years have you done this? And here is a case where he says that 'the MPs. are a bunch of nitwits'—so low, so mean, so wicked, so malicious, so mischievous. I just cannot understand this. The man who has the taste to use such a language openly is getting one-sixth of the full page of a newspaper—because of money-power:

Therefore, I do not want to take more time of the House. I would beseech the hon. Members in this House at least to safeguard their own image and face before the people and not be misguided by party, political or other considerations. (*Interruptions*).

MR. DEPUTY-SPEAKER: The question is:

"That this House do consider the First Report of the Committee of Privileges presented to the House on the 8th May, 1981."

Those in favour will please say 'Aye'.

SOME HON. MEMBERS: 'Aye'.

MR. DEPUTY-SPEAKER: Those against will please say 'No'.

SEVERAL HON. MEMBERS: 'No'.

MR. DEPUTY-SPEAKER: I think the 'Noes' have it the 'Noes' have it.

SOME HON. MEMBERS: The 'Ayes' have it.

MR. DEPUTY-SPEAKER: Let the lobbies be cleared....Now, the lobbies have been cleared. I shall put it again. The question is:

"That this House do consider the First Report of the Committee of Privileges presented to the House on the 8th May, 1981."

The motion was negatived.

15.35 hrs.

INCOME-TAX *(AMENDMENT) BILL—*contd.*

MR. DEPUTY SPEAKER: Next item, Mr. Venkataraman.

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): Sir, I beg to move:

"That the Bill further to amend the Income-tax Act, 1961 be taken into consideration."

Sir, the Income-tax (Amendment) Bill, 1981 was introduced in this House on 24th April 1981. The Bill has thus been before the hon. Members for over three months and I have no doubt that they would have examined its provisions in detail. However, with the indulgence of the House, I shall avail of this opportunity of explain the background and the main provisions of the Bill.

15.35 hrs.

[MR. GULSHER AHMED *in the Chair*]

Undervaluation of property has been one of the foremost means of evading wealth-tax, capital gains tax and stamp duties. It is also an important avenue for the circulation of black money. With a view to countering evasion of tax through understatement of the value of immovable property, the Taxation Laws (Amendment) Act, 1972 inserted Chapter XXA in the Income-tax Act, to empower the Central Government to acquire immovable properties, including agricultural land, having, a market value exceeding Rs. 25,000, in cases where the consideration declared in the instrument of transfer, is less than the fair market value of the property, on the date of execution of the instrument of transfer. This power is available only in cases where there is reasons to belive that the consideration agreed to between the parties has not been truly stated with a view to evasion of tax by the trans-

*Moved with the recommendation of the President.

[Shri R. Venkataraman]

ferer or the transferee. The proceedings for acquisition of properties cannot be initiated unless the fair market value of the property exceeds the declared consideration by more than 15 per cent of such consideration. Where the property is acquired, the Central Government pays compensation equal to the consideration stated in the instrument of transfer plus 15 per cent of such consideration. An appeal against the order of acquisition lies to the Appellate Tribunal and a further appeal lies to the High Court against the Appellate Tribunal's Order on question of law.

One of the main shortcomings in these provisions is that they are not applicable to transfer of flats or apartments owned through the medium of co-operative housing societies or companies. The common mode of transfer of flats owned in co-operative housing societies is by means of transfer of shares in such society by one member to another. Such transactions of transfer are not required to be registered under the Registration Act, 1908, and are, therefore, outside the purview of the provisions in Chapter XXA of the Income-tax Act, 1961. The Selected Committee on the Taxation Laws (Amendment) Bill, 1971 and the Direct Taxes Enquiry Committee (Wanchoo Committee) had also pointed out the need to bring the transactions of transfer of flats in co-operative housing societies within the purview of the Transfer of property Act, 1882 and the Registration Act, 1908.

The Bill seeks to extend the provisions of Chapter XXA of the Income-tax Act to cover—firstly, transfer of flats or premises owned through the medium of co-operative societies and companies, secondly, agreements of sale followed by part performence as visualised in Section 53A of the Transfer of Property Act, 1882 and thirdly, longterm leases, that is, leases for a period of not less than twelve years.

Parties to transfer of flats in cooperative housing societies and companies, as also agreements of sale followed by part performance referred to above will be required to register with the competent authorities, a statement in the prescribed form giving particulars of such transfer within the prescribed period. Failure to furnish the prescribed statement in time will render the defaulter liable to punishment with rigorous imprisonment upto two years and also with fine.

The Bill, as introduced seeks to modify the expression "apparent consideration" in the context of the proposed enlargement of the scope of the acquisition provisions. Where the transfer is by way of lease and the whole or any part of the consideration for such transfer is payable on any date or dates falling after the date of such transfer, the Bill provides that the value of the consideration payable after such date will be determined by adopting the rate of interest at 8 per cent per annum. Similarly, in relation to the transfer of any immovable property, such as, flats or premises owned through the medium of cooperative housing society or the company, where the whole or any part of the consideration for such transfer is payable on any date or dates falling after the date of such transfer, the value of the consideration payable after such date is to be determined by adopting the rate of interest at 8 per cent per annum. The intention underlying this provision is that where any consideration for such transfer is to be paid after the date of the transfer, the present discounted value of such consideration on the date of the execution of the instrument of transfer will be determined by adopting the rate of interest of 8 per cent. I propose to move suitable amendments to the relevant provisions of the Bill in order to bring out this intention more clearly.

Sir, this Bill seeks to counter attempts at tax evasion and curb the generation and proliferation of black money and deserves the unanimous support of the House.

Sir, I move.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Income-tax Act, 1961, be taken into consideration".

Shri Mool Chand Daga. You move your amendment.

SHRI MOOL CHAND DAGA (Pali): I beg to move:

"That the Bill further to amend the Income-tax Act, 1961, be referred to a Select Committee consisting of 11 members, namely:— (1) Shri Satish Agarwal (2) Shri Xavier Arakal (3) Shri Virdhi Chander Jain (4) Shri B. R. Nahata (5) Shri Balasaheb Vikhe Patil (6) Shri Ratansinh Rajda (7) Shri Ajit Pratap Singh (8) Shri Chandra Shekhar Singh (9) Shri Tapeshwar Singh (10) Shri R. Venkataraman; and (11) Shri Mool Chand Daga

With instructions to report by the 1st December, 1981." (5)

MR. CHAIRMAN: One hour's time is allotted for this Bill. I have got a list of six members to speak, unless I get another chit. Then, the time will have to be curtailed for the Member. Prof. Rup Chand Pal.

PROF. RUP CHAND PAL (Hooghly): Mr. Chairman, Sir, the Bill that has been placed before the House for consideration aims at curbing black money. Attempts have been made in the past by Government to mop up or curb the black money since 1951. On several occasions, there had been schemes of voluntary declaration of undisclosed income.

Then, very recently, in the last session we had the Special Bearer Bond Scheme floated by Government. And, earlier, in 1969, there was a Committee set up kwown as Wanchoo Committee which had submitted its report. It had made certain recommendaions. Now, the Hon'ble Minister has come forward with another proposal to curb black money or to mop up the black money even after the experience of so much of failure. Sir, you may recollect. There were already some recommendations in respect of curbing black money, recommendations the Wanchoo Committee had made had been put in cold stroage. It was never cared by this Government. Whether Sir, the question is not only mopping up black money. Everyday billions of rupees as blackmoney is being generated. The Government must also be knowing how this blackmoney operates. Such small measures and pious declarations will not give us any results because it is related to the very policies and measures being adopted by this Government. If I refer to only a few industries, viz., steel, cement, film industries, viz., steel, cement, film industries being generated as black-money because of the wrong economic policies being pursued by the Government.

Sir, at that time while trying to calculate the black-money the Wanchoo Committee had said that blackmoney to the tune of Rs 7,000 to Rs. 10,000 crores had already working and today's estimate is that no less than Rs. 25,000 crores—a very conservative estimate—is operating, as black money in this country. It amounts to almost half our GNP.

Sir, we know the story of blackmoney. Sometimes Government feels helpless before this blackmoney and gives some pious hopes but I would like to say that blackmoney is related to the system itself. Blackmoney flourishes on the basis of the very policies being pursued by the Ruling Party and in turn blackmoney is helping that party to prop up as a part of reciprocation. The Ruling Party is pampering this blackmoney.

[Prof. Rup Chand Pal]

Day after day it is giving concessions to this blackmoney.

