THE

PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE THIRTY-THIRD SESSION OF THE RAJYA SABHA

commencing on the 27th March, 1961/the 6th Chaitra, 1883 (Saka)

RAJYA SABHA

Monday, the 27th March, 1961/the 6th Chaitra, 1883 (Saka)

The House met at eleven of the clock, MR. CHAIRMAN in the Chair.

REQUEST FOR AN EXPLANATION FOR SUMMONING THE RAJYA SABHA ON 27TH MARCH, 1961

SHRI BHUPESH GUPTA (West Bengal): Sir, I have a submission to make.

MR. CHAIRMAN: Shri Ganga Sharan Sinha.

श्री गंगा शरण सिंह (बिहार) : जनाब चेयरमैन साहब, सब से पहले मैं आपका ध्यान इस विषय की ओर दिलाना चाहता हूं कि जिस परिस्थिति में, जिस हालत में और जिस तरह से आज राज्य सभा का अधिवेशन बुलाया गया है इस में सिर्फ़ मेम्बरों की असुविधा और उनके इनकन्वीनियेंस का ही प्रश्न नहीं है बल्कि इस तरह से सभा का बुलाया जाना हमारी सरकार की लापरवाही, उसकी इनकाम्पीटेंस और उसकी जो और खामियां हैं उनको जाहिर करता है । जो मामला हमारे सामने पेश होने वाला है और जिसके लिए आज सभा का अधिवेशन बुलाया गया है वह कोई नया मामला नहीं है । उसके बारे में हमारी होम मिनिस्ट्री को, फ़ाइनेंस मनिस्ट्री को, हमारी ला मिनिस्ट्री को और हमारी पार्लियामेंटरी अफेयर्स की मिनिस्ट्री को, इन सब को, पहले से पता था और यह सब को मालूम था कि ३१ मार्च से पहले वह मामला यहां पेश होना चाहिये और उस पर इस सभा की इजाज़त होनी चाहिये और पार्लियामेंट की इजाज़त होनी चाहिये। उसके बाद भी लापरवाही की गई और पता नहीं कि और क्या क्या किया गया। १८ तारीख को हमारा अधिवेशन समाप्त हुआ और अभी बहुत से लोग घर भी नहीं पहुंचे थे कि अखबारों के जरिये से, रेडियो के जरिये और दूसरे जरियों से उनको इस बारे में मालूम पड़ा और उन्हें फिर वापस आना पड़ा । मेम्बरों को जो असुविधा हुई है उसका शायद आपको पता नहीं है । बहुत से ऐसे मेम्बर हैं जिनको एयर बुकिंग नहीं मिली और उनको काफी परेशानी हुई । बहुतों को एयर कंडीशंड कोच में आना पड़ा। मेम्बरों को काफी असुविधा हुई और परेशानी हुई । उनके जो दूसरे कार्यक्रम थे, प्रोग्राम थे उन्हें स्थगित करना पड़ा और जो कार्यक्रम उन्होंने बनाया था वह पूरा नहीं हो सका । अगर देश के किसी अहम मसले के लिये ऐसा करना पड़े तो किसी को कोई उज्र नहीं होगा । देश के अहम मसले के लिए व्यक्तिगत असुविधाओं का कोई महत्व नहीं है । उसके लिए कोई त्याग करना पड़े

[श्री गंगा शरण सिंह]

तो उसके लिए हर एक मेम्बर तैयार हैं लेकिन यह ऐसा मामला नहीं है । यहां सरकार की गलती की वजह से, सरकार की लापरवाही की वजह से मेम्बरों को ऐसी असुविधा हुई । इसमें राज्य सभा की डिगनिटी का प्रश्न भी है । लोगों ने जब अखबारों में यह पढ़ा तो उनको समझ में नहीं आया कि वह क्या तरीका है । मालूम होता है कि बच्चों की तरह से टिफिन का घंटा बज गया और उन्होंने टिफिन खत्म किया और फिर घंटा लग गया । इस तरह की हालत हमारी हुई है । इस तरफ मैं आपका ध्यान दिलाता हूं कि ऐसी लापरवाही की वजह से मेम्बरों की यह हालत हुई और उनको इनकन्वीनियेंस हुई और राज्य सभा की डिगनिटी का भी खयाल न करने का जो रवैया, जो तरीका अपनाया गया है वह आगे फिर कभी न अपनाया जाय और इस बार जो तरीका अपनाया गया है उसके लिए जो मुनासिब कार्यवाही आप समझें वह करें । इस तरह का वाकया आइन्दा नहीं होना चाहिये और इसके लिए जो मुनासिब कारवाई हो वह अवश्य की जाय ।

इसमें मेम्बरों की असुविधा का प्रश्न है और राज्य सभा की डिगनिटी का और साथ ही सरकार की तमाम खामियों का सवाल पैदा होता है ।

MR. CHAIRMAN: That will do.

