

[Shri K. D. Malviya]

tion. On the whole, I do not agree with the view expressed by the hon. member that corruption is increasing. Corruption is now under control and although whatever is there should cause us worry, it will be the effort of the Ministry to see that it is weeded out from the coal mines area.

12.58 hrs.

### RE. OIL INDUSTRY (DEVELOPMENT) BILL

MR. SPEAKER: On the 6th August, 1974 when the Minister of Petroleum and Chemicals moved that the Oil Industry (Development) Bill be taken into consideration, certain objections in respect of the Bill were raised by Sarvashri Madhu Limaye, Shyamnandan Mishra, Somnath Chatterjee, R. V. Bade and H. N. Mukerjee. The main points mentioned by them are as follows:—

- (1) Two proposals have been put forward in this Bill—one for setting up a Board for the development of the oil industry and the other for levy of excise duty on crude oil produced in the country. The Speaker should consider whether two entirely different concepts could be joined together as is sought to be done in this Bill.
- (2) The Bill has created a very strange situation. If the Speaker decides that it is a money Bill, the rights of Rajya Sabha would be restricted. On the other hand, if it is deemed to be a non-Money Bill, then it violates the exclusive right of Lok Sabha in matters relating to taxation.
- (3) It appears from the Statement of Objects and Reasons of the Bill that the primary object of the Bill is to

impose taxation in the garb of regulating and controlling the oil industry by setting up a Development Board. Therefore, this is a Money Bill.

- (4) If this Bill had not been brought forward as a secret Bill, Members could have expressed their views on the proposed Board.

At that time after making certain observations, I postponed consideration of the Bill in order to enable me to apply my mind to the points raised by the Members.

I have since discussed the matter with the Minister of Petroleum and Chemicals and the Minister of Law. They have *inter alia* submitted that "since the commencement of the Constitution and extending to very recent times 'composite' or 'hybrid' Bills of the nature of the Oil Industry (Development) Bill have come before Parliament and have been duly enacted." For example, they have cited the following Acts:—

- (1) The Tea Act, 1953;
- (2) The Coir Industry Act, 1953;
- (3) The Cardamom Act, 1965;
- (4) The Produce Cess Act, 1966;
- (5) The Textiles Committee (Amendment) Act, 1973.

I am satisfied that this is not the first time that a Bill of this nature has been brought forward before the House. The precedents show that identical clauses relating to imposition of cess are contained in all the Bills which were introduced and passed earlier. As the present Bill follows the past precedents, I allow it to be proceeded with.

Further, since this Bill does not contain only provisions dealing with all or any of the matters specified in clause (1) of article 110 of the Constitution, I hold that it is not a Money Bill.

Article 117 covers cases where Bills can be brought before Parliament containing not only taxation proposals but also other matters. These Bills cannot be called Money Bills under Article 110. Therefore, there is no bar against any Bill of a composite or hybrid nature to be brought under Article 117. However, I feel that it would be advisable that as far as possible Bills of composite or hybrid nature should be rare and only in cases where the proposed taxation and other matters connected therewith are inseparably.

13 hrs.

Some Hon. Members, rose—

MR. SPEAKER: There can be no discussion on my ruling.

श्री मधु लिमये (वांका) : अध्यक्ष महोदय, मुझे दो तीन बातें इस के बारे में कहनी हैं। मेरी प्रार्थना सुन लीजिए।

श्री अटल बिहारी वाजपेयी (ग्वालियार) : हम आप की कृपित्व की चुनौती नहीं दे रहे हैं—लेकिन कुछ क्लेस्-फिकेशन सीक करना चाहते हैं।

श्री मधु लिमये : आप ने कहा है कि पेट्रोलियम एंड कैमिक्ल्स मिनिस्टर ने तथा ला मिनिस्टर ने आप को बाद में समझाया। यह सदन में बहस चल रही थी तो यहां उन्हें अपनी बात कहनी चाहिए थी, तब हम लोग उन की बात का जवाब देते। यह अध्यक्ष को प्रभावित, इन्फ्लूएंस करने वाली बात हो रही है।

MR. SPEAKER: So far as the secret Bill is concerned, I myself told them that I am not in favour of secret Bills. After that, I heard the reasons and I was convinced that the reasons given for the secrecy were very valid. I have got the right to consult them and find a way out. I have studied everything.

SHRI H. N. MUKERJEE (Calcutta-North-East): When a matter is discussed in this forum of Parliament, and it is important that the different views are agitated here.....

MR. SPEAKER: The issues are already before me. I asked them what is the secrecy and they gave me the reasons.

SHRI H. N. MUKERJEE: You could have called us after that.

