

[Mr. Speaker]

have time to read these papers. Therefore, now what I say is, when it should be discussed, how it should be discussed, all this will be considered by the Business Advisory Committee. That committee is meeting in the afternoon. If they want they may allot one hour or two hours.

AN HON. MEMBER : You may allot two hours.

MR. SPEAKER : You can decide. I have no objection, if you can find the time. Therefore what I say is this. Instead of having all kinds of points of order let us regulate it. I am not prohibiting discussion. A bundle of papers have been given and Members would like to have some time to study them.

SHRI P. R. THAKUR : We should have on full day's discussion on this matter.

MR. SPEAKER : You may have one week. I don't mind. It is the Business Advisory Committee that decides. It is not for the Speaker to decide. If you want one week, I have no objection. You may have one hour or two hours, but let the Business Advisory Committee decide such things. Individuals cannot get up. (Interruption) It is for the whole House. No single individual can presume that it is vital for him or for one community, but it is the whole House that is interested. Therefore, I would say, let the Business Advisory Committee go into it. It is representative of the whole House, it is not one party affair. This afternoon itself, at four O'clock I have called the meeting. Extra Members also have been invited. I have invited one or two of them to come. Therefore, I now appeal to the leaders of parties. Let us not have a discussion just now. In the meeting at 4 O'clock we will decide whether one hour or two hours or more time has to be allotted. We will fix up all that, taking an overall picture of the length of the session. On 10th we will have to adjourn. The time and how this should be discussed can be decided there.

SHRI P. R. THAKUR *rose* —

MR. SPEAKER : The hon. Member had his say. I would invite him to come to the Business Advisory Committee. He may not be a Member, but I am inviting him to come there. Instead of rising on all kinds of points of order, let us do it in a dignified way. Unfortunately I cannot invite the whole House as my room is so small. I can invite.

श्री बूटा सिंह : अध्यक्ष महोदय, मैं एक बुनियादी बात कहना चाहता हूँ। जो इनक्वायरी होम मिनिसट्री ने करवाई है। उसके पेपर भी आने चाहिये। उनके बगैर कोई डिसकशन नहीं हो सकती है। वे कागज भी साथ सभा पटल पर रखे जाने चाहिये। साथ ही मैं चाहता हूँ कि ज्यूडिशल इनक्वायरी कराने का एलान भी अभी हो जाना चाहिये...

अध्यक्ष महोदय : जो कुछ भी आपको कहना है आप भी कमरे में आ कर कह सकते हैं। आप भी वहाँ आ सकते हैं।

You may come. Last time also you came. I have no objection.

Now, Shri Morarji Deasi.

12.44 hrs.

ESTATE DUTY (AMENDMENT) BILL*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : On behalf of Shri Morarji Desai, I beg to move for leave to introduce a Bill further to amend the Estate Duty Act, 1953.

SHRI SRINIBAS MISRA (Cuttack) : I oppose it. It is not only one point of order. There are two points of order. First of all, I would request you to see Rule 69. Rule 69 says that 'a Bill involving expenditure shall be accompanied by a Financial Memorandum'. This Bill is not accompanied by any. The hon. Minister may say, it will not involve any expenditure.

*Published in Gazette of India Extraordinary, Part II, section 2, dated 6.5.68.

12.45 hrs.

[Mr. Deputy-Speaker in the Chair]

Looking at this Bill we find that it seeks to extend the estate duty, which is a special function of Parliament. Parliament can make a law regarding estate duty. Under article 269, the Central Government will collect that amount by way of estate duty and distribute it to the States, that is, estate duty in respect of property other than agricultural land; estate duty in respect of agricultural land is not within the purview of Parliament.

The present Bill seeks to extend the Estate Duty Act to agricultural land. Under article 252, three State legislatures have passed resolutions asking the Centre to legislate. Therefore, the Centre can legislate regarding those three States.