श्री गंगा शरण सिंह : १८ तारीख को हम लोग यहां से गये उस समय इस पर विचार क्यों नहीं किया गया । तब भी यह सारी चीजें सरकार के सामने थीं । इस सम्बन्ध में मैं इस ओर आपका ध्यान दिलाता हूं और निवेदन है कि इस सम्बन्ध में आप मुनासिब कार्यवाही करें । यही मुझे निवेदन करना है ।

SHRI BHUPESH GUPTA: Sir, I associate myself with the sentiments and the views expressed just now. I would demand of the Government a clear explanation as to how this came about. According to my reckoning, Sir, Rs. 21,000 will have been spent by way of Dearness Allowance and T. A. on account of this bungling on the part of the Government.

MR. CHAIRMAN: Dearness Allowance?

SHRI BHUPESH GUPTA: I have calculated it, Sir. It is Rs. 21,000.

MR. CHAIRMAN: You are talking of Daily Allowance and not of Dearness Allowance.

SHRI BHUPESH GUPTA: Not Dearness Allowance, Sir. They do not give Dearness Allowance to the working employees, but for bungling they can waste public funds.

Now, Sir, I think the Minister of Parliamentary Affairs in particular will have to explain to this House how this thing happened, especially when even before the House adjourned on the 18th or so, the matter was under discussion and it was known that the Orissa Budget would require some kind of enactment or passage in both the Houses and that this thing could not be done by an ordinance. It seems there was divergence of opinion between the Secretary and the Joint Secretary of the Ministry of Law and someone in the Finance Ministry, the latter holding the view that an ordinance would not do in this matter. Then, Sir, I understand that Mr. Kailash Chandra, Secretary of the Department of Parliamentary Affairs, also advised that the Budget had to be passed in both the Houses and the Law Minister, who is here now, seemed to have agreed with him. Then he changed his mind.

Now, Sir, we suddenly got this notice to come; we have responded to the summons of the President, although behind it there is some bungling on the part of the Government. It seems that in the other House the Minister of Parliamentary Affairs had stated that the Orissa Budget was not ready. Is that the real reason? I

immediately contacted the Orissa people. Well, Sir, I can tell you from my knowledge, which I believe to be true—I am speaking in a court of law—that the Orissa Budget was ready, and even if certain final touches were to be given, they could have easily been given in a matter of two days or so. We could have waited here for two days more instead of being inconvenienced like this and plotting in this fashion.

Therefore, Sir, they will have to give for your information and for the information of this House some documentary proof that on the 18th of March the Orissa Budget was so unready that it could not be got ready in a matter of two or three days, even if it were not ready. Otherwise, I feel, Sir, they would be misleading the country in this matter. My submission is that the Orissa Budget was ready and we could have sat for another two days and passed it and gone home instead of being summoned like this. I understand that some Members were called back while they were on the way. I was in Madras, came to Calcutta and received the President's summons.

MR. CHAIRMAN: You were better here than there.

SHRI BHUPESH GUPTA: So, Sir, this is the position. Ministries of the Government of India are invoived. The Home Ministry have to explain whether the Budget was ready or not and whether it was impossible for them to sponsor it before we adjourned on the 18th. The Law Minister has to explain what advice he gave at different stages in the matter to the Ministry of Home Affairs or to the Finance Ministry and in what manner he vacillated from time to time. The third point, Sir, is this: The Finance Ministry who should be knowing such things better than others should tell us whether they sponsored this matter and they suggested to the Government that the Budget had to be passed before the Rajya Sabha adjourned, or who advised them in the matter? Since it had been done in the case of the former State of Travancore-Cochin there was no need for the passing of the Budget here. Now, Sir, the Finance Ministry's position should also be clarified in this House.

Sir, as far as the dignity of this House and other things are concerned, it is good and it is rather better to call us here than to pass Budgets or sanction moneys by way of ordinances, but only I would request you to bear in mind that when in respect of matters of public importance and matters of urgent public policy we call upon the Prime Minister and the Government to have an emergency session, they never have such an emergency session. Sir, you know some time back there was that Central Government employees' strike and Parliament was not in session then We said, "Call a Parliament session and discuss it so that the matter could be thrashed out once and for all." But nothing of the kind was done.

MR. CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: You will understand, Sir, that this precedent has been created. But are we to create precedents only when the Government bungles or are we to call such a session when the public interest demands it? Today's demonstration, Sir brings discredit to our parliamentary institutions that when certain Ministers bungle between themselves, we are summarily summoned to come here. Sir, the country would be spending about Rs 21,000 now. But when the Central Government employees' strike demanded the calling of an emergency session to have the matter discussed, neither the Prime Minister nor anybody else in the Government thought it fit to call a session. Sir, here is this contrast. Sir, I find the Law Minister is jumping. I think some explanation should come from the highest in the Government, and no other person than the Prime Minister should ultimately sum up the confusing statements that

[Shri Bhupesh Gupta.]

will be made by the Ministers and afterwards he should make a statement.

