

THE APPROPRIATION (RAILWAYS) NO. 6 BILL, 1956

THE DEPUTY MINISTER FOR RAILWAYS AND TRANSPORT (SHRI SHAH NAWAZ KHAN): Sir, I move.

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1954, in excess of the amounts granted for those services and for that year, as passed by the Lok Sabha, be taken into consideration."

The excess demands were presented to Parliament during the last Session immediately after they were recommended for regularisation by the Public Accounts Committee. The House is probably aware that the question of the delay between the incurring of the excesses and its regularisation has been under consideration in the other House and that the Public Accounts Committee have made suggestions that in future the grants over which there is an excess should be scrutinised by the Committee in advance of the rest of the appropriation accounts and audit report and recommendations for their regularisation should be made with as little delay as possible. Whatever procedure is finally adopted in regard to this will, of course, apply to the Railways also. Taken over all the excess of about Rs. 2½ crores works out to only about ¼ per cent. of the final grants for 1953-54. The reasons have been already explained in the notes in the Demands. Every effort, of course, is being made to avoid excesses over the voted grants for the Railway Ministry, but in an organisation like the Railways, expenditure has to be incurred so that the traffic may not be kept waiting, and under certain Demands, the expenditure rises with fluctuations in traffic which cannot always be precisely anticipated.

Considering that the percentage of excesses is only half a per cent., I hope

the House will accept that this small fluctuation is not serious.

THE VICE-CHAIRMAN (SHRI R. P. TAMTA): Motion moved:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1954, in excess of the amounts granted for those services and for that year, as passed by the Lok Sabha, be taken into consideration."

I have to inform hon. Members that the time allotted for this Bill is only thirty minutes. Mr. Jaswant Singh.

SHRI JASWANT SINGH (Rajasthan): I wanted to speak on the other Bill, Sir, not on this.

SHRI B. K. MUKERJEE (Uttar Pradesh): Why can't we take the two together, Sir? We will then get one and half hours.

THE VICE-CHAIRMAN (SHRI R. P. TAMTA): We will take the Bills one after the other.

It looks as if there are no speakers. I shall now put the question.

SHRI J. S. BISHT (Uttar Pradesh): Then, let me speak, Sir.

I want to enquire from the hon. Minister as to the reason for bringing these demands at so late a stage, two years after you have already incurred the expenditure. I think the law is that no money can be spent out of the Consolidated Fund of India without the specific sanction of Parliament but it seems that you have already spent Rs. 2,86,46,973 out of the Consolidated Fund of India. I should like to know under what authority this money was taken out of the Treasury of the Government. If there is to be any excess, you have to come to Parliament with a Supplementary Demand and a relevant Appropriation Bill soon after the closure of

the financial year on the 31st of March but here I believe you have already spent the money, you have taken the money actually out of the Consolidated Fund of India and have spent it. I should like to know why this is being done. I believe the Public Accounts Committee has also raised certain objections on this point that after such a long time, it is no good coming before Parliament because it reduces the whole process of voting grants and the passing of Appropriation Bills to a mere farce. If Government is free to spend money as it likes and when it likes, whatever may be the valid reasons for the same and if it comes to Parliament three or four years later, as I said, it reduces the power of Parliament over the purse to a nullity.

[MR. DEPUTY CHAIRMAN in the Chair.]

This time, of course, it is an accomplished fact and we have nothing more to say but, I hope, for the future, more care will be taken to see that sanction is obtained either within the very year or at least within three months of the expiry of the year so that the substance and spirit and not only the letter of the law is observed.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Deputy Chairman, I think the point which has been raised by Mr. Bisht is of very great importance but it is not clear from the Statement of Objects and Reasons which one can read when one is discussing the Bill as to whether the expenses have actually been incurred out of the Consolidated Fund. All that the Statement of Objects and Reasons says is, "This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure incurred in excess of the appropriation charged on the Fund and the grants made by the House of the People for expenditure of the Central Government on Railways for the financial year ended on the 31st day of March, 1954". My grievance is that the attention of the Legislature

was not specifically drawn to the fact that for some reasons expenditure in excess of that granted by Parliament has been incurred. I think, Sir, the Statement of Objects and Reasons is worded in such a manner as to mislead one into thinking that the expenditure is about to be incurred and that, therefore, Government wants the approval of the House to incur this expenditure. I think, Sir, the Statement of Objects and Reasons which one looks to in order to understand the Bill should have been very carefully drawn up.

In regard to the constitutional point raised by Mr. Bisht, I would like to say that I am in complete agreement with it. I think it is not right for Government to incur expenditure in excess of that provided by Parliament without reference to Parliament. To seek its approval after two years is practically no approval. We are faced with accomplished facts and, therefore, we cannot take the executive to task for what it has done.

That is all that I had to say in regard to this matter, Sir.

SHRI SHAH NAWAZ KHAN: Sir, these excesses came to the notice of Government only four months after the closure of the financial year. Thereafter these were put up before the Public Accounts Committee.

MR. DEPUTY CHAIRMAN: After the accounts were audited perhaps.

SHRI SHAH NAWAZ KHAN: Yes, Sir. These were put up before the Public Accounts Committee along with the reasons. After they accepted the reasons, we have now come forward before this House. That is all, Sir.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Was there no internal auditing?

MR. DEPUTY CHAIRMAN: Mr. Sapru, the Constitution provides for such a contingency. When excess appropriation has been made, it is to be ratified by Parliament according to article 116 of the Constitution.

SHRI P. N. SAPRU: That is true, but the attention of Parliament should have been drawn specifically to the fact that excess expenditure has been incurred. This should have been stated specifically in the Statement of Objects and Reasons. The phraseology of the Statement of Objects and Reasons itself would lead one to think that nothing irregular has been done. That is my grievance and that has not been replied to by the hon. Minister.

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Deputy Chairman.

MR. DEPUTY CHAIRMAN: No speech at this stage. The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1954, in excess of the amounts granted for those services and for that year, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clauses 2 and 3 and the Schedule were added to the Bill.

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

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

"That the Bill be returned."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be returned."

SHRI KISHEN CHAND: Sir, objection has been raised by certain hon. Members and they have asked as to how, after the lapse of two years,

Government has come to Parliament for the sanction of these amounts. Really speaking, these are not amounts which have been spent in excess. What happens is that according to the rules, if an amount is spent and then is recovered back and then spent again, it is shown as an expenditure item twice over. The recovery does not offset the expenditure but goes as a second item.

SHRI J. S. BISHT: Are all these items of that type?

SHRI KISHEN CHAND: It is a mere transfer of heads, from one head to another. There is an Explanatory Memorandum supplied with this Bill and if hon. Members had gone through the details of this Memorandum, they would have found that almost all the items are on that basis. Therefore, I certainly do not find any objection in regard to these items. I think they are absolutely in the normal course of auditing and accounting and no expenditure has been incurred which was in excess of the amounts sanctioned by Parliament from and out of the Consolidated Fund of India. It is only an adjustment of book-keeping and nothing else.

SHRI J. S. BISHT: Does the hon. Minister confirm that?

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be returned."

The motion was adopted.

THE APPROPRIATION (RAILWAYS) NO. 7 BILL, 1956

THE DEPUTY MINISTER FOR RAILWAYS AND TRANSPORT (SHRI SHAH NAWAZ KHAN): Sir, I rise to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the