

SHRI CHITTA BASU: Sir, the elections are over.

MR. DEPUTY-SPEAKER: Atal Bihari Ji, you can raise this issue in the Business Advisory Committee.

SHRI ATAL BIHARI VAJPAYEE: No, Sir, the statement has to come from the Government.

MR. DEPUTY-SPEAKER: You can raise it in the next Business Advisory Committee meeting.

SHRI ATAL BIHARI VAJPAYEE: Sir, I am sorry to say that the issue is agitating the whole House.

PROF. MADHU DANDAVATE (Rajapur): Sir, you have mis-understood the issue. We are not referring the matter to the Business Advisory Committee. All that we are doing is, since the Minister for Parliamentary Affairs is here, we are making a constructive suggestion that since lot of relief work has been sanctioned and relief also has been sanctioned from Prime Minister's Fund, army has marched in, on all that and whether the relief material is being properly used or not, a small statement every day will be all right till the situation comes to normalcy. Let him take note of that.

SHRI BUTA SINGH: Sir, I have started by saying that I have taken note of that and I will convey their views to the respective Ministers but about the inclusion of these items in the Business, the only forum left with us is the Business Advisory Committee and the hon. Leaders of the Opposition had agreed with the Hon. Speaker that whatever is to be included could be discussed by the Leaders themselves or in the Business Advisory Committee.

SHRI GEORGE FERNANDES: Mr. Deputy Speaker, Sir, we have not discussed here (Interruptions).

MR. DEPUTY-SPEAKER: He has not completed.

SHRI BUTA SINGH: For the other things which are mentioned by the hon. colleagues, specially the mentions made

by Prof. Dandavate and Shri Vajpayee. I have taken note. I will take it to the Ministers concerned and find out if this could be done.

SHRI ATAL BIHARI VAJPAYEE: Anti-India propaganda is being carried on abroad and the Government machinery has failed to apprise the world of what is happening in Assam.

MOTION RE INDIAN TELEGRAPH
(THIRD AMENDMENT) RULES,

MR. DEPUTY-SPEAKER: We will now take up the motion by Shri Banatwalla. I think he has exhausted everything yesterday and he will take only two or three minutes.

SHRI G. M. BANATWALLA (Ponnani): I only walked out. The press did not mention that I too walked out.

AN HON. MEMBER: Todya they will mention it; don't worry.

MR. DEPUTY-SPEAKER: It is not my fault if you have walked out.

SHRI G. M. BANATWALLA: Mr. DEPUTY-B

Deputy-Speaker, I beg to move:

"That this House resolves that in pursuance of sub-section (5) of section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Indian Telegraph (Third Amendment) Rules, 1983, published in the Gazette of India by Notification No. GSR 93 (E), dated the 21st February, 1983 and laid on the Table of the House on the 24th February, 1983, be annulled.

This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution."

Let me at the outset express my deep sense of gratitude to the Hon. Speaker and yourself for having given this House the first available opportunity to discuss this heinous practice of de-linking the budget of measures of financial implications from

the consideration of the budget itself. It is indeed very nice of you, very considerate and thoughtful of you, and in the very spirit of parliamentary democracy, to have given this first opportunity to this House to discuss the notification that was issued by the Government. While I am subject to correction, I think it is the first time in our parliamentary practice here that a motion of this nature has come up so early to be discussed: perhaps, there is no precedent. But this is so indeed because the proposed hike in the postal, telegraphic and tele-communication rates are to come into force from the 1st of March itself. Therefore, we are indeed very grateful to you for having upheld the parliamentary procedure, its dignity and importance. But it is a matter of serious concern that the Government does not seem to have the same regard for parliamentary democracy and its procedure.

I must say that the issue of the notification on the eve of the budget, delinking the proposals dealing with the revision of tariff from the union budget, is a heinous practice from the point of view of parliamentary democracy. I am constrained to remark that this is nothing short of scuttling our parliamentary democracy. I may say that it is a frontal attack on our parliamentary procedure.

We are not here challenging the authority of the Government to move under the various sections of the law and have a hike in tariff; that authority is not being challenged. The point that we are making is that, in deference to this House, the announcement first ought to have come in the House and then only the notifications etc. ought to have come. Not only that, the situation is grave because the Parliament is in session and yet the announcement has been made outside through the issue of a notification and later, on the second or third day, the notification dated 21st February is being placed on the Table of the House. The situation is still worse because this is the budget session. The Budget will follow in a matter of few days and these proposals should have been contained in the Budget itself. An attempt, therefore, has been made for delinking, as I said, of the revision of tariff from the Budget, which is a heinous prac-

tice.

Moreover, these proposals are to come into effect from the 1st of March. Therefore, it was quite possible to have these proposals in the Budget itself. Besides, there is no explanation of the compelling circumstances that would have prevailed upon the hon. Minister for having committed the serious breach of propriety.

Mr. Deputy-Speaker, Sir, I must say that the Government's concept about impropriety is based on considerations of political expediency. Yesterday the Railway Budget was presented to us. Thereafter there was a press conference for the explanation of the proposals in the Railway Budget. Certain innocent clarifications were sought by the press. The Government felt itself in an embarrassing position and the honourable Railway Minister simply said that he could not say anything outside the Parliament. We very much respect the sentiments. We wish that the same consideration of the sense of propriety and impropriety ought to have been shown by the hon. Minister, Mr. V. N. Gadgil, for whom we have a very high regard. Therefore, my first objection, and a vehement objection, is to this committal of the impropriety, this heinous crime of delinking of proposals from the Budget. My objection relates to the frontal attack on our parliamentary democracy. Sir, we have almost started a Budget discussion without the Budget having come.

MR. DEPUTY-SPEAKER: Are you suggesting any new procedure apart from this procedure?

SHRI G. M. BANATWALLA: I have said so.

MR. DEPUTY-SPEAKER: It should be announced in the Budget. Is that all you would say?

SHRI G. M. BANATWALLA: That is exactly what I have been saying.

SHRI ATAL BIHARI VAJPAYEE (New Delhi): There should be no taxation in instalments.

SHRI G. M. BANATWALLA: We have a hike in Posts and Telegraphs and telephone tariff to bring an additional revenue of Rs. 70 crores. Out of this Rs. 70 crores, Rs. 10.5 crores are to come from increase in postal revenue and Rs. 59.5 crores are to come from increase in tele-communication services. Sir, I must say that the hike in the postal and telegraph rates and in the rates for the tele-communication service is totally avoidable at the present juncture. There are not circumstances necessitating such a steep hike.

Let us consider the situation. We are told that during the year 1982-83 the total revenue was Rs. 1,358 crores. The total expenditure was to the tune of Rs. 1103 crores. That leaves a surplus on Reveue Account of Rs. 255 crores during this year 1982-83. The hon. Minister has sought and deemed it fit to come with the steep hikes despite this particular situation.

As far as the question of financial outlay is concerned, the Planning Commission has already approved a total financial outlay of Rs. 36 crores for expansion of postal services in 1983-84.

These are the hard facts that ought to have been considered. And in view of the fact that we are having an increasing burden as represented by hikes in the petroleum products, savage hike in railway freights and fares announced yesterday, this was a juncture where Government ought to have practiced restraint and ought to have addressed itself to other measures.'

MR. DEPUTY-SPEAKER: Please conclude.

SHRI G. M. BANATWALLA: I have hardly begun.

MR. DEPUTY-SPEAKER: The Motion is with regard to Posts and Telegraphs Act.

SHRI G. M. BANATWALLA: I have not said beyond that.

MR. DEPUTY-SPEAKER: You reserve all these things for the Budget speech.

SHRI G. M. BANATWALLA: He did not reserve his proposals. What am I to do?

SHRI CHITTA BASU (Barasat): This is pre-budget Budget speech and it is your pre-budget.

SHRI G. M. BANATWALLA: This hike was totally avoidable at the present juncture. We are told and certain claims are made, that there was an increase in the cost of operations. This House has not been taken into confidence with respect to the extent of increase—how much? Nor have we been told whether the Government have examined recourse to other measures. It is usual and very easy to have recourse to simple hikes in tariffs. We are told that there will not be any noticeable increase in the cost of any business or industry. We would like to know whether any cost analysis has been made to ascertain the impact on the cost of business or industry. In a very arbitrary manner, and for considerations beyond even the control of the Minister of Communications, the hike has been brought. I must also say that this hike that has come is a premium on inefficiency. India being a developing country needs an efficient and a stable postal service, whereas the postal service is in a pathetic condition due to the sluggish and indifferent manner in which the whole Department seems to be working.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI G. M. BANATWALLA: I will take a few more minutes and conclude.

Certain very deliberate measures that have been taken have resulted in this pathetic condition, namely, curtailing of the number of daily postal deliveries, abolition of sorting letters during night and on various R.M.S. sections and so on. Therefore, I have said that this hike that has come is a premium on inefficiency. A cruel joke is sought to be played on the common man and the middle class persons. We are told that the hike is minimum and

does not affect the common man or middle-class wage-earner. I do not know what concept of a common man or middle-class wage-earner the Government has.

MR. DEPUTY-SPEAKER: I think, Shri Banatwalla may not be available for next week for participating in the Budget discussion.

SHRI G. M. BANATWALLA: Let us look at the hike that has been brought about. The money order form will cost 10 paise instead of 5 paise. Double is the hike. Is it not the common man who takes resort to sending of his small, paltry amount to his people in the village through money order? The commission on postal orders has been increased from 2 per cent to 3 per cent. In the case of telegrams, both with respect to ordinary inland telegrams and express telegrams, there has been a steep increase. In the case of ordinary telegram, for the first 10 words, the rate has been increased from Rs. 3 to Rs. 3.50 and so on. These are with regard to telegrams and money orders.