Even then, who will bear the expenditure? When the collection is made by the Central authorities under the Estate Duty Act either in Madras or in Maharashtra or Gujarat, that will involve expenditure from the Consolidated Fund of India. Therefore, there should have been a financial memorandum attached to the Bill under rule 69. Further, a recommendation from the President under article 117(3) must also have been there, because that is mandatory. We find that there has only been a recommendation under article 117 of the Constitution and it reads thus:

"The President, having been informed of the subject-matter of the proposed Bill further to amend the Estate Duty Act, 1963, has recommended under clause (1) of article 117..."

That is to say, he had made his recommendation only under clause 1 of article 117, but not under clause 3 of that article. There should be two recommendations, one under clause 1 of article 117 regarding the money Bill and another regarding expenditure from the Consolidated Fund of India under clause 3 of that article. But there is no recommendation under clause 3 of article 117. There is also no financing memorandum.

There is also a third point which I would like to raise. Clause 2 (b) of the Bill reads thus:

"any other States which the Central

Government may, by notification in the Official Gazette, specify in this behalf".

The Constitutional provision is that when two or more States pass a resolution to that effect, Parliament can make a law regarding those States. As regards the States, this Act will be made applicable to them as soon as they pass a resolution. So, the provision that the Central Government may by notification in the official gazette extend it to other States is *ultra vires*. The Centre cannot take away the power of the State Legislatures to pass a resolution and automatically extend the provisions of this amending Bill to the other States. As the Bill stands, it can be done by a notification by the Central Government which contradicts the provisions of the Constitution. Therefore, this Bill cannot be considered now.

SHRI NATH PAI (Rajapur) : Government have no case. So, let the consideration of the Bill be postponed.

SHRI K. C. PANT : So far as the second point raised by my hon. friend is concerned, it is for the courts to give a decision whether it is *ultra vires* or not. Therefore, I beg to submit that it is not for us to take a decision whether it is *ultra vires* or not.

So far as the first point is concerned, in the Statement of Objects and Reasons, it has been explained that this is a continuation. The expenditure to be incurred is already being incurred. This is not something fresh and new. It is something that has been taking place in the past, and it is being continued by this Bill. That has already been explained in the Statement of Objects and Reasons. That is why there is no separate financing memorandum.

SHRI SRINIBAS MISRA : I would like to put only one question to the hon. Minister. When the estate duty officers and appellate courts in Madras, Maharashtra and Gujarat will deal with matters regarding estate duty on agricultural land, to that extent their work will increase; even if no additional officer is appointed, more time will be spent on this; and there will be more expenditure on contingency, ink, paper, pen, notices and postage. All these things will have to be spent. Wherefrom

[Shri Srinibas Misra]

will the hon. Minister spend this amount ? Even regarding notice to persons regarding agricultural land, expenditure will have to be incurred from the Consolidated Fund of India.

Therefore, the hon. Minister cannot say that it will not involve any expenditure from the Consolidated Fund of India. Even if one paisa is spent, a recommendation is from the President under article 117 (3) is necessary. Can the hon. minister definitely say that the number of the officers will not increase? As we know, more than 80 per cent of the people are agriculturists. Therefore, when estate duty is levied on agricultural land in those States, the number of officers has to be increased, and the burden will be heavy otherwise on the existing officers. So, the hon. Minister cannot say that there will be no expenditure and as before they will go on with the collection of tax.

MR. DEPUTY-SPEAKER : The reference to expenditure will have to be very specific.

SHRI K. C. PANT : Shall I read out from the statement of subjects and reasons?

"Several amendments were made to the Estate Duty Act, 1953, through some enactments made by Parliament during the period of operation of the Proclamation of Emergency".

The arrangement already exists. Because the Proclamation of emergency has ceased to operate, therefore, this period of six month will expire. The states to which my hon. friend is referring have all the administrative arrangements. the expenditure has been sanctioned by previous enactments of Parliament. So it is not necessary to repeat all that.

SHRI SEZHIYAN (Kumbakonam) : The structure is there, but what about the additional expenditure?

MR. DEPUTY SPEAKER : The structure is there. Because of the withdrawal of the emergency, it could not be operated. No new expenditure is involved. That is the explanation. I am keeping my mind open.