Sir, sometimes the Government poses as if they are going to adopt some stringent measures against this blackmoney but—due to the paucity of time at my disposal—I would like to cite only one example how such postures are taken only to hoodwink the people. I would like to refer to Fifty-First Report of the Public Accounts Committee page 30. There is one modern method of evasion of tax money by the multi-nationals. It says:

> "M/s. Union Carbide Corporation, a non-resident foreign company supplied technical information for the design, fabrication and installation of distillation trays, to its India subsidiary (M/s. Union Carbide India Limited), who in turn supplied the technical information to Bhabha Atomic Research Centre, Bombay for a fee of $ 2,50,000. The Indian subsidiary passed on 50 per cent of fee to the foreign company and on the balance of $ 1,25,000 relief under Section 80-MM was allowed...."

After that, Sir, there is reference when these multi-nationals through transfer pricing are taking advantage of the provisions of relief I quote page 35:

> "Both the concessions (under Section 80-MM and 80-O) have been on the statute book for over ten years. The Committee, therefore, enquired whether the Ministry had at any time conducted any general review to ascertain how far these concessions have achieved the desired objectives...."

In a note the Ministry of Finance have stated:

> "So far as the concessions under 80-MM is concerned, the Ministry has so far not conducted any general review to ascertain as to how far the concession has achieved the desired objective."

So, Sir, for 10 years this has remained on the Statute-book and yet the Finance Ministry says, it cannot say whether any general review has been made or not. This is the position. This is only one example. There are many other such examples. But I have no time to go into all of them now.

Black-money is there not only in Cooperative Housing Societies. It is there in every field. It is there in real Estate. It is there in garments trade. It is there in jewellery, diamond; it is there in many other speculative trades. Sir, the Wanchoo Commmittee has stated about this in one of their reports. Let me quote this:

> "The Wanchoo Committee which reported in December 1971 felt called upon to make some strong observations on this evil when suggesting the ways and means of combating it.
>
> It pointed out that tax evasion and black money had reached in this country a stage when it become almost impossible to give a fair deal to weaker sections of the community and to create an egalitarian society."

So, that is the situation, Sir. Time and again, pious declarations are being made. But the necessary political will is lacking on the part of the Government to control the evil of black money. You are attacking the people and taking away their trade union rights as has been done through the ordinances promulgated recently a few days ago and side by side you are taking some small measures to show that you are serious about the economic offenders and others, just to hoodwink the people. In respect of whatever small measures you bring in for controlling black money, we are quite prepared to support you. But the big question now is, whether

it would be implemented. I say this because we have seen that the Government is not at all serious about it. The Government has not got the political will to do it. The ruling party has itself prospered, flourished and had come to power with the help of this black money. So, it cannot touch black money. Black money will go on getting generated and it will continue to be operated so long as this party remains in power. I say this because this government has not got the political will to control the black money.

With these words I support this small measure but I do feel that this Government will never be able to control black money because it lacks the political will to do it. Thank you.

DR. SUBRAMANIAM SWAMY (Bombay North East): The Finance Minister said recently in Calcutta: One does not know how to control the black money and if an economist devises such a method, then, he should be given a Nobel Prize.

THE MINISTER OF FINANCE (SHRI R. VENKATARAMAN): I said I will recommend him for a Nobel Prize!

DR. SUBRAMANIAM SWAMY: The Financer Minister said: If any economist devises any method for controlling black-money, he would recommend him for a Nobel Prize.

श्री जगराव सिंह हरिद्वार : हमारी पार्टी का नम्बर आना चाहिए था ।

सभापति महोदय : यह नियम थोड़े ही है कि आप की पार्टी का पहले आएगा, उनका दूसरा आएगा । आप की पार्टी का नम्बर आएगा ।

DR. SUBRAMANIAM SWAMY: Sir, there are already available well-known methods for eliminating black money from the Indian Indian economy. But the point is that these are not being implemented by the Government because the Government is not in a position to get rid of black money for obvious reasons. Therefore, Sir, I will say this that what the Finance Minister has to say is: 'If any Finance Minister of India is there who removes black money from India, he should be recommended for a Nobel Prize' and not the Economist, because, these Economists have already pronounced many solutions but you are not in a position to implement these for obvious reasons.

AN HON. MEMBER: Bharat Ratna.

DR. SUBRAMANIAM SWAMY: So long as Janata Government does not come to power, it will remain there and you can enjoy it; but the day we come to power we will abolish it; you can be sure about it. Sir, the hon. Minister says that this is a tightening law to ensure that evasion does not take place. Laws can be tightened, but the question is whether there is a will power to implement those laws. That is the key question. Now, the Public Accounts Committee has come out with its 51st Report on Income-tax on wealth tax. The Estimates Committee is currently examining that question. I am a Member of that Committee and I am not obliged to say what has been reported in this Committee. One can say that the real problem with our income-tax laws or whatever laws in regard to the amendments to the income-tax laws that he is thinking of is the lack of will to apply these laws uniformly. If somebody is politically inconvenient, it can be applied against him and if one is politically not inconvenient, then it will not be applied against him and for that the Income-tax Officers are allowed free hand to implement the laws by their own interpretations. There are numerous examples. I will give my own personal example of what happened during the Emergency Sir, I am a poor man but I married a rich girl.

MR. CHAIRMAN: You are lucky.

DR. SUBRAMANIAM SWAMY: So, what happened was this. Just to tighten the income-tax laws, I will tell you what was done during the Emergency. The then Government decided that all the property that my wife had could not be shown in her name only. Half of that would be shown against my name. They decreed that half of my wife's property belonged to me. Suddenly I became rich and as a consequence my tax liability has gone up. So, this way the law has been applied.

I will give another example. This is about the refund order I will not give the name of the person who got the refund order from the Income-tax department. The refund order was dated 30th April 1981 and it was counter-signed on 1st June 1981 and it had reached the person concerned on 31st July 1981. When it was deposited in the bank, they said "sorry, we are returning herewith the refund cheque because the date for the presentation of the cheque had already expired". Numerous examples we have come across. Therefore, what is necessary today is not tightening of laws but reforming of the laws, simplification of the laws so that the harassment to the people is not there and the people will smilingly pay the tax. I would say that the Finance Minister should come out and say what he is going to do in reforming the tax laws. The Choksi Committee report has made a number of recommendations. I want to know what is he going to do in terms of sinplification of the tax laws so that black money can go out of the economy? Then only the people can pay taxes happily, but not under the present system of blackmailing or coercion Thank you.

श्री मूल चन्द डागा : सभापति जी, काला धन देश के लिए अभिशाप है और संविधान हमारे अरमानों का मूर्तरूप है । 34 साल के बाद संविधान के अनुसार हमारे वित्त मंत्री जी साम, दाम दण्ड और भेद से कोशिश करना चाहते है कि काला धन समाप्त किया जाए लेकिन मैं एक बात कहना चाहता हूं कि अगर आपकी मजबूत इच्छा हो, आपकी दृढ़ इच्छा हो और अगर आपकी पोलिटिकल विल हो तो आपको सफलता मिल सकती है । अगर आपका इरादा मजबूत हो तभी इस प्रकार के कदम उठाए जाने चाहिए । अधूरे मन से उठाया गया कदम मजबूत नहीं हो सकेगा । इस संबंध में 1972 में, जबकि शायद श्री सुब्रह्मण्यम जी वित्त मंत्री थे तब भी मैंने यही बात कही थी । इनकम टैक्स ऐक्ट के क्लाज 20—ए के संबंध में उस समय उन्होंने कहा था कि जो मकान या प्रापर्टी वगैरह बेची जाती है उनमें लिख देते है 5 लाख जबकि वह होती है 10 लाख की ।

16.00 hrs.

उन्होंने कहा कि हम प्रापर्टी को जब्त कर लेंगे, उसके खिलाफ कार्यवाही करेंगे । 1972 की यह बात है आज 1981 है, वित्त मंत्री जी सबसे पहले तो यह बतलाये कि 1972 से लेकर 1981 कितनी प्रापर्टीज गवर्नमेंट में "वेस्ट" हुई । हम क्वेश्चन पूछते है तो जवाब मिलता है कि नोटिसिज दिये गये है, मामले अदालतो में ढेरे-तजवीज हैं । वित्त मंत्री जी, आप कृपा कर पहले सोचें कि 1972 मे हमने जो कानून पारित किया था, उसको इम्प्लीमेंट करने में हम कहां तक सफल हुए है ।

मैंने उस समय कहा था, उस समय की कार्यवाही में लाया हूं, कि जो प्रापर्टी की मार्केट वैल्यू करने वाले लोग हैं, जो जांच करने वाले लोग हैं, वे कौन हैं । मैं बड़ी नम्रता पूर्वक यह बात कह रहा हूं—आप मेरी बात को न मानें, लेकिन आज भी पैसे वाले लोग डंके की चोट कहते हैं कि हमारा कोई भी बाल बांका नहीं कर सकता । हम पर

ही तुम डिपेण्ड करते हो, वे साफ कहते हैं कि पैसे पर ही तुम्हारी नींव खड़ी है, जो राजनीति खड़ी होती है वह भी पैसे पर ही खड़ी होती है, जो सरकारी कर्मचारी है उन पर भी यह हावी हो जाती है ।

There is an unholly alliance between the dishonest, and corrupt people, politicians and unscrupulous officers.

