

Government to fix up fair rates for their produce and also purchase the cotton stocks through the Cotton Corporation of India. Similarly, the virginia tobacco growers. . . .

MR. SPEAKER : How it is relevant here?

SHRI KRISHNA CHANDRA HALDER : Sir, the interests of the cotton and tobacco growers should be safeguarded.

Sir, the virginia tobacco growers are also sustaining loss. The monopoly companies in tobacco trade actually are paying Rs. 300 to Rs. 400 per quintal instead of Rs. 850 per quintal which they agreed in the presence of Government representatives.

While the costs of cultivation of these products are going up on the one hand, the prices of these products are falling down abnormally. The cultivators are forced to make distress sales and they are not in a position even to pay taxes to the Government. The Government is resorting to forceful collection of taxes by auctioning the properties of cultivators. Therefore, Sir, I raise this matter under Rule 377 and I would request you to ask the Minister concerned to make a statement in this regard.

SHRI BIREN DUTTA (Tripura West) : Sir, I would like to make a submission.

MR. SPEAKER : You cannot force yourself on me like this. I am not going to allow it.

SHRI BIREN DUTTA : Sir, five MLAs have been arrested under MISA.

SHRI DINEN BHATTACHARYYA (Serampore) : What is the rule that you are following?

MR. SPEAKER : I am not permitting it. I have not called any one of you. Mr. Malder wanted to make a submission for one minute. I did not know what it was going to be. He brought in a State matter.

SHRI DINEN BHATTACHARYYA : Sir, he will simply mention.

MR. SPEAKER : This is basically very wrong.

SHRI SEZHIYAN (Kumbakonam) : Sir, let him meet you in the Chamber and explain.

SHRI BIREN DUTTA : Five MLAs of the CPM in Tripura had been arrested; all the other opposition MLAs had been suspended.

MR. SPEAKER : This is basically wrong.

SHRI SEZHIYAN : Let him meet you in the Chamber.

MR. SPEAKER : It is already there; I examined it and I do not allow it. He suddenly gets up and says that some MLAs had been arrested? You have framed these rules and if you do not observe them, what is to be done?

GUJARAT BUDGET, 1975-76—GENERAL DISCUSSION, DEMANDS FOR GRANTS ON ACCOUNT (GUJARAT), 1975-76 AND SUPPLEMENTARY DEMANDS FOR GRANTS (GUJARAT), 1974-75

MR. SPEAKER : We shall take up items 10, 11 and 12 together. Mr. Chavda wanted to raise some objection. Now, when he speaks he can mention all this. He will be called and he can mention all those matters. Then the Minister will reply. I think it cannot come in a point of order. I will call him in due course.

SHRI K. S. CHAVDA (Patna) : This is violation of article 199.

MR. SPEAKER : Whatever it is, you can raise the matter. He will reply to it. If it is violation, anybody can go to court and get it rescinded; as Mr. Sezhiyan did.

SHRI SEZHIYAN (Kumbakonam) : We should be able to resolve these things; and

an individual cannot fight the Government every time.

SHRI P. G. MAVALANKAR (Ahmedabad): If Shri Chavda is raising a point of order on certain constitutional matters and is not speaking on the contents of the budget, kindly allow him to have his say.

MR. SPEAKER: He has written to me that he wants to raise some objections. All right; let him say what he wants to say now.

SHRI K. S. CHAVDA: I want to raise a point of order under rule 376 (2).

The Gujarat Government has imposed "Backdoor taxation" of Rs. 22.9 crores on the people during the current year without the assent of Parliament. This "backdoor taxation" will bring in a total revenue of Rs. 34.50 crores during 1975-76.

Replying to a question at a press conference regarding "Backdoor taxation" the Governor, Shri K. K. Vishwanathan clarified that it was not necessary to go before Parliament in case of changes or alterations in sales tax and hike in other duties. This could be done through notifications.

Constitutionally, any change or alteration or imposition of any tax or any matter incidental thereto falls within the purview of a Money Bill. According to Clause 1(a) and (g) of Article 191 of the Constitution which reads as follows—

"A Bill shall be deemed to be a Money Bill if it contains

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

(g) any matter incidental to any of the matters specified in sub-clause (a).

There is President's rule in Gujarat and according to sub-section (1) to (4) of Section 3 of the Gujarat State Legislature (Delegation of Powers) Act, 1974, any change in any tax can be done by enacting a Bill as a President's Act.

10 LSS/75—7.

But before enacting, the Bill must be considered in the consultative committee of Members of Parliament and the President's Act should be laid on the Table in both the Houses of Parliament so that either House of Parliament may direct any modifications to be made in the President's Act.

Therefore, no change or imposition in the sales tax, vehicle tax etc. can be done through notification.

MR. SPEAKER: The hon. Member says about some taxation about which some decision had been taken; here it is not yet before the House. How can that be brought now? He can raise that matter independently not in this manner. How can it arise out of this. I am sorry; not at this stage. You can raise it some other time.

SHRI SEZHIYAN: I have written to you a note I want to raise three points on the procedure adopted in the presentation of Supplementary Demands for Grants for 1974-75. Yesterday, the hon. Deputy-Speaker was pleased to observe as follows when I raised certain points of order.