श्री मधु लिनये (मुंबेर) : उपाध्यक्ष महोदय, असल में मंत्री महोदय नियम 69 का अर्थ ही नहीं समझे हैं। पहले यह खर्चा किया जाता था या नहीं, इस से कोई मतलब नहीं है। प्राप नियम 69 देखिये :

"A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law".

"Clauses or provisions in Bills involving expenditure from public funds shall be printed in thick type or in italics".

मान लीजिए, कोई ब्राडिनेंस या प्रोक्लेमेशन है। उस का खर्चा बगैरह होता है। लेकिन जब वह बिल की शक्ल में रखा जायेगा, तो नियम, 69 के अनुसार उस के साथ फिनांशल मेमोरेडम देना चाहिए। पहले कोई खर्चा किया जाता था या नहीं, इस से कोई मतलब नहीं है। अगर कोई बिधेयक आता है और उस में एक घेला भी खर्च होने वाला है, तो वह दिखाना चाहिए। इसलिए श्री मिश्र ने जो मुद्दा उठाया है, वह ठीक है और मैं उस का समर्थन करता हूँ।

SHRI K. NARAYANARAO (Bobbili) : The hon. Minister has correctly explained the position in the sense that the machinery of administration is already contemplated in the Estate Duty Act. In the process of that in some areas the expenditure may be more and in some it may be less; it depends upon the nature of the work. Even conceding the validity of the point urged in objection, according to the Constitution the more fact that a recommendation contemplated therein has not been obtained should not be fatal to the consideration, discussion or passing of the Bill. The recommendation could be obtained later so far as particular Bills are concerned.

MR. DEPUTY SPEAKER : He will have to show the section. Once there is a question of some expenditure involved, it is almost mandatory. I disposed of a previous case like this.

SHRI NATH PAI : In a nutshell, the position is this. There is no question of any 'almost'. There are enough precedents and rulings from your worthy predecessors to the effect that failure to comply with rule 69 would call for complete estoppel of further consideration of the Bill. The Minister has not satisfied you and through you us. I do not like to embarrass a promising Minister of State. But this is a lapse in explanation of the minor character of which he has not made out any cogent case. As Shri Misra has pointed out, the new estate duty will embrace other States and more assessees. If additional expenditure is not needed, it means there was never enough work for the staff already there; or they will be overworked. If staff already exists, so many new assesees are to be added by this. There will be new expenditure incurred.

So far as procedure and law will go, time and again it has been held that failure to comply with rule 69 *prima facie* renders the Bill faulty as it acts as a mandatory estoppel of further consideration. If you need, I will cite examples in further support of this contention.

SHRI H.N. MUKERJEE (Calcutta North East) : I need not say much because yourself had previously given a ruling which applies, *mutatis mutandis*, to this also. This is an amending Bill before Parliament. The hon. Minister cannot deny it; he cannot also deny the fact that some expenditure is being incurred; that is there. If that is so, for this Bill which involves some expenditure he cannot take shelter under the plea that the expenditure under this Bill is covered by some provision in the earlier Bill. This is a mandatory provision as my colleague has already pointed out. I feel that in conformity with your own decision that was a very healthy precedent—I was not present at that time in the House; I read about it; I was very happy—and in accordance with that ruling and following that precedent, you must ask the Government to behave in a more circumspect manner.

SHRI K. C. PANT : The point I wanted to make earlier also was this—the particular enactments which involve expenditure have already been passed by Parliament and in these enactments the relevant financial memoranda were there. Now, the only point to my mind is whether as a result of this particular Bill additional expenditure will be incurred or not. As a result of continuing the arrangements, the expenditure will continue but I should submit to you that permission to incur that expenditure had already been given by Parliament in relation to the other earlier enactments. This is merely a continuation.

MR. DEPUTY SPEAKER : Even if there is provision for some expenditure in the other Bill, from the statement it appears that the expenditure is likely to increase.

SHRI K. C. PANT : I did not say that... (*Interruption*) I never said that this would have the effect of increasing the expenditure. The scope of the Bill is not expending beyond the original enactment. Certain State legislatures have passed a resolution. The only point that we are trying to cover here is that since the proclamation is going to end, if we did not pass this Bill, then the period will lapse and therefore in order to continue that arrangement, we are adopting this Bill. Since the memorandum and other details were all included in the earlier enactment in our view it is not necessary to include them here.

