

श्री एस० एम० बनर्जी इस बिल को मिनिस्टर पिये, अपने बालबच्चों को पिलायें सब पता चले ।

1238 hours

OIL INDUSTRY (DEVELOPMENT) BILL

THE MINISTER OF PETROLEUM AND CHEMICALS (SHRI D. K. BAROOAH) Mr Speaker, Sir, I beg to move\*:

"That the Bill to provide for the establishment of a Board for the development of oil industry and for that purpose to levy a duty of excise on crude oil and natural gas and for matters connected therewith, be taken into consideration"

The purpose of this Bill is very simple and definite. As we know, one of our difficulties in the economic advancement of our country has been the non-availability of crude oil as well as its high price. Last year, we were buying crude oil at 2 dollars and 6 cents and, in the same year, it went up to more than 11 dollars with the result that our bill for crude oil has very much gone up.

MR SPEAKER Just a minute Mr Madhu Limaye has sent me a note saying that he wants to object to certain matters relating to the Bill. I think, when he speaks on that, you reply to that also.

श्री मधु लिमये (बाबा) आपको याद हागा जब मंत्री महोदय ने अपना यह विधेयक पेश करना चाहा था 22 नारीख का इस विधेयक के बारे में आपत्ति उठाई गई थी कि इसका वाकायदा नोटिस नहीं दिया गया । उस समय इन्होंने कहा था कि यह गुप्त विधेयक है, सीक्रेट बिल है और इस वजह से वह इसका नोटिस नहीं दे सकते । आपने बहुत झगडा होने के बाद उनका इजाजत दी, लेकिन बाद में इनका जो रहस्य है वह खुल गया । और अध्यक्ष महोदय, मेरी राय में जिस

सीक्रेसी के नाम पर उन्होंने बिना नोटिस इस विधेयक को रखने का प्रयास किया था वह एक बिल्कुल धोखाधड़ी थी । आप के ऊपर और सदन ने ऊपर एक फाउंड परपीट किया गया है और इसलिए मैं आप का फैसला नियम 74 और सविधान के अनुच्छेद 110 के तहत चाहता हूँ ।

नियम 74 इन प्रकार है

"When a Bill is introduced or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely —

(i) that it be taken into consideration, or

(ii) that it be referred to a Select Committee of the House, or

(iii) that it be referred to a Joint Committee of the Houses with the concurrence of the Council, or

(iv) that it be circulated for the purpose of eliciting public opinion."

मवाल यह होता है कि सदस्यों का भी सशोधन देने का अधिकार है । मैं सोच रहा था इस विधेयक के बारे में मैं मन्वक कमटी का प्रस्ताव दूँ, जैसे "पाम बाब्" ने दिया है, या मैं ज्वाइंट पार्लियामन्टरी कमटी के लिये प्रस्ताव दूँ । इसके ऊपर मैंने बहुत सोचा लेकिन जब तक इसका फैसला नहीं होता है कि यह मनी बिल है या नहीं तब तक इसके बारे में नोटिस देना मेरे लिये सम्भव नहीं था ।

अब इन्होंने खुद कहा कि सीक्रेट बिल और फाइनेंस बिल एक तरह का बिल है । लेकिन मेरी समझ में नहीं आया कि इस बिल में दो अलग-अलग कल्पनायें क्यों हैं । एक कल्पना,

एक सुझाव तो यह है कि तेल उद्योग के विकास के लिये एक बोर्ड का गठन किया जाय और दूसरा यह है कि एक्साइज ड्यूटी क्रूड आयल के ऊपर लगायी जाय जो क्रूड आयल इस देश में पैदा होता है। अब प्रध्यक्ष महोदय, एक्साइज ड्यूटी को जहाँ तक बढ़ाने का सवाल है क्या वित्त मंत्री द्वारा जो बिल 31 जुलाई को यहाँ रखा गया था उसके तहत यह सुझाव नहीं आ सकता था? और अगर उन को रखना ही था तो एक अलग बिल के रूप में रखने। इन दोनों चीजों को मिलाकर सदन के साथ बहुत बड़ा अन्याय किया है।

अध्यक्ष महोदय, अनुच्छेद 110 में मनी बिल की व्याख्या की गई है और उसका इस बिल से सम्बन्ध आता है

"110(1) For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely -

(a) the imposition, abolition, remission, alteration or regulation of any tax;"

और इसके तहत आपको यह अधिकार दिया गया है। तीसरे अनुच्छेद में

"If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final."

