of propriety, convention and the constitutional position of this measure just before the House. Therefore, I am requesting the Deputy Speaker to say that it is a Money Bill and not to leave it to the House. It is a Money Bill. There is no question and no doubt about it.

THE PRIME MINISTER, MINISTER OF FINANCE, MINISTER OF ATOMIC ENERGY AND MINISTER OF PLANNING (SHRIMATI INDIRA GANDHI): This matter has been debated. The hon. Member put forward his point of view. The Law Minister put forward the Government's point of view and it seems to me that the debate is being repeated now.

SHRI N. DANDEKER: My suggestion is that a ruling is necessary.

श्री शिव चन्द्र शा (मधुबनी) : इंसीडेंटल को लेकर जो कुछ चीजें हैं जिनका सम्बन्ध मनी से नहीं है, वे सभी 110 (जी) में आ जाती हैं। आपने कमिश्नर की डेफ़ीनीशन में परिवर्तन कर लिया है, आपने चैरिटेबल ट्रस्ट की परिभाषा को बदल दिया है और ये सब बातें इंसीडेंटल हो जाती हैं 110 (जी) के मुताबिक। इसलिए मनी बिल की जो परिभाषा है, उसके मातहत ये बातें आ जाती हैं।

आपत्ति दूसरी बात के लिये है जिसका जिक्र मैंने उस दिन किया था। जो परिवर्तन होते हैं उनकी सफाई सरकार नहीं दे रही है। ये कहते हैं कि बहुत बड़ा परिवर्तन है। मैं कह रहा हूँ कि बहुत बड़ा परिवर्तन हो या बहुत

छोटी धारा आ रही हो लेकिन वह भी जो धारा है, उसकी सफाई सरकार को स्टेटमेंट आफ आबजैक्ट्स एंड रीजंज में करनी चाहिये। स्टेटमेंट आफ आबजैक्ट्स एंड रीजंज दिये गये हैं उससे इसकी सफाई नहीं होती है। इसलिए यह जरूरी है कि जो कुछ भी कमिश्नर की डेफ़ीनीशन या चैरिटेबल ट्रस्ट की डेफ़ीनीशन या जो नई बात और होती है, उसका क्या रूप होता है, कौन सा नक्शा हमारे सामने आता है, इसकी सफाई सरकार को देनी चाहिये। इसको कमी है।

MR. DEPUTY SPEAKER: In the first place I do not agree with Shri Dandekar that the time of the House will be wasted. If you want my ruling now on this issue, the very fact that I have allowed the Bill to be introduced and I have allowed the consideration of the Bill and Mr. Shantilal Shah was half way through his speech is itself an indication that I consider it as a Money Bill, and that whatever changes, whatever proposals are made in the Finance Bill are consequential and incidental.

श्री शिव चन्द्र शा : लेकिन इस बारे में स्टेटमेंट आफ आबजैक्ट्स एंड रीजंज में कोई सफाई नहीं है। आप मंत्री महोदय को सफाई देने के लिये कहें।

SHRI R. D. BHANDARE: Don't challenge the decision of the Chair.

SHRI SHANTILAL SHAH (Bombay-North-West): The point I was making was with reference to amendment No. 567 which states that the total of the income tax and wealth tax demanded from a party shall not exceed his total income for the year. The point I was making was that the Secretary of the ruling party has supported this amendment. The Secretary and a dozen members of the party are in the company of the abominable snowman, in this case the Swatantra and the Jan Sangh. I want to know from the leader whether the Secretary of the party or the leader of the party represent the views of the