

Article 93

(Amendment No. 1707 was not moved.)

Prof. K. T. Shah : Sir, I move:

“That in clause (1) of article 93, after the word ‘Parliament’ the words ‘unless Parliament has by law previously passed in any year for that purpose enacted that any expenditure under article 92(3) shall be deemed not to be charged on the revenues of India’ be added.”

Here again I attempt to bring out the governing principle of the supremacy of Parliament, and particularly the House of the people, in matters financial. While the entire system of grouping of public expenditure is considerable chunks in the Consolidated Fund, and making it outside the vote of Parliament is in itself, at least to me, objectionable, as reducing the extent of parliamentary control over expenditure, even granting that these amounts are necessary to be in the Consolidated Fund, as under the peculiar circumstances of today such practice may be necessary, I would not like Parliament to be utterly deprived of any right under the Constitution to withdraw from these non-votable items anything that it by law desires should not be so included.

I would therefore, like power to be left to Parliament hereafter to legislate—such legislation must be in the previous year—and say that, in the subsequent year, a given item shall not be deemed to be charged upon the revenues of India, or to be in the Consolidated Fund from that time onwards, so that it would be open to the vote of the House. What under the peculiar circumstances of India may be included in the Consolidated Fund, should be open to Parliament to withdraw from that Fund by a law.

This practice of distinguishing between votable and non-votable items, or those open to the annual vote of Parliament and those withdrawn from that vote, but permitted to be discussed, is a legacy of the preceding regime, which, I think, was open, and is today still more open, to strong objection. For that regime, no doubt, it can be understood that there were many items of expenditure which it did not care, would not dare, to bring before the representatives of the Indian people. For instance, its huge defence expenditure, or its Home charges, and so on, if open to Parliamentary vote, would never allow the Budget to be passed. But that cannot be an excuse which the authorities of today could hold out for following the same practice. The present Parliament, or the Parliament under this Constitution, would be the supreme financial authority. It would be a sovereign legislative body which *ipso facto*, should have the right to discuss every item of expenditure and also to vote upon it. In this case, the present article provides that discussion may be allowed; but that on certain items described in the preceding article, which are said to be charged upon the revenues, or are in the Consolidated Fund, there shall be no voting.

In my opinion this is adding insult to injury. You say to the Legislature: “you are entitled to discuss, but you have no right to vote upon such items”. What is the use of a discussion of this futile character, which is self-frustrating, and which, if anything, can only result in irresponsible, destructive negative criticism which our leaders seem so utterly to dislike?

I, therefore, do not see any justification for this article, except in the plea, commonly urged now-a-days, of extraordinary circumstances, or the delicate position today of our credit and finance. Hence, even if you may be persuaded to accept what in my opinion is fundamentally objectionable, for special extra-ordinary reasons of today, I think for the future of any rate room must be left for Parliament to legislate,—and by legislation—that is to say, after a solemn discussion of the principle as well as the provision of that particular law—that any item be withdrawn from the charged list, or the non-votable list, and made open for the vote of the House.

[Prof. K. T. Shah]

It may quite possibly be, that for instance, in the item of public debt, which is charged upon the revenue, or in the charge of the service of that debt which also may amount to a considerable figure, there may be room hereafter for Parliament to demand scrutiny and voting instead of being merely content with discussion of it. In a case like this, while I am not suggesting that the basic Constitution should be varied by Parliament, the national Legislature should, under the Constitution, have the right to make its own law in any previous year, and say that in a subsequent year, it would be entitled to discuss as well as vote upon specified items previously in the charged or non-voted list.

In asking this, therefore, I am not making any really fundamental variation from the scheme of this article. I am only suggesting that the power of Parliament should not for ever be mortgaged to the executive, as this Constitution tends to do; and that it should be left open to it by legislation to withdraw any item, now charged upon the revenues, from such charged list, and make it open to the vote of the House. I commend the proposal to the House.

(Amendments Nos. 1709 and 1710 were not moved.)

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

“That in clause (1) of article 93, for the words ‘revenues of India’ the words ‘Consolidated Fund of India’ be substituted.”

Mr. President : The question is:

“That in clause (1) of article 93, after the word ‘Parliament’ the words ‘unless Parliament has by law previously passed in any year for that purpose enacted that any expenditure under article 92(3) shall be deemed not to be charged on the revenues of India’ be added.”

The amendment was negatived.

Mr. President : The question is:

“That in clause (1) of article 93, for the words ‘revenues of India’ the words ‘Consolidated Fund of India’ be substituted.”

The amendment was adopted.

Mr. President : The question is:

“That article 93, as amended, stand part of the Constitution.”

The motion was adopted.

Article 93, as amended, was added to the Constitution.

Article 94

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

“That for article 94, the following article be substituted :—

‘94. (1) As soon as may be after the grants under the last preceding article have been made by the House of the People there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of India all moneys required to meet—

- (a) The grants so made by the House of the People; and
- (b) the expenditure charged on the Consolidated Fund of India but not exceeding in any case the amount shown in the statement previously laid before Parliament.