MR. SPEAKER: The hon. Deputy-Speaker is here, he knows the full background. I do not want to break that continuity.

13.18 hrs.

[Mr. Deputy-Speaker in the Chair]

SHRI P. G. MAVALANKAR: Before you ask Mr. Sezhiyan to make his point, we want to know what happens to our cut motions?

MR. DEPUTY-SPEAKER: We have not started the discussion.

SHRI VAYALAR RAVI (Chiraympil): Can I make a submission on another matter?

MR. DEPUTY-SPEAKER: We have already taken up items 10, 11 and 12.

He is on a point of order relating to these items.

SHRI SEZHIYAN: Yesterday you were pleased to observe on my point of order.

"Let us close this point. There is no more new point. The statement has been laid. I would only put this for the record and consideration of the Government: where you thought it necessary to quote article 115(1) (b) in relation to excess which is quite regular and does not give rise to any controversy, would it not have been better if you had also quoted 115 (1) (a)?"

Just to put the record straight, here the Supplementary Demands for Grants for Gujarat 1974-75 also quote the wrong article 205 (2).

MR DEPUTY-SPEAKER We can leave that.

SHRI SEZHIYAN: I only want to point out that it should have been under article 205(1)(a).

You have been pleased to say that the matter should be taken to the Rules Committee. But what happens to statement already laid for which I do not get any chance? After it is laid, it is circulated. That is a point which we will take up in the Rules Committee.

Coming to the Supplementary Demands for Grants 1974-75 I have got three important points of order. I will summarise them. Though I have written a long letter to the Secretary-General which I am told has been forwarded to the Minister also. I hope the Minister will be able to give a reply.

While I do not want to go into the details of any of these cases, I shall take up the basic principles that affect Parliament's authority in the grant of funds and in not following the Constitutional provision. In the Supplementary Grants Appropriation No. 1 it has been stated:

"The State Government sanctioned additional Dearness Allowance to its employees w.e.f. 1st January, 1974, 1st March, 1974 and 1st May, 1974. Pending computation of the additional requirements under each Demand a lump sum provision of Rs. 5.6 crores was included under Grant No. 24 of the Budget Estimates of 1974-75 as likely expenditure resulting from these increases in the rates of Dearness Allowance. The provision of Rs. 5.6 crores under Demand No. 24 will now be surrendered and Supplementary Grants have now been sought under the relative Demands."

They had simply asked for a lump sum grant of Rs. 5.6 crores in the Budget Estimates of 1974-75. They have been paying whatever was due out of this amount, but they have not been debiting Demand No. 24. The Demand has been kept intact and they are surrendering it now. But they have been debiting it to other heads. That means they have been debiting the amount to heads for which it was not provided by the Budget Estimate of 1974-75. They have not debited the amount where Parliament authorised it. This is not only improper budgeting, it also goes against the principles of budgeting and the Constitutional provisions.

In the Budget Estimates of 1974-75 at page 34 it is mentioned: Finance Department Demand No. 24, Major Head 268, Other Expenditure, Rs. 568.10 lakhs. It is stated there "total other revenue expenditure pertaining to the Finance Department". Therefore, Rs. 5.6 crores was meant for some expenditure of the Finance Department, it was not meant for any other Department. In the Explanatory Memorandum given by the Government also, nothing has been mentioned of this item.

MR. DEPUTY-SPEAKER: I am being inhibited here. The documents are not before me.

SHRI SEZHIYAN: I can lend mine.

MR DEPUTY-SPFAKFR: We should make it a practice to have all these here.

SHRI SEZHIYAN: In the Explanatory Memorandum on the Government of Gujarat 1974-75 Budget Estimates at page 15 it has been stated:

"The estimates of expenditure take into account the increase in the rates of Dearness Allowance and the interim relief so far sanctioned by the Government."

Because provision was made in the last Budget I want to go into the question of this Rs. 5.6 crores. Now they are making it appear that it was meant for other Departments whereas it was not mentioned so originally.

The purpose for which it was given was for some expenses of the Finance Department. It is also stated: "the estimates of expenditure take into account the increases in the rates of DA and interim relief so far sanctioned by the Government of Gujarat during the current financial year. No provision is, however, made for such increases which may be required to be sanctioned by the Government hereafter." This is what was stated in March last year. Afterwards, the State Government sanctioned increased rates from 1st May also. In the Demand for Rs. 5.6 crores, they had not taken into account any of these things. That is what they themselves say: "they did not take into account the likely burden which the State Government may have to bear during 1974-75 as a result of the recommendations of the Second Pay Commission appointed by the State Government and the decision of the State Government thereon." Whatever they have allotted is not intended to cover any of the extra burdens likely to occur by way of additional DA, etc. to be sanctioned by the State Government. Now in the Supplementary Demands presented in March 1975 they come round and say:

"Pending computation of the additional requirements under each Demand, a lump sum provision of Rs. 5.60 crores was included under Grant No. 24 in the Budget Estimates, 1974-75 as likely expenditure resulting from this increase in the rates of DA."