श्री अटल बिहारी वाजपेयी : अक्षर यह मनी बिल नहीं है तो यह लिक्विड बिल के रूप में कैसे आया? आप ने उस दिन कहा था कि यह टैक्सेशन का बिल है और आज आप कह रहे हैं कि मनी बिल नहीं है।..... (व्यवधान).....

श्री मधु लिमये : हर चीज में आप स्वीयत करते चले जा रहे हैं। बम्ब्रा जी कहां हैं? कानून मंत्री कहां हैं?

SHRI H. N. MUKERJEE: This Parliament is meant for exchange of views across the table between the representatives.

MR. SPEAKER: I have studied it. I considered it on merits. Since the Minister was not in a position to give some of the instances, he brought them to my notice after seeing the proceedings.

SHRI SHYAMNANDAN MISRA (Begusarai): The Chair has before it the observations that have been made by the Chair in the past, including those of Speaker Mavalankar and Speaker Ayyangar. They have made observations in the past that the combination should not be brought about in such a peculiar manner.

MR. SPEAKER: I have studied it and I have come to the conclusion that it can come under art. 117.

SHRI SHYAMNANDAN MISRA: But the point that is being raised is whether it can be settled out of court when the Parliament is seized of it.

**MR. SPEAKER:** They avoid it. There are a number of cases where it is inseparable.

**श्री मधु लिमये :** आप को गुमराह किया गया है। मैं साबित करता हूँ कि आप को कैसे मिसलीड किया गया है ?

**श्री अटल बिहारी वाजपेयी :** आप ने उन को बुलाया तो हम को क्यों नहीं बुलाया ?

**अध्यक्ष महोदय :** आप के व्यूज तो पहले ह उस में आ नये थे ।

**श्री मधु लिमये :** दूसरे बिलों में और इस में कोई सम्बन्ध नहीं है। मैं साबित करता हूँ ।

**MR. SPEAKER:** I had called the Minister and he has given the information.

**SHRI A. K. M. ISHAQUE (Basirhat):** Sir, you have already given your ruling, and the ruling cannot be a subject of discussion in the House.

**SHRI SHYAMNANDAN MISHRA:** There are two issues. You gave us the clear impression that you do not like this to be done.

**MR. SPEAKER:** I had heard you. I considered and weighed all the points raised by you before coming to a conclusion.

**SHRI SHYAMNANDAN MISHRA:** That was the impression which you gave. Of course, you in your wisdom can change your views.

**MR. SPEAKER:** I have got a right to call them.

**SHRI SHYAMNANDAN MISHRA:** Do you say that it should be settled out of court?

**MR. SPEAKER:** The Speaker has got a right to ask a Minister to bring precedents to his notice, and he has brought precedents to my notice.

**श्री मधु लिमये :** मेरा प्वाइंट ऑफ ऑर्डर है। आप को प्रेसीडेंट्स के बारे में हम से पूछना चाहिए था, हम को आप ने क्यों नहीं पूछा ?

**MR. SPEAKER:** You have already given your views. I am sorry, I am not allowing it.

**श्री मधु लिमये :** मेरा प्वाइंट ऑफ ऑर्डर है, मैं निर्णय को नहीं चेलेंज कर रहा हूँ।

**MR. SPEAKER:** Point of order on what? I suppose it is not on the ruling.

**श्री मधु लिमये :** हाँ, मैं निर्णय रूलिंग को नहीं चेलेंज कर रहा हूँ। और रूलिंग को चुनौती दूँ तो आप चाहिए कि आउट ऑफ ऑर्डर है। आप मेरी पूरी बात सुन लीजिए फिर जो करना है करिए।

उस दिन आप ने दोनों को सुनने के बाद यह निर्णय लिया कि मेरी राय में यह टेक्सेशन बिल है..... (ब्यबवान)... आप को मैं रिटर्न दिखला दूंगा।

**MR. SPEAKER:** I said that you wait, I will study it.

**श्री मधु लिमये :** आप मेरी बात सुन लीजिए तो उस दिन हम लोग यहाँ समझे कि आप इस के बारे में उन को यही सलाह देंगे कि इस बिल को दो हिस्से में बाँट दें, लेकिन जो आप ने यह कहा कि आप के चेम्बर में उन्होंने प्रेसीडेंट्स दिए तो अब उस प्रेसीडेंट्स और इस बिल में क्या फर्क है—यही बात मैं आप के ध्यान में लाना चाहता हूँ। मैं आप के निर्णय को चुनौती नहीं दे रहा हूँ। अध्यक्ष महोदय, जब एकाइज जगई जाती है तो माल बाहर निकले, इसलिए उसी दिन से कंवेक्शन ऑफ टेक्सेशन एक्ट के तहत वह कंवेक्शन शुरू हो जाती है। इस लिये इन