SHRI DAHYABHAI V. PATEL (Gujarat): Sir, I wish to associate myself whole-heartedly with the remarks that have fallen from the lips of the previous speakers, my friends on this side. I was here, Sir, till the 22nd; I left on the 22nd night. The Departments of Government do not seem to know how to use their instrument called the telephone. If they had tried to contact the Members of the Rajya Sabha who were in Delhi on the 22nd—all the four friends from Orissa were here on the 22nd; they left that night—if some of them had been told that something like this was coming and if some of them had been informed on the phone that something like this was coming and they should better be patient, all of us would not have been put to this inconvenience.

Sir, I reached home only yesterday and I had to run about and go to the Air Travel Office. I was told "Of course, today is Sunday. So, there is no officer. What can we do? One priority seat has been cancelled." Sir, when we are summoned like this by the President, at least some arrangement should be made to transport us here. Otherwise, Sir, one has to go to the Air Travel Office all the time. As a concession I was given a seat on the night plane which halts at Nagpur and not by the morning plane which leaves in the morning. I got a seat on the night plane which was late by three hours. So, I come without sleep. Sir, when we are summoned like this, in this manner, the least that the Government can do is to see that proper conveyance is available.

MR. CHAIRMAN: Yes, that will do.

SHRI DAHYABHAI V. PATEL: And Sir, the more important part of it is that it was within the knowledge of the Government that this Budget had to be passed by this House before the end of this month and, therefore, proper notice should have been taken and the matter should have been given due consideration. But that was not done. Therefore, Sir, we demand an explanation for this.

SHRI JASWANT SINGH (Rajasthan): Can we hear something from the Congress Members also as to what they have to say? We would like to know whether they toe the line of the Government.

SHRI BHUPESH GUPTA: They are fellow-sufferers, Sir.

THE MINISTER OF LAW (SHRI A. K. SEN): I have no doubt the Government and everyone sympathises with all those hon. Members who had to be put to inconveniences of some sort or the other in coming to attend this session. But I have no doubt that the importance of the matter is such and the question of the supremacy of Parliament is of such vital importance that minor inconveniences, if any, to individual Members should not come into the picture at all.

SHRI DAHYABHAI V. PATEL: This importance developed in the last few days?

SHRI BHUPESH GUPTA: But have we spoken about our inconvenience here? We want the supremacy of Parliament to be established.

SHRI A. K. SEN: I did not say that Mr. Bhupesh Gupta spoke about any inconvenience. I know Mr. Gupta is a tough gentleman and he can put up with all sorts of inconveniences, including years of detention, when we knew him.

SHRI BHUPESH GUPTA: That way I am tough guy.

SHRI A. K. SEN: Sir, the question is a basic one and I think far from being admonished, the Government deserves a little congratulation not only from Parliament but also from the nation at large. The principle is that in a democratic Constitution no money can be spent without the sanction of Parliament.

SHRI DAHYABHAI V. PATEL: Did you not know that when we all were here?

MR. CHAIRMAN: Don't interrupt.

SHRI A. K. SEN: If temper takes the place of reason, then it is very difficult to meet it.

SHRI BHUPESH GUPTA: But the Law Minister was in existence then also.

SHRI A. K. SEN: But that certainly does not take away anything from the legitimate complaint which the Government must accept as valid that we did not anticipate this matter and did not warn Members of Rajya Sabha in proper time. But one of the main reasons was that the Budget, though it was prepared in the old way in Orissa, had to suffer large-scale alterations. Of course, it is difficult to anticipate it now because it will be placed here very soon. The alterations were made here and they were printed, and naturally in the meantime, the business of the Rajya Sabha having concluded, the Rajya Sabha had to adjourn. There was an earlier precedent when the President had passed by Ordinance the Budget when the President's Rule was imposed on the old State of Travancore-Cochin in 1956. The view then taken was that though the Rajya Sabha was not in session, the Budget could be certified by Ordinance. But Sir, we have taken a contrary view and I am very glad to say that that view is not only mine now, but the entire Government has accepted that view, and that view is that not a single pie shall be spent from the Consolidated Fund of the country without the sanction of Parliament. This is the convention not only honoured in every democratic country, but it is an article of faith with those who believe in the supremacy of Parliament. Therefore, as I said originally, and I will repeat it again, though we are all very sorry for the inconvenience caused to hon. Members, we are glad that the supremacy of Parliament has been recognised.