They did not say it in the original budget given for 1974-75 nor in the explanatory memorandum. My point is basic. They ask for a Demand under a certain head—Demand No. 24. They did not utilise it. They are surrendering it and debiting so many other heads probably to the tune of Rs. 5.6 crores. An amount granted for a particular demand and a particular direction cannot be changed without the specific authority of this House. If they had not paid any of these things till the time this House passes the Supplementary Demands and the Appropriation Bill, I will have no quarrel. But my understanding is they have already spent it under different heads on different demands other than Demand No. 24 for which this amount of Rs. 5.6 crores was meant. This is irregular because they have not got the sanction of Parliament to do it.

I come to advances from the contingency fund. I have raised some points about 20 to 30 items for which I may be getting a reply later on. Without going into details, I may submit that the contingency fund has been provided to meet unforeseen expenditure, as against the Consolidated Fund, withdrawals from which cannot be made without an Appropriation Act duly passed by Parliament. But the practice of this Government has been, as revealed in the supplementary demands, to use the contingency fund as a running account without fulfilling the provisions of the Constitution. I can give so many examples where the expenditure could have been clearly anticipated but still they indulged in making withdrawals from the contingency fund.

For example, under Demand No. 40 they have taken Rs. 1.98 lakhs on 9-1-75 towards employment promotion programme. This cannot be an unforeseen scheme.

Demand No. 42—Rs. 2 lakhs taken on 15-1-75 for "issue of new household ration cards in booklet forms in Gujarat". This cannot be an unforeseen expenditure.

Then, take for example Demand No. 53. It is stated:

"Government has decided to contribute share capital to the Gujarat Fisheries Central Cooperative Association and paid an amount of Rs. 5.95 lakhs by sanctioning an advance from the Contingency Fund on 1st February, 1975. An amount of Rs. 4.18 lakhs is available by way of reappropriation from savings."

Is this an unforeseen expenditure, viz., contribution to the share capital of the Gujarat Fisheries Central Cooperative Association? This House was sitting in December; on the 9th December the Supplementary Demands were placed before this House and again on the 17th December another Supplementary Demand was placed before the House. Yet, on the 1st of February, they have taken this amount from the Contingency Fund of India. Why could they not take another supplementary demand after waiting till the House meets?

Again take Demand No. 55, page 25 where it is stated:

"This has necessitated the withdrawal of an advance of Rs. 5 crores from the State Contingency Fund on the 10th of February, 1975, which will be recouped after the Supplementary Demand is passed."

It is mentioned in the beginning:

"Due to recent rise in fertilizer prices, increase in the rate of interest and drought conditions prevailing in most parts of the State, the demand for fertilizer has gone down considerably."

SHRI K. GOPAL (Karur): Drought is unforeseen.

SHRI SEZHIYAN: It is mentioned that the Gujarat State Cooperative Marketing Society and various cooperative societies have accumulated sizeable stocks of fertilizers. The prospect of consumption of fertilizer till the next kharif are rather bleak. Till then the various cooperatives and the Gujarat State Cooperative Marketing Society will have to store fertilizers. So, this is a help given to the cooperatives to lift their stocks. This is not a contingency which could not be foreseen.

Again, take Demand No. 56 where Rs. 10 lakhs has been taken on the 15th February, when the House is meeting on the 17th.

Again, there is another amount here, not in crores but one lakh. Under Demand No. 66 it is mentioned that an advance of Rs. 9.51 lakhs has been obtained from the State Contingency Fund on the 5th February "to meet the immediate expenditure in connection with the birthday centenary of Sardar Vallabhbhai Patel." Could they not foresee it? It would have been known even hundred years earlier when the birth centenary of an eminent person should be coming. But what happens is that the State Government takes out of the Contingency Fund, on 5th February, a sum of Rs. 9.51 lakhs. Was it unforeseen? They themselves say that a Sub-Committee was appointed; then why take recourse to this once the Committee started functioning? They knew that the centenary was falling on such and such a date. Is this the respect shown to Sardar Vallabhbhai Patel—that only in the month of February they thought they should celebrate it and went and applied for advance and got it? Probably Sardar Vallabhbhai Patel was not of the same stature as Bhagwan Mahavir. But for Bhagwan Mahavir also they have done the same thing! That was the birth centenary; but for the 2500th anniversary also they had to go to the Contingency Fund and take an advance. They have said:

"As suggested by the Government of India" (so it is not their own inspiration) "the State Government has constituted a State Level Committee for celebration of the 2500th anniversary of Bhagwan Mahabir Nirwan. The Committee has chalked out the programme and the State Government has sanctioned Rs. 15 lakhs in the aggregate to be spent in the two financial years 1974-75 and 1975-76. As there is no provision for this purpose in the current year's Budget, an advance of Rs 2 lakhs was obtained from the State Contingency Fund on the 15th February 1975".

I would like to know why this was not included in one of the supplementary demands taken up on the 9th December and 17th December, 1974.

Then, again, I can give you so many other instances. There is the Demand No 69 for Housing

MR. DEPUTY SPEAKER: I would advise the Minister of State for Finance to listen carefully. These are very important points and if this House does not discharge its function as a watch-dog over money then it is not worth the name. I am allowing Shri Sezhiyan to raise this point because I do not want—as I said yesterday—the Executive to get away with anything and take the House for granted. I do not understand how, just two days before the House was to meet, they thought it necessary to take money out of the Contingency Fund in anticipation that this House will just blindly agree to it. This is not the way the House should be looked at.