लोगों को पृच्छा चाहिए था। जो टी. लोग और इलायची वाले बिल प्राये उन में एक्साइज ड्यूटी वाला मामला नहीं था केवल मामूली फी वाला प्रश्न था — इस लिये इस मामले में आप को मिसलीड किया गया है।

आज ही मेरे ध्यान में आया है कि इस बिल के चलते इन को उत्पाद शुल्क संबंधी नियमों का संशोधन करना पड़ा। आज मुझे पता चला है कि इन को रूलज को एमेंड करने की जरूरत क्यों पड़ी, इस पर मैंने नोटिस भी दिया है, आप मेरे नोटिस को देख लीजिए। उस से पता चलेगा कि आप को मिसलीड किया गया है। टी० बोर्ड और फाइनिंग वाले बिल और यह बिल बिल्कुल भिन्न हैं।

MR. SPEAKER: You can discuss it when the Bill comes.

श्री मधु लिमये: क्या आप ने इन को देखा लिया है, एक्साइज ड्यूटी का क्या संबंधन आप ड्यूटीज वाले पहलू आप ने देखा लिया है ?

MR. SPEAKER: No question of my being misled. I have quoted the Constitution; I have quoted the precedents; I have quoted the other relevant issues. It is not a question of being misled.

SHRI SEZHIYAN (Kumbakonam): Arising out of your ruling, one point has to be clarified. You said, it is not a money Bill. If it is not a money Bill, how can it be treated as a secret Bill?

MR. SPEAKER: I have not been able to approve of it as a secret Bill. In this very House, he said that if it had come out, there were British Companies also and they would have transferred the crude oil etc. etc.

श्री मधु लिमये: उन्होंने जो आप से कहा है वह सभा में क्यों नहीं कहते।

MR. SPEAKER: He mentioned it here.

श्री मधु लिमये: ये सब बातें आप से चेम्बर में कही गयी हैं, ये दलीलें यहां नहीं आयीं थीं। आप रिकार्ड्स को देख लीजिए। उनको ये सब बातें हाउस में कहनी चाहिए थीं। जो बातें अघरे में होती हैं उन को हम मा ने वाले नहीं हैं। आपको कमरे में प्रभावित करने का प्रयास किया जाता है।

MR. SPEAKER: He wrote to me and I also referred to his letter here. I mentioned it in the House. He told me that if it had come out, the Government might lose so much. In good faith, I accepted it. I do not think there was any necessity to bring it as a secret Bill. I said it last time.

श्री मधु लिमये: एक्साइज रूलज को इस तरह से कैसे बदला गया ? आप सारी परिपाटी को खत्म कर रहे हैं, संसदीय प्रणाली का सर्जल हो रहा है।

SHRI S. M. BANERJEE (Kanpur): I rise on a point of order. I am not trying to question your ruling, Sir. This is a second ruling. I want to know which is the correct one, the first one or the second one.

MR. SPEAKER: I postponed that.

श्री मधु लिमये: मैं आप के सामने रिकार्ड्स से साबित कर सकता हूँ। आप ने बरुग्रा जी से कहा था.....

SHRI S. M. BANERJEE: I have not yet completed. . . (Interruptions).

MR. SPEAKER: I told you that there is taxation in it. No question of ruling. I told you, I have to consider it as to in what form it will come.

SHRI S. M. BANERJEE: Kindly allow me to conclude. My point of order is . . . (Interruptions).

MR. SPEAKER: I am sorry. I have given my ruling. I am not allowing a discussion on my ruling. I have given my ruling after due consideration of all those facts.

श्री मधु लिमये : आप को मिसलेंड किया गया है . . .

MR. SPEAKER: No question of misleading.

SHRI S. M. BANERJEE: This is a simple point that I am raising and I want you to give me an answer. You have read out the statement according to which you are supposed to have discussed this matter with two Ministers in your Chamber. The House does not know what was discussed and what was not discussed. We do not know . . . (Interruptions).

श्री मधु लिमये : हम को क्यों नहीं नहीं बुलाया गया, अंधेरे में बाँटें क्यों हूँ । उन के अग्रमूवमेंट्स को काटने के लिये हम को बुलाना चाहिए था ।

SHRI S. M. BANERJEE: Please allow me to finish, Sir.

MR. SPEAKER: If there is any point independent of this ruling, I can listen to it but not otherwise.

SHRI S. M. BANERJEE: I just want an answer from you. It is just for my education. There is no question of anybody questioning your ruling. But you may change your ruling, Sir, after hearing this. Those members who raised the question do not know what happened in the Chamber. In all fairness when we accuse the Minister for ignoring this House . . .

MR. SPEAKER: I am not allowing this. This is not a point of order. Now I am not allowing any discussion on this ruling. I am sorry.