Even the postal orders which are being used by the unemployed people who send in their applications are not spared by this Government. Therefore, I have in a sense of great anguish moved this motion and I am sure that even the hon. Minister will rise to support the motion.

MR. DEPUTY-SPEAKER: Shri Ram Vilas Paswan.

SHRI SURAJ BHAN (Ambala):
Rose—

MR. DEPUTY-SPEAKER: Do you want to speak? He has given in writing. If you want to speak, I will call you.

SHRI N. K. SHEJWALKAR (Gwalior): Just I want to understand the procedure. In the list, the name of Shri Suraj Bhan is there. How can you call somebody else?

MR. DEPUTY-SPEAKER: You see, it is not for that purpose. It has been moved. Such of those Members this want to speak on this motion, irrespective of the fact that their names are listed, must give so in writing.

SHRI N. K. SHEJWALKAR: Mr. Deputy Speaker, that is not the procedure.

MR. DEPUTY-SPEAKER: The mover of the motion has moved the motion.

SHRI N. K. SHEJWALKAR: Please try to understand. This is not the procedure. After all, giving motion itself means that he wants to speak there. Please don't lay down a wrong procedure. I do not mind if he speaks first. But, please take care that no wrong procedure is laid down.

MR. DEPUTY-SPEAKER: The mover is given a chance to move the motion. The other Members take their chance according to the Parties when they give their names, here.

SHRI N. K. SHEJWALKAR: The name is already there in the list.

MR. DEPUTY-SPEAKER: No, no. It is not correct. The mover is one who moves the motion. The other Party representatives can give their names, Party-wise. And it does not mean.....

(Interruptions.)

SHRI N. K. SHEJWALKAR: I am sorry. This is apart from the names which are there in the motion.

MR. DEPUTY-SPEAKER: I make it very clear. It does not imply that they will be called because their names are there. The respective Parties can give their names of Members who want to speak.

SHRI N. K. SHEJWALKAR: Then, what for the notice is required? Then, only the mover has to give the notice. For God's sake, don't give any ruling without properly....

MR. DEPUTY-SPEAKER: I am not giving the ruling. I am only telling the procedure that is followed. The motion has been moved by Shri Banatwalla and some other Members also give their names when the motion is moved. When it is give their names when the motion is moved. When it is moved, such of those moved, such of those Members from each Party, if they want to speak, can give their names. Shri Chitta Basu has already given.

Shri Ram Vilas Paswan has given. Shri Jakkyan has already given.

SHRI N. K. SHEJWALKAR: How can you ignore a person who has given the notice of motion?

MR. DEPUTY-SPEAKER: His Party representatives have not given any names. If he wants, he will be accommodated.

SHRI RASHEED MASOOD (Saharanpur): Any Member whose name appears in the list must be given a chance unless the Party decides some other names.

(Interruptions.)

MR. DEPUTY-SPEAKER: Mr. Masood, please listen to me. It is not that procedure which is followed here. And if you want to change the procedure, you can do it also. But what I say is that this is the procedure which is being followed. I am only following that procedure.

SHRI RASHEED MASOOD: What is the use of giving notice then?

MR. DEPUTY-SPEAKER: That is only for the mover.

I have not said that he cannot speak. The mover is there. Supposing Mr. Banatwalla is absent, then Mr. Suraj Bhan will be called to move the motion and, if he is also absent, Mr. Paswan will be called to move the motion. But speaking on the motion is different. You must give notice.

SHRI RASHEED MASOOD: There are three names already given here.

MR. DEPUTY-SPEAKER: This is the procedure that is being followed by us.

This is a statutory motion. Mr. Banatwala has already moved the motion. Any representative from any party will be allowed. Already, three or four members have given notice that they would like to speak on the motion. Mr. Niren Ghosh wants to speak. Mr. Paswan has also

given notice that he wants to speak. We can only follow a procedure which we have been following. I am following that procedure only. If you want to change the procedure, you can do it.

SHRI N. K. SHEJWALKAR: When the name is already there, I want to know whether there is any further necessity to give the name.

MR. DEPUTY-SPEAKER: This is only for moving the motion. If Mr. Banatwalaa is absent, Mr. Suraj Bhan will be called and, if he is absent, Mr. Vajpayee will be called.

SHRI ATAL BIHARI VAJPAYEE: My name is not there.

MR. DEPUTY-SPEAKER: I am mentioning your name as a leader of the Party. If you want to change the procedure, you can change the procedure and ask me to follow it. I will do it.

Now, Mr. Suraj Bhan wants to speak. He will also be called. Mr. Paswan has already given notice in writing. It is not a new procedure. This is the procedure being followed. I have ascertained from the office.

Motion moved:

"That this House resolves that in pursuance of sub-section (5) of section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Indian Telegraph (Third Amendment) Rules, 1983 published in the Gazette of India by Notification No. G.S.R. 93(E), dated the 21st February, 1983 and laid on the Table of the House on the 24th February, 1983, be annulled.

This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution."

Now, Shri Paswan.

श्री राम विलास पासवान : (हाजी-पूर) : उपाध्यक्ष महोदय, मैंने जब कल प्रिन्सिपल मोशन मंत्री जी के खिलाफ दिया था, तो चेयर के द्वारा उस का अस्वीकृत

कर दिया गया। चेअर की जो रूलिंग है, मैं उस में नहीं जाना चाहता हूं लेकिन क्यों मैंने प्रिविलेज मोशन मूव किया था, उस के सम्बन्ध में मैं दो तीन बातें अर्ज करना चाहूंगा।

आप को पता होगा कि स्पीकर महोदय ने बार-बार इसी सदन में रूलिंग दी है कि जब कोई बजट का सेशन हो, तो उसके पहले चीजों के दामों को न बढ़ाया जाए और अगर ऐसा किया जाता है, तो वह इम्प्रोप्रायटी है, अनर्चित और अनैतिक कार्य है और अमर्यादित कार्य वह हो जाता है इस के बावजूद इसी बात को दोहराया जाता है। इसलिए मैंने प्रिविलेज का मोशन दिया था। उस मोशन का ड्राफ्ट इस समय मेरे पास नहीं है लेकिन मैंने उस में "जान-बूझ कर" शब्दों का प्रयोग किया है। अगर जान-बूझ कर ऐसा किया जाता है, तो फिर वह अमर्यादित बात है और वह प्रिविलेज का प्रश्न बनता है यदि पार्लियामेंट का सेशन चल रहा हो।

श्री गिरधारी लाल व्यास : (भीलवाड़ा) : इन रेड्स को बढ़ाने का मंत्री जी का कानूनी अधिकार है।

MR. DEPUTY-SPEAKER: Mr. Vyas, you have not given your name here.

SHRI RAM VILAS PASWAN: He is representing the Youth Congress.

तो मैं यह कह रहा था कि जान-बूझ कर ऐसा किया गया है। पार्लियामेंट का सेशन शुरू है। दो दिन पहले चेअर द्वारा यह कहा जाता है कि यह अमर्यादित चीज है, अनैतिक है और फिर उसी बात को सरकार दोहराती है, तो यह ठीक काम नहीं किया गया है? 21 तारीख को नोट फिकेशन होता है और पार्लियामेंट का सेशन 18 तारीख को शुरू हुआ था। इस का मतलब यह

है कि पार्लियामेंट की मर्यादा को मंत्री जी ने तोड़ा है और सरकार पार्लियामेंट की सैंकटीटी को खत्म करना चाहती है और इसलिए मैंने यह कहा है कि निश्चित रूप से यह प्रिविलेज का प्रश्न बनता है।

13 hrs

आपकी तरफ से यह रूलिंग है कि यह सरकार के अधिकार की बात है। मैं आप से कहना चाहता हूं कि अधिकार एक अलग चीज है लेकिन उस अधिकार को मर्यादित ढंग से पालन करना और परम्परा का निभाना भी बहुत जरूरी है।

गाडगिल साहब हमारे अच्छे मित्र हैं और जितने भी मिनिस्टर हैं उनमें किसी से भी उनकी मर्यादा कम नहीं है। इसलिए उनका इस सदन की मर्यादा का पालन करते हुए अपनी मर्यादा में रहना चाहिए। आपने 70 करोड़ रुपये बढ़ा दिए हैं। मैं डिप्टी स्पीकर साहब, कौल और शकधर की किताब से आपके सामने कोट करना चाहता हूं—उनकी किताब

Kaul and Shakhder: Practice and procedure in Parliament.

के पेज 594 में कहा गया है कि —

"The annual financial statement, otherwise known as the Budget, is presented in two parts viz., the Railway Budget pertaining to railway finance and, The General Budget, which gives an over-all picture of the financial position of the Government of India excluding railways".

