

CONSTITUTION (AMENDMENT)  
BILL\*

(Insertion of new Part, XXIII A)

श्री हरिकेश बहादुर (गोरखपुर) : मैं प्रस्ताव करता हूँ कि भारत के संविधान का और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति दी जाए।

SHRI VINODBHAI B. SHETH (Jamnagar): I oppose the Bill.

The Bill is sought to be introduced by Shri Bahadur and is being opposed by Shri Sheth, but neither is he a 'Bahadur' and nor am I a 'Sheth'.

Now, presently, there is the income-tax, there is the wealth-tax and Estate Duty and an expenditure tax is sought to be made. But there is hardly any person in the country with a wealth of Rs. 1 crore as capital. There are only about 16, I am told. These 16 persons having a capital of Rs. 1 crore have no means to liquidate it. It may be 'His Highness' or 'Her Highness' of erstwhile states, who have no right to sell their land or immovable property or ancestral jewellery. So the Bill will be infructuous because retrospective effect is sought to be given from 1960. The Government has no machinery to make it effective from 1960. There is a tendency on the part of Government, when it enacts a legislation, to tax with retrospective effect, but never to give a refund with retrospective effect. Because, in this case, the Auditor-General and the Attorney-General may come in the way.

15.59 hrs.

[SHRI N. K. SHEJWALKAR in the Chair.]

SHRI HARI VISHNU KAMATH (Hoshangabad): You can move amendments later on, but why do you oppose the Bill at this stage? Please don't oppose the introduction.

SHRI VINODBHAI B. SHETH: When it comes to the Customs and Central Excise Acts being amended, it is the fashion of the Finance Ministry to say that they will bring up a comprehensive Bill on Customs and Central Excise. However, Ministers may come and go, but the comprehensive Bill on Customs and Central Excise may never come.

I had introduced a Constitutional Amendment Bill to make consignment sales taxable sales. Immediately I opposed the tendency on the part of Government's introducing this Bill immediately.

16 hrs.

Sir, I oppose the Bill of Shri Harikesh Bahadur to enact the Act giving effect to the taxation with retrospective effect. Besides, there is no machinery with Government to implement this Bill. There are no assesseees in the country who might have a capital of over Rs. 1 crore. I do not know why Mr. Bahadur is defending the persons having a capital of Rs. 99 lakhs or so. I would like to say that he can move naires who, when they die, are paupers because they had sufficient planning to avoid tax.

MR. CHAIRMAN: Now you go into constitutionality of it and not the merits of the Bill.

SHRI VINODBHAI B. SHETH: It is not possible to give retrospective effect to the taxation.

MR. CHAIRMAN: That may be a valid point. It can be considered by the House whether retrospective effect to the taxation can be given or not. Mr. Harikesh Bahadur; do you want to say something on your bill?

SHRI HARIKESH BAHADUR: If necessary, I can say one thing on this. I would like to say that he can move suitable amendments at the time of discussion on this Bill. Or, after the introduction of the Bill, if he wants to move suitable amendments to the Bill, the House can consider them.

श्रीधरी बलबोर सिंह (मोगियाखपुर) : सभापति महोदय, इस बिल को इन्ट्रोड्यूस करने की अनुमति दे दी जाए। जब इस पर डिमकशन होगा, तो मैं स्वयं अपने अपने संशोधन दे सकने हूँ। उसमें जो एक करोड़ रूपए की सीलिंग रखी गई है, वह तो बहुत ज्यादा है। जब इस पर डिमकशन होगा, तो हम तो कहेंगे कि वह सीलिंग पांच लाख रूपए होनी चाहिए।

SHRI HARIKESH BAHADUR: Sir, the point I wanted to make was this. In my opinion, capital in the hands of the individuals becomes an instrument of exploitation. That is why I have brought forward this Bill. If hon.

Members want to move suitable amendments, they can do so. It is for the House to accept or not to accept.

‘Sir, I move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN: The question is:

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted*

SHRI HARIKESH BHADUR: Sir, I introduce the Bill.

#### ABOLITION OF CAPITAL PUNISHMENT BILL\*

PROF. P. G. MAVALANKAR (Gandhinagar): I move for leave to introduce a Bill to provide for abolition of capital punishment in India.

MR. CHAIRMAN: The question is:

“That leave be granted to introduce a Bill to provide for abolition of capital punishment in India.”

*The motion was adopted*

PROF. P. G. MAVALANKAR: Sir, I introduce the Bill. May I add one sentence?

Sir, I am happy to have the privilege for the first time, to introduce the Bill. My father, when he was Speaker of the First Lok Sabha, took a lot of interest in the movement of abolition of capital punishment. I hope I will be able to get the priority as also support of my hon. colleagues to get this Bill passed as early as possible.

16.04 hrs.

#### CONSTITUTION (AMENDMENT) BILL—contd.

(Substitution of article 16) by Shri Vinayak Prasad Yadav.

MR. CHAIRMAN: Now, we come to further consideration of the following motion moved by Shri Vinayak Prasad Yadav on the 4th May, 1979 namely:

“That the Bill further to amend the Constitution of India be taken into consideration.”

Shri Mahi Lal was on his legs. He is not here. Now, the Minister.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): Sir, this Constitution (Amendment) Bill had been discussed on the last occasion. The purpose of this Constitution (Amendment) Bill has been to highlight the need for proper reservations in Government services for the backward classes.

Now, Sir, lot of things have been said in support of this Bill and in opposition to this Bill. I would not seek to take too much time of the House because as is well known to the House the government has appointed a backward classes commission which will be going into this whole problem which in recent times has assumed the dimensions of a big problem. There has been a lot of controversy in certain parts of the country so far as reservation for so-called backward classes in government services is concerned. The atmosphere in certain parts of the country had become extremely serious. The disputes which had arisen were of the nature of sharp conflict which was not desirable for the country because this country is facing lots of problems and those problems can be adequately tackled only in a spirit of amity when people of all shades of opinion join their energies and use those energies for the upliftment of the country as a whole. Therefore, we have to view this problem in that background. Whatever solution has ultimately to be found it must inspire the acceptability of the country as a whole. Then only the solution will really achieve the purpose for which that solution might be found. But if on the other hand the energies of the people are wasted in

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