वित्त मंत्री जी, यह गठबन्धन है जो काम को चलने नहीं देता । मैं आप का काफ़ी डिस्लेजर सुनता हूं, लेकिन बड़े आराम से सुनता हूं और मुझे अपने वयोवृद्ध वित्त मंत्री जी की बात सुन कर बहुत खुशी होती है । कम से कम मुझे इस बात की खुशी है कि मैंने अपनी बात कह कर अपना काम कर लिया, मुझे मालूम है कि मेरी यह बात रिकार्ड पर रहेगी । कल आप ने मेरे कई अमेण्डमेंट्स नहीं माने, कोई बात नहीं, क्योंकि उनको न मानना आपका नियम है, लेकिन मेरा नियम है कि मैं अपनी काम बात कहूं । अगर आज यह गठबन्धन नहीं होता तो समाज में काला-धन नहीं होता। काला-धन तो बराबर पैदा होता जा रहा है आप उस मरीज का इलाज करते जाते हैं, लेकिन इधर दवा दी जा रही है , उधर दर्द बढ़ता जा रहा है । क्या दर्द दांत में होता है और दवा कान में डालते हैं, आपका क्या तरीका है मेरी समझ में नहीं आता रहा है । आप इन्कमटैक्स कानून में एक छोटी सी अमेण्डमेंट लेकर आ जाते हैं । साल में एक दफा ऐसा कानून जरूर आता है और दूसरे दिन अखबारों में आ जाता है कि आज वित्त मंत्री जी ने यह काम किया । मैं यह कहना चाहता हूं कि आप पूरा धमाका एक बार में क्यों नहीं कर लेते हैं ।

मैंने अखबारों में पढ़ा कि आपके जो आफिसर्ज हैं वे भी डिस-सैटिस्फाइड हैं । आपके स्टाफ ने आन्दोलन किया था—आपके यहां एक और भी दो तरह के ग्रुप हैं, काम एक सा करते हैं लेकिन एक आदमी 23 साल के बाद असिस्टेंट बनता है, लेकिन दूसरा आदमी जल्दी बन जाता है आप के काम करने वाले ठीक से काम नहीं करना चाहते । उनके साथ समझौता किया गया, किस ने किया—चेअरमैन आफ दी बोर्ड ने ।. . .

सभापति जी, मैंने अभी भाषण शुरू ही नहीं किया है, आपने घंटी बजा दी । इस तरह तो यह काला-धन यहां का यहीं ही रह जायगा ।

अगर आप थोड़ा-थोड़ा रखना चाहते हैं तो रखिये । मैं ने हिसाब लगाया है और आंकड़े देखे है कि हमारी पापुलेशन का केवल 0.64 परसेंट लोग ही इनकम टैक्स देते है । इस 0.64 पापुलेशन में भी क्या होता है ? आप की जो बड़ी बड़ी कम्पनीज है वे जो टैक्स देती है उन कम्पनीज के 50 परसेंट मामलों में केसिज ही तय नहीं होते है ।

अब आपने एक समरी असेसमेंट की स्कीम बनायी है । क्या आप ने इस के बारे में एक्जीक्युटिव इंस्ट्रक्शंस दी हुई है कि जो एक लाख या उससे ऊपर का रिटर्न भर कर देते है उन के हिसाब की या अकाऊंट की जांच न हो ? जो एक लाख रुपये या इस से ऊपर की रिटर्न भर कर देता है उसकी कोई जांच नहीं की जाती है । यह है आप की समरी असेसमेंट स्कीम ।

अब इन के अलावा हमारे हजारों और लाखों वकील हैं जो कोर्टों में जाते हैं और ब्लैक में रुपया लेते हैं । कितने ही हमारे यहां प्राइवेट डाक्टर्स हैं जो कि बहुत धन कमाते हैं । इन सब का भी कोई हिसाब-किताब नहीं ।

[श्री मूल चन्द डागा]

अब मैं मकान की सेल की बात बताता हूं। फर्ज कीजिये मैं बम्बई में कमाता हूं और मैंने अपने राजस्थान में एक गांव में प्रापर्टी बनायी और उस में दस लाख रुपये की पूंजी लगायी तो उसकी गिनती कैसे होगी। इस को कंसीडरेशन में नहीं लिया जाएगा। जब प्रापर्टी ट्रांसफर होगी तो उस की मार्किट वल्यू कसे तय होगी? आप जानते हैं कि आप के कितने ईमानदार, कर्तव्यनिष्ठ और दूध के धुले हुए अधिकारी हैं। उन के असेसमेंट करने का तरीका क्या होता है, यह भी आप जानते हैं। इस बारे में मेरा एक सजेशन है कि प्रापर्टी को आक्शन कर दिया जाए। प्रापर्टी को आक्शन करने के बाद जो कीमत आती है वही मार्किट वैल्यु होगी।

एक केस मुझे मालूम है जिसको कि मैं आप को बताता हूं। एक प्रापर्टी पति और पत्नी ने खरीदी। उस में बंगला तो पति ने खरीदा और उस का कम्पाउन्ड पत्नी ने खरीदा। अब इस की मार्किट वेल्यु कैसे तय होगी? क्योंकि पति बंगले में कम्पाउन्ड से ही जा सकता है और कम्पाउन्ड की बिना बंगले के क्या वैल्यु। इसलिये मैंने सजेशन दिया है कि हम जो मार्किट वैल्यु असेस करें वह प्रापर्टी की आक्शन कीमत से असेस करें।

SHRI R. VENKATARAMAN: You talk on the Bill.

SHRI MOOL CHAND DAGA: I am talking on the Bill. Why do you get incensed?

SHRI R. VENKATARAMAN: Because you are not talking on the Bill.

SHRI MOOL CHAND DAGA: Certainly not.

इसलिए मैं कहना चाहता हूं कि मार्किट वैल्यु का पता लगाने के लिस दुकान को या मकान को आक्शन पर चढ़ा दिया जाए और उसी वैल्यू को मार्किट वैल्यु तय किया जाए।

दूसरा सजेशन मेरा यह है कि आपके एक्ट के नीचे यह प्रोविजन है कि कम से कम 5 महीने की सजा होगी। मैं चाहता हूं कि यह सजा दोनों को—ट्रांसफरर और ट्रांसफरी दोनों को होना चाहिए।

श्री जगपाल सिंह (हरिद्वार): सभापति महोदय, इस बिल पर बोलने से पहले मैं अपने योग्य वित्त-मंत्री महोदय से यही पूछना चाहूंगा कि क्या वे इस एक्ट के द्वारा काले धन पर रोक लगा पाएंगे। मैं बताना चाहता हूं कि काले धन की जड़ पर चोट करना आप नहीं चाहते हैं, बल्कि पत्ती काट देने से इस देश के लोगों को धोखा देना चाहते है। क्या इस तरह के एक्ट से आप ब्लेक-मनी के फ्लड को रोक पाएंगे।

सभापति महोदय, मैं इस बात को नहीं मानता हूं कि सरकार को इस बात की जानकारी नहीं है कि हमारे देश में 30 करोड़ रुपये का ब्लेक-मनी प्रतिदिन पैदा हो रहा है। आपको पता है कि आपकी नीतियों से 30 करोड़ रुपए का रोज कालाधन पैदा हो रहा है। सन् 47 के बाद जब सत्ता श्री जवाहरलाल नेहरू ने संभाली, उसके बाद से 30 हजार करोड़ रुपए ब्लैक-मनी पैदा हो चुकी है।

सभापति जी, ब्लैक-मनी को समाप्त करने के लिए आप इंकम टैक्स अमेंडमेंट बिल लाए हैं। इसी प्रकार जब आप बेयरर-बांड—बिल लेकर आए थे, तब प्रधान मंत्री ने कहा था कि एक हजार करोड़ रुपया हम इसके द्वारा प्राप्त करेंगे। इसके बाद जब इंदिरा जी कश्मीर गई तो उन्होंने कहा कि इस बारे में जिन लोगों

ने कहा था, उनका अनुमान गलत निकला। इसके द्वारा केवल 380 करोड़ रुपया जमा हो सका।

मैं जानना चाहता हूं कि कहीं इस एक्ट के द्वारा ऐसा तो नहीं होगा कि जो मिडल-क्लास के लोग हैं, उन्हीं को कुचला जाए? इसकी सीमा 25 हजार रखी गई है इसलिए मुझे लगता है कि इसके अंतर्गत अधिकतर मध्यम श्रेणी के लोगों को ही कुचला जाएगा, क्योंकि यह सीमा बहुत कम है।

इमरजेंसी के समय भी आपने सख्त कार्यवाही की थी, तब भी क्या आप हिन्दुस्तान को कैपिटलिस्टों के हाथ से निकाल पाए?

