

t[THE DEPUTY MINISTER IN THE MINISTRY OF FOOD AND AGRICULTURE (SHRI D. R. CHAVAN): (a) On account of the strike in U.S.A. ports, the arrivals of wheat and rice during February and March from U.S.A. have been very adversely hit, the shortfalls being of the following order:

	Wheat	Rice
Feb.	2.5 lakh tons	about 70,000 tons
March	about 5 lakh tons	about 50,000 tons

(b) The strike continued for 55 days and ended on the 7th March, 1965.]

12 NOON

PAPERS LAID ON THE TABLE

ANNUAL CERTIFIED ACCOUNTS (1962-63) OF THE KHADI AND VILLAGE INDUSTRIES COMMISSION AND OTHER RELATED PAPERS.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI JAOANATH RAO) : Sir, I beg to lay on the Table a copy each of the following papers:—

- (i) Annual certified Accounts of the Khadi and Village Industries Commission for the year 1962-63, together with the Audit Report thereon, under sub-section (4) of Section 23 of the Khadi and Village Industries Commission Act, 1956.
- (ii) Statement explaining the reasons as to why the document referred to at (i) above could not be laid on the Table of the House earlier.

[Placed in Library. See No. LT-3998/65 for (i) and (ii).]

ANNUAL REPORT AND ACCOUNTS (1963-64) OF THE CENTRAL WAREHOUSING CORPORATION, NEW DELHI

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD AND AGRICULTURE (SHRI D. R. CHAVAN) : Sir, I beg to lay on the Table, under sub-section (11) of

t[] English translation.

section 31 of the Warehousing Corporations Act, 1962, a copy of the Annual Report and Accounts of the Central Warehousing Corporation, New Delhi, for the year 1963-64, together with the Auditors' Report on the Accounts. [Placed in Library. See No. LT-4000/65.]

REVISED ESTIMATES (1964-65) AND THE BUDGET ESTIMATES (1965-66) OF THE EMPLOYEES' STATE INSURANCE CORPORATION

SHRI JAGANATH RAO: Sir, I beg to lay on the Table, under section 36 of the Employees' State Insurance Act, 1948, a copy of the Revised Estimates for the year 1964-65 and the Budget Estimates for the year 1965-66 of the Employees' State Insurance Corporation. [Placed in Library. See No. LT-4001/65.]

RE GENERAL DISCUSSION ON THE BUDGET IN RAJYA SABHA IN THE FIRST INSTANCE

SHRI A. D. MANI (Madhya Pradesh): Sir, may I seek your permission for raising an important matter concerning the position of this House in the Constitution. I know my responsibility in referring to the proceedings in the other House. On the 12th March the matter was raised in the other House regarding the prior discussion of the General Budget in this House and on that occasion the presiding authority of that Chamber, the Speaker, placed before the House certain propositions which affected the right of this House under the Constitution. According to him the Constitution has vested certain privileges in that House alone regarding the discussion of the General Budget. He also made another statement that even in respect of urging the Government to reduce taxation, that House had the privilege to do it first.

Sir, the General Budget has been discussed in this House since 1952, from the time the Constitution came into existence up to this day excepting for a variation for a year to suit the convenience of the other House. This matter was also raised in this House on the 4th March, 1963, and you

were pleased enough to say from the Chain—

"I have no doubt in my mind that the matter is quite clear. As you have all made out, the Constitutional position is quite clear. There is *no* superiority or inferiority in anything. We are two different Houses; we have two different functions to perform. There is no question of any House being superior to the other House. That point is incontrovertible."

Sir, this House has been discussing the General Budget for a number of years, and this practice has suited not only the convenience of this House but the States which the Members represent in this House. The State Budgets are generally presented in the last week of February. The question of Plan allocation is one of the most important matters which the State Vidhan Sabhas consider, and they naturally expect that the representatives of the States would get the opportunity of presenting their State's point of view before the Finance Minister.

