

Mr. President : The question is:

“That article 95, as amended, stand part of the Constitution.”

The motion was adopted.

Article 95, as amended, was added to the Constitution.

Article 96

The Honourable Dr. B. R. Ambedkar : Sir, I move:

“That for article 96, the following article be substituted:—

‘96. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, the House of the
Votes on account, Votes on People shall have power—
credit and exceptional grants.

- (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 93 of this Constitution for the voting of such grant and the passing of the law in accordance with the provisions of article 94 of this Constitution in relation to that expenditure;
 - (b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude or the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;
 - (c) to make an exceptional grant which forms no part of the current service of any financial year; and to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purpose for which the said grants are made.
- (2) The provisions of articles 93 and 94 of this Constitution shall have effect in relation to the making of any grant under clause (1) of this article and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.’ ”

(Amendment No. 1720 was not moved.)

The Honourable Shri K. Santhanam: Sir, I do not want to reopen the general principle which has been accepted; but I wish to say that the drafting of this article is rather defective.

For instance, in clause (1) it says, “ the House of the People shall have power”, and this is followed by, after sub-clause (c), “and to authorise by law.....” I think according to the Constitution, the House of the People cannot authorise by law.

The Honourable Dr. B. R. Ambedkar : I should say, Sir, that the Drafting Committee reserves to itself the liberty to re-draft the last three lines following sub-clause (c).

The Honourable Shri K. Santhanam : Sir, I am unable to understand this. In the House here we pass something which is obviously wrong and unconstitutional and then leave it to the Drafting Committee. I do not think we can leave it to the Drafting Committee to temper with the provisions we are making unless there is some lacuna or a mistake. We do not want to be faced with a new Constitution altogether and subjected to the trouble of looking at it article by article again. I do not think it is right for this House to pass a clause which is obviously wrong. Either he must say Parliament shall have power.....

The Honourable Dr. B. R. Ambedkar : I am prepared to accept the amendment right now. You may suggest it. "Parliament shall have power to authorise by law....."

The Honourable Shri K. Santhanam : Sir, the amendment may be, "and Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for which the said grants are made."

Coming to clause (2), it says "that the provisions of articles 93 and 94 of this Constitution shall have effect in relation to the making of any grant....." I want to know if this means that there will have to be an Appropriation Act for this and that Appropriation Act will also show all the divisions, charged and non-charged, votable and non-votable as stated in the previous article. If that is the implication.....

The Honourable Dr. B. R. Ambedkar : That cannot be.

The Honourable Shri K. Santhanam : Article 93 says.....

Shri T. T. Krishnamachari : If it will help honourable Member, we can say, there will be a Consolidated Fund Bill No. 1 before an Appropriation Act. Which will give the main skeleton.

The Honourable Shri K. Santhanam : What I want to know is whether the Consolidated Fund Bill No. 1 will also consist of the charged and non-charged amount and voted and non-voted amounts, or will give only the votable portion.

The Honourable Dr. B. R. Ambedkar : The charged portion occurs only in the final Appropriation Act. This voting account gives what in the technical language of the House of Commons are called Supply services as distinct from services charged on the revenues.

The Honourable Shri K. Santhanam : This article says that the provisions of articles 93 and 94 will have to be compiled with.

The Honourable Dr. B. R. Ambedkar : Articles 93 and 94 mean the voting of Appropriation Act.

The Honourable Shri K. Santhanam : Article 93, first part, says that the charged portion would be shown and the second part says that such portion as is votable shall be presented to the vote. I want to know whether both these portions will be applicable to the voting account.

The Honourable Dr. B. R. Ambedkar : Article 93 says that the vote of the House is not necessary for services charged on the revenues of India.

The Honourable Shri K. Santhanam : But, they will have to be shown in the Appropriation Act.

The Honourable Dr. B. R. Ambedkar : When passed. This is what is called Consolidated Fund Act I.

The Honourable Shri K. Santhanam : Article 94 does not deal with Consolidated Fund Act.

The Honourable Dr. B. R. Ambedkar : That is also the Appropriation Act. As I stated before, there is no distinction. The Appropriation Act shows the details while the Consolidated Fund Act does not show details.

The Honourable Shri K. Santhanam : I do not think Dr. Ambedkar's explanations can override the precise provisions of an article. As the article stands,

all the provisions of articles 93 and 94 will apply to this Consolidated Fund as to the other. Therefore, the entire budget procedure will have to be duplicated.

The Honourable Dr. B. R. Ambedkar : If the honourable Member will read carefully sub-clause (2), he will see what sub-clause it deals with. It says, “The Provisions of articles 93 and 94 of this Constitution shall have effect in relation to the making of any grant under clause (1).”

The Honourable Shri K. Santhanam : Please read on.

The Honourable Dr. B. R. Ambedkar : As I stated, there is no question of grant will regard to services charged on the revenues.