श्री मधु लिमये : फंसला देने का यह क्या तरीका है—मंत्री लंग आपके कमरे में जायें और आप के रुलिंग को बदलवायें । रुलिंग देने से पहले हम को सुतना चाहिए था ।

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, आप ने पहले जो कहा था और आज जो कहा है—अगर दोनों में कन्ट्राडिक्शन है तो क्या आप को इस का नोटिस नहीं लेना चाहिए?

अध्यक्ष महोदय : जहाँ तक टैक्सेशन का सवाल है 110 में आता है, लेकिन अगर उस के साथ "अदर मटर्स" मिल जाये तो 117 में आता है, ऐसे कई बिल पास हुए हैं ।

That is why I have told them that they are not debarred, but it is much better, it is advisable, that they avoid it.

SHRI H. N. MUKERJEE: I can see it. You are very well in the right in this matter. But that apart, when a certain matter of Constitutional importance has been agitated inside the House, in an open forum where controversies freely and fairly take place, then a proposition placed either by us or by the Government requires to be thrashed in a different fashion through mutual exchange of views and opinions. In this case what has happened is that, after an open exchange of views in this House, you chose to call to your chamber two Ministers of Government to give you a certain version. We would have given you a counter-version to help you to come to a decision . . . (Interruption).

MR. SPEAKER: I can call the Law Minister to get any relevant information.

SHRI SHYAMNANDAN MISHRA: May I invoke your kindness with regard to two points? For the future you have been pleased to say, to our immense satisfaction, that it should not be done again. Therefore, it seems to be the predominant opinion in the matter . . . (Interruptions) Secondly, 13 days have passed. Should they not have separated the two aspects of the Bill? Separate Demands for Grants are going to be presented for each Ministry. So they should be in a position to do that.

MR. SPEAKER: I find no bar under art. 117.

श्री अटल बिहारी वाजपेयी : उस दिन आप ने जो कहा वह मैं आप की नोटिस में लाना चाहता हूँ ।

अध्यक्ष महोदय : मैं ने सब कुछ देख कर कहा है ।

श्री अटल बिहारी वाजपेयी : आपकी दो हॉलिंग परस्पर-विरोधी हैं ।

MR. SPEAKER: I had told them then that I would find a way out. I still hold it as taxation Bill under art. 117.

श्री अटल बिहारी वाजपेयी आप कह रहे हैं मनी बिल नहीं है ।

MR. SPEAKER: This is not a Money Bill. It is not a Money Bill under art. 110.

श्री अटल बिहारी वाजपेयी : फिर तो मैं विन की नयी परिभाषा लानी पड़ेगी ।

श्री मधु लिमये आप ने संविधान और पार्लमेंटरी प्रणाली को खत्म किया है इसलिए मैं सदन का त्याग करता हूँ ।

[SHRI MADHU LIMAYE then left the HOUSE]

MR. SPEAKER: I do not accept this position. I can call any Member or any Minister, including the Law Minister, to my chamber.

Next item. Prof. D. P. Chattopadhyaya.

13.20 hrs.

#### STATEMENT Re EXPORT DUTY ON JUTE GOODS

THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA: Sir, Hon. hon. Member, Shri Madhu Limaye, had drawn Government's attention . . .

1724 LS.—9.

MR. SPEAKER: It seems to be a lengthy statement. You may lay it on the Table of the House.

PROF. D. P. CHATTOPADHYAYA: As advised by you, Sir, I beg to lay on the Table a statement on adjustments of export duty on jute goods.

#### Statement

Mr. Speaker, Sir, Honourable Member, Shri Madhu Limaye, had drawn Government's attention to the adjustments in the export duty structure on jute goods made in August, 1973, and March, 1974. He had stated that these adjustments had a connection with the elections in U.P., and were not related to the prices of jute goods as such. According to the Hon'ble Member, prices of jute goods had been rising for well over 1½ years, and not from the date of imposition of the new duties in March, 1974.

2. I shall endeavour to show that we have been keeping the export duties on jute goods under constant review to ensure that they remain competitive in international markets. We have also tried to ensure that when market conditions result in unexpectedly high profits to the industry, Government is able to siphon off a part of this gain for the exchequer. The House is, no doubt, aware that jute goods have been facing, for quite some time now, a serious threat from synthetic substitutes. In fact, our total exports in this field recorded a continuous and substantial decline from 1964 to 1971-72. There was a mild revival in our exports of jute goods in 1971-72, because of the inability of Bangladesh to cater to international markets at that time. This diversion of demand in our favour brought about a substantial rise in price of the jute goods as well as an increase in the quantity exported. It was in this context that Government introduced export duties in December, 1971.

The statement at Annexure I would show the significant increase in the average prices of jute goods in 1971-72 as compared to the two previous years.