इसमें बजट को दो भागों में बांट दिया गया है। एक रेलवे का बजट पेश किया जाएगा और दूसरा अदर देन रेलवे बजट। आपने यहां कह दिया कि यह सरकार के अधिकार की बात है। सरकार

[श्री राम प्रियास पासवान]

ने पोस्टल का, टेलीग्राम का रेट बढ़ा दिया है। कल का फाइनेंस मिनिस्टर आयेंगे, वह कहेंगे कि मैं बजट के बजाए, अलग से एक्साइज ड्यूटी बढ़ाऊंगा। इस तरह से सरकार एडहाक दंग से यह बढ़ा रही है। इसका मतलब हुआ कि बजट नाम का कोई चीज ही नहीं रही। कल को आप कह सकते हैं कि मैं बजट पेश नहीं करूंगा, प्रत्येक चीज अलग अलग तरह से रखूंगा।

ये सारी चीजें जो एडहाक चल रही है, इनका खत्म किया जाना चाहिए। आप डाक तार को अलग कर रहे हैं, रेलवे को आपने अलग रखा हुआ ही है। इससे कैसे काम चलेगा। मैं आप से पूछना चाहता हूँ कि बजट में डिस्कशन के लिए आपकी डिमाण्ड्स आती हैं, जब आपकी डिमाण्ड्स आयेंगी तो उस समय हम आपकी कैसे मदद करेंगे? जब संचार मंत्रालय की डिमाण्ड्स आयेंगी तो हम कैसे आपको मदद देंगे? डिमाण्ड्स में यह सामने आता है कि आपके मंत्रालय के अन्तर्गत इस-इस क्षेत्र में इतना-इतना खर्च किया जाएगा। मंत्रालयों के डिमाण्ड्स के समय एक-एक इशू पर कट मौशंस आते हैं और उनमें कहा जाता है कि सरकार इस पर इतना पैसा खर्च नहीं करे। आपने बाहर से ही 70 करोड़ रुपया बढ़ा कर इन चीजों को बहस में आने से रोका है। जब बहस चलेगी तो हम आपकी क्या मदद करेंगे? यह तो आपका पूरा का पूरा बजट ही हो गया।

मैं यह कहना चाहूंगा कि यह जो बजट अधिवेशन होता है, उसमें बजट पेश करने के बाद सरकार की इकोनोमी की, देश की इकोनोमी की एक ओवरऑल पिक्चर सामने आती है कि कितने हमारे पास रिसोर्सिज हैं, कितना पैसा है और कितना

हमको खर्च करना है। आप उसको अब अलग अलग मुद्दों में बांटना चाहते हैं।

I am raising a very important point.

MR. DEPUTY-SPEAKER: The very important point can be taken up after 2 O' Clock.

13. 04 hours

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at nine minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]
MOTION *re* INDIAN TELEGRAPH
(THIRD AMENDMENT) RULES, 1983
—Contd.

SHRI GEORGE FERNANDES
(Muzaffarpur): On a point of order, Sir. I am raising a point of order under Art 112 of the Constitution. Art 112(1) says:

"The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part referred to as the 'annual financial statement'."

The annual financial statement is by definition the Budget of the Government. In other words, this particular article refers to the presentation of the budget. The first point on which I want your ruling is whether the notification which the Government laid before the House yesterday as an amendment to the rule under the Indian Telegraphs Act comes within the framework of Art. 112. In other words are the levies now being introduced consequent upon the amendment of the Indian Telegraph Act covered by Article 112? Will the money that will now be received be a part of the Statement of Receipts that will accrue to the Government consequent upon the position stated in Article 112? This is important because the rules are there; one may try to make a distinction and say that the Indian

Telegraph Act is there and it is permissible for the Government, Government has a right at any point of time to enhance the rates, whether it is in regard to the telephone charges or the postal charges or the railway charges. Government has this power under the relevant Act. We have the Rules of Procedure and Conduct of Business in the Lok Sabha and I would like to draw your attention to Rule 204, which in effect is a paraphrase of Article 112.

It says:

CHAPTER XIX FINANCIAL BUSINESS

The Chapter heading is 'Budget' I quote:

"204 (1) The Annual Financial Statement or the Statement of the Estimates Receipts and Expenditure of the Government of India in respect of each financial year (hereinafter referred to as 'the Budget') shall be presented to the House on such day as the President may direct."

In other words, the rule which paraphrases this particular Article, Article 112, is very categorical. It says that the Annual Financial Statement shall be presented to the House on such day as the President may direct. If the levies that are now proposed under this amendment here are in effect, a part of the Annual Statement of Income and Expenditure (which the Constitution requires this Government to present to this House on one day), then, Rule 204 says that this Annual Financial Statement shall be presented to the House on such day as the President may direct. Do the Government have now the sanction of the President to submit this particular item as a separate budget? Because, I can understand hon. Members from the treasury benches referring to Rule 213 which says that the Budget may be presented in parts, I quote:

"Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the House in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with these rules as if it were the Budget."

Now, Sir, I would again seek your ruling whether this is presentation of the Budget in parts as provided for under Rule 213, in which case, is the Government coming forward to us with a separate Budget in so far as the Posts and Telegraphs are concerned, a separate Budget so far as Railways are concerned.—and of course, whatever residual subjects may be there, as a residual Budget? I would seek your ruling on this point.

Now, Sir, while this question is being raised a point may be made that there is nothing which prevents the Government from coming forward with separate levies under separate heads at different times. It is a matter of convention and conventions are made, conventions are not Constitutional provisions. The point is likely to be made that as far as the Railway Budget is concerned there is nothing in the Constitution which says that there shall be a separate Railway Budget. I am sure, the hon. Minister who may want to justify the total breach of trust about everything that the House holds sacred, may then fall on the whole Railway Budget and say, where does the Constitution speak of the Railway Budget. Because the Annual Financial Statement technically includes the income and the expenditure of the Railways also. Nevertheless, while the Budget is being presented on the 28th of this month, the Railway Budget was presented on the 24th.

I may now refer to Kaul and Shakhder.

Now, kindly refer to "Practice & Procedure of Parliament" by Kaul and Shakhder. I will read out the first two paragraphs of Chapter-XXIX.

"In respect of every financial year, the President causes to be laid before both Houses of Parliament an "annual financial statement" or the estimated receipts and expenditure of the Government of India. The annual financial statement, otherwise known as the 'Budget', is presented in two parts, viz., the Railway Budget pertaining to Railway Finance, and the General Budget which gives an overall picture of the financial position of the Government of India, excluding the Railways."

[Shri George Fernandes]

Now, one can very easily argue and say that this is a matter of convention. My submission is that this is not a matter of convention. If you go through the next paragraph, you will know the circumstances under which the 'Separation Convention' was adopted.

"The separation of the Railway Finance from the General Finance was first recommended in 1920-21 (b), and the 'Separation Convention' was adopted through a resolution by the Central Legislative Assembly on September 9, 1924 (c). The primary idea behind this separation was to secure stability for civil estimates by providing for an assured contribution from Railway Revenues and also to introduce flexibility in the administration of Railway Finance".

So, Sir, if there is this convention of presenting the Railway Budget separately, then the separation of the Railway Finance from the General Finance is on the basis of the resolution by the Central Legislative Assembly. In other words, it has a certain statutory backing, a certain background and therefore it is not merely a matter of convention but something which after due deliberation, the then Legislative Assembly decided to adopt. Therefore, Sir, I seek your ruling on point (1) whether the levies which the Minister has now sought to introduce from the 1st of March through the back-door, if I may use that term, or through any method, as my colleague Mr. Banatwalla has very picturesquely explained how these levies have been introduced, (2) whether the levies are part of the Financial Statement of the Government of India, Income and Expenditure of the Government of India and (3) if so, then do they or do they not form part of the Budget because that is what the Budget says? Now, Sir, is the Minister under rule 214 or is the Minister under rule 213? Is this the entire Budget? Is this the Budget of the Government of India or is this a portion of the Budget under rule 213? I would earnestly hope that you will give your positive ruling on these 3 points.

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS (SHRI V. N. GADGIL): My short reply is that you kindly see the First Schedule to Indian Post Office Act. Under Section 7 of this Act, the provision is that if this Schedule is to be amended, it can be amended only by an amendment which will be a part of the Finance Bill and appropriately speaking, this portion alone can be termed as part of the budget. The Notification which we are discussing just now is not in any way related to these items and therefore they do not form part of the Finance Bill.

Secondly, the hon. Member has raised whether it forms receipt. Now, technically you may say that whatever Government of India gets through this source is receipt. He himself has pointed out anticipating my arguments, that the Constitution does not provide for any separate Railway Budget; all that Article 112 of the Constitution speaks of is only the annual financial statement and nothing more. It does not say, or does not prevent, in any other way, the expenditure and the receipts of any particular department being shown. Therefore, there is no prohibition under the Constitution.

Lastly, even assuming that all that he has stated is correct, which is not the question whether there is a breach of any constitutional provisions or not, cannot be decided here the forum is somewhere else. Whether there is a breach of any constitutional provisions or not, it is well laid down, that it can be decided only by a court of law and not by this House. This point has been made repeatedly in this House. Therefore, my submission is that there is no substance in their point of order.

MR. DEPUTY-SPEAKER: Section 6 of the Indian Telegraphs Act says:

"The Central Government may, from time to time, by notification in the official gazette, make rules consistent with this Act for the conduct of all or any telegraphs established, maintained, or worked by the Government or by persons licensed under this Act."

The Government have issued the notification and the Minister has already laid it on the Table of the House to comply with the statutory requirements in terms of the aforesaid provisions.

Then, Section 7, sub-clause 5 says:

“Every rule made under this Section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of 30 days (which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session, immediately following the session or the successive sessions aforesaid), both Houses agree in making any modification in the rule or both House agree that the rules should not be made, the rules shall thereafter have effect only in such modified form, or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

I, therefore, think that the Government has fulfilled the statutory obligation and the House has also got an opportunity to discuss this issue....

SHRI G. M. BANATWALLA: And they have an opportunity to observe breach of propriety!

MR. DEPUTY-SPEAKER: I do not accept that. I, therefore, rule that the point of order raised is out of order.

SHRI N. K. SHEJWALKAR: Sir, actually, we are discussing only the notification GSR 93(E), under the Indian Telegraph Act, and not the notification under the Indian postal Act. That is not being discussed today.

SHRI SURAJ BHAN: I have given notice of that also.

SHRI N. K. SHEJWALKAR: Sir, I rely on Section 7, sub-section (5) of the Indian Telegraph Act, 1885 (13 of 1885). I hope, you have got a copy of it with you. It says:

“Every rule made under this Section....”

They claim that they have made it under this Section.

“...shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of 30 days...”

It has been clarified.

“...which may be comprised in one session or in two or more successive sessions and if before the expiry of the session, immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rules should not be made....”