जिस समय सत्ता आपके हाथ में आई, उस समय बिड़ला की संपत्ति 50 करोड़ थी, लेकिन आज वह बढ़कर 1500 करोड़ हो गई है। इसका जिम्मेदार कौन है? उस ब्लैकमनी पर आप चोट करना नहीं चाहते।

कार्ल-मार्क्स ने कहा था कि प्रापर्टी, मकान, खेत-खलिहान कारखाने, ये सब उनके होने चाहिए जो उनके अंदर मशक्कत करते हों, लेकिन आपने मशक्कत करने वालों को पूंजीपतियों के हाथ में गिरवी रख दिया और इस एक्ट के जरिए उनको धोखा देना चाहते हैं। आपकी ब्यूरोक्रेसी मध्यम श्रेणी के लोगों को कुचलेगी। बड़े-बड़े लोग, जिनकी मोनोपली इस देश के अंदर है, वे इस एक्ट से नहीं कुचले जाएंगे। कांग्रेस पार्टी का पास्ट इस बात को साबित करता है। कानून बनते हैं, लेकिन उनका इंप्लीमेंटेशन नहीं होता। मुल्क की संपत्ति कुछ हाथों में चली गई है।

आचार्य भगवान देव (अजमेर): ढाई साल में आपने इस पर रोक क्यों नहीं लगाई?

श्री जगपाल सिंह: ढाई साल में हमने कीमतें नहीं बढ़ने दीं। आज आपने व्यवसाइयों को छूट दे दी है। आपने दो बजट रखे, क्या उनसे आप कीमतें रोक सके? कीमतें बढ़ती चली गई। जब आप खेती में काम आने वाली चीजों की कीमतें बढ़ाएंगे तो उससे पैदा होने वाली चीजों का दाम स्वत: बढ़ जाएगा। पैट्रोल, डीजल, खाद और अन्य चीजों के दाम, बहुत तेजी से बढ़े हैं।

अंत में मैं इस बिल का पूर्णत: विरोध तो नहीं करता हूं लेकिन 25 हजार की सीमा के बारे में आप एक बार फिर गहराई से सोचिए। कहीं इस सीमा के अन्दर 100 प्रतिशत, 90 प्रतिशत या 80 प्रतिशत मध्यम श्रेणी के लोग तो नहीं आ रहे हैं। क्योंकि यह सीमा बहुत ही कम है और मैं समझता हूं कि बड़े लोगों पर इस की आंच नहीं आएगी।

प्रापर्टी ट्रांसफर के बारे में जैसा कि आप जानते हैं कि 20 प्रतिशत पैसा सरकार के पास स्टैम्प्स के जरिए और ड्यूटी के जरिए आ जाता है। इस से सरकार को भी लाभ होता है। इसलिए मेरा निवेदन है कि इस सीमा को बढ़ा कर एक लाख रुपए कर दीजिए, क्योंकि इस सीमा तक मध्यम श्रेणी के लोग आते हैं।

इन शब्दों के साथ मैं अपना कथन समाप्त करता हूं।

SHRIMATI GEETA MUKHERJEE (Panskura): The hon. Finance Minister while moving the Bill has sought our cooperation. I would not grudge it simply because the hon. Finance Minister though not a young girl is very much in need of cosmetics. Why should I grudge for this small cosmetic? For that I support the Bill. Why I am saying cosmetic? I am

[Shrimati Geeta Mukherjee]

saying this seeing the fate of the original Act of which the present Bill is an actually extension to some other particular categories. I have no time to go into the details of it. That is undersstood.

The impression that he wants to give in this Bill is that he wants to take out black money from under-valued transactions. Everybody knows that black money, a big part of it is really sunk in the real property transactions, under-valuation and all that. These particular two categories, that is cooperatives and company flats were not specifically mentioned in the earlier Bill. But generally, the real property was within the purview of the Income Tax Amendment Act. But what happened to 1972 Act? What was the result? How was it implemented?

Now I would like to quote from the answer to a question which was given by the predecessor of the present Finance Minister during the time of last tenure of Mrs. Gandhi when she was the Prime Minister. That was not during Janata rule. This is dated 25th February, 1975. The name of the member is Shri Kalyan Roy. The question put by the member is like this: "How many of such under-valued urban properties have been taken over by Government in those places and value of these properties?' I cannot read all the things. I hope Mr. Venkataraman easily remembers that there was some raid on the real properties in Delhi, Bombay, Calcutta and so on. In connection with these raids, this answer explains what is the procedure. It says, "From 1st December, 1972 to 31st January, 1975. 68225 intimations were received from registering authorities in Calcutta, Howrah, Asansol area, New Delhi and Bombay." From where did they get 68225 intimations? They got them from various sources. Then it further says, "Upto 31st January, 1975, 2230 show cause notices under section 269D of the Income-tax. Act, 1961 were issued by the Competent Authority in those very places." The original figure of intimation is 68225. The number of show cause 2230 cases, "out of the 2230 cases in which the acquisition proceedings were initiated, the proceedings were droped in 1028 cases. Orders of acquisition under section 269F (6) of the Income-tax Act) were passed in 18 cases." Then it further says, "The action for taking possession of the properties can be initiated only after the order of acquisition becomes final." And the last sentence is, "None of the properties has yet vested in Government under the provisions of Income-tax Act." Why I said this is cosmetic is now clear.

For this 68,000 complaints have already come. And from 1972 to 1975 in the aegis of Mrs. Gandhi's Government last time there was no take over of even one such property. That is why, I said—since Mr. Venkatraman is very much in need of cosmetics—everybody knows that it will not be implemented, I do not grudge and I support it. Mr. Daga then said that it is due to collusion between the officers and the monied men. I say, "No. Officers understand the political will of the Government. They know very well that this Government do not intend to get out the black money, and that is why this result, and I am sure that in the present Bill, unless the whole set up changes—of which I do not see any semblance of a possibility —I am sure this will not be effective.

श्री गिरधारी लाल व्यास (भीलवाड़ा) : सभापति महोदय, वित्त मंत्री जी ने इनकम टैक्स अमेंडमेंट बिल 1981 पेश किया है उसका मैं समर्थन करता हूं, और निवेदन करना चाहता हूं कि अभी कई माननीय सदस्यों ने ब्लैक मनी नहीं निकल पा रही है इसके बारे में यहां शिकायत की । मेरी शिकायत उन्हीं के खिलाफ है जिन्हों ने वित्त मंत्री के खिलाफ शिकायत की है। मैं यह निवेदन करना चाहता हूं कि वित्त मंत्री जी बहुत अच्छे तरीके से यह चाहते हैं कि इस देश का ब्लैक मनी निकले और बियरर बॉंड स्कीम इसी मकसद से निकाली थी ताकि ज्यादा से ज्यादा काला धन निकले । मगर विरोधी दल के

लोगों ने क्या किया ? इन्हों ने ऐसा प्रचार किया बीयरर बॉंड के सम्बन्ध में कि जो लोग पैसा जमा कराने आये वहां पर बैंक के अन्दर ऐजीटेशन कर के उन लोगों को ब्लैक मनी जमा नहीं करने दिया और उन को इन्हों ने लौटने की बात कही । इस तरह की बातें जब यह करते हैं तो निश्चित तरीके से ब्लैक मनी जो हमारे वित्त मंत्री जी निकालना चाहते हैं वह नहीं निकल पायेगा । और इसमें ज्यादातर विरोधी दल के लोगों का हाथ है । यह चाहते है कि इस देश में काला धन बराबर बना रहे ताकि चुनावों के समय उन को उसमें से हिस्सा मिलता रहे और यह पनपते रहें । इस प्रकार की व्यवस्था यह देश में चाहते हैं ।