SHRI NATH PAI : Sir, you have grasped the point. It is not a question of additional expenditure. The Bill will involve expenditure; it need not necessarily be additional expenditure. The rule is very clearly drafted any expenditure. I should like to draw your attention Rule 69 (1). Any Bill involving expenditure shall be accompanied by a financial memorandum. There is no question of additional expenditure. It is only we who went out of our way to prove that it would involve additional expenditure. It is a simple rule and you should therefore direct them to comply with this rule.

MR. DEPUTY-SPEAKER : Last time I had decided that point. I am clear that

[Mr. Deputy-Speaker]

this rule is mandatory. Some expenditure is involved. If you want the Law Minister to say something, I am ready to withhold my decision. But I am clear in my mind that unless the financial memorandum is attached, you cannot proceed with that.

SHRI K. C. PANT : I would request the Law Minister to come here after lunch. I have the Law Ministry's opinion here. Yet, I would request him to come here personally, after lunch.

SHRI NATH PAI : I have no objection, but calling the Law Minister would mean that more time of the House would be taken.

MR. DEPUTY-SPEAKER : But we must give the Government an opportunity to put forth their point of view. Let us be very fair.

13.00 hrs.

The Lok Sabha then adjourned for lunch till Fourteen of the Clock.

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The Lok Sabha re-assembled after lunch five minutes past Fourteen of the Clock.

[Mr. Deputy-Speaker in the Chair]

ESTATE DUTY (AMENDMENT) BILL
— Contd.

SHRI K. NARAYANA RAO : Sir, this morning I brought to the notice of the House the existence of a constitutional provision—article 255—to establish the proposition that the recommendation required under the Constitution would not be mandatory.

This article reads thus :

No Act of Parliament or of the Legislature of a State, and no provision in any such Act, shall be invalid by reason only that some recommendation or previous sanction required by this Constitution was not given, if assent to that Act was given—

- (a) where the recommendation required was that of the

Governor, either by the Governor or by the President;

- (b) where the recommendation required was that of the Rajpramukh, either by the Rajpramukh or by the President;
- (c) where the recommendation or previous sanction required was that of the President, by the President."

So, it envisages the possibility of a Bill requiring recommendation of the President being introduced and passed without it, but nonetheless if subsequently assent is given to it...

MR. DEPUTY-SPEAKER : This article applies to a case where by oversight something is not pointed out at the proper time and notice is not taken by this House. Then, I can ignore it. But when specific notice has been taken by the hon. member and he says in his view there is some lacuna, I cannot ignore it. This article would not apply to this.

SHRI SEZHIAN : He is talking about the recommendation. What about Financial Memorandum ?

SHRI K. NARAYANA RAO : The issue is not there is no recommendation at all. There is recommendation. The issue is whether it would be valid when there is no recommendation under article 117(3). You are a lawyer, Sir. If a statutory provision has been substantially complied with, it cannot be questioned. Here, in the heading also article 117 is mentioned. When once a reference has been made under article 117, that means for this particular Bill, the recommendation was given by the President. Under which particular provision it was given is immaterial. The question is whether or not recommendation was given by the President.

The only point is whether recommendation under 117(3) is also necessary. I submit it is absolutely superfluous. This is a Bill which has been sanctified and recommended by the President.

MR. DEPUTY-SPEAKER : Let me make it clear that President's recommen-

dation does not sanctify anything. This House is open to question it, and when it has been questioned here I have to consider it.

SHRI K. NARAYANA RAO : The third point is very simple. What is the purport of the Bill? There were certain enactments which had modified the Estate Duty Act.

MR. DEPUTY-SPEAKER : I will summarise the case in two sentences. The Acts are now in operation. But because the Emergency is coming to an end the Minister has come forward with this Bill. The question is whether there will be a new notification required, whether it will involve even a little expenditure here and there and so on. We have to examine that.