This House has to grant every single plea. Without this House's giving any money, no money can be spent.

It is unfortunate that the State of Gujarat is under the supervision of the House and under my Chairmanship at the moment.

SHRI SEZHIYAN: Taking Demand No 69, for construction of low income

group housing scheme for Schedule Castes, Scheduled Tribes and other backward sections of the society a sum of Rs. 10 lakhs has been taken from the Contingency Fund on 2nd January, 1975. Didn't they know that housing schemes should be given priority? Why wait till the Contingency Fund facility came their way?

I will cite yet another case. Demand No. 84 on p. 44 is very revealing.

"Government has recently decided to set up the Gujarat Tourism Development Corporation. To enable the Corporation to meet its preliminary expenses, Government has sanctioned an amount of Rs. 1 lakh by obtaining an advance from the Contingency Fund on 17th February, 1975".

So, on the very day Parliament was to meet, they took Rs. 1 lakh for setting up the Gujarat Tourism Development Corporation. I am not concerned with what amount was taken, but why do so when the House is sitting here? The setting up of the Gujarat Tourism Development Corporation cannot be an unforeseen expenditure.

I have written a detailed letter to the Minister as to when the actual proposal was put up by the State of Gujarat. I know the process—by which it would take months for the Government to put up the Corporation—but it should have been instituted sometime last year itself and they should have come before the House during the December Session. In December, two Supplementary Demands came up and in August also there was a supplementary. They couldn't wait for a few days till the House met, but on the 17th itself, as though to affront the House, they have taken an advance from the Contingency Fund to set up the Corporation.

Now, I come to Demand No. 127, p. 69. They have bought 21 tipper trucks for the work on the Narmada project. This is a continuing one. For this, they went to buy tipper trucks. I think, the negotiations would have been going on; tenders

might have been called and who gave the best ones would have been taken. All this would have taken months. Still, they did not take the House into confidence. They did not put this proposal before the House in December, 1974. Suddenly, on 14th February, 1975, they took an advance of Rs 26 lakhs from the Contingency Fund. Is it such an unforeseen thing to buy 21 tipper trucks? Has it come as a calamity to the Government that they could not foresee it?

I can quote more things. But my basic point is this. The Constitution, under the relevant article, says that the Contingency Fund is there to meet the unforeseen expenditure. May I know whether the Government has acted in conformity with the spirit and letter of the Constitution? I want to know, in all the cases which I quoted, whether there has been any unforeseen thing which demanded an immediate action of withdrawal of advances from the Contingency Fund. Why was this House avoided? why did they not come with Supplementary Demands earlier? why did they take recourse to withdrawing advances from the Contingency Fund?

Why I am stressing this point is that for taking money from the Contingency Fund there is no rule. It became a *fait accompli*. Somehow, they take for granted that this House will pass it. The House is not given an opportunity to discuss it, whether this should be done or not. I know, all these Budgets are given summarily. But there is a procedure. The House gives a consent. By taking withdrawals from the Contingency Fund, they have violated the spirit and letter of the Constitution. As I have shown, these things could have been foreseen months ahead, years ahead. They have taken recourse to withdrawing money from the Contingency Fund. This is highly objectionable and against the spirit and letter of the Constitution. Therefore to that extent, they have violated the constitutional provisions.

Then, I take up Demand No. 49 P. 22. This is of a different type. Here is a

supplementary Demand for the money already spent and for which there is no sanction in the Budget. Under the head "Half a Million Jobs programme", the apprentices training scheme for agro-industries under the Gujarat Agro-Industries Corporation was sanctioned at an estimated cost of Rs 1.49 lakhs. The Supplementary Demand has been necessitated to meet additional expenditure on this account. I do not know who sanctioned this one. Of course, in the Budget provision, this sanction is not there. If you go through this item, at the bottom, you will see A NEW MINOR HEAD. If we take the budget provision for 1975-76, the Demands for Grants for Gujarat for 1975-76, at the end the last item is Rs 1.49 lakhs under the head "Other Programme". This is the thing we are dealing with. You will find there is no budget demand against that proposal.

This amount of Rs 1.5 lakhs is for welfare of Scheduled castes. The budget estimate for 1974-75 is Rs 15 lakhs, the revised estimate for 1974-75 is Rs 15 lakhs and the budget estimate for 1975-76 is also Rs 15 lakhs. Under 'Other Programmes' minor head the amount is Rs 1.49 lakhs, there is no budget estimate for that in 1974-75 head. That means it is a new programme taken in the middle of the year without the sanction of the funds. If you take the provisions of the Supplementary Demands of the Constitution you will find, that if there is a new service contemplated in the budget it should come only in supplementary budget, it cannot be spent and then you come. But this has already been spent. It is stated here that under the 'Half a Million Jobs Programme' an Apprentices training scheme for Agro Industries Centres under Gujarat Agro Industries Corporation was sanctioned at an estimated cost of Rs 1.49 lakhs. Unless the Minister says that Rs 1.49 lakhs has not been spent the wording shows that the training has already taken place. This amount is required for the year ending 31-3-1975. This is being passed now. I do not think the training is going to be only for about a week.