SHRI BHUPESH GUPTA: But that is not the point. As far as we are concerned, we have never questioned the propriety of calling the House. We want the supremacy of Parliament to be established. There we are one with you, although there are others who undermine the supremacy of Parliament, from very high quarters. You know that. That is not the point and do not beg the question like this. Did not the Government know it? The Law Minister was in existence and he should have told you, Sir, "All right, the thing would require a little alteration and so, Mr. Chairman, would you kindly keep the House going?" Or we could have adjourned for two days and met after two days. Sometimes such things happen. Instead of doing that, they adjourn the House. The House is prorogued. This has to be explained. Which is the Ministry that gave the advice that an ordinance might be good enough? I want to know that, because they are the people who undermine Parliament. Do not say that we undermine it from here.

MR. CHAIRMAN: That will do, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA: But he seems to be very happy about it.

MR. CHAIRMAN: Look, Mr. Bhupesh Gupta, Mr. Sen has said that he and the Members of the Government are very sorry for the inconvenience caused to hon. Members of the Rajya Sabha. He has said that and he has said there was a previous decision, when the Rajya Sabha was not in session, the President issued an Ordinance and legalised the Budget. The present Law Ministry and the Government have taken the opposite view, establishing the supremacy of Parliament in both its wings, the Lok Sabha and the Rajya Sabha.

SHRI BHUPESH GUPTA: No one objected to that . . .

MR. CHAIRMAN: Naturally the question is whether they could not have been told a little earlier that

[Mr. Chairman.]

such a thing was likely to arise. Well, the Government is sorry, we are sorry; we are all sorry for it. We pass on to the next item.

SHRI BHUPESH GUPTA: Why speak about inconvenience?

SHRI JASWANT SINGH: Has Government expressed its regret in regard to its folly?

STATEMENT OF BILLS ASSENTED TO BY THE PRESIDENT

SECRETARY: Sir, I lay on the Table a statement showing the Bills which were passed by Parliament during the Thirty-second Session (1961) of the Rajya Sabha and assented to by the President:

1. The Two-Member Constituencies (Abolition) Bill, 1961.
2. The Appropriation Bill, 1961.
3. The Orissa Appropriation Bill, 1961.
4. The U.P. Sugarcane Cess (Validation) Bill, 1961.
5. The Appropriation (Railways) Bill, 1961.
6. The Appropriation (Railways) No. 2 Bill, 1961.
7. The Banking Companies (Amendment) Bill, 1961.
8. The Appropriation (Vote on Account) Bill, 1961.
9. The Railway Passenger Fares (Repeal) Bill, 1961.

PAPERS LAID ON THE TABLE

ANNUAL REPORTS AND ACCOUNTS (1959-60) OF THE TRAVANCORE MINERALS LIMITED, QUILON AND THE INDIAN RARE EARTHS LIMITED, BOMBAY AND RELATED PAPERS

THE PRIME MINISTER AND MINISTER OF EXTERNAL AFFAIRS AND ALSO IN-CHARGE OF THE DEPARTMENT OF ATOMIC ENERGY (SHRI JAWAHARLAL NEHRU): Sir, I beg to lay on the Table, under sub-section (1) of section 639 of the Companies Act, 1956, a copy each of the following Reports:—

(i) Third Annual Report and Accounts of the Travancore Minerals Limited, Quilon, for the year 1959-60, together with the Auditors' Report thereon. [Placed in Library. *See* No LT-2777/61.]

(ii) Tenth Annual Report and Statement of Accounts of the Indian Rare Earths Limited, Bombay, for the year 1959-60, together with the Auditors' Report thereon. [Placed in Library. *See* No. LT-2778/61.]

THE INDIAN TELEGRAPH (AMENDMENT) RULES, 1961

THE DEPUTY MINISTER OF FINANCE (SHRI B. R. BHAGAT): Sir, on behalf of Dr. P. Subbarayan, I beg to lay on the Table, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885, a copy of the Ministry of Transport and Communications (Department of Communications and Civil Aviation—Posts and Telegraphs Board) Notification S.O. No. 119, dated the 6th January, 1961, publishing the Indian Telegraph (Amendment) Rules, 1961. [Placed in Library. *See* No. LT-2647/61.]

THE DELHI DEVELOPMENT AUTHORITY (PREPARATION OF BUDGET) RULES, 1960

THE MINISTER OF REVENUE AND CIVIL EXPENDITURE (DR. B. GOPALA REDDI): Sir, on behalf of Shri D. P. Karmarkar, I beg to lay on the Table, under section 58 of the Delhi Development Act, 1957, a copy of the Ministry of Health Notification No. F.6-12/60-LSG., dated the 27th December, 1960, publishing the Delhi Development Authority (Preparation of Budget) Rules, 1960. [Placed in Library. *See* No. LT-2648/61.]