अब मेरा यह कहना है कि एक्साइज अविधान को लेकर यदि आप यह निर्णय देने हैं कि यह मनी बिल है तो नतीजा यह होगा कि राज्य सभा के जो अधिकार हैं विधायकों के बारे में, और उनके अधिकारों और हमारे अधिकारों में मोट तौर पर कोई अर्थ नहीं है, राज्य सभा के अधिकार खत्म हो जायेंगे। और आपको यदि आप मनी बिल मानने से इनकार करेंगे तो इसमें टैक्सेशन का प्रोपोजल है और टैक्सेशन के प्रोपोजल

के बारे में आप जानते हैं कि राज्य सभा के अधिकार बहुत सीमित हैं और हमारे अधिकार ज्यादा हैं। तो अगर आप इसको कहते हैं कि मनी बिल नहीं है तो मतलब होगा एक्साइज ड्यूटी के बारे में जो सुझाव है उस के ऊपर अपनी राय देते समय लोक सभा और राज्य सभा एक स्तर पर आ गई। तो किसी विचित्र स्थिति उत्पन्न हो जाती है। अगर आप इसको नान-मनी बिल कहते हैं तो लोक सभा के अधिकारों का हनन होता है, और मनी विधेयक मानते हैं तो क्या राज्य सभा को यह अधिकार समान रूप में आप दे सकते हैं टैक्सेशन के बारे में? अगर एक्साइज अनेडमेंट बिल होता तो राज्य सभा को सविधान के अनुच्छेद 109 के तहत ये अधिकार दिए हुए हैं

"109(1) A Money Bill shall not be introduced in the Council of States.

(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States"

और प्रध्यक्ष महोदय, उस के बावजूद राज्य सभा के सुझावों को हम नहीं मानेंगे तो भी यह कानून हो जायेगा। और यदि राज्य सभा 14 दिन के अन्दर बिल रिटर्न नहीं करती तो भी हमारे द्वारा पास हो जाने के बाद यह विधेयक कानून बन जायेगा। तो मामला सीधा सादा नहीं है। अगर इस को आप मनी बिल मानते हैं तो राज्य सभा हमारे अधिकारों के ऊपर अतिक्रमण करती है। अगर नान मनी बिल मानते हैं

तो लोक सभा के टैक्सेशन के बारे में जो अधिकार हैं उनका हानन हो ता है। इसलिये मेरा कहना है कि यह बहुत ही गलत काम है मंत्री महोदय। एक्साइज के बारे में जो उनका सुझाव है, आयल इंडस्ट्री के डेवलपमेंट के बारे में जो सुझाव है उनको मिलाकर उन्होंने दोनों सदनों का घोर अपमान किया है और दोनों सदनों के ऊपर आक्रमण किया है। राज्य सभा वाले मंत्री महोदय का किस तरह से स्वागत करेंगे वह मेरा विषय नहीं है। लेकिन जहां तक टैक्सेशन का सवाल है उस के बारे में कहना है कि टैक्सेशन के बारे में निर्णय करने का हमारा अधिकार है, राज्य सभा केवल सिफारिश कर सकती है। अमेंडमेंट देने का और पास करने का उनको कोई अधिकार नहीं है।

अगर यह सीक्रेट बिल के रूप में नहीं आता तो उस दिन इन का जो बोर्ड का सुझाव था उस के बारे में हम लोग अपनी राय अभिव्यक्त कर सकते थे। यह आयल इंडस्ट्री बोर्ड जो कायम किया है इन्होंने वह कुछ अपने चेलों को नौकरी देने के लिये रखा है। विगत 7, 8 दिन में लगातार एक के बाद एक बिल आते हैं, आप जनता के ऊपर टैक्स लगाते जा रहे हैं, लेकिन नौकरशाही का विस्तार करने वाले सारे आपके बिल हैं। इसी तरह माननीय गुजराल का विधेयक आया, एग्सीक्यूटिव कमीशन की भी वही बात है।

आयल बोर्ड क्या है? यह यहाँ से कुछ पैसा आयल बोर्ड को देना चाहते हैं ताकि इन के ऊपर सदन का नियंत्रण समाप्त हो। वही इनकी मंशा है। वर्तमान पेट्रोलियम मिनिस्ट्री का जो सेंट अप है उसके तहत वह काम क्यों नहीं हो सकता है? इसके लिये स्टेटमेंट आफ़ ऑब्जेक्ट्स और रिजन्स में कोई बलील नहीं दी गई है। इसलिये पार्लियामेंट्री कंट्रोल से मुक्त होने के लिये वह बंगला जमुनी बिल, मिश्रित बिल, मिलावटी