The Honourable Shri K. Santhanam :“and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure.....” Therefore the Consolidated Fund Act I will be a duplicate—of course it may be of smaller dimensions—of the Final Consolidated Fund Act. It must contain the charged and non-charged, the voted and non-voted and everything. That to my mind, is what we are going in for if we adopt the provision as it is.

Shri T. T. Krishnamachari : Mr. President, Sir I quite realise that the wording has given room for some misconception, but I may assure my honourable Friend Mr. Santhanam that the whole budget procedure would have to be gone through though in a very cursory manner. For instance, the convention so far as the Consolidated Fund Bill No. I in Parliament is concerned is that the executive does not demand payment for supply services which is in considerable variance with what was obtained in the previous year. After all, that is only for a period of three or four months that Parliament makes the grant. Undoubtedly, if there is going to be a Bill, there must be a Schedule and the Schedule must give the details probably in the same set-up as the Schedule that will be attached to the Appropriation Bill. If my honourable Friend reads article 94 again which the House has accepted, he will find that reference to payment out of the Consolidated Fund is there and he will be able to realise better the explanation given by Dr. Ambedkar that after all, the Appropriation Bill is the same thing as the Consolidated Fund Bill. The initial Bill will be the Consolidated Fund Bill No. I and the Schedule attached to the main Bill will comprise all that was contained in the Consolidated Fund Bill No. I. The validity of the initial Bill will cease the moment the main Bill is passed. The exact procedure that has got to be followed will depend on the temper of the Parliament and the nature of the demand made. If they would accept a token Schedule giving the various heads and giving roughly the total amount needed, as being sufficient, the labour involved would be negligible. But, if they want all the items that are now enumerated in the Book of Demands, even that possibly could be done, because it would only be *pro rata* of the total estimates placed before Parliament but there may be a certain amount of clerical work necessary; it all depends upon the demands made by Parliament. The matter is one of procedure and as my honourable Friend has accepted the principle, I do not think there need be any further difficulty about accepting this suggested procedure. The mere fact that mention is made of articles 93 and 94 that procedure having to be followed therein does not raise, in my view at any rate, insuperable difficulties. I may assure my honourable friend Mr. Santhanam that what we have aimed at right through is to avoid creating a procedure which would be difficult for Parliament to follow, and at the same time avoid creating a situation which will alter the present state of things all of a sudden. Parliament might change these things as it wants later on. Perhaps, Sir, it may be necessary in the first budget session after this Constitution has been passed when the provisional Parliament will be sitting, we may have to allow Parliament a certain amount of elasticity in either following or varying the rigid provisions mentioned in these articles which are now being discussed. Every care will be taken in

[Shri T.T. Krishnamachari]

regard to making the transitory period easy. This is a mere matter of procedure and I see no difficulty in meeting the wishes of Parliament as may be indicated by them from time to time.

The Honourable Dr. B. R. Ambedkar : Sir, I do not think there is any necessity to say anything more. I am only moving an amendment:

“That after sub-clause (c), of clause (1), the following words be added after ‘and’ and before ‘to’:—

‘Parliament shall have power.’ ”

Mr. President : The question is:

“That for article 96, the following article be substituted:—

Votes on account, votes on credit and
exceptional grants. Notwithstanding anything contained in the foregoing provisions of this Chapter, the House of the
People shall have power—

- (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 93 of this Constitution for the voting of such grant and the passing of the law in accordance with the provisions of article 94 of this Constitution in relation to that expenditure;
- (b) to make a grant for meeting an unexpected demand upon the resources of India when on account of the magnitude of the indefinite character of the service the demand cannot be stated with the details ordinarily given in an annual financial statement;
- (c) to make an exceptional grant which forms no part of current service of any financial year; and Parliament shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of India for the purposes for which the said grants are made.
- (2) The provisions of articles 93 and 94 of this Constitution shall have effect in relation to the making of any grant under clause (1) of this article and to any law to be made under that clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet such expenditure.”

The amendment was adopted.

Mr. President : The question is:

“That article 96, as amended, stand part of the Constitution.”

The motion was adopted.

Article 96, as amended, was added to the Constitution.

Mr. President : There is notice of amendment by Professor Shah to add a new article 96-A. No. 1721.

Prof. K. T. Shah : After the vote on Mr. Saksena’s amendment of the same kind, I do not know that it would be proper to move this. But if you will permit me I will make one submission *apropos* the remarks made by Dr. Ambedkar in reply thereto ascribing motives by saying that such amendments as this were inspired by people who wanted longer sessions. I have expressed that view twenty-five years ago in my books, and if Dr. Ambedkar says it is a bad motive, I think it most unfair.

Mr. President : I think he did not mean it seriously. We go to article 97. Mr. Kamath—1722.