**DY. SPEAKER :** You have referred to Demand No. 49 of the Supplementary Demands of this year and then you referred to Demand No. 27 of the Demands for Grants for 1975-76. What is the connection?

**SHRI SEZHIYAN :** If you take the Demands for Grants for 1975-76, three particulars are given. One is the budget estimates for 1974-75, second is the revised estimates for 1974-75 and then the budget estimates for 1975-76. This is given for the purpose showing how much was the original budget estimate for 1974-75, and it there was any supplementary budget included and then it is given as the revised budget. Suppose originally I start with ten lakhs considering that it is sufficient for the purpose, but during the course of the year. If I thought that ten lakhs is not sufficient, I came to the house and got five lakhs more, the revised estimate will be Rs. 15 lakhs. Suppose ten lakhs was found more than required and I surrendered two lakhs, the revised estimates would be eight lakhs. This will show the fluctuation, and the budget estimate for the following year goes on approximately on a projection of these two.

If you see under the revised estimates, Rs. 149 lakhs is shown there. There is no budget estimate for this. They themselves have conceded that this was not thought of in the original budget estimate. This has not been provided in the budget estimate. This is sought to be brought now. My contention is that it has already been spent. This should not have been spent without the permission of the House.

On these three points. I would like to have the rulings.

Then Sir, I fully concur with the point of Mr. Naik. In India, who should control the budget estimates? we allot the budget estimate, but at the end of the year, we find the budget is exceeded, or we are confronted with some of these contingencies of advances which are completely irregular. It is the duty of the Comptroller

and Auditor General. In U. K. his name itself implies that. Comptroller is one who controls the flow of the amounts allotted in the budget, but in India, we do not have that. Therefore, this is the opportune moment when we want to stress that the function of the Comptroller & Auditor-General is not to be merely an Accounting Officer for this Government, he is not simply to draw the accounts for this government—that would be done by the Ministry itself—he should have the function to really do the control. In the UK not a single penny can flow out of the Consolidated Fund without the permission of the Comptroller. In India it is not. Simply the head of the Ministry draws out the funds and only at the end of the year, we are confronted with the fact that where only Rs. 10 lakhs were allotted, Rs. 15 lakhs have already been spent. There is no provision, still they take it. These things happen in India.

**MR. DEPUTY SPEAKER :** You have made the point.

**SHRI SEZHIYAN :** This sort of indiscipline is happening because there is no real control in India.

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PRANAB KUMAR MUKHERJEE) :** Most of the points relate to procedure and/only one point the hon. Member raised regarding letters he has written to us. You will appreciate that he wanted information for nearly 40 items. Information on most of these items I have to get from the Gujarat Government. He wrote the letter on the 15th and it took 3 or 4 days to reach me. I laid the statement on the Table of the House on the 5th. If I had these points earlier, I would have tried to get some more information. Regarding whether this particular item was spent or not, during the course of the discussion I will try to give him that information.

I only want to submit for your consideration regarding unforeseen expenditure from the Contingency Fund. This was also



a point raised by the hon. Member on earlier occasions as a result of which the Bill was ultimately withdrawn both on Gujarat and Pondicherry. We had some correspondence with the Speaker also and we tried to emphasize on the Speaker that on certain occasions expenditure from the Contingency Fund on unforeseen account may be necessary. Even in the latest communication that we have received from the hon. Speaker he has directed us not to make any expenditure from the Contingency Fund when the Parliament is in session and we have issued the necessary instructions to that effect also. There are certain other implications also which are being looked into.

Certain other items also the hon. Member mentioned were spent from the Contingency Fund and on unforeseen expenditure. Of course, whether any particular item could be treated as unforeseen or not, I cannot pass a judgment. It is for you and for the House to take a view of it.

**MR. DEPUTY SPEAKER:** I think I must express a feeling that it is my misfortune to be too respectful to every Member in this House that I follow them very attentively and try to understand their points of view. My second misfortune is that I am too zealous of the rights of this House. If you think that that is a fault with me, I accept it.

Yesterday, I had an occasion to say that I have more of the points here than the Members have raised than the Minister cared to listen to or to note down. I am afraid today also it is the same thing. I expected the Minister to listen carefully to the points raised by Mr. Sezhiyan which are very important and constitutional points and which relate to the functions of this House as a watch-dog of the finances of this nation. I had thought that he would meet those points one by one and answer them. But, since he has not done so and I have them all here, I would elicit information from him on each of these points and I expect that he will satisfy this House and me also. If you cannot, then I think

I will have to take a little more serious notice whether we should proceed with this discussion at all.

**SHRI K. S. CHAVDA:** In the morning also I raised a point of order.

**MR. DEPUTY SPEAKER:** About that the Speaker has given a ruling and let us not go into that. That point of order is very valid, but let us now confine ourselves to these Supplementary Demands and also these items.

If the Minister would kindly turn to this book on Supplementary Demands at page 1—this is the first point raised by Mr. Sezhiyan and a very important point too—I will read the explanatory note at the end of that which says

The State Government sanctioned additional dearness allowance.

I think the emphasis here is on this word 'sanctioned' which is in the past tense.