दूसरी नजीर यह है कि हम ने जब 1975 में इमरजेंसी लगाई थी जिस में ब्लैक मार्केटियर्स, स्मलगलर्स, होर्डर्स को बन्द कर दिया था क्योंकि वही काला धन ज्यादा इस्तेमाल करते हैं, तो इन्हों ने अपने ढाई साल के शासनकाल में उन सब को छोड़ दिया और अपने ढाई साल के शासन काल में छूट दे दी कि काला धन खूब कमाओ और ज्यादा से ज्यादा बढ़ाओ । ऐसी हालत इन्हों ने पैदा की और आज जो मंत्री महोदय बिल लाये है उस पर अफसोस जाहिर कर रहे है । मैं इन की अकल पर अफसोस जाहिर करता हूं । इन्हों ने किस तरह से ढाई साल में देश को बरबाद किया है और दिखाया किस तरीके से देश में यह काम करना चाहते हैं । यह कोई भी रचनात्मक काम करने के लिये तैयार नहीं है । जो भी कार्यक्रम सरकार की तरफ से अपनाया जाता है उस में रचनात्मक तरीके से कोई सहयोग नहीं देते और डैस्ट्रक्टिव तरीके से तमाम व्यवस्थाओं को बिगाड़ने में योग देते हैं । इस प्रकार की हालत इन्हों ने देश में पैदा की है । वित्त मंत्री जी ने इस बिल के जरिये थोड़ा बहुत प्रयास किया है उन लोगों को अपने शिकंजे में लाने का जो अपनी जमीन और जायदाद को थोड़े पैसे में बेच देते हैं और टैक्स इवेजन करते हैं । इसलिए इस का समर्थन तो जरूरी है । मगर इस के साथ-साथ कुछ बातें बच गई हैं जिन की ओर वित्त मंत्री का ध्यान आकर्षित करना चाहता हूं और कहना चाहता हूं कि उनके सम्बन्ध में भी आप कुछ कदम उठाइये । मैं उदाहरण के तौर पर निवेदन करना चाहता हूं कि बड़े-बड़े शहरों में जो दुकानें किराये पर दी जाती हैं उन पर किराये का रजिस्ट्रेशन भी होता है, मगर उसके बाद किराया ही नहीं लिया जाता बल्कि कुछ और चीज भी ली जाती है, जिसको पगड़ी कहते है । इस पगड़ी की रकम का इसमें कोई प्रावधान नहीं किया गया है । चाहे बम्बई हो, कलकत्ता हो या जयपुर हो सब जगह किराये के ऊपर पगड़ी ली जाती है और उस के जरिये से काला धन पैदा होता है । इस के बारे में भी आपको इस बिल में प्रावधान करना चाहिये जिससे इसको रोका जा सके ।

मेरा निवेदन यह भी है कि बड़े-बड़े कारखानेदार चाहे वे सीमेंट वाले हों, लोहे वाले, टूल वाले, इंजीनियरिंग के, ट्रक वाले, कारों वाले या स्कूटर वाले हों, सब में इस प्रकार की व्यवस्था चल रही है कि ऊपर से पैसा लिया जाता है और ब्लैक मार्किट में वह अपना सामान बेचते है । उस पैसे पर रोक के लिये भी किसी प्रकार से कोई व्यवस्था की जानी चाहिये । इस के सम्बन्ध में इनकम टैक्स विभाग द्वारा इस कानून में किसी प्रकार का कोई प्रावधान नहीं किया गया है, इसलिये इस प्रकार की व्यवस्था तो की ही जानी चाहिये कि जो बड़े बड़े कारखानेदार अपने सामान का ब्लैक मार्किट करते हैं, ऊपर से धन प्राप्त करते हैं, उनको किस प्रकार से चैक किया जाये ।

मैं अपने क्षेत्र भीलवाड़ा की एक बात बताना चाहता हूं । वहां 2 पार्टनर थे—श्री राम स्वरूप मुन्दड़ा और श्री हरचरण सिंह । दोनों मोटर पार्ट्स के काम में डील करते थे ।

[श्री गिरधारी लाल व्यास]

जब उन में आपस में झगड़ा हो गया तो हरचरण सिंह ने इनकम टैक्स डिपार्टमेंट में शिकायत की कि यह आदमी ब्लैक मार्किट करता है और अपना पैसा अलग-अलग तरीके से रख रहा है। यह सन् 1979 की बात है जब कि जनता पार्टी का शासन था और वह भी जनता पार्टी का आदमी था। उस के खिलाफ जब इनकमटैक्स डिपार्टमेंट में शिकायत की गई तो उस के कागजात सील कर लिये गये, लेकिन सन् 1979 से ले कर आज 1981 तक उन पेपर्स के बारे में क्या हुआ? इस के बारे में इनकम टैक्स डिपार्टमेंट को बराबर कहते रहे, हम ने यहां पर एप्लीकेशन भी दी, कंप्लेनेन्ट भी आया और हम ने फाइनेन्स मिनिस्टर साहब को भी निवेदन किया कि वह हायर-परचेज का काम करता है, बिल्डिंग बेचने का काम करता है, मशीन टूल्स का काम करता है और भी कई प्रकार के काम करता है, लेकिन इस बारे में कुछ नहीं हुआ। यह टैक्स इवेजन का सबसे बड़ा मामला भीलवाड़े में पैदा हुआ, वहां पर कागजात सीज हुए मगर इनकम टैक्स विभाग के अधिकारियों की आज तक कोई कार्यवाही नहीं हुई। इस प्रकार की व्यवस्थाएं आप के विभाग में चल रही हैं।

इस तरह से और भी सैकड़ों चीजें मैं आप के सामने रख सकता हूं कि किस प्रकार से इनकम टैक्स डिपार्टमेंट के लोग टैक्स इवेडर्स की मदद कर सकते हैं, इन बातों की ओर ध्यान दिया जाना चाहिये।

अन्त में मैं इस बिल का स्वागत करता हूं।

श्री रामलाल राही (मिसरिख). सभापति महोदय, माननीय वित्त मंत्री जी ने जो बिल पेश किया है, उसका उद्देश्य तो उन्होंने बहुत अच्छा और उत्तम बताया है। इसी तरीके से जब भी किसी भी टैक्स चोरी के बारे में बिल यहां पेश हुए हैं तब उनका उद्देश्य उत्तम ही बताया जाता है, लेकिन मैं माननीय वित्त मंत्री जी से निवेदन करना चाहता हूं कि इससे पहले भी काले-धन को निकालने के लिये, उस पर नियंत्रण करने के लिये जो विधेयक उन्होंने पेश किये हैं, या जो भी व्यवस्था करने की कोशिश की है, या सदन से इजाजत मांगी है, क्या उसमें उनको सफलता मिली है?

अभी हमारे सम्मानित बुजुर्ग सदस्य श्री डागा जी ने एक बात बड़ी माकूल बात कही कि यदि इरादा नेक और मजबूत हो तो सफलता मिलती है। यह बात उनकी बहुत सही है।

मेरा पहले भी शक था और आज भी शक है सम्मानित मंत्री जी के इस बिल पर और जो कुछ वह वित्त मंत्रालय के अन्तर्गत आज कर रहे हैं, उसमें जो असफलता उनके हाथ लगी है, उसका कारण यही है कि यह जो कुछ आपने कहा है, आपकी कथनी और करनी में फर्क है।

मैं आपको पुरानी याद दिलाना चाहूंगा, संभवतः आपने ही 1980 का बजट फरवरी में पेश किया था और उस समय कई चीजों में उत्पादन शुल्क माफ किये थे। यह स्वाभाविक है कि जब उत्पादन-शुल्क माफ़ हो, तो उपभोक्ताओं को उसका लाभ मिलना चाहिए। क्या मंत्री महोदय ने यह पता लगाने की कोशिश की कि उन्होंने कुछ चीजों पर जो उत्पादन-शुल्क माफ़ किया था, क्या उसका लाभ उपभोक्ताओं को मिला, अगर नहीं मिला और उन चीजों के दाम बढ़ गये, तो क्या वह आंख मूंद कर सोते रहे या उन्होंने इस तरफ़ कुछ ध्यान दिया। अगर उन्होंने इस तरफ़ कोई ध्यान नहीं दिया, तो मुझे संदेह है कि इस बिल के माध्यम से

वह जो व्यवस्था करना चाहते हैं, वह उसको कार्यान्वित करने का प्रयास करेंगे ।

मंत्री महोदय ने कह दिया कि यदि किसी भूमि या भवन का बिक्री के जरिये स्थानांतरण हो, तो उसकी वाजिब कीमत लगाई जाये और उसको प्रदर्शित किया जाना चाहिए । उन्हें मालूम होगा कि नगर-पालिकाओं में या नगरपालिकाओं के सीमावर्ती क्षेत्र में भूमि के मूल्य निर्धारित कर दिए गए हैं कि अमुक भूमि इतने रुपये प्रति वर्ग-मीटर के हिसाब से बिकेगी । लेकिन जब उन जमीनों की बिक्री होती है, तो उसकी कीमत सही रूप में नहीं दर्शाई जाती है । क्या इस बारे में कोई कार्यवाही करने की कोशिश की गई ?—नहीं की गई ।