बिल आप लाये है। इसका और कोई उद्देश्य उद्देश्य नहीं है।

**SHRI SHYAMNANDAN MISHRA** (Begusarai): You have to consider whether two entirely different concepts could be joined together as it is sought to be done in this Bill. That is to say, we have to see whether the concept of management and the concept of raising tax could be joined together. In the past such instances have met with the disapproval of the Chair. Speaker Mavalankar disapproved of such joining together of two entirely different concepts and Mr. T.T. Krishnamachari had once to concede that it was not proper to do so. What we think is that it is a matter for you to consider whether the Minister can be allowed to join two different concepts. It is a composite Bill. It is a cross of two different things. Whether such a Bill could be presented to the House is the main question before us just now. Also the House is being placed in such a position in which it has to deprive the other House of its right as Mr. Madhu Limaye said.

**SHRI MADHU LIMAYE:** Or the other way round.

**SHRI SOMNATH CHATTERJEE** (Burdwan): What I wish to submit is this. Clause 15(2) of the Bill says:

"Every duty of excise leviable under sub-section (1) on any item shall be payable by the person by whom such item is produced."

This is the provision for imposition of duty. Then, Sir, the entire amount goes to the Consolidated Fund of India. Please see Clause 16. It says:

"The proceeds of the duties of excise levied under section 15 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Board from time to time, from out of such proceeds, after deducting the expenses of collection such sums of money-

as it may think fit for being utilised exclusively for the purpose of this Act."

Sir, under Article 110(1), a Bill shall be deemed to be a money Bill if it contains only provisions dealing with all or any of the following matters, namely:—

- "(a) \* \* \* \*  
(b) \* \* \* \*

(c) the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund."

Therefore, any bill dealing with the payment that goes into the Consolidated Fund and expenses out of it shall be a money Bill within the meaning of Article 110. Kindly see the main object of the Bill. That is to impose taxation. As it appears from the Statement of Objects and Reasons of this Bill also, the primary objects of the Bill is to impose taxation in the grab of regulating and controlling the oil industry by setting up a Development Board.

The real object is, therefore, to recover money by imposition of duty and new taxes. Therefore this is a Money Bill. The question arises, if the primary purpose of this Bill is to recover excise duty or levy taxation, can such a Bill can be brought forward in the garb of a regulatory Bill for controlling the industry? It is being sponsored by the Petroleum Minister and not by the Finance Minister. Under Art. 110, it has to be a Money Bill. Therefore it is not fair to Lok Sabha. As Shri Limaye pointed out, Rajya Sabha has got all the powers of amendments and to bring about changes in the Bill.

SHRI R. V. BADE (Khargone): In the Statement of Objects and Reasons of the Bill, it is said:

"To begin with, it is proposed to recover by way of a cess in the

form of a duty of excise of Rs. 60 per tonne on crude oil produced in the country and delivered to the refineries."

That means they want to collect Rs. 60 per tonne on crude oil and want to put it in the Consolidated Fund. If it is so, then, it is purely a money Bill and therefore, I agree with what Shri Somnath Chatterjee said just now.

SHRI H. N. MUKERJEE (Calcutta—North-East): I submit that the technical plea with which this Bill is brought has to be taken very seriously into consideration, because we cannot have miscellaneous and anomalous legislation of this sort passed almost on the sly in this House. I say this because, earlier, the Government came forward in this House in a surprise manoeuvre, and even though they gave notice, after all, that kind of manoeuvre could not so easily pass muster. They have come forward again with this hybrid composition in jurisprudence, which is a very peculiar thing. I would wish you, in your wisdom, to not only give your ruling in regard to the utter inadmissibility of this particular form of Bill but also in regard to the kind of manoeuvre which the Government appears to have been practising, for Heaven knows what reasons might lie behind it.

MR. SPEAKER: It is since this morning when I received this intimation from Shri Madhu Limaye that I have been trying to apply my mind to it. The basic trouble has started—I am not to blame for it—because I thought that that was a very very confidential thing, and if that goes out it deprives the State of a lot of funds, budget and all that, and so I accepted that it was all right let that Bill remains secret. But, I must say with a lot of hesitation that again I have been thinking over it and, indirectly, I referred my views to the hon. Minister also I think a very extraordinary procedure was adopted in this.

