

liver such copies in person together with such notes he desires to exchange to any bank or Government Treasury without India.

(3) Every such declaration shall be signed and attested and the deponent thereof identified before a magistrate, judge or gazetted officer.

(4) On presentation of such declaration to any Bank or Treasury without India, such Bank or Treasury shall exchange such notes for an equivalent value of special notes referred to hereafter.

28D. Penalties.—Whoever knowingly makes a declaration, which is false in any material particular or only partially true, or otherwise contravenes provisions of sections 28A, 28B, or 28C shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

28E. The Union Government may make rules to provide for any matter for which it deems provision necessary or expedient in order to give effect to the purposes and provisions of sections 28A to 28F, both inclusive'

*The motion was negatived*

Mr Speaker: The question is:

"That Clause 2 stand part of the Bill"

*The motion was adopted.*

*Clause 2 was added to the Bill*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

Shri Morarji Desai: Sir, I beg to move:

"That the Bill be passed"

Mr. Speaker: The question is:

"That the Bill be passed."

*The motion was adopted.*

12.45 hrs

#### SUSPENSION OF FIRST PROVISOR TO RULE 74

The Minister of Revenue and Civil Expenditure (Dr. B Gopala Reddi): Sir, I beg to move:

"That the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the State Bank of India (Subsidiary Banks) Bill, 1959, to a Joint Committee of the Houses be suspended"

Shri A. C. Guha: (Barasat): Sir, I have a point of order to raise. Under article 109, it has been stated that 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. Reference to the Select Committee is not passing of the Bill. When you have certified this Bill to be a Money Bill, it cannot be taken into consideration by the Council of States before it is passed by this House. Moreover, the Council of States is not entitled to make any amendments, it can only make recommendations to this House. But the Members of the Council of States will be sitting in the Joint Committee and they will be participants in the deliberations of the Committee and the amendments made there. I think that is a departure from article 109 of the Constitution.

The suspension of rule 74 is sought for with regard to this Bill and I do not consider that this Bill cannot be discussed by the Council of States. You have certified it a Money Bill. There is enough scope to argue that this may not be considered to be a Money Bill. Article 110 says that "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:" it goes on to narrate them. This Bill does not contain only the provisions mentioned in article 110 (1) (a) to (f)

Mr Speaker: One word The hon Member says that I have certified this to be a Money Bill Where is it stated?

Shri A. C. Guha (Barasat): Otherwise, why is suspension of rule 74 sought for?

Mr. Speaker: Rule 74 relates not only to Money Bills but to Financial Bills also

Shri A C Guha: The proviso reads

"Provided that no such motion as is referred to in clause (iii) shall be made with reference to a Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 of the Constitution"

That is the proviso and it refers only to the Money Bill Article 110(1) says that "for the purposes of this Chapter a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with any of the matters referred to in sub-clauses (a) to (g) of that article" If it is not certified a Money Bill, I think there is no necessity for the suspension of this proviso

Mr Speaker. The hon Member need not introduce the certificate by me at this stage It is only when I send to the other House that I have to make up my mind whether it is a Money Bill or not. There is a motion for reference to the Joint Committee There are two kinds of Bills Every Bill need not be a Money Bill if that Bill deals with matters mentioned in article 110(1) (a) to (f) If in addition to that, there are other clauses, it may not be a Money Bill The hon. Member has slurred over the word

'only'. It becomes a Money Bill if it contains only those matters referred to in article 110(1) (a) to (f). If it contains this and something else, it is a Financial Bill. Now, so far as this is concerned, it only requires a recommendation of the President and the other House is competent to pass that Bill or alter it Without the other House agreeing to it, this House alone cannot pass that Bill. Rule 74 applies to financial Bills also It does not refer only to Money Bills. Under rule 74, no Joint Committee shall be appointed with respect to a Financial Bill or Money Bill. But for rule 74, the Financial Bill will be on the same lines as any other ordinary Bill that can be referred to the Joint Committee This stands in the way If it is a Money Bill I would not allow the suspension for the reason that the other House has no jurisdiction to enter Probably this difference has not been noticed by the hon Member This is a financial Bill. I have heard him Has he anything more to say?

Shri A C Guha: If it is not considered as a Money Bill I have no objection

Dr. B. Gopala Reddi. Clause 13(11) regulates the imposition of stamp duty on warrants etc Therefore, Sir, it attracts article 110(1) (a) of the Constitution It is, therefore, a financial Bill and I must move for the suspension of the rule

Mr Speaker. I have heard both the hon Member and the hon Minister I do not consider this is a Money Bill This is a financial Bill. No doubt, a financial Bill contains clauses (a) to (f) of article 110(1) and in addition something else But a Money Bill is restricted to clauses (a) to (f) of article 110(1) It is rule No 74 which prevents the motion for reference of the Bill to a Joint Committee of both the Houses It prevents both Money Bills and financial Bills being referred to a Joint Committee But for that rule a financial Bill is not different from any other Bill which can be referred under the

[Mr. Speaker]

rules to a Joint Committee of both the Houses. It is only rule 74 that stands in the way. But I would agree that if rule 74 only relates to a Money Bill, a Money Bill cannot be disposed of in the other House or be referred to a Joint Committee whether there is rule 74 or not. I would agree that under the Constitution the other House has no jurisdiction to enter, irrespective of the rule, if it is a Money Bill. I agree that the rule stands in the way if it is a Money Bill. That is all right. But what can be normally done with respect to a financial Bill is not being done. The rule stands in the way of its being sent to a Joint Committee. We provided this rule for this purpose, that though a Finance Bill can be touched by the other House, amended, altered etc., so far as a financial Bill is concerned, the President did not want that the other House should be clothed with that power but this House to come to an independent judgment without the aid of the other House. But there is no harm in this. This is a financial Bill.

Dr. B. Gopala Reddi: There is no taxation involved.

Mr. Speaker: There is no impediment. We can get rid of the rule which says that this ought not to be referred to a Joint Committee. There is no point of order. I do not agree with the point of order. The motion is quite in order. It is open to the House to accept it or reject it.

Shri A. C. Guha: If it is not a Money Bill I have no objection to the suspension of the rule.

Mr. Speaker: It is not a Money Bill, it is only a financial Bill.

Shri A. C. Guha: There is no mention of financial Bills in the Constitution.

Mr. Speaker: No. It is a financial Bill, and as such there is no prohibi-

tion against a financial Bill being disposed of by the other House, amended or altered.

Shri A. C. Guha: My difficulty is, you will find similar provisions in most of the Bills, some consequent expenditure from the Consolidated Fund of India, and most of the Bills will come under that category. If all such Bills are to be treated differently, then some difficulty may arise.

Mr. Speaker: The point is, I agree with the hon. Member that if we go on exempting or removing the operation of rule 74 the object of having framed this rule preventing such Bills being referred to a Joint Committee of both the Houses itself will be removed. I shall be careful with respect to the future, in allowing or not allowing reference of Bills to a Joint Committee.

Dr. B. Gopala Reddi: If any taxation is involved you may say that it need not be referred to a Joint Committee. Here there is no taxation involved at all.

Mr. Speaker: All that Shri Guha says is, if every time this rule is to be suspended there is no purpose in having this rule except for Money Bills. We can easily say "Money Bills", and eliminate the financial Bills altogether. Therefore, we will decide each case on its merits. The rule will stand. Let us dispose of this. The question is:

"That the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the State Bank of India (Subsidiary Banks) Bill, 1959, to a Joint Committee of the Houses be suspended."

The motion was adopted.