मंत्री महोदय को यह भी मालूम होगा कि जिन गरीब लोगों ने दो, चार, पांच या दस हजार रुपये तक का कर्ज लिया, कर्ज न चुका पाने के कारण, या फर्जी कर्ज बता कर, उनकी जमीनें नीलाम कर दी गईं । क्या मंत्री महोदय ने यह जानने की कोशिश की कि वे जमीनें किस भाव पर नीलाम की गई ? आठ-आठ, दस-दस एकड़ जमीन छः हजार और दस हजार रुपये में नीलाम की गई और उसकी रजिस्ट्री भी हो गई । क्या मंत्री महोदय इस बात की व्यवस्था करेंगे कि जमीन के मालिक को वाजिब कीमत, मार्केट वैल्यू मिले और उस पर टैक्स लगाया जाये ? क्या वह उन गरीब लोगों की रक्षा के लिए कानून बनाएंगे, जिनकी तीस, चालीस, पचास बीघे जमीन पांच दस हजार रुपये में नीलाम कर दी जाती है ? सरकार भूमिहीनों को जमीन देने की बात कहती है । मैं कहना चाहता हूं कि जितनी भूमि बांटी नहीं गई है, उससे कहीं ज्यादा भूमि नीलाम कर के लोगों को भूमिहीन बना दिया गया है । इस तरह के जालसाजी के काम हो रहे हैं । मैंने बार-बार इस प्रश्न को उठाया है, लेकिन सरकार का ध्यान इस तरफ नहीं गया है ।

मंत्री महोदय काले धन और टैक्सों की चोरी की बात करते हैं । उत्तर भारत के उत्तरी वन-खंडों में जहां जहां साल के जंगल हैं, वहां वन विभाग साल के बीज नीलाम करता है । तीन बरसों से मध्य प्रदेश की कई कंपनियों ने उस बीज को लिया है और उन्होंने काले धन का इस्तेमाल किया है । मैंने इस बारे में उत्तर प्रदेश के चीफ सेक्रेटरी को कहा कि बिक्रीकर, हैसियत कर और आयकर, इन तीनों की चोरी की जा रही है । लेकिन इस ओर कोई ध्यान नहीं दिया गया है । मध्य प्रदेश की तीन कंपनियां हैं: दुर्गा एसोसियेट्स मार्फत रायपुर आयल प्राडक्ट्स प्राईवेट लिमिटेड, बालाजी इन्टरप्राइजिज मार्फत वंदना ट्रेडर्ज, रायपुर और अवध एन्टरप्राइजिज । करोड़ों रुपये का बीज एकत्र करने का काम इन फर्मों ने किया है । मैं आप से कहना चाहता हूं, उत्तर प्रदेश में बिक्री कर के अन्तर्गत इन का रजिस्ट्रेशन होना चाहिए । कोई रजिस्ट्रेशन नहीं है । यही नहीं, कोई कार्यालय भी इन का वहां नहीं रहा है । होटल में रह कर करोड़ों रुपये का बिजनेस इन्होंने किया है । कोई इन का टेलीफोन नहीं रहा है । दूसरे, हैसियत टैक्स नहीं दिया है इस पैसे का जो करोड़ों रुपये साल का बीज एकत्र करने में इन्होंने लगाए है । न तो हैसियत टैक्स दिया है न आय कर अदा किया है । यह सारा दो नम्बर का पैसा है ।

मुझे बड़ी खुशी होती है जब आप काले धन पर रोक लगाने की बात करते है । जब आप का भाषण या प्रधान मंत्री का भाषण, सरकार की तरफ का कोई भाषण लोग सुनते हैं रेडियो पर, टेलीविजन पर देखते है तो लगता है कि जो गरीबी और अमीरी का विशाल रूप इतने दिनों में सरकार ने बना दिया है, लगता है अब चेतना जागी है कुछ करने वाले हैं, लेकिन दो चार दिन या दो चार महीने के अंदर जब देखते हैं कि कथनी

[श्री रामलाल राही]

और करनी में फर्क है तो निराशा छा जाती है और इसी निराशा का परिणाम है कि अमीरी और गरीबी का फर्क आप ने बढ़ा दिया है, शोषक और शोषण की खाई अपार कर दी है। चन्द लोग है जो करोड़ों रुपये पैदा करते चले जा रहे है और कुछ ऐसे लोग हैं कि जो 18 घंटे और 12 घंटे काम करने के बाद भी रोटी के लिए मोहताज है। इस के ऊपर आप को विचार करना चाहिए।

श्री एम राम गोपाल रेड्डी (निजामाबाद) : सभापति जी, दो साल में हमारे वित्त मंत्री वेंकटरमन जी ने जो कोशिश की उस की वजह से आज हमारे देश की सम्पत्ति बढ़ रही है और विषमता कम होती जा रही है। हर तरफ से तरक्की होती जा रही है। इनकम टैक्स के जो ब्लैकमार्केटियर्स है उन को सख्त सजा देनी चाहिए और वह सजा देने के लिए मैं दो तीन सुझाव देना चाहता हूं। मगर जो हमारा टैक्स स्लेब है वह बहुत बड़ा है। इनकम टैक्स और वैल्थ टैक्स दोनों को एक जगह जोड़ा जाय तो मेरा अनुमान है कि सौ प्रतिशत से भी ज्यादा हो जायगा। मैं चाहता हूं कि किसी भी सूरत में टैक्स पचास प्रतिशत से ज्यादा नहीं होना चाहिए। उस से गवर्नमेंट को जितना पैसा आना चाहिए उस से ज्यादा पैसा आ जायगा और यह चोरबाजारी कम हो जायगी। जब 50 प्रतिशत से ज्यादा लेना शुरू कर देते हैं तो आदमी चोरी करने के लिए मजबूर हो जाता है। इस के बारे में कंसल्टेटिव कमेटी में भी काफी इस पर डिस्कशन हुआ है। तो मैं चाहता हूं कि कम से कम आने वाले बजट में यह 50 प्रतिशत रखा जाय। गाय से दूध लेना है तो थोड़ा दूध बछड़े के वास्ते भी छोड़ देना चाहिए। अगर बछड़े के वास्ते कुछ नहीं छोड़ेंगे तो अपनी तरकीब से वह उस दूध को नीचे गिराने की कोशिश करेगी।

सभापति महोदय : अगर गाय के बदले भैंस हो तो ?

श्री एम राम गोपाल रेड्डी : गाय हो या भैंस हो, अपने बच्चे को पहले देखना चाहती है। इसलिए वेंकट रमन जी बोल्ड स्टेप्स लें .....(व्यवधान) ..... उन से मैं यह चाहता हूं कि आने वाले बजट में टैक्स कम किया जाय। इस में उन को हेसिटेट नहीं करना चाहिए। क्योंकि एक वक्त ऐसा भी आया है कि पैरलल एकोनामी असली एकोनामी से कहीं ज्यादा काम करती रही है। अब आप के जमाने में बहुत से रेडस हुए हैं और बहुत सा पैसा मिला है।..(व्यवधान)..बड़े-बड़े हाउसेज पर रेड्स हुए हैं। उन से काफी पैसा मिला है। ये रेड्स और ज्यादा होने चाहिए।

यह कहा जा रहा है कि इनकम टैक्स वाले भी उस में शरीक हो जाते है। इस से ज्यादा अन्याय की बात और कोई नहीं है, यह मैं कहना चाहता हूं। इनकम टैक्स आफिसर्स को यह कहना कि सिर्फ पैसा बनाने के वास्ते काम करते है यह गलत है। वह पैसा बनाने के वास्ते हैं, मगर एक उद्देश्य के वास्ते पैसा बनाना चाहते हैं। वह अपने आफिसर्स है, ब्रिटिशर्स नहीं है, बाहर आदमी नहीं है, अपने आदमी है। जैसे हमारे में डिफेक्ट्स हो सकते है ऐसे ही अपने आफिसर्स में भी हो सकते हैं। मगर उन में कम होते है क्योंकि वे एजूकेटेड होते है, ट्रेन्ड होते है और उन के रूल्स एण्ड रेगुलेशंस हैं। रूल्स रेगुलेशंस पार्लियामेंट बनाता है, वह आफिसर नहीं बनाते हैं। यह पार्लियामेन्ट जो कानून बनाती है उसको वे इमानदारी से इंम्पलीमेन्ट करते हैं। अगर कोई आफिसर ऐसा नहीं करता है—तो उसके लिए यहां पार्लियामेन्ट में खड़े होकर भाषण देने की जरूरत नहीं है, हमारे दो मिनिस्टर्स बैठे हुए हैं, उनको आप एक छोटी सी चिट्ठी लिख दीजिए या फिर जो बोर्ड के चेयरमैन हैं उनको

आप लिखकी लिख दीजिए तो वे ऐक्सान लेंगे। इतनी आसान चीज को छोड़ कर यहां पार्लियामेन्ट में खड़े होकर यह कहना कि वे लोग लालच में आ जाते हैं, टैक्स छिपाने वालों से मिल जाते हैं और चार पैसे कमाते हैं यह उचित नहीं है। मैं कहूंगा कि जो तनख्वाह उनको मिल रही है वह काफी है और अगर वह कम भी है तो यह पार्लियामेन्ट उनकी तनख्वाहें और बढ़ा देगी लेकिन इस तरह से उनको दोष देना और होलसेल कंडेम्नेशन करनी अच्छा नहीं है। हमारी तरफ से रूलिंग पार्टी के लोग भी इस कंडेम्नेशन में कंपीट करना चाहते हैं, यह उचित नहीं है। धन्यवाद।

SHRI R. VENKATARAMAN: Mr. Chairman, my task has been rendered very light because the bulk of the discussion related to matters outside the scope of the Bill. This is not a debate either on price policy or on black-money. We are really going to have a full dress debate on prices and we will have the fullest opportunity of discussing all the matters which have been raised here.