Sir, this House has as much right as any other House to ask the Finance Minister to reduce taxation. There is no question of privilege involved as the Speaker of the other House has made out that they should have the privilege first of making a plea for reduction of taxation. Sir, since this matter has been raised in a pointed fashion by the Speaker of the House, I do not think that that House has the privilege and that this House can allow the matter to pass unnoticed. You are the custodian of the privileges of this House and of all its Members. We have had this privilege for a number of years, and for the first time a Constitutional issue is being sought to be raised. I am very glad that the honourable the Leader of the House is here. He himself is an eminent Judge, and I have no doubt that he will agree with us that under the Constitution there is no question of inferiority or superiority in respect of a discussion of the General Budget.

MR. CHAIRMAN: But has the Speaker raised that issue?

SHRI A. D. MANI: I am quoting.

SOME HON. MEMBERS: Yes, Sir.

SHRI A. D. MANI: The Lok Sabha proceedings dated the 12th March says:—

"We should not in any manner show or appear that we grudge their exercising their own rights. But there are certain rights which are vested in this House. That also must be taken into consideration. If the Constitution has vested certain privileges in this House alone, then it is our duty that we should not curtail it. The hon. Minister quoted certain observations to show that the Government has power to vary taxes and other things. That they are allowed under the law. They can always do it. But when the discussion takes place in that House, it may become necessary, sometimes,—I do not say this time or next time—but on certain occasions, and the Minister might feel persuaded to make any announcement so far as that taxation is concerned. That position would rather be a queer one because it is only this House which can urge for those things and the Minister can make concessions in response to that."

Sir, even a plea for reduction of taxation, according to the Speaker, cannot be made in this House first unless it is made there. I think, Sir, it seeks to derogate the rights granted by the Constitution. I would appeal to you as the custodian of the privileges of the House and the Members to take up the matter with the Speaker and have this Constitutional issue cleared. If necessary, the Government may make a reference to the Supreme Court since it is a matter of Constitution to find out what the privileges of this House are.

Sir, I only want you to represent this matter to the Speaker. The Government should continue the present practice of allowing the General Budget and the Railway Budget to be discussed in this House first because it suits the convenience of that House as well as ours.

SHRI M. P. BHARGAVA: (Uttar Pradesh): Sir, since this House came into existence, this House has been discussing the Budget first except in the lameduck session held after the General Elections.

[Shri M. P. Bhargava.] Moreover, when this question was raised last year, the Minister of Parliamentary Affairs had convened a meeting of the leaders of all the political parties. There I happened to be present and I "made the suggestion that the Lok Sabha had the final say as far as the Budget matters are concerned. We have no quarrel with that. Nor do we want to take away the right of the Lok Sabha on that account. What we wish to say is that the Rajya Sabha should be heard before the Lok Sabha makes up its mind about the Budget proposals and ask the Finance Minister to give some concessions. I am happy to tell the House that this suggestion of mine was endorsed by all the party leaders present at that conference, and it was agreed that the Budget will be discussed in the Rajya Sabha first as far as possible.

Thereafter a point was raised. Last year it had been announced that the Budget should be discussed first in the Lok Sabha and then in the Rajya Sabha. I said that I wanted no controversies between the two Houses. I would agree to the programme which has been announced going through. And that is where the matter lay at that time. Now this year again when the Budget has been discussed in this House, the matter was raised in the other House, and the Speaker was pleased to give his opinion, as read out by Shri Mani. What I would plead with the hon. Members of this House is not to press the matter here. We will deal with it outside at the political level, convene a meeting of the leaders again and try to sort out this question.

श्री ए० बी० बाजपेयी : (उत्तर प्रदेश)
श्रीमन्, मुझे इसमें आपत्ति नहीं है कि सभी दलों के प्रतिनिधियों को बुलाया जाय और उनसे विचार विमर्श करके कोई फैसला किया जाय। लेकिन पिछले साल भी एक फैसला हुआ था और उस फैसले पर लोग कायम नहीं रहे। जिन दलों ने इस बात को माना था कि राज्य सभा में बजट पहले होनी चाहिये, उन दलों के सदस्य लोक-सभा में उसके विरोध में खड़े हुए और लोक-सभा में एक व्यवस्था दी गई है।