Here, the period given is thirty days. It contemplates that the rules are to take effect after 30 days. You may kindly note that the notification says that it will be effective from 1st March, 1983. If 1st of March is the date on which the Notification has to come into effect, then this provision is meaningless. The thirty days' time has no meaning. That is against the intention of the Act itself. So, thirty days' time is allowed to lapse and the date on which the Act has to take effect should be such as should fall beyond 30 days. So far as the constitutional propriety or other things are concerned, there are my other friends to say and they have already said and the Chair has also observed—whether the right are proper, whether the service rendered is correct or not.

MR. DEPUTY-SPEAKER: Your point is why within 30 days' this was placed on the Table of the House?

SHRI N. K. SHEJWALKAR: No.

MR. DEPUTY-SPEAKER: You mean this should come into effect after 30 days?

SHRI N. K. SHEJWALKAR: Yes, otherwise this has no meaning. The House does not have a chance to give its opinion—confirmation or whatever it is.

[Shri N.K. Shejwalkar]

Because there is delegation of power to the Government, they should all be placed before the House for confirmation. The idea is that Parliament must give its opinion this way or the other on the rules which are being framed by the Subordinate Legislation authorities. Therefore, it is against the principle itself. Providing a date earlier than 30 days is against the principle as laid down under the provisions of Section (7)5. Therefore, my submission is that they are *ultra vires*.

SHRI V. N. GADGIL: Sir, again I must say that there is nothing in that point of order, because it says every rule made under this Section shall be laid as soon as possible before the House while it is in session within a total period of 30 days; and if before the expiration of the session both the Houses agree in making modification they may do so. Therefore, there a period of thirty days is provided. I can understand this point if the discussion had taken place after 31st of March. Then there is some substance in what he says. But before the first of March an opportunity is given to the House either even to amend, accept or reject. Therefore, that is the purpose. I do not claim to have any great knowledge, but I would like to inform my friend, Shri Shejwalkar that I also happened to be Chairman of the Subordinate Legislation of Rajya Sabha for two years and I am conscious of the requirements of the sub-ordinate legislation. The whole purpose is to give maximum time. That is why it says even in different sessions. That is the object. Therefore, there is nothing in that.

SHRI N. K. SHEJWALKAR: Should I take it that my point of order holds good so far as the other Notification GSR 92 is concerned? Should I hold it because no change for discussion is given? If I took him correctly, should I take it for granted....

(Interruptions)

SHRI V. N. GADGIL: This is unarguable.

SHRI N. K. SHEJWALKAR: Therefore, I have pointed out that there are more type, of cases here. I respectfully

submit for example if the Motion is withdrawn today, what will happen? He has given motion for annulment. If it is withdrawn, does it mean it will become invalid?

SHRI V. N. GADGIL: This is not an argument. Then there is no Motion.

SHRI N. K. SHEJWALKAR: If there is no motion, in that case, of course, the Notification goes according to my humble submission.

SHRI GEORGE FERNANDES: Sir, I want a clarification from the Minister in the light of the reply he has given to the point of order.

MR. DEPUTY-SPEAKER: From Shejwalkar?

SHRI GEORGE FERNANDES: No, Sir. I want the Minister to enlighten me. Sir, the Minister says that all that is required is 30 days' notice and we as representatives of the people are here and a discussion is taking place. He said the significance of this is that this matter has to be discussed in the House. Now, Sir, the House is not a debating society. It is a legislative body. Suppose the House disapprove of it and comes to the conclusion that these levies shall not be imposed; in other words, there is a resolution in this House, which is presently being discussed and this resolution is adopted. Let us assume for a moment that it is the Speaker who decided that this matter should come up to-day. Now, suppose instead of coming up to-day, this matter had come up on the 2nd or 3rd of next month. By that time, your levy would have been implemented, the new impost would have been implemented, the postal charges would have increased. And if Parliament were to adopt a resolution sometime within the course of those 30 days saying, "We do not agree with this, and we want Government to withdraw this", what would happen? Will the people of this country have to suffer for the indiscretion of the Government and for the breach of propriety on the part of this Government? Is it what is expected? Is it the spirit of this rule? Is it even the letter of this rule?

I would like the Minister to clarify, because just saying that we have presented it here within 30 days, and it is here available for you to discuss—is not enough. That is not the point. Our discussion may lead the House to a point where the House may say, "This should be withdrawn". What happens in that situation?

MR. DEPUTY-SPEAKER: Mr. Shelwalkar, do you want to reply to what Mr. Fernandes says?

SHRI N. K. SHEJWALKAR: No.

SHRI V. N. GADGIL: As far as the point raised by Mr. George Fernandes is concerned, I do reiterate that the spirit behind providing 30 days is that within 30 days, the House should have an opportunity either to accept, amend or reject it. He is taking a hypothetical case. I need not answer it; but even then, take a hypothetical position, viz. suppose by some miracle this is rejected, after 1st March, what happens? Again, it is the accepted principle of law that whatever is done during the course of an Act or a rule which was in existence, if subsequently it is found to be wrong or illegal, nothing can be done about it, because it was done properly when it was a proper law. And, therefore, there is no substance in it.

SHRI SURAJ BHAN: *rose*

MR. DEPUTY-SPEAKER: Do you want to speak on this point of order? Are you helping me on this point of order—only on that?

श्री सुरज भान : लेकिन मुझे बाद में भी बोलने का चांस मिलेगा । मेरा मोशन पोस्टल टैरिफ और टेलिग्राफ ट्रेफिक दोनों के बारे में था, चूंकि बनातवाला साहब का मोशन पहले आ गया था, इस लिए वह एडमिट हो गया ।

MR. DEPUTY-SPEAKER: Not on that point of order. Please...I will listen to you later. It is not on that point of order.

I will read rule 5 of Telegraph Act:

"Every rule made under this Section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of 30 days."

The session should be at least for a total period of 30 days. And what has been said here is this.

SHRI SURAJ BHAN: No.

MR. DEPUTY SPEAKER: Please read this. "while it is in session for a total period..." The session is not for a total period of 30 days... (*Interruptions*).

SHRI SURAJ BHAN: It may be for a week.

MR. DEPUTY-SPEAKER: Then it will be in the next session. You must know that this 30 days' time is the total period of the session. (*Interruptions*) This session, as you know, goes upto May; and, therefore, there is no time limit to place it on the Table of the House. And when it is put on the Table of the House and the House agrees... (*Interruptions*) Yesterday I congratulated the Opposition members that they were vigilant. They raised it, And they raised, and the Motion was allowed. I agree, but the point is What the Government has done is a statutory obligation; and I rule that it is in order... (*Interruptions*)

SHRI N. K. SHEJWALKAR: *rose*

MR. DEPUTY-SPEAKER: I have referred to your point. There is no provision. Please show me where it is said that it should be placed before 30 days.

SHRI N. K. SHEJWALKAR: I am sorry I have not been clear. My point of order simply was: The notification says that it will come into effect from 1st March. That does not give it 30 days' time from the date of lying on the Table.

MR. DEPUTY-SPEAKER: That is what I am saying. Thirty days' time is not for placing of this amendment on the Table of the House.

SHRI N. K. SHEJWALKAR: It is undoing the power which is given to Parliament by Section 7(5). That is what I am saying. You may rule it in any way. But my point of order is that.

आचार्य भगवान देव: (अजमेर) :
उपाध्यक्ष जी ये कल्पना के आधार पर क्यों चलते हैं ?

श्री सत्यनारायण जटिया (उज्जैन) :
यह कल्पना नहीं है ।

आचार्य भगवान देव : : उपाध्यक्ष जी, यह सारा पढ़ लिया है, हमने इनकी बात सुन ली है और यह सारी कल्पना गी बात है । हाऊस सर्वोपरि है । आप क्यों सदन का समय नष्ट करते हैं ?

MR. DEPUTY-SPEAKER: And the Minister has replied hypothetically on a point raised by Mr. George Fernandes.

(Interruptions)

SHRI GEORGE FERNANDES: There is nothing hypothetical about it. This is the privilege of the House.

MR. DEPUTY-SPEAKER: It can be. That is what the Minister said.

(Interruptions)

SHRI GEORGE FERNANDES: There must be a minimum period of 30 days before the levy comes into effect. This is the point.

MR. DEPUTY-SPEAKER: I want to make it very clear. What is this 30 days period? That is for 30 days the House must be in session.

SHRI GEORGE FERNANDES: No. Sir.

MR. DEPUTY-SPEAKER: You go through the rule. Is there any time fixed or period fixed for placing it on the Table of the House?

(Interruptions)

MR. DEPUTY-SPEAKER: We must satisfy them.

SHRI N. K. SHEJWALKAR: 30 days' time is provided for what? For moving an amendment!

MR. DEPUTY SPEAKER: You have got the book with you. You please read it yourself. It says, "While it is in session for a total period of 30 days."

SHRI N. K. SHEJWALKAR: For what?

MR. DEPUTY-SPEAKER: It is very clear. The session must be for 30 days.

आचार्य भगवान देव : ये बेकार की बात कर रहे हैं और समय बरबाद कर रहे हैं । समझते ये भी है इस बात की ।

SHRI N. K. SHEJWALKAR: So far as laying is concerned, it is very clear. It says as follows:

"Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament..."

MR. DEPUTY-SPEAKER: Both of us agree on that.

SHRI N. K. SHEJWALKAR: That has been done. Then it further says as follows:

"While it is in session for a total period of thirty days (which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid) both House agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect..."

When a motion is to be moved or modification, what is the time for that? That is 30 days.

MR. DEPUTY-SPEAKER: When a motion is moved, there is no time for that. The motion was moved yesterday.

(Interruptions)

MR. DEPUTY-SPEAKER: The rule was placed on the Table of the House; that was done by the government side.

SHRI N. K. SHEJWALKAR: The requirement is that the laying down of such a rule should be before the House for a period of 30 days; that may be in one session or two sessions or in continuing sessions. The idea is that within those 30 days a motion can be moved either for annulment or for modification. That can be moved only at that time. That is the idea; that is how it has been prescribed 30 day's time.

