

of the National Coal Development Corporation Committee (Hindi and English versions). [Placed in Library. See No. LT-1204/68]

SHRI NATH PAI (Rajapur) : You may direct him so that we may be supplied with copies.

MR. SPEAKER : I am asking him.

12.29 hrs.

BUSINESS OF THE HOUSE

MR. SPEAKER : I have to inform the House that the Business Advisory Committee at its meeting held yesterday decided as follows :—

- (1) the motion regarding the statement made by the Minister of Home Affairs on the 6th May, 1968 about the reported statement by the Agriculture Minister of Andhra Pradesh against Harijans might be discussed on Wednesday, the 8th May, 1968 from 5 P. M. to 7 P. M.
- (2) One hour might be allotted for the motion for reference of the Lok Pal and Lokayuktas Bill to a Joint Committee.
- (3) As far as possible, the session need not be extended beyond the 10th May. In case, however, urgent Government business put down for Friday, the 10th May, 1968 was not finished on that day, the House might sit also on Saturday, the 11th May, 1968 to transact the urgent business which cannot be postponed to the next session.

These are the decisions of the Business Advisory Committee.

श्री मधु लिमये (मुंबेर) : अध्यक्ष महोदय मेरी एक प्रार्थना है। कल भी मैंने दो दफे कहा था कि जिस हलफनामे को लेकर आज प्रस्ताव दिया गया है, क्या उसकी नकल सदस्यों को दी जायेगी ताकि सदस्य लोग उस पर ठीक से बहस कर सकें ?

MR. SPEAKER : It will be given.

SHRI BAL RAJ MADHOK (South Delhi) : This point was made yesterday.

12.31 hrs

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES BILL

Appointment to Joint Committee

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS (SHRI RAGHUNATH REDDI) : I move :—

“That this House do appoint Seth Achal Singh to the Joint Committee on the Bill to provide that the operation of the economic system does not result in the concentration of economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto, in the vacancy caused by the resignation of Shrimati Vijaya Lakshmi Pandit.”

MR. SPEAKER : The question is :

“That this House do appoint Seth Achal Singh to the Joint Committee on the Bill to provide that the operation of the economic system does not result in the concentration of economic power to the common detriment, for the control of monopolies, for the prohibition of monopolistic and restrictive trade practices and for matters connected therewith or incidental thereto, in the vacancy caused by the resignation of Shrimati Vijaya Lakshmi Pandit.”

The motion was adopted

12.32½ hrs.

ESTATE DUTY (AMENDMENT) BILL —Contd.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : Mr. Speaker, Sir, yesterday a point was raised in the House that the

[Shri K. C. Pant.]

Estate Duty (Amendment) Bill, 1968 should have been accompanied by a Financial Memorandum in accordance with sub-rule (1) of Rule 69 of the Rules Procedure and Conduct of Business in Lok Sabha. That sub-rule requires that Bill involving expenditure shall be accompanied by a Financial Memorandum inviting particular attention to the clauses involving expenditure and also giving an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law. This sub-rule is obviously linked to clause (3) of Article 117 of the Constitution.

The Estate Duty (Amendment) Bill, 1968 merely seeks to continue in operation the various amendments made to the Estate Duty Act by Parliament during the period of the Emergency in relation to agricultural land in the States. These amendments which, *inter alia*, provide for increased rates of estate duty and certain exemptions and concessions are already a part of the law. They are applicable to estate duty on agricultural land and will continue to be so applicable for a period of six months from the date of revocation of the Proclamation of Emergency.

The Estate Duty Act, as amended from time to time, is being administered by the Income-tax Department. The passing of the present Bill into law is not expected to necessitate any increase in the strength of the officers and staff of the Income-tax Department because the net effect of the amendments, namely, changes in the rates and certain exemptions will not add, in any way, to the total workload of the Department. The calculation will still have to be made either on the previous basis or on the basis proposed in the Bill. Hence no expenditure will be involved as a result of passing of the present Bill into law beyond what is already being incurred on the administration of the Estate Duty Act.

Even if the Bill were not enacted into law, there is no possibility of a reduction either in the strength of the officers or the staff or in the expenditure.

In this view of the matter, the Estate Duty (Amendment) Bill, 1968, does not involve expenditure out of the Consolidated Fund of India as already explained

earlier. This aspect was considered in the Ministry of Finance.

In the circumstances, it is not necessary to append a Financial Memorandum to this Bill and the recommendation of the President under clause (3) of Article 117 of the Constitution is not required for the consideration of this Bill in either House of Parliament.