मैं चाहता हूँ कि इस सम्बन्ध में एक अंतिम निर्णय कर लिया जाय। अगर संविधान की स्थिति के बारे में मतभेद हो, तो वह स्थिति भी स्पष्ट होनी चाहिये। जहाँ तक बजट के प्रस्तावों पर अंतिम निर्णय करने का सवाल है, संविधान ने वह अधिकार लोक-सभा को दिया है और हम उस अधिकार में हस्तक्षेप करें, यह प्रश्न पैदा नहीं होता। लेकिन संविधान में पहले बजट पर बहस करने से नहीं रोकता और अगर लोक सभा के कुछ विशेषाधिकार हैं, तो राज्य सभा के भी कुछ विशेषाधिकार हैं, जिन की हम रक्षा करना चाहेंगे।

वैसे तो लोक-सभा के सदस्यों को इस बात का स्वागत करना चाहिये कि बजट पर बहस पहले राज्य सभा में हो जाय। हम यहाँ राज्यों के प्रतिनिधि हैं और बजट की ओर देखने का हमारा एक अलग दृष्टिकोण हो सकता है और अगर हमारी आलोचना, हमारी प्रतिक्रिया, बजट के सम्बन्ध में लोक-सभा के सदस्यों के सामने रहेगी, तो वे उसकी आलोचना करने में, निर्णय करने में, अधिक सुविधा का अनुभव करेंगे। किन्तु यदि यह विवाद घाघे बढ़ता है और लोक-सभा के सदस्य और वहाँ के अध्यक्ष महोदय भी इस बात पर अड़े हुए हैं कि राज्य सभा को बजट पर पहले बहस करने के अधिकार से भी वंचित कर दिया जाय, तो हम समझते हैं कि एक संवैधानिक गुत्थी पैदा होती है, जिसे हमें ठीक तरह से समझना होगा। मुझे विश्वास है कि सरकार इस सम्बन्ध में कोई एक पक्षीय निर्णय नहीं करेगी और लोक-सभा में जो कुछ कहा गया उसको ध्यान में रखते हुए राज्य सभा की भावनाओं का पूरा ध्यान रखा जायगा।

श्री गंगाधर सिंह (बिहार): श्रीमन्, जो कुछ मेरे मित्र श्री अटल बिहारी वाजपेयी ने कहा है उससे मैं पूर्णतया सहमत

हूँ। यह बड़ा अशोभन लगता है कि दोनों सदनों के बीच इस तरह का कोई विवाद उत्पन्न हो। मैं नहीं चाहूँगा कि इस तरह का कोई विवाद पब्लिकली हो। पिछले साल जो बातें तय हुई थीं उन पर यदि अमल किया गया होता तो इस विवाद के उठने का प्रश्न ही नहीं होता। अब यह सबाल लोक सभा में उठ चुका है। मेरा आपसे निवेदन है कि आपको हमारे अध्यक्ष की हैसियत से इस मामले में हस्त-चस्पी लेनी चाहिये कि यह मामला और अशोभनीय न हो और इस पर कोई पब्लिक डिस्कशन नहीं हो, इस बारे में कोई विवाद न होने दें इसकी चेष्टा करनी चाहिए। मैं उन लोगों में से नहीं हूँ जो यह चाहते हैं कि दोनों सदनों में इस तरह की प्रति-द्वन्द्विता या प्रतिस्पर्धा हो। मैं समझता हूँ कि दोनों एक दूसरे के पूरक हैं, सप्लीमेंट हैं, दोनों को मिला करे यह हमारी पार्लियामेंट बनती है। ऐसी स्थिति में कोई भी ऐसा विवाद हो हमारी इस डेमोक्रेसी के लिए, हमारे जनतंत्र के लिए नितांत अशोभनीय है। इस तरह का विवाद बिल्कुल नहीं होना चाहिये और ऐसा विवाद जितना कम हो, अच्छा है। लोक-सभा में जो कुछ हुआ है, उसके चलते यह अप्रिय परिस्थिति उत्पन्न हो गई है। और मैं यही चाहूँगा कि यह मामला सुलझ जाय। यही मेरा नम्र निवेदन है।

SHRI M. RUTHNASWAMY (Madras): In regard to this question of the Lok Sabha claiming precedence in matters of discussion of the Budget. I am afraid the Members who claimed that precedence in the other House did not distinguish between a Financial Statement and a Financial Bill. With regard to Financial Statements, the Constitution lays down in article 112:

"The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India

for that year, in this Part referred to as the 'annual financial statement'."