MR. DEPUTY-SPEAKER: A motion can be moved, only it is placed on the Table of the House. Therefore, it was placed on the Table of the House and the House had not taken any decision either to reject it or to approve of it. The discussion is going on and the hon. members are speaking on the motion moved by Shri Banatwalla, and the Parliament has not taken any decision with regard to its rejection or approval. Therefore, I rule out your point of order.

I would like to request hon. members not to take more than three minutes because at 3.30 P.M. if the Minister has not replied, we will go to the next item." Mr. Paswan.

श्री राम विलास पासवान (हाजीपुर) :
उपाध्यक्ष महोदय, मैं यह कह रहा था कि जब से यह सरकार पावर में आई है, तब से इसने एक मिनी बजट बनाना और पेश करना शुरू कर दिया है। एक बजट अलग होता है, अब एक समातान्तर बजट तैयार होने लगा है। उसके बाद इस तरह से नये कर लगने लगे हैं। अब सरकार का यह ढंग हो गया है कि जब मन आवे, नये कर लगा दो। जब बजट आवे, उस समय यह कह दो कि हमने कोई कर लगाया ही नहीं। सरकार के द्वारा मिट्टी के तेल, डीजल और टेलीफोन का दाम बढ़ा दिया गया, डाक तार विभाग के चीजों के दाम बढ़ा दिए गये। मैं

आपसे पूछना चाहता हूँ कि आप बजट के समय क्या चीज पेश करने जा रहे हैं? मैंने बजट के सम्बन्ध में कौल-शकधर की पुस्तक से हवाला दिया था और कहा था कि बजट से हमारे सामने कप्ट्री का एक ओवरऑल पिक्चर सामने आता है। आप अब अलग अलग इशु पर अलग अलग बजट ला रहे हैं। इसलिये मैंने कहा कि आप एक पैरेलल बजट शुरू कर रहे हैं।

आपने कहा कि ये रेट्स एक मार्च से लागू होंगे। जब 28 तारीख को आपका बजट आने वाला है और आप यह रेट्स एक मार्च से लागू करना चाहते हैं तो क्या आप इसको बजट के पेश होने तक नहीं रुक सकते थे? सब से ज्यादा पिच करने वाली बात यह है कि कल इन्होंने इसको जिस तरीके से रखा ...

The Speaker was in the Chair and he called the name of the Railway Minister

यह एजेण्डे की तीसरी आइटम थी। उसके बाद एजेण्डे में एक इम्पार्टेंट आइटम थी कि 12 बजे रेलवे बजट पेश किया जाएगा। क्वेश्चन अवर के बाद स्पीकर साहब ने श्री ए० बी० ए० गनी खान चौधरी का नाम बोला था। लेकिन सरकार ने बहुत हल्के ढंग से स्पीकर से कहा कि यह आइटम ले करने दीजिए। इसका मतलब यह हुआ कि कल को कोई सीरियस चीज पार्लियामेंट में आयेगी तो उसके बारे में क्या हम सरकार पर विश्वास करेंगे?

मैं बूटा सिंह जी से कहना चाहूंगा कि आपको पार्लियामेंटरी प्रोसीजर मालूम है और यह आपका काम है कि आप अपोजिशन को कौफिडेंस में ले कर चले। अगर अपोजिशन को यह भरोसा हो जाएगा कि उसके साथ धोखेबाजी हो रही है

[श्री राम विलास पासवान]

ता कैसे वह आपको साथ देगी : आप जो आइटम नम्बर तीन को इस तरह से लाए इससे क्या पता लगता है । आप सीधे सादे ढंग से उसको लाते । आपके पास पार्लियामेंट में मेजीरिटी है ।

संसदीय कार्य, खेल तथा निर्माण और आवास मंत्री (श्री बूटा सिंह) : यह बात सही नहीं है । इस से दो दिन पहले भी यह प्रश्न उठा था और आप ही ने इस सदन में उठाया था । उस पर स्पीकर साहब ने अपनी रूलिंग दी थी । उसके बाद मैंने मंत्री जी से बात की थी और स्पीकर साहब का अनुमति ली थी । यह चुपके से नहीं हुआ, ऐसा नहीं है कि यह चुपके से हुआ ।

श्री राम विलास पासवान : स्पीकर साहब का रूलिंग मैं आपको बताता हूँ —

SHRI RAM VILAS PASWAN: You go through the proceedings of yesterday.

MR. DEPUTY-SPEAKER: All the papers were laid on the Table of the House; and that paper was also laid on the Table of the House. How do you say this? This is not the concern of the Minister. All the papers were laid on the Table of the House and the Speaker permitted him.

SHRI RAM VILAS PASWAN: You go through the proceedings of yesterday.

कल की प्रोसीडिंग्स में यह था कि स्पीकर साहब ने रेलवे मिनिस्टर का नाम काल किया था, उस समय सरकार की तरफ से यह कहा गया कि इसे हम रखना चाहते हैं ।

MR. DEPUTY-SPEAKER: You must conclude now. You are having a general discussion. You are repeating the same thing.

SHRI RAM VILAS PASWAN: This is very important. You must take it seriously; you are not taking it seriously.

MR. DEPUTY-SPEAKER: On a motion, you can only deal with the subject-matter in the motion. So many extraneous things are coming in your speech. You must say only like this that this House resolves that in pursuance of sub-section (5) of section. 7 how it has been violated and how it has not been violated.

आचार्य भगवान देव : उपाध्यक्ष महोदय, धोखाघड़ी शब्द कार्यवाही से निकाला जाए ।

श्री राम विलास पासवान : धोखा-घड़ी अनपार्लियामेंटरी नहीं है ।

MR. DEPUTY-SPEAKER: Then I shall have to cut it short. About eight to nine members have given their names.

SHRI JAGDISH TYTLER (Delhi Sadar): Once he has agreed to the ruling of the Speaker, then what is the question?

SHRI RAM VILAS PASWAN: I am speaking on the motion; I am not speaking on the point of order.

MR. DEPUTY-SPEAKER: You please conclude it. You have got sufficient time. The general budget is there.

श्री राम विलास पासवान : मेरा कहना यह है कि अगर सरकार दाम बढ़ाना चाहती है तो उसे स्पष्ट रूप से कह देना चाहिए कि यह परिस्थिति है और इन परिस्थितियों में हम दाम बढ़ा रहे हैं । मैं जिस लीगल प्वाइंट पर बोल रहा हूँ वह यह है कि 21 तारीख को नोटीफिकेशन हुआ, 22 तारीख का पेपर में आया, 23 तारीख को पार्लियामेंट में मामला उठाया गया । दण्डवते जो यहां बैठे हुए हैं । उन्होंने महोदय से पूछा —

“Do you admit that this is an impropriety?”
Mr. Speaker: That is what I have already said.”

इसमें यह कहा गया कि इसका कोई औचित्य नहीं है, अमर्यादित है, अनैतिक है और इसके बाद दूसरे दिन आपने दाम बढ़ा दिए ।

अध्यक्ष महोदय के बार-बार निर्देश के बाद यह सरकार जनता पर रोलर चला रही है, दाम बढ़ा रही है। यह कदम असंवैधानिक है। टेलीफोन काम नहीं करते हैं, लेकिन उसका पैसा बढ़ा दिया गया है। आप लोगों को ठग रहे हैं। यह पेरलर मिनि बजट है। मैं इसका विरोध करता हूँ और माननीय मंत्री जो से आग्रह करता हूँ कि वे बड़े अच्छे आदमी हैं, अभी-अभी आए हैं। वे जब अभी जवाब दें तो इस बढ़ाव को वापिस ले लें, चाहे फिर उन्हें मिनिस्ट्री से ही क्यों न जाना पड़े। इस तरह का धब्बा अपने ऊपर न लगने दें। मिनिस्ट्री से बाहर जाएंगे लेकिन जनता के सामने उनका चेहरा साफ रहेगा। इसलिए मैं उनसे आग्रह करता हूँ कि इसको वापिस लिया जाए।

MR. DEPUTY-SPEAKER: There are eight to nine Members who have to speak on this motion. I will allow only three minutes to each member. If they do not stick to that, then finally at 3 O' clock I will ask the Minister to reply. If you do not want the Minister to reply, then you can continue up to 3.30 P.M. Then we will go to Private Members' Bills.

Yes, now Mr. Suraj Bhan. Two minutes.

श्री सूरज भान (अम्बाला) : उपाध्यक्ष महोदय, मैं इस बात के लिए आपका धन्यवाद करता हूँ कि आपने इस विषय पर डिस्कशन अलाऊ कर दी है। लगभग दो साल से स्टीफन साहब ने यह परिपाटी चलाई कि अमेंडमेंट करो और बजट में जाने की बजाय ऐसे ही डाक-तार का रेट बढ़ा दो और उसका शिकार हो कर गाडगिल साहब को भी यह लाना पड़ा है। मैं समझता हूँ यह पार्लियामेंट के अधिकार पर छापा है, गलत किया है। हम यह कहते हैं कि सर्विसेज में इम्प्रूमेंट करो जो कि डिटीरियोरेंट हो रही है और आप दर बढ़ाते जा रहे हैं।

श्री गिरधारी लाल व्यास (भोल-वाड़ा) : उपाध्यक्ष महोदय, क्या यह रेलीवेंट है ?

MR. DEPUTY-SPEAKER: I will not allow you: so you cannot say any irrelevant things.

श्री सूरज भान : मैं एक सीरियस बात आपके ध्यान में लाना चाहता हूँ। कल गाडगिल साहब ने जी० एस० आर०-93 का जिक्र किया लेकिन जी०एस० आर०-92 का कोई जिक्र नहीं किया।

श्री गिरधारी लाल व्यास : यह रेलीवेंट है क्या ?