SHRI K. NARAYANA RAO : Sir, let us see what is the purport of this Bill. Earlier some Acts were passed by this House modifying or amending the Estate Duty Act. The purport of this Bill is to say that those Acts would be applicable to agricultural lands. Where is the question of any expenditure there? Therefore, I do not think there is any meaning in the point of order raised that this Bill has not received the recommendation of President under 117(3).

MR. DEPUTY-SPEAKER : It is for the Minister concerned to satisfy himself and satisfy the House that the objection raised is not valid.

SHRI SEZHIAN : Rule 69(1) is very clear. It says :

"A Bill involving expenditure shall be accompanied by a financial memorandum .."

It is immaterial whether it is additional expenditure or original expenditure. There should be a financial memorandum and in that they can say that there is no additional expenditure involved. They cannot dispense with the financial memorandum on the ground that it does not involve any additional expenditure.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI M. YUNUS SALEEM) : Mr. Deputy-Speaker, Sir,

the question is to my mind very simple. It is a matter of common knowledge that some amendments were made to the Estate Duty Act, 1953 through some amending Bills passed by Parliament during the period of the operation of the Emergency. Now, the object of the Estate Duty (Amending) Bill, 1968 which is before the House is only to provide for the continued operation of certain amendments made to the Act.

Now, the question arises whether rule 69 read with article 117(3) of the Constitution is applicable to this Bill or not. I will bring to your notice the language of rule 69 first. Rule 69 reads :—

"A Bill involving expenditure shall be accompanied by a financial memorandum".

So, the condition precedent is that a Bill must involve expenditure first. If expenditure is involved, then only a memorandum will be necessary.

Now, which authority is to determine whether some expenditure is involved or is not involved? Of course, it is the Ministry which has introduced the Bill before the House. It is not that this matter was not considered by the Law Ministry and the Finance Ministry. This question has received serious consideration of both the ministries and the Finance Ministry which has sponsored this Bill before this house came to the conclusion that since the amendment proposes to seek the continuation of the operation of the Bill already enacted by this House during the operation of the emergency period, additional expenditure is not involved.

Clause 3 of article 117 may also kindly be considered. It reads :—

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill."

So, the Finance Ministry is of opinion that it would not involve any expenditure from the Consolidated Fund of India. Therefore the provision of article 117(3) is not attracted to this Bill. If clause (3) of article 117 is not attracted, the question of appending a memorandum under rule 69 will never arise.

[Shri M. Yunus Saleem]

Therefore the contention of hon. Members that appending a memorandum along with the Bill is a necessity is misconceived. It is only a necessity if the Ministry which has sponsored the Bill is of opinion that certain additional expenditure is involved; or, if any hon. Member cares to point out that on account of this Bill being introduced and enacted this is the expenditure which would be involved, which fact has not been considered by the Ministry, there will be some force in the contention of hon. Members. But simply on the basis of a hypothesis... *Interruption*)

MR. DEPUTY-SPEAKER : May I point out that on the last occasion when this issue was raised, you advanced similar arguments and the Chair ruled that you will have to give a financial memorandum and after examination you had to show some expenditure? So, I cannot take the judgment of the Ministry as the final authority. I am reminding you of what happened last time.

SHRI M. YUNUS SALEEM : Then the House has got to decide as to which authority is to give a judgment that there is no expenditure likely to be involved if this Bill is enacted. Which is the authority? This House will decide or the Ministry will decide...

MR. DEPUTY SPEAKER : The question is that the Minister will take all possible hypothetical situations also into consideration but, assuming that it is correct, for instance, because Emergency ceases to operate, you have come forward with this measure, even then some hon. Members might advance an argument that a new notification is called for. A new notice will be served after this measure is passed. Will it not involve some expenditure I am not sure in my mind. Therefore, as I have said earlier, I would say, let the Finance Minister—he has kept his mind open—if he wants time, examine it. I would like to hear him.