"The State Government sanctioned additional dearness allowance to its employees, with effect from 1st January, 1974 1st March 1974 and 1st May, 1974. Pending computation of the additional requirements under each Demand."

because these dearness allowance related to the different departments with different Demands.

"Pending computation of the additional requirements under each Demand a lump sum provision of Rs. 560 crores was included under Grant No. 24 in the Budget Estimates, 1974-75" which have been granted by this House.

as likely expenditure resulting from these increases in the rates of Dearness Allowance. The provision of Rs. 560 crores under Demand No. 24 will now be surrendered and the Supplementary Grants have now been sought under the relevant Demands."

Well, it is obvious you have got this money Rs. 560 crores, under Demand No. 24

but under this Demand, you did not spend this money; and that is why you say you surrendered this money and you now come forward for the same amount under the different heads here. Now, the question that is asked by Mr. Sezhiyan—and that I would like also to put to you—is this: whether you have paid these dearness allowances to the staff of the Gujarat Government, to the employees of the Gujarat Government, under different heads, whether you have done that at all. This is the basic question.

**SHRI PRANAB KUMAR MUKHERJEE:** So far as the specific information is concerned, we shall have to collect it

(Interruptions)

**MR. DEPUTY SPEAKER:** Well, order please. (Interruptions) Now I will ..

**SHRI PRANAB KUMAR MUKHERJEE:** Sir, it has already been paid.

**MR. DEPUTY SPEAKER:** In that case, it is a very serious matter, because... (Interruptions) Please, please, order please. Well, I draw your attention, shall I draw your attention to the Constitution? Have you got the Constitution with you?

**DR. MAHIPATRAY MEHTA (Kutch):** So long as it does not exceed, it is all right.

(Interruptions)

**MR. DEPUTY SPEAKER:** Order... (Interruptions) Let us hear the Minister.

**SHRI PRANAB KUMAR MUKHERJEE:** If it does not exceed the amount sanctioned by the Parliament, I do not know what is the objection.

(Interruptions)

**MR. DEPUTY SPEAKER:** All right; let us now discuss this. This affects the fundamentals of this House. I do not want to obstruct; but I want to assert the rights of this House. And as I say it again and again, I do not want anybody in

this country to take this House for granted. Too often we hear it said: "Oh, we take them for granted." I do not like this at all. Now, if you have the Constitution, kindly turn to page 65, Article 114(2). Have you got it? It says: "No amendment shall be proposed to any such Bill in either House of Parliament which will have the effect of varying the amount or altering the destination of any grant so made."

Under the Constitutional provision you can't have an amendment which will alter the destination of the Grant. Here you have provided something on Grant No. 24 and you have spent on something else. Does it not amount to altering the destination of the Grant under Demand No. 24? This is what I want to know.

14 HRS.

**SHRI B. V. NAIK (Kanara):** It you mean by destination the direction and the ultimate goal, it is something of the Ganges breaking itself up into the Delta. You have got here a lump sum provision of Rs. 5-1/2 crores. It is broken up into various items.

**MR. DEPUTY SPEAKER:** We cannot play ducks and drakes with the Grants given by this House.

**DR. MAHIPATRAY MEHTA:** It is a lump sum provision. It has to be distributed under various items.

**SHRI P. G. MAVALANKAR:** From the reply given by the Minister, are we to understand this? This amount of Rs. 5.60 crores was sanctioned under Demand No. 24. He says that he surrendered it; he is reappportioning it into various branches.

**MR. DEPUTY SPEAKER:** If it is spent under different heads, because there has been no sanction, no grant given by this House under those different heads—the House has given this under Demand No. 24,—therefore, he wants to recoup that money by coming to this House with a

Supplementary Demand. Don't you see why he is coming?

**SHRI PRANAB KUMAR MUKHERJEE:** I would like to make a submission. Members have raised certain points. I would like to clarify those points tomorrow; we can take this up tomorrow.

**MR. DEPUTY SPEAKER:** Very well; very kind of you. Let me make these points. You can come up tomorrow about these things. This is point number one. The other is the very liberal use of the Contingency Fund. Well, technically, perhaps there is nothing to object to, but if you read the Article of the Constitution—relating to Contingency Fund—you will find, this is in respect of 'unforeseen expenditure'. Mr. Sezhiyan raised a number of points. I am thankful to hon. Members like Mr. Sezhiyan, because, only when we have very alert Members like these who are zealous of their rights, of the rights of the House...

**SHRI K. S. CHAVDA (Patna):** The Speaker did not thank me when I raised a point of order in the morning.

**MR. DEPUTY SPEAKER:** I was not in the Chair to thank you. Definitely, it had caused Mr. Sezhiyan a lot of time and lot of labour and pains-taking to go into all these things. Therefore, we are very grateful to him. You have to satisfy us whether these are covered under the provisions of the Constitution. And, number three is this. I have just glanced through it. On 15th February, two days before this House met, they had appropriated something from the Contingency Fund, and on one occasion, on the 17th itself, the day when we met here, they appropriated something from the Contingency Fund.

**SHRI PRANAB KUMAR MUKHERJEE:** This question has already been raised and we are in correspondence with the Speaker. We have expressed our view point to him and I referred to his latest communication in which he has directed us not to resort to contingency fund.