MR. DEPUTY-SPEAKER: You have already said that. It is for him to decide.

SHRI G. M. BANATWALLA: Efficiency is not relevant for him.

श्री सूरज भान : उपाध्यक्ष महोदय सिर्फ टेलीग्राफ टेरिफ के बारे में जी एस० आर०-93 का जिक्र किया है और पोस्टल टेरिफ के बारे में कुछ नहीं किया है और न ही इसका नोटिफिकेशन यहां रखा है। मैंने अपने मोशन में टेलीफोन्स के बारे में भी कहा था। मैं यह पूछना चाहूंगा कि क्या जो पोस्टल रेट्स बढ़ाए हैं, वे आज भी डिस्कस नहीं हो सकते ? मैं यह मानता हूँ कि बनातवाला साहब की मोशन पहले आई थी लेकिन मेरी मोशन तो कम्पलीट थी उस पर डिस्कशन तो पूरी हो जाती। अगर यह दफ्तर की गलती है कि कम्पलीट मोशन को बनातवाला साहब के नाम से नहीं लाए तो उसके लिए पार्लियामेंट को पैनलाइज मत कीजिए। पोस्टल टेरिफ को डिस्कस करने की इजाजत दीजिए।

SHRI JADGISH TYTLER: I think you should be more concerned with the tariff.

SHRI G. M. BANATWALLA: It seems the hon. Member is under certain wrong notion. When we say that the Amendment

[Shri G. M. Banatwalla]

be annulled, what is to be annulled? The Postal tariff which is under discussion, it will be annulled.

SHRI JADGISH TYTLER: You make him understand, Mr. Banatwalla.

श्री सूरज भान : इसके दो कारण हो सकते हैं। एक तो यह कि बजट से पहले पोस्टल और टेलीफोन के रेट बढ़ा कर एक शॉक ट्रीटमेंट देना चाहते हैं ताकि बजट में बड़े टैक्स लगाने के लिए तैयार रहें। दूसरा यह कि (व्यवधान)

MR. DEPUTY-SPEAKER: For Mr. Suraj Bhan, I have always got a soft corner. Because, he was once a Postal employee.

श्री सूरज भान : उपाध्यक्ष महोदय, रेट्स बढ़ाए किस-किस चीज़ पर हैं एक तो पोस्टल आर्डर, जिसको सिर्फ अन-एम्प्लायंड आदमी ज्यादातर अपनी दरख्वास्तों के साथ भेजते हैं। यह खर्चा उनके जिम्मे ही डाला गया है। मनी-आर्डर फार्म पहले पांच पैसे का था। पांच पैसे का मनी-आर्डर फार्म खरीदने के बाद वह अमाउण्ट एम० ओ० कमीशन में ही एडजस्ट हो जाती थी इसलिए यह कीमत रखी गई थी ताकि कोई मिल मिस-यूज न करे। लेकिन अब आपने पांच के बजाय दस पैसे कर दिया। . . . (व्यवधान)

MR. DEPUTY-SPEAKER: You are again going into the details. You must see the time. Supposing the other Members are not given a chance, will they not ask me?

SHRI SURAJ BHAN: You can increase the time.

एन्वेलप की कीमत पांच पैसे और बढ़ा दी जिससे लिफाफे की कीमत उसमें शामिल नहीं होगी। इसका फायदा उन आदमियों को होगा जो अपना लिफाफा खरीदते हैं और पोस्टेज लगा देते हैं।

टेलीग्राम की उपाध्यक्ष महोदय, बात समझ में आ सकती थी। वह पैसे वाले ही इस्तेमाल करते हैं। लेकिन टेलीग्राम भी म्यूटिलेटेड होते हैं या रौंग डिलिवरी होती है और इसके बाद उनके रेट्स बढ़ाना उचित नहीं हैं। टेलीफोन के बारे में इतना कहना चाहता हूँ

MR. DEPUTY-SPEAKER: You are now going into the details. There are 8 Members who want to put their points of view. The Minister has got to intervene. And the Mover of the Motion has the right to reply.

श्री सूरज भान : मैं एक मिनट में खत्म कर रहा हूँ। माननीय स्पीकर से जब टेलीफोन के सुधार के बारे में कहा गया तो उन्होंने कहा टेलीफोन रिटर्न कर दो। और गाडगिल साहब कहते हैं कि टेलीफोन इस्तेमाल न करो।

MR. DEPUTY-SPEAKER: I am calling the next speaker.

श्री सूरज भान : मैं मांग करता हूँ कि यह सारे रेट्स अनल होने चाहियें।

SHRI NIREN GHOSH (Dum Dum): It is unprecedented that Speaker's direction is being repeatedly violated by the Government. It is not a ruling, all the same it is a direction by the Speaker.

MR. DEPUTY-SPEAKER: It is an observation.

SHRI NIREN GHOSH: It is a direction. The Government should not have done it.

MR. DEPUTY-SPEAKER: I think, it is an observation.

SHRI NIREN GHOSH: Do not take my time.

MR. DEPUTY-SPEAKER: I am putting the records straight. It is not a direction, but it is only an observation.

SHRI NIREN GHOSH (Dum Dum): I say, it is a direction though not ruling. It is being repeatedly violated by the Government, which is unprecedented.

Through diesel and kerosene Rs. 800 crores are being netted by the executive price hike. Now, this executive price hike will bring Rs. 70 crores to the Government. And the Railway Budget makes an impost of Rs. 500 crores. So, nearly Rs. 1500 crores have already been imposed on the public. This is one form of the budget. Now, Mr. Pranab Mukherjee will come about and say that he is not imposing much of taxation whether direct or indirect. In this way, they are deceiving the public and Parliament.

During inter-session periods, such an executive price hike was never there before. Whenever it was there, it was rather an exception as circumstances compelled them to do so. Now, it has become a regular practice of the Government without stating any rhyme or reason therefor. The present hike which is before Parliament is rather obnoxious, breach of Parliament and a deception being practised on the people. So, this should be given up.

I would like the Minister to answer: What is the practice in the House of Commons, because our Parliament generally follows the practices adopted by the House of Commons? If it is not there so long, why has a new thing in the matter of taxation been introduced here? Taxation without voting is preposterous. Suppose, you had made an impost 40 days before the start of the session. Meanwhile, you must have some collections. Hypothetically, Parliament would have annulled it. Then in that case, whatever collections you have made, become annulled.

If you adopt this practice of imposing taxes on the public surreptitiously, silently and stealthily without making it a part of the Budget, then you may well do away with the presentation of the Budget. As such, I totally object to this.

15.00 hrs.

श्री जयपाल सिंह कश्यप (आंवला) : माननीय उपाध्यक्ष महोदय, इस देश में नम्बर 2 का धन्धा बहुत चलता है।

हमारी सरकार भी इस तरह के तरीके अपना कर, कीमतें बढ़ाकर जनता के साथ और संसद् के साथ भी नम्बर 2 का धन्धा कर रही है। जब सेशन चल रहा है, बजट पेश होने को है, उससे पहले इस तरह से कीमतें बढ़ा ली जायें, यह संसद् का बहुत बड़ी अवहेलना है, प्रजातंत्र पर बहुत बड़ा कुठाराघात है। इसको हमें बड़ी गंभीरता से लेना चाहिए।

हमारे माननीय सदस्यों ने इसके औचित्य के लिए जो कानूनी मुद्दे उठाये हैं इसके कंसीडरेशन के लिए, हमको चाहिए कि इस मामले का हम सुप्रीम कोर्ट को भेजें और वहां से परामर्श लें कि इस तरह की जो परम्परा पड़ रही है वह हमारे संविधान और संसदीय प्रणाली दोनों पर बहुत बड़ा प्रभाव डालती है।

लोगों को अब यह लगने लगा है कि दो तरह के बजट पेश होते हैं, एक संसद् में आता है और एक संसद् के पीछे गुपचुप तरीके से आ जाता है। यह जो डाक-तार की दरें बढ़ाई गई हैं, यह आम लोगों पर बहुत बड़ा प्रभाव रखेंगे। लोगों को समाचर-सूचनाएं भेजनी होती हैं, वात-चीत करना होती है, मरने-जीने की सूचना भेजनी होती है, इन सब पर अब ज्यादा पैसा देना पड़ेगा और देश के लोग इसका स्वागत नहीं करेंगे।

मैं एक ही बात यह कह रहा हूँ कि इन्हें सजग हो जाना चाहिए, ये जनता के वरडिक्ट का बारबार अवहेलना करते हैं। दक्षिण में अभी इन्होंने देखा है, वहां जनता ने बता दिया है कि आपका तरीका ठीक नहीं चल रहा है। आप यदि उस तरीके को अभी भी नहीं बदलेंगे तो उत्तर भारत में भी आपको परिणाम भुगतने के लिए तैयार रहना चाहिए।

*SHRI S. T. K. JAKKAYAN (Periyakulam): Mr. Deputy Speaker, I would like to say a few words participating in the discussion on the Government of India's recent notification through which the rates of postal articles have been enhanced. This has been done in blatant violation of democratic traditions and conventions. The session of both the Houses of Parliament is on and the representatives of the people have been taken for a ride through this notification which has been issued behind their back. This is an impropriety. In a democracy certain conventions are necessarily to be observed scrupulously. The hon. Minister cannot take shelter under the plea that the Indian Telegraph Act empowers him to do this. During the past 36 years after independence, when this Act has been in force, the enhancement of postal rates has always been done through the General Budget of the Central Government. I would like to know the compelling reasons for the Government to stray from the established conventions this year.

Our illustrious leader, Thiru MGR, firmly believes in the maxim that the voice of the people is the voice of God (*Vox populi, vox dei*) and as his humble follower I would like to condemn this kind of back-door enhancement of the postal rates which contravenes the basic tenets of my leader.

