

**Mr. President** : The question is:

“That for sub-clauses (c) and (d) of clause (1) of article 90, the following sub-clauses be substituted:—

- ‘(c) the custody of the Consolidated Fund of the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such fund;
- (d) the appropriation of moneys out of the Consolidated Fund of India;’ ”

The amendment was adopted.

**Mr. President** : Now I will put amendment No. 6 to vote.

The question is:

“That in sub-clauses (e) and (f) of clause (1) of article 90, for the words ‘revenues of India’ the words ‘Consolidated Fund of India’ be substituted.”

The amendment was adopted.

**Mr. President** : Now I will put article 90, as amended, to vote.

The question is:

“That article 90, as amended, stand part of the Constitution.”

The amendment was adopted.

Article 90, as amended, was added to the Constitution.

**Mr. President** : Article 91 was passed the other day.

Therefore the House will take article 92 into consideration.

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## Article 92

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

“That in clause (1) of article 92, after the word ‘President’, the following be added:—

‘or the Finance Minister acting under the authority of the President, specifically given for the purpose’; and for the words ‘both the Houses’ the words ‘the People’s House’ be substituted and after the words ‘estimated receipts’ the following be inserted:—

‘On revenue account as well as from borrowed moneys, or transfer of sums from other accounts to Revenue Account.’ ”

Sir, there are two points in this amendment which I would like to place before the House. In the first place the clause as it stands makes the Budget Presented by the President only, as it were, or caused to be presented to Parliament by the President. The House has accepted the principle that all executive action of the Government of India shall be always in the name of the President. Accepting that, it does not still seem to be appropriate that, in this matter, the President should be made to figure as the authority for getting the Budget presented to Parliament. The obvious person who could and should act in relation to this would be naturally the Minister in charge of the finances of the country. He is in the House and is in direct touch with it and with the financial administration of the country. The room that this article provides for any alternative or other Minister for the matter, to come before Parliament seems to me improper and ought not to be permitted.

Retaining the sense of the principle previously accepted in the article whereby the Government of the country is to be carried on in the name of the President, I have nevertheless tried to improve it by making the Finance Minister specially, though acting with authority given for that purpose to be in charge of the Budget. Speaking for myself I would have liked the President to be wholly excluded from acts of this kind. Complete and exclusive supremacy and authority of Parliament over matters financial should be left unquestioned. As it is, however, I would try to meet the principle of the previous article or the sense of it by requiring

that the Finance Minister should, for this purpose, have specific authority from the President, and therewith do the needful in the Houses of the People.

This may seem a mere matter of procedure, or a matter of nomenclature. I hold, however, that it involves a great principle of Parliamentary democracy and responsible Government inasmuch as it excludes the executive head from taking part even by implication in matters of this kind.

The second principle that is involved in my amendment which is of greater importance is the association with the Budget.....

**Shri L. Krishnaswami Bharathi :** On a point of order, Sir. Is this amendment in order, because the executive function of the Union is to run in the name of the President? The Finance Minister as such does not come into the picture. The amendment is that the Finance Minister shall lay the Statement before Parliament. It runs counter to the very scheme of the Constitution under which all things are done in the name of the President. There is no point in the amendment that the Finance Minister should come into the picture. Article 42 says that the Executive Head of the State shall be the President.

**Mr. President :** He started by saying that he was aware of that principle, but in spite of it, he thinks that the Finance Minister should also come in.

**Prof. K. T. Shah :** The second point is much more important, inasmuch as the financial supremacy of the People's House should, in my opinion, be asserted categorically, and no room left for any sense of equality between the two Chambers so far as matters of finance are concerned. As the article stands, it suggests a question of equality between the two Houses of Parliament in financial matters, which I think is fundamentally opposed to the basic idea of the Constitution as we have provided it so far. Hence it is that I, by this amendment, suggest that this matter of finance must be left entirely to the House of the People; and, if necessary, as a mere matter of information, the other House may be informed only, just as the public and the various Departments of the administration are informed and supplied with copies of the Budget. As a matter of constitutional right and constitutional requirement or policy, I think it would be but correct and proper that the only body interested in and concerned with finance should be the People's House. If you desire the supremacy of the popular representatives of the people to be unquestioned in matters financial, then I think this amendment, which provides for the Budget to be presented only to the People's House, should be unopposed. The other House may have joint and equal association in ordinary legislation, and may even be entitled to suggest some modification, if they so like, in matters financial. But theirs cannot be the last word. The pre-eminence of the House of the People, the primary interested and concerned authority of the People's representatives in matters financial, should be left utterly undoubted.

I therefore make this amendment affecting not merely the revenues, but all items of expenditure whether from borrowed funds, or transferred from other funds, which are to be utilised for the service of the country.

I suggest that the amendment I am proposing here is in full accord with the basic principles of the Constitution as we have been developing them and as such would be acceptable to the House.

**Mr. President :** Will you move the other amendments also? 1694 is already included.

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

"That in clause (1) of article 92, after the word 'expenditure' the words 'whether charged upon the revenues of India or on other account' be added."

[Prof. K. T. Shah]

Sir, this is in tune with the general line of argument I am advancing. There shall be no discrimination, from the standpoint of presenting to the House of People all items to be spent on account of the country's services whether they are charged upon the revenues or on the Consolidated Fund or on the ordinary Revenue Account. I hope the amendment will be accepted.

**Mr. President** : There are two other amendments in your name—Nos. 1697 and 1698.

**Prof. K. T. Shah** : I would like to move them.

**Mr. President** : You can move them on Friday.

The House stands adjourned till 8 o'clock on Friday.

The Assembly then adjourned till Eight of the Clock on Friday the 10th June, 1949.

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