PROF. MADHU DANDAVATE (Rajapur): At that time they will speak on this Bill.

SHRI R. VENKATARAMAN: Sir, on an earlier occasion in this House I mentioned the dubious methods adopted by some people in buying property and paying a lot of money under the table and increasing the circulation of black money, and at that time I pointed out that we have Chapter XXA of the Income-Tax Act and it does not cover the cases of transfer of flats which are owned by cooperative societies or companies where not the property is transferred, but only the shares are transferred. At that time I promised that I would bring in a legislation to cover the lacuna also and all the Opposition Members supported me. I thought, now when this Bill came, they might say, 'Yes, this is what you have done in pursuance of the promise you gave to the House.' But I was rather surprised to see that many Members have criticised this Bill also. It is, of course, a part of democracy that every opportunity should be use to beat the Government. But rather, in criticising the Government it would be healthy if you support those measures which are good and then only criticise those in which we are not either coming up to the mark or which in your opinion we are going wrong. Therefore, in this measure I do not think there can be any difference of opinion that the Bill seeks to cover a lacuna which now exists in the case of transfer of flats and transfer of properties which are held by Cooperative Societies and companies and I am quite sure that everybody accepts the principle of the Bill. But in the course of the debate a number of things have been said and it would not be fair for me to sit down without answering the few points which have been raised.

The main point raised was that of Mrs. Geeta Mukherjee. She said, I am in need of some cosmetics. For one thing I cannot use cosmetics; I don't use cosmetics.. (*Interruptions*) I see here, perhaps you don't have eyes to see.

DR. SUBRAMANIAM SWAMY: She does not need cosmetics, you need cosmetics.

SHRI R. VENKATARAMAN: If we have a transportation of sex, probably Swamy would be right. If there is a transportation of sex, you will be right; until then you will be wrong.

DR. SUBRAMANIAM SWAMY: It is very unparliamentary.

MR. CHAIRMAN: I say, no.

SHRI R. VENKATARAMAN: It is true that in the administration of Chapter XXA of the Income-Tax Act, we have come across innumerable difficulties and I want to take the House into confidence in this matter.

[Shri R. Venkataraman]

Mrs. Geeta Mukherjee mentioned that more than 60,000 complaints are received. It is true. What we find is, a number of people who have grouses against each other go on writing saying that this property has been transferred at a lower valuation. Therefore the Government cannot act on the basis of some disgruntled complainants. It must act only on evidence.

The law prescribes that the authority has to be satisfied that there is an under-valuation and the authority cannot be satisfied that there is an undervaluation unless it is done by some authority. We have got a cell. The cell goes into the valuation and, after the cell makes the valuation, then action is taken. I have got a number of figures for the whole period. The number of acquisition proceedings initiated in the last three years is 11,561. Actually, the total number of notices that could be issued after all the legal formalities about the valuation by the cell, etc. could be done, the total number of orders issued, that is, the acquisition orders passed upto 30th June, 1981 is 442. Out of 172 orders the number of cases of appeals filed in the High Court is 93 The number of cases of appeals before the Income-tax Appellete Tribunals is 162 and appeals pending in the High Courts is 51 and so on.

Nobody will, therefore, yield the property easily. The moment we take action under this Section, they go from court to court and they try to thwart the proceedings. One way in which I thought we could get over this problem is that the Government should have the right to acquire any property by paying 20 per cent extra on the sale deed consideration irrespective of whether the valuation is under-valued or not. I do not know what the lawyers would say to this proposition. I do not find my hon. friend the Law Minister, Shri Shiv Shankar, near me. They would immediately say that it is a draconian power which the Government has taken and it may not even be sustained. Even this law, I am hoping, will have its effect because the threat of a Government acquisition would put some people on guard against taking this kind of action.

I really concede that in the matter of actually carrying out acquisitions of property, the results have not been as good as we wanted or expected. But that is not because of a lack of will on our part but of the rule of law which we have observed, that is, the proceedings which are open to any person whose property is sought to be acquired. It cannot acquired merely because we have some impatience with regard to implementing a social legislation.

Having said this, I would deal with a few other points. Somebody said about the Special Bonds Scheme. This is a thing they go on saying repeatedly I have always said—we have collected Rs. 387 crores—that this is the biggest amount ever collected under any voluntary disclosure scheme. If we have not collected Rs. 1000 crores, there are reasons for it. I do not want to go into them again and again. But the fact that in spite of the matter being pending in the Supreme Court Rs. 400 crores could be subscribed, this itself shows that the Special Bonds Scheme had an appeal and it had a very useful function to discharge. In fact, I would like to draw the attention of the House to what Justice Fazl Ali asked in the Supreme Court itself. He asked the Attorney-General whether in spite of the case being heard by the Supreme Court and pending before the Supreme Court, Rs. 400 crores were subscribed. The Attorney-General answered in the affirmative. Even the Supreme Court was surprised that in spite of the matter being pending before the Supreme Court, Rs. 400 crores worth of Bonds had been subcribed. Therefore, I wanted the members opposite to give up the slogan, again and again, repeating that it has failed.

The second point which I would like to deal with is the point which has been raised by many people that it is the ruling party which is pampering

black-money. We are the ruling party now. We were also the ruling party before. But you were also the ruling party last year. So you must have also pampered in your showing. You must have pampered black-money.

DR. SUBRAMANIAM SWAMY: You plead guilty.

SHRI R. VENKATARAMAN: Your party people are running State Administration in several parts. You are also guilty of pampering this black-money. When you throw stones, after all, people living in glass houses, should not throw stones.

DR. SUBRAMANIAM SWAMY: People living in broken glass houses, can throw stones.

SHRI A. NEELALOHITHADASAN NADAR (Trivundrum): You are not feeling the allegation made by somebody. Your Party is pampering black-money.

MR. CHAIRMAN: You leave it here.

SHRI R. VENKATARAMAN: I was only saying that you are admitting. I am not admitting. In your statement when you say that the ruling party pampers the black-money, you are admitting You are making a charge against me. You are admitting it already Therefore, please have some logic and understand things. So this is not a correct solution.

DR SUBRAMANIAM SWAMY: You are a hypocrite. Are you not?

SHRI R. VENKATARAMAN: If people are even worse, why should they be hypocrites? The real point about this is that this phenomenon is not only in India but in all the countries. It has now spread to U.K. It has spread to USA and all the countries and I said this kind of thing has spread to all the market economies and, therefore, I said that a person who is able to find a solution to this would reserve Noble Prize. Mr. Swamy said that as a solution. I hope some day he will be able to implement it. If not in this life, in the next life.

Some remarks are made about reincarnation. That is why I said.

DR. SUBRAMANIAM SWAMY: But Shankaracharya cannot enter your body.

SHRI R. VENKATARAMAN: It would be my ruin if he did it.

Some mention was made about the Choksi Committee report. The Choksi Committee Report is now under examination by the Economic Administration Reforms Commission. They are looking into all the recommendations. But I can express my view on this matter. I did not accept Choksi Committee recommendations when I was sitting on the opposite side. In the Direct Taxes Enquiry Committee of which I was a Member representing the Opposition, I said that Choksi Committee's recommendations should not be accepted. They are weighted in favour of the tax-payer than in favour of the people. I hold that view I do not change views when I change place. But I will certainly see to it that the good and fair recommendations—there are a few recommendations—there are a few good recommendations—those which relate to the streamlining of administration, doing away with unecessary procedures, shortening of these tedious circumlocutory assessments, then, these things.

I will accept it. But in many things which go against the social philosophy, it will not be possible for us to accept. When we come to it, we will deal with it in greater detail.

Now the last point which I will deal with is that the excise duty concessions have not been passed on. Well, I myself mentioned it when I gave the excise duty concessions. I expected it to be passed on. But it has not been passed on. That is how, last year I did not give even a single excise duty concession. This will be a warning to the mercantile community that, if the excise concessions are not passed on to the public, they cannot expect any

[Shri R. Venkataraman]

excise concessions from the Government, and we have made this clear by our action: in the first Budget we gave a number of concessions and we found that they had not been passed on; so, in the second Budget, we did not give any such concession. In order to promote exports in order to promote some industries, we will give those concessions related to production and exports but not the general kind of concessions which will not be passed on to the consumers.