Sir, it is expected that the Government is likely to get Rs. 70 crores a year by this hike in postal rates. I have to say that a major portion of this will be collected from the common people. Recently, through another notification the price of kerosene has been raised. Could not the Government collect this Rs. 70 crores from the tax evaders, from the black-marketeers and by tightening the machinery to collect the tax arrears? The common people now cannot move about in the trains because of the current year's increase in the railway fares. They can know about their mutual welfare only through postal communications. Now this has also become costly for them. You can imagine who is going to be fleeced by the increase in the price of M.O. form from 5 paise to

10 paise: I am constrained to comment that this Government, which proclaims often to be the representative Government of the common people has thrown dust into the eyes of the common people. This is totally wrong. I would conclude my speech by saying that if the Government acts in contravention of established rules and procedures of this House, then the democracy in this country is being undermined.

SHRI N. K. SHEJWALKAR: Under rule 235 this Motion is being considered. It says:

"The Speaker shall, in consultation with the Leader of the House, fix a day or days or part of a day as he may think fit for the consideration and passing an amendment..."

I do not know what time has been fixed for this, because the Order Paper does not say that and you want to hurry up the matter. I want to know whether the Speaker has fixed up any time because the word used is 'shall'.

MR. DEPUTY-SPEAKER: The discussion is fixed for today I have got every right to restrict the speeches of the Members. I must conclude the discussion today itself.

श्री सत्यनारायण जटिया (उज्जैन) :
उपाध्यक्ष महोदय, सरकार ने जो ऐसा प्रयास किया है, समझ में नहीं आता ऐसा करने की क्या आवश्यकता थी जबकि उसके पास पूरा बहुमत है और पूरी अवसर है। सरकार ने कौस सी परेशानी महसूस की जिसके कारण उने ऐसी कार्यवाही की यह बात समझ में नहीं आई। जैसा कि डिस्कशन में यहां पर बतलाया गया है कि अगर एक मार्च को यह एप्लीकेबल हो जाता है तो देश की जनता को यह भुगतना ही पड़ेगा। जिस प्रकार किसी आदमी को सजाए मौत देने के बाद

उसकी जिन्दगी वापिस नहीं लाई जा सकती, उसी प्रकार से इसके सारे प्राविज्ञन्स एक बार लागू हो जाने के बाद उसका प्रभाव-शून्य करना सम्भव नहीं होगा। यह 70 करोड़ का भार जो जनता पर डाला जा रहा है, इसको बजट के माध्यम से यहां पर लाया जाना चाहिए था। पुरानी परम्परा की अवहेलना करते हुए अप्रत्यक्ष रूप से इस भार को लाना मैं समझता हूं एक प्रकार से जनता की जेब काटने के कृत्य के समान है। किसी भी प्रजा-तांत्रिक सरकार के लिए यह उचित नहीं ठहराया जा सकता है। असाधारण राज-पत्र के माध्यम से इसको ला कर सरकार ने एक असाधारण कार्य किया है जो जनता से असाधारण तरीके से वसूला जायेगा। बजट सत्र में यहां पर अगर सरकार प्रकट रूप में इसको लाती तो इसको पास कराने में उसको कोई परेशानी नहीं होती क्योंकि उसके पास बहुमत है परन्तु जिस प्रकार से उसने जनता पर बोझ डाला है, वह प्रजातांत्रिक तरीका नहीं है। अगर प्रजातांत्रिक और संविधानिक तरीके से इसको लाया जाता तो बेहतर होता। भविष्य में सरकार द्वारा ऐसी प्रक्रिया दोहराई नहीं जानी चाहिए और यह जो सारी कार्यवाही की गई है उसको वापिस लिया जाना चाहिए।

SHRI A. K. ROY (Dhanbad): Opposition alone may not be that adequate, but Opposition plus the Chair is definitely a formidable force. The Opposition has called this price hike as improper and the Chair has observed that it is inappropriate. But what we are concerned is not with fragmentation of the Budget, the extra levy which has been put on the people for collecting Rs. 70 crores; last year also levy of Rs. 100 crores was put. What we are worrying is the motive behind it. Firstly, something must be done in such a way that the Government cannot adopt this method secretly and stealthily, as my colleague has put.

Secondly, there is a faint attempt to give a better image to the budget which is coming up which means, we are afraid, there will be more provision for extra levy in the main budget itself. Violation of the propriety makes something an "impropriety" and impropriety repeated makes something unparliamentary. Further, when you say it is inappropriate, it means 'misappropriation'. After the budget comes the Appropriation Bill.

MR. DEPUTY-SPEAKER: 'Impropriety' is a 'misappropriation' according to you.

SHRI A. K. ROY: You have said that it is not appropriate. It is the Speaker's observation that this type of price hike is no appropriate. What is not appropriate is something mis-appropriate. After the budget comes the Appropriation Bill. In the present case, it will be Misappropriation Bill. What we have to consider is whether we should be a party to the mis-appropriation.

We are confusing you, according to our friends. I would also like to keep you confused. When you consider it inappropriate, you can also see rule 389. Because, the members are advised to see something to get more confused. I want to confuse you by requesting you to see rule 389, which gives you some residuary power. Sir, will you kindly join us in exercising that residuary power in annulling and expunging the whole procedure, to which our Minister has made a reference?

SHRI V. N. GADGIL: Sir, in deference to your observation, I shall also try to be brief.

MR. DEPUTY-SPEAKER: Because, Shri Banatwalla has got to reply.

SHRI V. N. GADGIL: As far as the question of propriety is concerned, that was debated yesterday. Therefore, I would not like to repeat it.

I agree with Shri Banatwalla that we must thank the Speaker and, Sir, you also, for giving us this opportunity to discuss this. But I would like to say that we also contributed our humble part in it, because immediately we told the Speaker that we are willing to discuss it. There-

[Shri V. N. Gadgil]

fore, it is good that an opportunity has been given to the House to discuss it and we are discussing it.

PROF. MADHU DANDAVATE (Rajapur): We thank him also.

MR. DEPUTY-SPEAKER: You have already thanked him.

SHRI V. N. GADGIL: Secondly, I will not repeat the details, because they were mentioned yesterday. I am referring to it because Shri Banatwalla said that we are doing something divorced of the budget by bringing it separately. He was a Member of the Bombay Assembly and here now. So, he should know that there is a limitation and certain things alone can be brought through the Finance Bill, as part of the budget proposals. Even if I desire it, it cannot be brought in the Finance Bill, because a notification cannot become part of the Finance Bill. That is the clear position.

As far as the other points are concerned, most of the speakers talked about propriety. Therefore, I will not labour on that point.

Shri Banatwalla asked: where was the necessity for this when there was a surplus? Now, that is a little fallacious. I would like to briefly state the position, as far as postal finances are concerned. On the postal side, there is a loss of Rs. 97 crores. For the plans in the Sixth Five Year Plan, for both this year and next year, money must be available. Already, there are six lakhs of people waiting for telephones. More and more applications will come. We cannot ignore the developmental aspect. So, internal resources must be raised for that purpose. How are we to raise it? If you take the tele-communication part of it, you will find that the maximum amount comes from teleprinters and speed circuits and other devices, which are not used by the common man, or even by the middle class people. They are used by the business firms. The maximum of impact is on them. I can go into the details but it is not necessary.

AN HON. MEMBER: What about the newspapers?

SHRI V. N. GADGIL: There is nothing on newspapers; it is only on periodicals. There also I must point out how much subsidy is given. The proposed rate is 30 paise and the operational cost is 75 paise. So also with regard to V.P. the operational cost is Rs. 3.96 and we are taking only one rupee. In all these I can give details to show that all these items which affect the common man are highly subsidised and therefore, we are to get some income from telephone and telecommunication and that we are getting from affluent sections, business companies, corporations and all the rest of it.

Therefore, my first submission is that the common man is not affected by these levies. Secondly, we have scrupulously avoided any levy being made on the press. Teleprinters are used by the press, we have excluded the press from it; telegrams are sent by the press, press telegrams are specifically excluded. Therefore, there is no levy which will effect the press and the freedom of the press in generally.

The third aspect which I would like to point out in that unless in this age of advancing technology when all other countries, even developing countries, are going digital and electronics, if we do not provide for such developments, we will be again far behind and it is for that purpose some resources have to be found, and therefore, these levies have been made. There is no motive or there is no desire to conceal something.

The last point I would like to make, which was not made by anybody except my friend, Mr. Ram Vilas, is this. He said, 'Where is the opportunity for demands for grants and how can we move cut motions?' The very object of this motion under the Telegraph Act is to give an opportunity to the House to accept or reject or modify. Therefore, that requirement of the budget discussion is provided by this motion itself. Therefore, Sir, in my submission, none of the points made by the Opposition have much substance and therefore, I am claiming with some justification that what

has been done is proper and in the interest of the people.

MR. DEPUTY-SPEAKER: Mr. Banatwalla.

SHRI RAM VILAS PASWAN: Sir, I want a clarification....

(Interruptions)

MR. DEPUTY-SPEAKER: No clarification, nothing. I am not permitting anybody. Nothing goes on record. Now, Mr Banatwalla speaks. His reply only will go on record.

(Interruptions)**

MR. DEPUTY-SPEAKER: That is from Lakshmanan to Ram.

PROF. MADHU DANDAVATE : Mr. Deputy-Speaker, Sir, I am sorry, one wrong statement of the Minister may go on record. Therefore, I just want to point it out with your permission.

He has said that what can be done through notification to be published in the Gazette cannot actually become part and parcel of the Finance Bill. Here, I want to point out to him that he can independently issue a notification. I concede that right is there, but at the same time do not take away the right of the Finance Minister also to include such rise in the tariffs in the Budget because in the past whenever the tariffs of post cards and inland letters had been increased, they had become part and parcel of the budget proposals.