In regard to the Financial Statements, our Rules of Procedure lay down:

"On a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council."

So in regard to Financial Statements, you, as Chairman, have full right to determine and decide when that Budget shall be discussed. The prohibition in regard to this House taking notice of financial matters is only in regard to Bills:

"A Money Bill shall not be introduced in the Council of States."

So if this distinction is borne in mind between a Financial Bill and a Financial Statement, there can be no doubt that we have a right, a right fortified by the practice of so many years, of discussing the Budget before the other House discusses it.

(Several Congress Members got up.)

MR. CHAIRMAN: This side has already spoken. I do not want a general debate. Mr. Kumaran.

SHRI P. K. KUMARAN (Andhra Pradesh): As. Mr. Ruthnaswamy has dearly pointed out, the difference in the privileges of the two Houses is confined to introduction and passing of the Money Bills. In all other respects the privileges of both the Houses are equal. Hence it is within their right to discuss the Budget first or last or whenever you decide. As far as tax concessions that are to be announced, it may be that it is proper that it is announced there but we can discuss the Budget and express our opinion on the basis of which the Finance Minister can formulate his opinion and announce concessions or reductions or increases, whatever it is, in the other House and we do not have any quarrel with that...

SHRI A. D. MANI: It is our right to discuss.

SHRI P. K. KUMARAN: But our right to discuss even before the other House is a fundamental right and it should not be questioned and it is up to you to decide the time. I support the sentiments expressed.

SHRI C. N. ANNADURAI (Madras): As pointed out by earlier speakers, the practice in this House has been to discuss the Budget, irrespective of the fact whether the Budget was discussed in the other House early or not. The very fact that you have given your scholarly findings that we have got as much right to discuss the Budget even earlier and the practice that has been in vogue here proves beyond doubt that we are off the mark when we are discussing it. There are two aspects of the issue that is now raised. The first is whether we are going to be guided by the observations of any other officer of any other House. The second aspect is whether we should abide by the observations of any other House with regard to this House's proceedings. As far as this House is concerned, it is governed entirely by the Rules quoted by my friend Shri Ruthnaswamy and the findings of the Chairman of this House. Both of them are in our favour. Therefore there is every necessity and every right for us to practise the convention that has been in vogue for so many years. That is one aspect. Another aspect is, that this matter, when it is being raised by the other House, attracts the public attention as well. In the public mind a sort of impression is being created that the Upper House is not after all Upper, that the Upper House will have to wait for the findings of the Lower House as far as the Budget is concerned. Now the Parliament is composed of two component parts, the Lok Sabha as it is called and the Rajya Sabha. There is no difference in status. Certain things, according to Rules, are reserved for the Lok Sabha alone as the Finance Bill, as my friend Sbr Ruthnaswamy has pointed out, and both the Houses are to be guided by Rules framed and accepted. Therefore we would request the Chairman of this House to take up this matter with the Speaker of the other House who has made certain observations and guide this House as he has been guiding so ably for a number of years.

[Shri P. N. Sapru got up to speak]

श्री सभापति : : सप्रू साहब, कोई
जरूरत तो नहीं है। देखिए

श्री प्रकाश नारायण सप्रू : मैं सिर्फ
एक, दो मिनट लूंगा।

श्री सभापति : मगर देखिए, एक
मसले की तरफ मेरी तबज्जह दिलाई जा
रही है। मैं यह चाहता था कि मैं हाउस
का सेंस मालूम कर लूं। आपकी पार्टी
की तरफ से एक साहब बोल चुके हैं, दूसरे
गुप्ता की तरफ से भी बोले हैं और उससे
मुझे अंदाजा हो गया है।