SHRI NATH PAI (Rajapur) : This is a well-written reiteration of the position that the hon. Minister took yesterday when the point of order was raised in your absence.

We began raising it when you were occupying the Chair, but afterwards you withdrew and we continued the debate. I do not want to reiterate anything except saying that we stand by what we submitted to you and to the Deputy-speaker in your absence when he was occupying the Chair. My submission is to find out from you whether you are satisfied that the requirements of Rule 69(1) of the Rules of procedure and article 117(3) of the Constitution are satisfied by the explanation given. I am referring to article 117(3) of the Constitution and Rule 69(1) of the Rules of Procedure. The position to which he referred just now was precisely what was stated yesterday. There has not been any advance on that, and we do not think that any satisfactory reply has been given.

SHRI S. KUNDU (Balasore) : In this connection there was a discussion here yesterday. We have pointed out that Rule 69(1) speaks of expenditure. Rule 69(1) has nothing to do with article 117(3) of the Constitution. The Minister in his reply said that rule 69(1) was obviously linked up with article 117(3). Article 117(3) speaks of expenditure from the Consolidated Fund of India. Again rules 69(1) and 69(2) are two parts. Rule 69(1) is very clear. If there is expenditure—it may be from the Consolidated Fund of India or from any other source—some sort of Financial Memorandum has to be appended to the Bill. If the expenditure is from the Consolidated Fund of India, then it is mandatory; they are bound to attach a Financial Memorandum.

The hon. Minister has left a presu-

mption before the House that no officers will be appointed, but by saying that, he cannot rule out the possibility that there will be extra expenditure. The fact that there will be a new office, there will be more collections, will definitely involve at least some expenditure, some expenditure at least on account of stationery. Therefore, some expenditure is involved. Whatever the Government might say—the Government would like to justify their stand whether it is right or wrong, as they have been doing—we want to bring to your notice that this Bill, as it seeks to collect some more estate duty, some more arrears, will definitely involve more expenditure. This is a Bill, though it may be in the form of an amendment. This is an independent Bill. Rule 69(1) is very clear. Since this Bill involves expenditure, a Financial Memorandum is necessary and, therefore, you may rule out the explanation given and ask them to come with a Financial Memorandum.

SHRI SHRINIBAS MISRA (Cuttack) : The argument advanced by the hon. Minister is fallacious—now we have got the Act extended to the States and the staff is there. What will happen in due course? After the proclamation of Emergency is revoked, expenses will come down. Generally, if he wants to extend it to some States, again the same expenses will be involved. Can he say that it does not involve expenditure? It does involve expenditure. The hon. Minister will kindly refer to the sections of the Estate Duty Act, which are being extended—appointment of Valuation Controller, Section 59 section 60, section 62 Appellate Controller, Section 63 Appellate Tribunal, Section 64 Reference to High Court Section 65 Appeal to Supreme Court, Section 67 Grant of Certificate to the person to pay Estate Duty. Section 72, Section 73 Demand Notices, and so on. Will the hon. Minister say that they do not involve expenditure? They involve expenditure, and as soon as it is admitted that this involves expenditure, rule 69 comes into play. He cannot say that because he is spending it already, permission of the House is not necessary. *(Interruptions)*.

MR. SPEAKER : Yesterday this was raised. I wanted to get the clarification and I did not want to say anything this way or that way. The point is that there are already officers existing. Even the officers mentioned by Shri Srinibas Misra are already existing in the Department. They are not going to appoint any new officer; the existing officers will do this work. There will not be any retrenchment because of this. Also, when the Government says that there is no expenditure involved, let us watch and see whether they really say that no expenditure is involved or they try to spend money. The point is this. *(Interruptions)* Here is a categorical statement, again repeated after yesterday's warning also, here is the Government which says that there is absolutely no expenditure involved, the staff is there already and that they are going to manage with the existing staff. Let us be watchful and Let us see whether, having said that, they are going to spend money. When they say that there is no further expenditure involved, I do not think that we should compel them to come with a Financial Memorandum and ask them to spend money. Let us see whether they spend money...

SHRI DATTATRAYA KUNTE (Kolaba) : I would like to say something.

MR. SPEAKER : No, Please. I am on my legs.

The question is :

"That leave be granted to introduce a Bill further to amend the Estate Duty Act, 1953."

The Motion was Adopted

SHRI K. C. PANT : I introduced* the Bill.

12.37 hrs.

CIVIL DEFENCE BILL -Contd.

MR. SPEAKER : Now we take up further discussion of the Civil Defence Bill. We have only 20 minutes left. I do not

* Introduced with the recommendation of the President.