(Interruptions)

SHRI V. N. GADGIL: This is precisely the misunderstanding. About postcard I can understand. Kindly go through the Schedule of the Post Office Act. That Schedule can be changed only by amendment through the Finance Bill. As far as the Telegraph Act is concerned, it cannot be done through the Finance Bill, it must be done through a notification and I quoted yesterday Mr. C. K. Daphary, 'Can you amend the Cattle Tres-

pass Act through the Finance Bill?' Certain things can be done under the Finance Bill and not by notification.

SHRI G. M. BANATWALLA: Mr. Deputy-Speaker, Sir, I thank all the hon. Members who have participated in this debate of great importance as also the hon. Minister who has chosen to intervene and explain his measures.

Sir, I must, however, regret that the hon. Member, Shri Suraj Bhan, chose to make certain reflections in bad taste saying that I was given the first opportunity to move the motion.

SHRI SURAJ BHAN: No no. You are entitled to it.

(Interruptions)

SHRI G. M. BANATWALLA: I have heard you.

SHRI SURAJ BHAN: My motion is....

SHRI G. M. BANATWALLA: Yes, I have heard you.

He was complaining that he had some other motion which was comprehensive and because of my motion, his so-called comprehensive motion got obstructed. I do not know why he did not choose to give any amendments to my Motion. I did not know why he did not choose to give any notice of Substitute Motion with respect to my Motion but went on harping on the fact that Banatwalla got the opportunity to move the Motion. I must, therefore, regret his thrice referring to it in the course of....

SHRI SURAJ BHAN: I am on a point of explanation.

My complaint was that postal tariff has not been laid on the Table of the House. That is the difficulty.

SHRI G. M. BANATWALLA: You could have given that in substitute Motion.

SHRI SURAJ BHAN: That Motion is there.

SHRI G. M. BANATWALLA: He did not give. Then he went on making a grievance of the present Motion which is before the House.

We heard the hon. Minister with rapt attention and he has left nobody convinced. He has been again and again harping upon the provisions of the law that authorised him to bring about a hike irrespective of the Budget and with recourse to Notification. I must very respectfully submit that the Government has strictly speaking kept the letter of the law, but has violated the spirit of Parliamentary democracy and the sanctity of Budget. The only point that we have been making is that announcements could have been made in the Budget speech and the notifications could have in accordance with those announcements followed. But that was not the practice chosen and it is this which has violated the sanctity of Budget. We submit that this has been deliberate. This particular path has been deliberately chosen to mislead the nation with respect to the actual impact of the budgetary proposals which are to follow.

He has been kind enough to point out the state of finance of the Department. I concede that as far as the 1982-83 figures are concerned, there is a deficit on Revenue postal Account of about Rs. 97 crores. But I had also pointed out when moving the Motion that an overall picture has to be taken. The total revenue i.e. revenue inclusive of the postal revenue arising from the postal rates and revenue arising from tele-communication rates during the year 1982-83 amounts to Rs. 1358 crores—from postal rates Rs. 393 crores and from the tele-communication Rs. 965 crores. Then the total expenditure comes to Rs. 1103 crores i.e. from postal rates Rs. 490.20 crores and tele-communication Rs. 612.80 crores. It is thus very clear though on account of postal rates there is a revenue loss of about Rs. 97 crores, but taking an overall picture we find that there is an estimated surplus of Rs. 255 crores on revenue account.

SHRI V. N. GADGIL: I beg to interrupt.

He himself has referred to Plan expenditure for development, which is Rs. 551 crores. Even in revenue surplus if Rs. 235 crores are taken for development, you will require Rs. 216 crores more and the levy was only for Rs. 70 crores. (*Interruptions*)

SHRI G. M. BANATWALLA: Therefore, the fact is very clear that the development plans are in the state of disarray and the amount has been raised not for the purpose of bridging any gap in the Budget. It is a state of disarray as far as the development plans are concerned because of the great inefficiency that is there in the management which I have just pointed.

I have specifically asked the hon. Minister certain important points. Was any attention given to the need for recourse to various other measures in order to fulfil the needs for development and others? On what basis have all this been estimated?

MR. DEPUTY-SPEAKER: This, you can speak in the discussion on the Demands and for Grants for the Communication Ministry.

PROF. MADHU DANDAVATE: Even on the President's Address, this could have been done.

SHRI G. M. BANATWALLA: Therefore, I had pointed out that an avoidable burden has been put upon the nation. I have also pointed out that strange are the concepts of the common man before the hon. Minister. He says that the levy will not affect the common man. But, here, there is an increase on telegram rates. Here, are increases in the cost of money order forms and so on. If not a common man, who else uses all these things? I am sorry to say that strange is the concept of a common man. The entire proposals have been levied upon the common man and I appeal to this House to adopt this Motion thereby annulling the whole amending rules. It is time that this hike should be annulled...

SHRI RAM VILAS PASWAN: Including the Government.

SHRI G. M. BANATWALLA: Let us not burden the nation which is already faltering under the heavy burdens which have been placed by the Railways, by the petroleum products and many more, we apprehend, will be followed in the Budget.

I appeal to one and all to rise above political considerations, in the interest of the common men and in the interest of proper functioning of the Parliamentary democracy, and this motion be adopted.

MR. DEPUTY-SPEAKER: The question is:

"That this House resolves that in pursuance of sub-section (5) of section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Indian Telegraph (Third Amendment) Rules, 1983, published in the Gazette of India by Notification No. G.S.R 93(E), dated the 21st February, 1983 and laid on the Table of the House on the 24th February, 1983, be annulled."

This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution."

The Lok Sabha divided;

AYES

DIVISION NO. 1

15.52 hrs.

Acharia, Shri Basudeb
Banatwalla, Shri G. M.
Basu, Shri Chitta
Chaturbhuj, Shri
Dandavate, Prof. Madhu
Datta, Shri Anil
Giri, Shri Sudhir
Horo, Shri N. E.
Jatiya, Shri Satyanarayan
Maitra, Shri Sunil
Mendai, Shri Sanat Kumar
Mukherjee, Shrimati Geeta
Nihal Singh, Shri
Pal, Prof. Rup Chand
Pandit, Dr. Vasant Kumar
Parulekar, Shri Bapusaheb
Paswan, Shri Kem Vilas

*Qazi Saleem, Shri
Rasheed Masood, Shri
Riyan, Shri Baju Ban
Roy, Shri A. K.
Saha, Shri Gadadhar
Sen, Shri Subodh
Shakya Shri Daya Ram
Shejwalkar, Shri N. K.
Singh, Shri B. C.
Sinha, Shri Dharam Bir
Suraj Bhan, Shri
Yadav, Shri Chandrajit
Yadav, Shri Vijay Kumar

NOES

Ahmed, Shri Kamaluddin
Alluri, Shri Subhash Chandra Bose
Baitha, Shri D. L.
Bansi Lal, Shri
Bhagat, Shri H. K. L.
Bhagwan Dev, Acharya
Bheekhabhai, Shri
Bhoi, Dr. Krupasindhu
Buta Singh, Shri
Chakradhari Singh, Shri
Chavan, Shri S. B.
Choudhari, Shrimati Usha Prakash
Dalbir Singh, Shri
Das, Shri A. C.
Dubey, Shri Bindeshwari
Gadgil, Shri V. N.
Gaekwad, Shri R. P.
Gomango, Shri Giridhar
Jain, Shri Viridhi Chander
Jamilur Rahman, Shri
Jha, Shri Kamal Nath
Karma, Shri Laxman
Kaushal, Shri Jagan Nath
Kunwar Ram, Shri
Laskar, Shri Nihar Ranjan
Mallikarjun, Shri
Mallu, Shri Anantha Ramulu
Mishra, Shri Gargi Shankar

*Wrongly voted for AYES.

Misra, Shri Nityananda
 Mohite, Shri Yashawantrao
 Naidu, Shri P. Rajagopal
 Namgyal, Shri P.
 Nihal Singh, Shri
 Panday, Shri Kedar
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Patil, Shri A. T.
 Patil, Shri Uttamrao
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Pradhani, Shri K.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Ranga, Prof. N. G.
 Ranjit Singh, Shri
 Rao, Sri Jagannath
 Rao, Shri M. Satyanarayan
 Rath, Shri Rama Chandra
 Rawat, Shri Harish
 Roat, Shri Jai Narain
 Sahi, Shrimati Krishna
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri P. C.
 Shakyawar, Shri Nathuram
 Sharma, Shri Kali Charan
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Soren, Shri Hari Har
 Sreenivasa Prasad, Shri V.
 Sultanpuri, Shri Krishan Dutt
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tytler, Shri Jagdish
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Verma, Shri Deen Bandhu
 Vyas, Shri Girdhari Lal
 Wagh, Dr. Pratap

Yadav, Shri D. P.
 Yazdani, Dr. Golam
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the division is:-

Ayes — 30; Noes. — 75.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, we take up the Private Member's Business. Shri V. Sreenivasa Prasad.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-THIRD REPORT

SHRI V. SREENIVASA PRASAD (Chamarajanagar): Sir, I beg to move:

"That this House do agree with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23rd February, 1983."

MR. DEPUTY-SPEAKER: The question is:

"That this House do agree with the Fifty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 23rd February, 1983."

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, we shall take up Private Members' Bills. Shri Bhogendra Jha. Absent.

FREE LEGAL AID BILL**

PROF. MADHU DANDAVATE (Rajapur): Sir, I beg to move for leave to introduce a Bill to provide for free legal aid to poor and needy persons involved in criminal cases.

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for free legal aid to poor and needy persons involved in criminal cases."

The motion was adopted.

PROF. MADHU DANDAVATE: Sir, I introduce the Bill.

*The following Members also voted for NOES: Sarvshri G. L. Dogra, P. Samnagan, B. V. Desai, R. P. Mahala and Qazi Saleem.

**Published in Gazette of India Extraordinary, Part II, Section 2, dated 25.2.83.