But we have some difficulty because when the Lok Sabha will be in session, the Rajya Sabha will not be in session, until the Appropriation Bill...

**MR. DEPUTY SPEAKER:** Let me supplement the information of my young friend. Where money is concerned...

**DR. MAHIPATRAY MEHTA:** Practical difficulties are there and that should be kept in view.

**MR. DEPUTY SPEAKER:** Order, order.

I want to refer to this because he mentioned the word 'Rajya Sabha'. I mean no disrespect to Rajya Sabha, but so far as Money Bills are concerned, Rajya Sabha has nothing to do.

**SHRI PRANAB KUMAR MUKHERJEE:** Appropriation Bills have to go to the Rajya Sabha.

**MR. DEPUTY SPEAKER:** We are at the Demands now and not the Appropriation Bill.

**SHRI PRANAB KUMAR MUKHERJEE:** I beg to submit that it has its implications.

**MR. DEPUTY SPEAKER:** If Speaker has given you friendly warning or friendly advice, there is all the more reason you satisfy us tomorrow.

**SHRI PRANAB KUMAR MUKHERJEE:** I have made my submission. It is for you to decide. Whatever could not be contemplated, we can bring either through the supplementary demands or resort to contingency fund. I would like to have direction from the Chair. I cannot withdraw any money from the Consolidated Fund unless I am authorised by the legislature. But if certain unforeseen incidents take place, from where have I to meet the expenditure? For that contingency fund is provided. But what item has to be treated as foreseen or unforeseen, that is a matter of individual judgement.

**MR. DEPUTY SPEAKER :** Contingency fund is just for that purpose and that is very correct. But when the matter comes before the House it is not a question of individual judgment, it is a question of collective judgment of the House and it is also the duty of the Government to satisfy this House that what they do is correct. After that the House will take the decision. The House is supreme.

**SHRI PRANAB KUMAR MUKHERJEE :** Sir, I would like to submit that the hon. Members may make general observations and I shall clarify these points tomorrow.

**SHRI K. S. CHAVDA :** Sir, when the demands are not in the correct form, it is useless to discuss them today.

(Interruptions)

Now I come to the third point. This seems to be a little more serious. You will come forward with that.

**MR. DEPUTY SPEAKER :** Order, please. Order, please.

#### Demand No. 49 page 22

Under the 'Half a Million Jobs Programme', an Apprentice training scheme for Agro Industries Centres under Gujarat Agro Industries Corporation was sanctioned at an estimated cost of Rs. 1.49 lakhs. The Supplementary Grant has been necessitated to meet additional expenditure on this account.

Now, two questions arise—whether this money 1.49 lakhs has been spent or not. That is the point that you must answer.

Mr. Sezhiyan had pointed out to your Demand for the State of Gujarat—all the demands together—I mean the main demand not the Supplementary Demand for 1975-76. Please see page 54.

If you kindly look at page 54 you will find to your left there is mention of budget estimates for 1974-75 and revised estimates for 1974-75. Now, look to your right you will find the mention of budget estimates for 1975-76. Now, under "other programmes" you find there is a blank and there is no demand granted. In 1974-75 also there has been no demand granted under this head. If there has been not even a token grant given to you from where did you spend this money. These are the few questions. I appreciate the gesture on your part that you will come prepared with a reply to the House tomorrow.

**SHRI PRANAB KUMAR MUKHERJEE :** Sir, I would like to make a submission for the consideration of the House. Today is Thursday and tomorrow is Friday. After getting these demands passed on the Floor of this House we have to get them passed from Rajya Sabha also. After 26th March, House is not meeting. 31st March is the last day of the financial year. The people of Gujarat have been in great difficulties and there are administrative problems. Therefore, I would submit for your consideration, Sir, and for the consideration of the hon. Members that I will try to, during the course of even today, cover some of the points which the hon. Members have mentioned, in my reply and if it is not possible today, I will pass on the information to you and to the hon. Members tomorrow.

(Interruptions)

**SHRI P. G. MAVALANKAR :** Mr. Deputy-Speaker, Sir, I am very sorry that some hon. Members are trying to bring in unnecessary controversies into the whole thing. This is not a question of Government versus Opposition. This is a question of the entire Parliament. We are here as a parliamentary watch-dog over executive actions, as you rightly pointed out. Some of my friends say that the people of Gujarat need sympathy, of course, they do. Therefore, the whole point is, if you will kindly permit the discussion to go on today, with the Minister explaining all the constitutional and sub-

staniel points raised by Mr. Sezhiyan to-day, in his reply tomorrow and on that; if necessary, then, you may permit us to ask further questions arising out of the discussion, we can perhaps go ahead with the discussion today.

(Interruptions)

MR. DEPUTY SPEAKER : I understand the difficulties.