SHRI M. YUNUS SALEEM : So far as the issue of expenditure is concerned, it is always open to the Finance Ministry to re-examine the matter. But so far as the constitutional and legal aspect is con-

cerned, I am absolutely clear that paragraph 3 of article 117 and Rule 69 are not attracted to this Bill particularly because I have repeatedly submitted that it is a continuity of the operation of the enactment legislated by this House during the operation of Emergency. What are the additional expenses likely to be involved? A machinery has already been created; it is already in operation. Therefore, the matter was considered by the Finance Ministry. It was pointed out to the Finance Ministry and it was considered by the Finance Ministry very seriously. The full consideration was given to the issue and it came to the conclusion that no additional expenditure will be involved and, therefore, the Memorandum is not necessary.

MR. DEPUTY-SPEAKER : This is not the contention. I kept it pending for two reasons. Firstly, I also felt, perhaps, the contention of the Opposition that some expenditure—it is not a question of additional expenditure—is likely to be involved may be right. They do not say that the Finance Minister has come in a lighthearted manner saying, there is no expenditure involved. They must have examined it. But even then, this House has got to exercise vigilance. This is the function of the House.

SHRI K. NARAYANA RAO : May I make a submission? Now, the position is very clear. According to the hon. Deputy Minister, it is for the Ministry to decide whether a particular Bill will involve an expenditure or not. You have rightly said that the subjective satisfaction of the Ministry is not conclusive so far as the House is concerned. I Agree. Coming to the second issue, who is to decide whether a particular Bill involves expenditure or not, it is for the House. Now, a point has been raised that this Bill involves expenditure. Then, the onus to prove that will be on those who say that the Bill involves expenditure. The onus is on them to prove that the Bill involves expenditure. Till now, they have not proved it. In the light of that, it is open to the Chair to put them in the dock to explain how the Bill involves expenditure.

SHRI SEZHIYAN : The Deputy Minister has tried to put forward two points. Firstly, there is no additional expenditure and, secondly, this is only the continued operation of provisions already in existence. Several amendments have been brought forward. They have been in operation during the time of Emergency and once the Emergency expires, they can be maintained only for six months thereafter. What will be the effect of the situation if this Bill had not been brought forward within six months? The present amendments would not carry weight. Supposing this Bill had not been brought forward, the amendments will not have any effect and the collections will not be made. Therefore, there will be reduction in the expenditure. Just because the Bill is brought forward which is only for the continued operation of the provisions the effect of the Bill being introduced and passed will be to fill the gap and continue the expenditure. That means the Bill is going to involve some expenditure on this score. They have to admit that when the Bill is brought forward, to maintain the present provisions, they have to continue the *status quo* and that means expenditure is involved.

SHRI NATH PAI : I am very sorry that so much precious time of the House is being taken. The dogged tenacity with which the Deputy Law Minister tried to argue a weak case contrasts, very sharply, with the sobriety with which his colleague, the Finance Minister, tried to accept that there is some strength in the contention which we have been raising before you.

I never says, and we have never contended, that there is an addition. We visualise the possibility that some additional expenditure may be there and, as you put it, it is evenly balanced—there may be or may not be. But the issue is this. Collection of estate duty *prima facie* pre-supposes some expenditure. I do not know whether the officers who will be collecting it are the followers of Shri Vinobha Bhave, offering their services for the collection of estate duty *gratis*, but *prima facie* even today there is an expenditure involved. That is the main issue.

I am sorry the House is required to read the same rule again and again. It does not say, 'additional expenditure'; it

says, 'anything that involves expenditure'. Even the Minister has readily conceded that there is an expenditure involved. We never say, 'additional', but we suspect that there will be. Hypothetically we do not emphasize it. I shall, therefore, submit that both rule 69 and article 117 (3) are invited and attracted, and in view of the failure of the Government to comply with the requirement of rule 69 (1) and article 117 (3), you may please direct the Minister to come with the necessary financial memorandum.

SHRI S. KUNDU (Balasore) : The Deputy Minister of Law has misguided the House in the sense... (*Interruptions*)

MR. DEPUTY-SPEAKER : The Minister of Law is not under discussion. The hon. Member may please remember that.