Now, if the Minister says that this Bill is a secret one and if the Speaker says something and if something goes out, the heavens may rock. If we have it, then the Speaker is to be blamed. As the whole story unfolds, I find that in this Bill, under clauses 15 and 16 you are levying taxes. The Chair is there aforall, to see that we observe the rules, we follow the Constitution and not completely tilt everything in your favour. This is my view. Now you have put me in a very difficult situation, Mr. Minister. If I now say it will not be a money Bill, I will be unjust to myself. If I say it is a money Bill, I will be depriving Rajya Sabha. Now, let me know what I should do. What is there in the code of secrecy that you planned for these unforeseen objections. So, I would ask you to please explain it.

**SHRI D. K. BOROOAH:** Sir, I am grateful to the hon. Members as well as to you for the views expressed. This Bill, when it was introduced, was introduced as a secret Bill, because our Constitution permitted a secret Bill to be introduced.

**MR. SPEAKER:** That is during the war.

**SHRI D. K. BOROOAH:** I placed it before you that it should be permitted to be introduced as a secret Bill. The decision is not mine.

**SHRI SHYAMNANDAN MISHRA:** He is letting down the Chair.

**SHRI D. K. BOROOAH:** What am I here? Who am I here? I am an ordinary member. I have the same rights as any other Member.

(Interruptions)

**MR. SPEAKER:** May I request you, after all we have to reach certain conclusions. He can have his say.

**SHRI D. K. BOROOAH:** Therefore, it was brought because it was understood that this Bill, the day it is in-

troduced, will enable the Government to collect the levy which is envisaged by the Government. You will remember, an hon. Member, Shri Jyotirmoy Bose asked the specific question whether on the introduction of this Bill you will levy anything on the oil companies as well as O.N.G.C. I replied that we will collect from O.N.G.C., Assam Oil Company and also Oil India—50 per cent of which is owned by Government and 50 per cent by the BOC. The purpose is very simple. It will enable us to collect dues as soon as it is introduced in this House. Therefore, it was introduced and you permitted its introduction and the House accepted it. I am the servant of the House as well as under your control. I will abide by whatever you decide. When I introduced this Bill there was objection from some of the Members, but in spite of this I was allowed to introduce this Bill and the House permitted its introduction. Now, what is the point in raising it at this stage now. (Interruptions).

I will entirely abide by your decision. I suggest that this Bill is a Bill which certainly charges a levy on crude oil but it has one motivation only, that charges/levies is a cess on the crude oil and the point is that this money will be used by a Board subject to the control of the Comptroller and Auditor General of India.

That is the purpose. There is no dual purpose in this. The purpose is that this money will be collected and it will be spent for the development of the oil industry in accordance with the decision of this House, subject to the control of the Comptroller and Auditor-General. That is the purpose.

13 hrs.

**SHRI MADHU LIMAYE:** May say a word?...

**MR. SPEAKER:** Let him please sit down. I know it.

**SHRI MADHU LIMAYE:** I want to read out from the proceedings of

the 22nd July, just to refresh your memory.

MR. SPEAKER: Why is he so impatient?

I may tell Mr. Borooah that when this Bill was just brought on the spot, since no Member has seen it, I had said that after it was introduced, hon. Members could raise their objections at the time it was taken up because they said that the Bill had just been laid on the Table and they did not have the time to go through it. That is why they have a right to raise their objections now.

Now, according to the hon. Minister, if I were to accept what he has said, his levy may come, but he expects me to go out of the rules and the constitution for the sake of his levy; he expects the Speaker to ignore the rules and ignore the constitutional provisions. It means also the setting of a very very bad precedent. If it were only for myself, I might oblige him, but this has to go down to my successors also. That is the reason. The hon. Minister himself has been Speaker of the Assam Assembly, and I do not think that he would have accepted this position. For the sake of his levy, he is advising me that I should ignore the rules and the Constitution.....

SOME HON. MEMBERS: You cannot.

MR. SPEAKER: Of course, I cannot. He is giving me the bait in the form of the money that will come to the country; he had justified it in his own way; that may be all right for him, but he thinks that I must also swallow everything.

Now, let him proceed on. But it is for me to further consider in the light of this as to what I shall do.

I shall have to evolve a procedure. But in future, let all the Ministers take it for granted that I shall never allow a secret Bill unless they assure

me in writing that there are no taxation proposals in it. I thought that this must be something very innocent and in the interests of the country and it might be something very big and, therefore, I had allowed it.

SHRI MADHU LIMAYE: It is a fraud.

MR. SPEAKER: Let him not call it so. The hon. Minister is very genuine and he is desiring to have the money; he is not having this levy for himself, but it is for all of us, and for the Government. But here is the poor Speaker who is also asked to safeguard it. I am going to keep this and I am going to study that. We shall have to evolve a procedure.