SHRI DINEN BHATTACHARYYA (Serampore) : Sir, you have already given your ruling. (Interruptions)

MR. DEPUTY SPEAKER : Mr. Bhattacharyya, this is not the way, because it suits you at the moment. I cannot look at it in that way at all. I do not like anybody to get the impression that I can be pressurised. I do not want also to make a decision which would appear to be arbitrary. No, not at all. Whatever I say, I must carry some conviction with the House. I cannot be arbitrary. Therefore, let us not go into all that. Now, I fully appreciate the difficulties of the Government in regard to time and so on. But what are more important are the Constitutional proprieties and if this House does not safeguard those things, then, what are we doing here? Do you think that we are a rubber stamp? Is this House a rubber stamp? I cannot do that. As long as I am here, I won't allow that. I think the Minister himself had realised that when he made the proposal earlier on that this item may be taken up tomorrow and that he will be ready with the answers although I should have thought that he should have been ready because Mr. Sezhiyan had written to them quite some time ago, on the 14th and his Government should have taken more serious notice of the letter sent by Mr. Sezhiyan to the Speaker and routed through the Speaker to the executive. They should have taken more serious notice of that and they should have come fully prepared with the brief to answer point by point. The very fact that it has not been done is another

reason which exasperates me and it should exasperate every one of you. Anything written by you to the Speaker and the Speaker sending it to the Government, whether it is on this side or on that side and that to be treated in this nonchalant and cavalier manner, would you appreciate that? They should have come forward. It is a fact that the Minister is not ready. Therefore, he made an offer earlier on that because he was not ready—I appreciate that—we should take up the item tomorrow. I agreed to that. Now, he has made a second request and I am afraid I will not be able to accede to the second request. I have accepted the first request. Here are some fundamental Constitutional things. If some money has been spent which has not been granted by this House, which has not been appropriated by permission of this House, then, something very irregular has gone into these demands and the whole thing should be recast. Therefore, How can I accept that we start discussing and then he will satisfy us tomorrow? This is a point of order fundamental to whether we can discuss this or not. Unless this point of order is disposed of, we cannot take it up. This is the difficulty.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : This Appropriation Bill has to be passed by both the Houses. (Interruptions) My submission is this that this Appropriation Bill has to be passed by this House and by the Rajya Sabha before they rise. And it is for consideration—of course, the Chair has to give its ruling—whether instead of postponing the discussion, the discussion cannot be completed and later the ruling may be given? This may be considered because of the urgency of the matter and because it has to be passed by both the Houses before a certain date, before Rajya Sabha goes for recess. (Interruptions).

MR. DEPUTY SPEAKER : Normally it should have been my pleasure. The House, as I said, must function in com-

plete cooperation with the Minister for Parliamentary Affairs, with the leaders of the opposition and with the Members. We must do that. Otherwise, we cannot get on here. But here I have said just now, certain very fundamental constitutional questions have been raised. I must be satisfied that no grave constitutional improprieties have been committed which have gone on into the Supplementary Demands; that is the main point. If certain grave irregularities have gone into it on which the Minister has not been able to satisfy me and the House, then how can we take it up at all? That is the point. The whole thing has to be recast. And if there is a question of time we should have thought about it. If there is the question of time, if the Executive wants us that we should be prepared, then the Executive should be more expeditious to answer the points which Mr. Sezhiyan has asked through the Speaker on the 14th. Today it is 20th and six days have passed. Why did they not do that? Why only this Parliament be rushed through and the Executive goes on in its own snail speed or in its own horse carriage speed? That is the main difficulty.

14.25 hrs.

**PONDICHERRY BUDGET, 1975-76  
GENERAL DISCUSSION, DEMANDS\*  
FOR GRANTS ON ACCOUNT (PONDICHERRY), 1975-76 AND SUPPLEMENTARY DEMANDS\* FOR GRANTS  
(PONDICHERRY), 1974-75**

MR. DEPUTY SPEAKER: Now we go on to the next item—Pondicherry. In this also the same difficulty.

SHRI SEZHIYAN (Kumbakonam): Mr. Deputy Speaker, Sir, the items Nos: 17, 18 and 19 . . .

MR. DEPUTY SPEAKER: There are two Demands one is on vote on Account. Which Demand you are referring to?

SHRI SEZHIYAN: I will make my submission on the Supplementary Demands for 1974-75 on Pondicherry. I want to make one submission. Whenever I want to make a point, it is not with a view to stall the business of this House; it is for the general benefit of the entire House. As a Member of this House, I want to see that the Constitution and the parliamentary procedures are correctly followed.

MR. DEPUTY SPEAKER: You must realise my difficulty. I come to this Chair without prior reading of all these papers. I have never seen the papers before I come here. If I have some background reading, I will be able to follow it. Therefore, I have to listen to you very carefully. This is my misfortune.

SHRI SEZHIYAN: I prepared this one because I thought that it was my painful duty that I should take up this matter not with a view to stall the business of this House, but probably to help the House; in that spirit, I am making this point. Now, I am taking up the Supplementary Demands for Grants of Pondicherry. Let us take Demand No. 6 on pages 4 and 5. Here, I am particularly interested in item No. (b) on page 5. It reads as follows:

“(b) Consequent on the failure of monsoon in 1974, several drought relief measures have had to be taken in the Pondicherry and Karaikal regions of the Union Territory. These measures are estimated to involve an additional expenditure of Rs. 23.55 lakhs in 1974-75 for which this Supplementary Grant has been sought.”

Again, Sir, we are going back to the same basis on which I contested the Gujarat Demands earlier. This had been due to monsoon in 1974.

These amounts had not been given in the Budget 1974-75.

\*Moved with the recommendation of the President.