So far as this Bill is concerned, I again want to repeat that the House cheered me when I said that I would bring a Bill like this, and now they must cheer me for having brought this Bill.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I would like to seek one clarification. This provision is welcome, especially your intention to plug the lacunae and loopholes You have amended the definition of the word 'transfer' by including the leases for more than twelve years and the transactions on the doctrine of part performance under section 53 of the Transfer of Property Act. But the point is that the intelligent advocates may give the advice that the parties might enter into a transaction of possessory mortgage with a contract that the redemption period should be 30 or 40 years so that it would not be a clog on the equity of redemption and properties of Rs. 1 lakh may be so mortgaged for Rs. 20,000. In view of this, there is no complete plugging of the loopholes. I would request you to see whether this is necessary because your purpose will not be served and the parties will enter into possessory mortgage transanctions for a period of 30 or 40 years—adding to it the statutory period of 30 years, it will be 60 or 70 years. And nobody will be there to redeem. If there is an agreement not to redeem, there would be a straight transfer—because the limitation period would go and the mortgagee would get the title to the property for a lesser amount. Your intention will not be served. Don't you think that this should also be plugged?

SHRI R. VENKATARAMAN: We have thought over this matter. But we are bringing a comprehensive legislation in respect of the whole of the income-tax laws. Not only possessory mortgages, but there are other cases also. If we try to tinker with the whole thing in one attempt here, it may lead to complications. This is a simply attempt here to bring in transfer of flats owned through the medium of cooperative societies and companies, and along with that, we just make one or two amendments which cover the obvious cases of transfer by lease for twelve years and also part performance because we have come across such cases. A comprehensive legislation is on the anvil. We are considering the whole law chapter by chapter; we are looking into this. Not only this, there are other matters also which we are looking into. We shall take care of it in the comprehensive legislation.

MR. CHAIRMAN: Mr. Daga, do you want to withdraw your amendment?

श्री गूल चन्द डागा : जैसा कि माननीय वित्त मंत्री जी ने कहा है कि इस पर कंप्रेहेंसिव बिल आ रहा है तो मैं विथ-ड्रा करता हूं।

MR. CHAIRMAN: I think, wisdom has dawned on Mr. Daga and that is why he is withdrawing.

Amendment No. 5 was, by leave, withdrawn

MR. CHAIRMAN: I shall now put the motion for consideration to the vote of the House. The question is:

"That the Bill further to amend the Income-tax Act, 1961, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now, we take up clause-by-clause consideration.

Clause 2—(*Amendment of Section 269A.*)

MR. CHAIRMAN: There are Government amendments to Clause 2.

SHRI R. VENKATARAMAN: Sir, I move my amendments. I beg to move:

Page 2, line 32,—

for "shall be determined"

substitute

"shall be deemed to be the discounted value of such consideration, as on the date of such transfer, determined." (1)

DR. SUBRAMANIAM SWAMY: What is the rate of interest?

SHRI R. VENKATARAMAN: Eight per cent.

I have also another amendment to the same clause. I beg to move:

Page 3, line 5,—

for "shall be determined"

substitute—

"shall be deemed to be the discounted value of such consideration, as on the date of such transfer, determined." (2)

17.00 hrs.

I have already complained, when I moved the Bill, the purpose of this amendment. When a person sells a property in instalments and says that the consideration is payable over a period of ten years, then the present value has got to be ascertained. Now, in order to ascertain the present value, we have the consideration which is mentioned there and give a discounted value at 8 per cent so that we come to know whether the consideration mentioned in it is adequate or not adequate. This is a clarificatory amendment and no substantial thing, is involved.

DR. SUBRAMANIAM SWAMY: 8 per cent is too little.

SHRI MOOL CHAND DAGA: Sir, I have an amendment to clause 2.

I had to move:

Page 3,—

after line 31, *insert*—

"Provided that if in the opinion of the competent authority, sufficient evidence is not available as to the price the immovable property would fetch on sale in the open market or as to premium the transfer would fetch in the open market or as to consideration in the form of money the transfer would fetch as referred to in clauses (d) (i), (ii) and (iii), it shall announce a public auction of the immovable property or the right as the case may be and shall invite the bids on such public auction. and it shall, with the prior approval of the Commissioner of Income-tax, tranfer the property to the highest bidder where the price b'd exceeds the apparent consideration by not less than 25 per cent:

Provided further that all taxes, interest, penalties chargeable or impossible on the transferor in consequence of such sale and due from the transferor shall be recovered from the sale consideration received on such sale and the balance, if any, shall be paid to the transferor." (3)

I have suggested this amendment that the property should be put to auction. If the Minister accepts it, it is well and good.

DR. SUBRAMANIAM SWAMY: The amendment should be put to auction!

SHRI R. VENKATARAMAN: I am unable to accept the amendment. Actually it puts the cart before the horse. The position is: first the Department has to ascertain whether it is undervalued and then give notice. You cannot put the property to auction even before it is assessed as undervalued and you cannot put it to auction in order to find whether it is undervalued or not. I cannot accept the amendment.

DR. SUBRAMANIAM SWAMY: What is the status of his amendment?

MR. CHAIRMAN: Now the question is:

Page 2, line 32,—

For "shall be determined"

Substitute

"shall be deemed to be the discounted value of such consideration, as on the date of such transfer, determined" (1)

Page 3, line 5,—

for "shall be determined"

Substitute

"shall be deemed to be discounted value of such consideration, as on the date of such transfer, determined" (2)

Thet motion was adopted.

MR. CHAIRMAN: Now, Mr. Daga, has the wisdom dawned on you to withdraw?

SHRI MOOL CHAND DAGA: Sir, I withdraw.

MR. CHAIRMAN: Is it the pleasure of the House that the amendment moved by Shri Mool Chand Daga be withdrawn?

Amendment No. 3 was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 to 9 were added to the Bill.

Clause 10—(Insertion of new section 276AA.)

SHRI MOOL CHAND DAGA: Sir, I beg to move:

Page 7,—

after 1 ne 27, *insert*—

"Provided further that transferor and tranferee shall be liable for punishment with rigorous imprisonment for a term which may extend to seven years and which shall not be less than six months in any case where the difference between apparent consideration and fa'r market value is found to be twenty-five per cent or more."(4)

This is a very relevant amendment and I hope the Min'ster will accept it. I say it should be rigorous imprisonment.

SHRI R' VENKATARAMAN: Sir, I am unable to accept the amendment. In fact, hard work will break no bone. The court will decide the severity of the punishment taking into consideration all the facts. We have prescribed the punishment for a two years. It will be enough.

MR. CHAIRMAN: Have you been enlightened by the hon. Minister's speech? Do you withdraw your amendment?

SHRI MOOL CHAND DAGA: Yes.

MR. CHAIRMAN: Has the hon. Member the leave of the House to withdraw his amendment?

SOME MEMBERS: Yes.

Amendment No. 4 was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 1, the Enacting Formula and the Title.

MR. CHAIRMAN: Since there are no amendments, I shall put Clause 1, the Enacting Formula and the Title together. The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

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

SHRI R. VENKATARAMAN: Sir, I beg to move:

"That the Bill, as amended, be passed".

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

SHRI R. VENKATARAMAN: Thank you very much.

Clause 1, the Enacting and the Titles.

ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) BILL, AND PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES (AMENDMENT) BILL.

MR. CHAIRMAN: Now we take up the next item.

RAO BIRENDRA SINGH: You move both the Bills.

THE MINISTER OF AGRICULTURE AND RURAL RECONSTRUCTION AND IRRIGATION AND CIVIL SUPPLIES (RAO BIRENDRA SINGH): I beg to move* that the Bill to make certain special provisions by way of amendments to the Essential Commodities Act, 1955, for a temporary period for dealing more effectively with persons indulging in hoarding and black marketing of, and profiteering in, essential commodities and with the evil of vicious inflationary prices and for matter connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration.

I beg to move that the Bill to amend the Prevention of Blackmarketing and Maintenance of Supplies or Essential Commodities Act, 1980, as passed by Rajya Sabha, be taken into consideration.

Sir, as you know, this is in line with Government's policy that this measure has been decided upon and these Bills have been awaited by the people for a long time. There is already a demand from all sections and that has been voiced in this House that the Government should take stringent measures to check inflation and to control the price. Both these Bills have, more or less, been unanimously passed by Rajya Sabha. There is a wide support from all sections of the House. I hope that this House also would give the Government its support so that this evil of rise in prices, run away prices, can be effectively dealt with.

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*The original speech was delivered in Tamil.