SHRI S. KUNDU : What he has said is under discussion. I am not discussing his '*topi*' and '*kurtu*'... (*Interruptions*) What he has said is this. He read rule 69 (1) and rule 69 (1) was brought on par with article 117 (3) of the Constitution where it is mandatory that, if the expenditure is from the Consolidated Fund of India, a Financial Memorandum must accompany the Bill. But rule 69 (1) does not say that. Rule 69 (1) says, any expenditure from anywhere—maybe, from the Consolidated Fund of India or anywhere. Rule 69 (2) speaks of expenditure from the Consolidated Fund of India. Let us first consider whether it is a Bill, though it may be in the form of amendment, and there is a certain expenditure which the Minister has admitted. But the Deputy Minister for Law says that this will not involve any expenditure from the Consolidated Fund of India. The Bill involves certain expenditure; there is no doubt about it. Therefore, it is mandatory... (*Interruptions*)

SHRI M. YUNUS SALEEM : Where is it misleading?

SHRI S. KUNDU : It was misleading because he left Rule 69 (1); he did not consider all expenditure.

SHRI M. YUNUS SALEEM : He should be careful in using his words.

SHRI K. C. PANT : I did not find any lack of sobriety in the presentation by my colleague, the Deputy Minister for Law. I am sure that Mr. Nath Pai could well have used some other word, not sobriety... (*Interruptions*)

The point is that there is some misunderstanding on one score. The estate duty is levied, the administration is there for that purpose, but it is there even if the estate duty is not levied on agricultural land. The question really is whether the expenditure can be attributable specifically to this limited area of levying estate duty on agricultural land. Previously, in the previous enactments, there were no financial memoranda, as far as I could understand from my conversation with the officers, in respect of estate duty levied only on agricultural land. But levying of estate duty does involve some expenditure in a general way. The point is whether it is attributable to this. That is point number one. Therefore, there is not only no extra expenditure but there is no expenditure on that basis in the sense that even if the Bill were not passed, as Mr. Sezhiyan said, the same staff will be there for other estate duty purposes; the staff will not be retrenched; the expenditure will not go down even if the Bill is not passed. Conversely, it means that no expenditure is involved if the Bill is passed.

But, Sir, you have raised this point just now that we should look into it. In the past also, I remember, once I was here in this House when a similar matter came up, when we went into it at some depth.

I think this is a matter which come up again and again and I think we should go into it in depth and come before the House with a considered opinion. If you kindly permit me, Sir, I would, for my own satisfaction, like to go into it in greater depth, would speak to you and the Speaker and the Department concerned and try to arrive at some *modus operandi* in respect of all such matters.

MR. DEPUTY-SPEAKER : I think he has elucidated the position and even

now if it discovered that some expenditure is involved, he will come forward with a memorandum.

SHRI NATH PAI : The hon. Minister of state has agreed to look into this aspect. We appreciate it. But there is another aspect, that is the constitutional aspect that only four States have passed resolutions and they will be notified. Whether all the requirements of the Constitution have been fulfilled—I would like the Minister of State for Finance to look into that point also.

MR. DEPUTY SPEAKER : The very sphere of activity—that also is a matter which needs to be gone into.

14.32 hrs.

STATE AGRICULTURAL CREDIT CORPORATIONS BILL*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : On behalf of Shri Morarji Desai I beg to move for leave to introduce a Bill to provide for the establishment in the States and Union Territories of Agricultural Credit Corporations and for matters connected therewith or incidental thereto.

MR. DEPUTY-SPEAKER : The question is :

“That leave be granted to introduce a Bill to provide for the establishment in the States and Union Territories of Agricultural Credit Corporations and for matters connected therewith or incidental thereto.”

The motion was adopted.

SHRI K. C. PANT : I introduce † the Bill.

14.33 hrs.

DEMANDS FOR GRANTS, (WEST BENGAL) 1968-69—contd.

MR. DEPUTY-SPEAKER : Now we take up the discussion on the West Bengal Budget.

Mr. Humayun Kabir.

* Published in Gazette of India Extraordinary, Part II, section 2, dated 6.5.68.

† Introduced with the recommendation of the President.