

**RAJYA SABHA
(1982)**

Point of privilege

Increase in postal tariff on the eve of the Budget Session

Facts of the case and ruling by the Chairman

On 19th February, 1982, when the Deputy Minister in the Ministry of Communications (Shri Vijay N. Patil) sought to lay certain Notifications, regarding increase in the postal tariff, on the Table of the House, Shri Lal K. Advani, a member, stated inter alia as follows:--

"Sir Mr. Vijay Patil is about to lay on the Table of the House copies of two Notifications issued by the Ministry of Communications in respect of the Indian Telegraph (First Amendment) Rules etc..... Sir, by these Notifications a burden of Rs. 100 crores has been imposed on the people. This burden is in respect of a hike in telephone charges, in money order charges, in registration charges and various kinds of postal tariff...

The point is that Parliament exercises control over the executive essentially by controlling the finances and therefore, the entire budgetary process has been laid down. The manner in which this Government has been going about increasing the rates just on the eve of the Budget session makes an utter nonsense of the budgetary process. They did it last year also and they have done it in a very flagrant and unashamed manner this time.... What is this, if not a constructive contempt of Parliament? What is this, if not a deliberate bypassing of Parliament and trying to undermine the authority of Parliament vis-a-vis the executive"

2. The Leader of the House (Shri Pranab Kumar Mukherjee) then stated² as follows:-

"I do strongly refute the allegation they have made that these are the extra-budgetary measures of mopping up the resourcesLegally and technically the Government has the competence to raise the tariff. This is just a contract between the person who is receiving the service from the owner of the service and nothing else, no taxation proposal. We have to do it and about future nobody can give any commitment that it will not be done." .

3. The Chairman (Shri M. Hidayatullah) then observed³ as follows:-

"Before I ask the hon. Minister to lay the papers on the Table of the House, in view of the long speeches that have taken place, I shall say a few words. It is true that Government has the power and the authority under the Act to raise the tariff for postal articles. No question of legality is involved. I think that has been done before also. But what is troubling the members of the opposition is that on the eve of the Budget when this kind 'of extra rates are imposed it takes away the right of the members to discuss it as a part of the budget. It is not a question of legality; it is a question of propriety. But I take it that when the budget speeches come, much more will be said about this....I

1. R.S. Deb., dt. 19-2-1982, cc, 172-74
2. Ibid.,e. 183-85.
3. Ibid., cc, 183-85.

personally think that propriety demands that if there is an increase in the rates of levies of this type it should be done not on the eve, of the Budgetary Session. but well in advance. so that the people will know that this is not a part of the Budget being shoved in.....

....You raise more funds by an executive order. To that extent, the budgetary levies can be reduced that is the point. I think there is something in what the Opposition feels that these should be brought as a part of the Budgetary discussion, but I am sure in the Budgetary discussion, they will raise all these issues again. Therefore, I allow the Minister to lay the papers on the Table of the House.