SHRI MADHU LIMAYE: We cannot proceed with the Bill now.

SHRI SHYAMNANDAN MISHRA: There is one other thing also to which you have to address yourself. Probably, the hon. Minister would have done some justice to the House if he could have made this also a part of the second Finance Bill.

MR. SPEAKER: That was the proper thing.

SHRI SHYAMNANDAN MISHRA: The second Finance Bill was already in the offing and he should have done it.

MR. SPEAKER: That was the proper thing which should have been done, but he has not done it. So, what can we do? Both the cats have already come out of the bag. His cat is out of the bag, and the Finance Minister's cat is also out. We cannot put them in the bag again. That is also out of the secrecy bag. We cannot help it. Everything is now in the interests of the country. We shall have to evolve certain procedures.

SHRI SHYAMNANDAN MISHRA: If all the Ministries were to have their own levies, then there would be no need for a Finance Minister or a Finance Bill or a budget.

**SHRI SOMNATH CHATTERJEE:** The point is that this levy will be on Government undertakings or semi-Government undertakings. What was the difficulty in realising the tax from them? It is not going to be realised from the common people at least directly but perhaps only indirectly. So, what was the secrecy about it? Why should the Government undertakings not pay the cess?

**MR. SPEAKER.** In the broader interests, now it is all right. We cannot put them in the bag again.

**SHRI SHYAMNANDAN MISHRA:** My submission is that the cess aspect, the levy aspect, of it could be put in the Finance Bill and separated from the management aspect. That is the simple thing which can be done. Let them amend the Finance Bill.

**SHRI H N MUKERJEE:** Let there be a short adjournment.

**SHRI MADHU LIMAYE:** Let us adjourn it.

श्री अटल बिहारी वाजपेयी (गणित) :  
अच्छा महोदय, इस विषयके पर चर्चा स्थगित कर दी जाय। इस विषयके पर आगे चर्चा नहीं हो सकती। आगे इस मामले को देख लेंगे कि बिना तट में रास्ता निर्दिष्ट है, उसके बारे में विचार कर लें। पर इस समय इस पर चर्चा स्थगित की जाय।

**MR. SPEAKER:** It is a very difficult situation in which we are put. We want time to apply our minds to it. You kindly wait for some time. Postpone it.

13 00 hrs.

#### STATEMENT ON FLOODING OF POWER HOUSE AT BHAKRA

**THE MINISTER OF IRRIGATION AND POWER (SHRI K. C. PANT):** Flooding of the galleries at EL 1150 of the Left Bank Power House at Bhakra, apparently through draft tube dewatering valve, was noticed,

at 11.50 hrs. on 5-8-74. All the Units of the Left Power House were stopped and dewatering operations were started immediately. Since the inflow exceeded the pumping capacity, the water level in the galleries kept rising and reached an elevation of 1159 at 19 00 hours. The water started receding at that time and the dewatering operations were completed at 7 A M today (6-8-74). Drying operations of air compressors, motors, cooling water motors etc. of Unit I were started and it was brought back into operation at 10 45 A M today (6-8-74). The power supply position is now normal. With the shutting of Left Power House (generating 180 MW at that time) at 11 50 hrs. load shedding was resorted to from 12 00 hrs on 5-8-74 when the system load was 598 MW. The load was transferred to the right bank of the Power House and the Nangal Power House (Garnwal and Kotla). The load was progressively reduced to 235 MW at 14 00 hrs. to facilitate dewatering operations and thereafter it was again raised which reached 394 MW at 16 00 hrs which was almost the normal demand of that time. However the Nangal Fertiliser load (72 MW) which is directly connected to the Left Power House could not be met because of limitations of transfer capacity from the right side Power House. The factory was being supplied 48 MW since 16 00 hrs. yesterday but has since been raised to 72 MW with effect from 10 45 hrs this morning. The total generation during 24 hrs ending 18 00 hrs. on 5-8-74 was 11 53 M Units against the normal schedule of 11 80 M Units.

श्री लक्ष्मण शिव जोशी (शास्त्र) :  
पानी कैसे आया, इस का कुछ पता लगा ?

अध्यक्ष - होदय पानी तो घाज मुबह दखवानें में आ गया कि रिपीर हो गया।

**SHRI DINPA BHATTACHARYYA (SERAMPUR):** We wanted to ask some questions.

**MR. SPEAKER:** Mr. Kamapati Tripathi.