SHRI P. N. SAPRU (Uttar Pradesh): I will just speak one or two sentences. I think the position is quite clear. The Budget Statement or Financial Statement is not the same as Money Bill. It is not a Finance Bill and we have in the past in this House discussed the Financial Statement even before the Lok Sabha. The present practice is sanctified by the custom which we have followed, by the convention which we have followed in this House. Therefore I would say that there should be no encroachment on the rights and privileges of this House and you, as the custodian and guardian of our privileges, take a strong line *vis-a-vis* the other House.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Sir. on a point of order. My respectful submission is, so far as law and the provisions of the Constitution are concerned, it is abundantly clear but the difficulty is, there is no liaison arrangement between this House and the other House, between yourself and the Speaker

MR. CHAIRMAN: What is the point of order? There is no point of order.

PROF. M. B. LAL (Uttar Pradesh): I wish to maintain that the Constitution does not prohibit this House to discuss the Financial Statements before they are discussed by the Lok Sabha and there is no reason why the Government should be

guided by the observations of the Speaker of the other House in this particular matter. As has been pointed out by Mr. Sapru, the law does not prohibit the discussion of the Financial Statement in this House before it is discussed in the other House . . .

MR. CHAIRMAN: Mr. Mukut Behari Lai, I have understood the point.

PROF. M. B. LAL: . . . and the custom supports that particular stand of ours and I therefore feel that as the Chairman you should see that the rights of this House are not encroached upon.

MR. CHAIRMAN: Thank you. I would now request Mr. Chagla to reply.

SHRI M. C. CHAGLA: I just want to say a word. The Constitution has clearly demarcated the powers of the Lok Sabha and the Rajya Sabha with regard to financial matters. We know all that. But all that I would appeal to this House is that we should try and avoid any friction or conflict with the other House, and I have no doubt that the privileges and the rights of this House are safe in the hands of our Chairman, and our appeal to him should be either to approach the Speaker or to convene a conference or to bring about, as was observed, some sort of a liaison between the two Houses, so that this question should not arise. The constitutional position is quite clear. We have every right to discuss the Financial Statement as the Lok Sabha has under the Constitution and there is no doubt whatsoever but, as I said, this is a parliamentary system. The two Houses constitute the Parliament and we should try as far as possible to avoid any conflict or friction. We know our rights; we know our limitations but, as I said, our rights and privileges are safe in the hands of our Chairman.

MR. CHAIRMAN: I am very happy at the unanimity of opinion on the powers of this House, and as Chairman I will do everything to see that the right thing is done.

NOMINATION TO THE INDIAN COUNCIL FOR CULTURAL RELATIONS

MR. CHAIRMAN: I have to inform Members that I have nominated Shri A. D. Mani to be a member of the general assembly of the Indian Council for Cultural Relations.

THE BUDGET (GENERAL), 1965-66— *continued*

MR. CHAIRMAN: Shri Nausher Ali. You can speak sitting if you like.

[THE DEPUTY CHAIRMAN in the Chair]

SHRI SYED NAUSHER ALI (West Bengal): Madam Deputy Chairman, I wanted to speak on the President's Address but no time was available for me. Today I am thankful to you for giving me a little time to speak. I do not know what time will be allotted to me. Because I have got to speak too slowly and also because I seldom speak, I hope you will allow me a little more time than the usual you allow others on an occasion like this.

Now, Madam, after about seventeen years of rule in the name of the Congress the country has been brought to the verge of ruin. India today is beset with difficulties and baffling problems. To mention only some of the problems I will begin by saying that, first of all, we have got defence, then integration, then food and rising prices, then education, then corruption, adulteration, unemployment, and what not. We find daily demonstrations and strikes going on, and firings also. I am sorry, I forgot to mention one fact, namely the problem of language.

Now, Madam, it is not possible for me, within the short time allotted to me, even to speak on one aspect of any one of these problems. I have therefore decided to confine myself to making a few remarks on what is known as the defence problem. Now what is this defence problem? We find mass arrests of the Left Communists as a step, it is said, towards the defence of the country. I fail to understand how this could arise out of the defence problem.