PREVENTION OF FOOD ADULTERATION (EXTENSION TO KOHIMA AND MOKOKCHUNG DISTRICTS) BILL*

THE MINISTER OF WORKS AND HOUSING AND HEALTH AND FAMILY PLANNING (SHRI UMA SHANKER DIKSHIT) I beg to move for leave to introduce a Bill to extend the Prevention of Food Adulteration Act, 1954, to the Kohima and Mokokchung districts in the State of Nagaland.

Mr. SPEAKER . The question is:

"That leave be granted to introduce a Bill to extend the Prevention of Food Adulteration Act, 1954, to the Kohima and Mokokehung districts in the State of Nagaland"

The motion was adopted.

SHRI UMA SHANKFR DIKSHIT I introduce the Bill

12.33 brs.

SMALL COINS (OFFENCES) BILL*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K R GANESH) On behalf of Shri Y B Chavan, I beg to move for leave to introduce a Bill to provide for the prevention of melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof, and for matters counnected therewith or incidental thereto.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the prevention of melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof, and for matters connected therewith or incidental thereto."

The motion was alopted.

SHRI K R. GANESH: I introduce the Bill

STATEMENT RE. SMALL COINS (OFFENCES) ORDINANCE

THF MINISTER OF STATE IN THE MINISTRY OF FINANCF (SHRI K. R. GANESH) I beg to 113 on the Table a copy of the explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Small Coins (Offences) Ordinance 1971, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabba

2 34 hrs

TAX ON POSTAL ARTICLES BILL*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R GANISH). I beg to move for leave to introduce a Bill to provide for of a tax on certain postal articles

MR SPEAKER Motion moved

"That leave be granted to introduce a Bill to provide for the levy of a tax on certain postal articles"

M: Banerjee and Mr Jyotirmoy Bosu have written to me saying they want to oppose the introduction of this Bill. I will allow them

डा लक्ष्मीनारायण पाडेय (मदसीर): झध्यक्ष महोदय, इस बारे में मैने भी सूचना दी है कि मैं इस विधेयक ना विरोध करना चाहता हू।

ग्रध्यक्ष महोदय . मेरे पास तो काई सूचना ग्राई नहीं है।

डा० लक्ष्मीनारायस पंडिय मैने ६ वर्क निस्भूचनादी हे, समय स पहले।

ग्रध्यक्ष महोदय 12 बजे के बाद भाई है।

^{*}Published in Gazette of India extraordinary, Part II, section 2, dated 22-11-71.

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भी ग्रदल विहारी बाजपेयी (ग्वालियर):

स्रध्यक्ष महोदय स्नगर !1 बजे भी दी है तब भी लेट है।

श्री बनर्जी---

SHRIS M BANERJEE (Kanpur)
Sir, I rise to oppose the introduction of
this Bill seeking to replace the ordinance
promulgated by the President in October
My objection is that this was not
necessary The Statement of Objects and
Reasons says

"In Order to meet the expenditure on the relief of Bangla Desh refugees, it was agreed at the meeting of the Governors and Chief Ministers of States held at New Delhi on the 12th October 1971, that both the Centre and the States would levy tax, duty or surcharge," etc

The Governors Chief Ministers and Central Ministers who agreed to this, never, thought that Parliament is a forum which should also be consulted

The manner in which Parliament has been ignored in this case is something unimaginable. When was it to come into force? From the 15th of November, the opening day of the present session? Sir, you have already expressed your view that Ordinances should not normally be brought in I am not against Ordinances as such Suppose an Ordinance is necessary to prevent the closure of a unit, I am all for it. But what was the fun of promulgating an Ordinance which will come into force from the opening day of a session?

Apart from that. I feel that taxation has reached saturation point and people are unable to pay anything more If government need more maney for refugee relief there are other sources which they can tap like black money, income-tax arrears and so on Therefore, I do not agree to this measure I oppose it tooth and nail from the stage of introduction.

SHRI JYOTIRMOY BOSU (Diamond Harbour). I rise to oppose the introduction of this Bill vehemently it reveals the bankruptcy of the government which is trying to exist through Ordinances. We understand from this note that the Chief Ministers were consulted. But the Chief Ministers and the Governors are not the supreme people. Did you consult the Assemblies where the representatives of the people have a say?

The meagre taxation provision in the original budget this year was with a view to hoodwinking the people. The actual deficit was Rs 400 crores to 475 crores though it was mentioned as Rs 235 crores This shows the infliciency, dishonesty and political gimmicks People are groaning under the galloping price lise and yet there is no tightening of the belt so far as government is concerned A Minister today costs between Rs 25,000 to 50,000 a month and a meeting of the Prime Minister cost Rs 89,000 towards security arrangements Very recently a Mercedez car, a very fine six door car has been bought for the government, I do not want to say for whom it is bought

MR SPEAKFR All this is not relevant. Further on details he can speak later on

SHRI JYOTIRMOY BOSU I want to oppose if from the beginning

Very recently I asked a Financial Commissioner how much of the Fourth Plan allocation have been set aside for generation of basic wealth or increase in GNP. He said it is very little, I am sorry to say

This blanket taxation shows that there is an element of discrimination in the fiscal policy pursted by the government. The post budget jubilation amongst the businessmen in Calcutta we noticed with great concern. The corporate sector is doing fine but it was left alone. There is industrial stagnation. Why? Because, big business is very capable of concealing its real profits which it siphoned into black money. Today there is arrears of tax to the extent of Rs. 900 crores. The report of the Auditor-General

is a revealing document. A major portion of the arrears is in corporate and personal taxes. Today smuggling is making you lose to the tune of Rs. 400 crores every year. Loss on account of under invoicing and over-invoicing is to the tune of another Rs. 400 crores. God alone knows whether the black money in circulation is Rs. 3,000 crores or 4,000 crores.

When this is the situation you want to impose a levy on postal articles. You handle about 700 million postal items out of which the yield is Rs. 20 crores. Then you impose a levy on newspapers in a country where the newspaper reading public is not more than 68 per cent in the best of areas and not more than 22 per eant in the worst of areas. I know that because of the existing fiscal measures that have been enforced by the government, they will find it very difficult to survive. I oppose this Bill with all the power at my command.

श्रध्यक्ष महोदय: डाक्टर पाडे, श्राज श्राप कह लीजिए लेकिन श्रागे से श्रापकी सूचना लेट नहीं श्रानी चाहिए।

डा॰ लक्ष्मी नारायण पांडेय : मैं दो श्रावारों पर इस विघेयक का विरोध करता हूं। पहला श्राधार तो यह है कि 22 अक्तूबर को यह अध्यादेश निकाला गया श्रीर 15 नवम्बर से इसके लागू होने की बात थी जबकि ठीक 15 नवम्बर से ही यह लोक सभा प्रारम्भ होने वाली श्री। ऐसी दशा में इसको निकालने का कोई श्रीचित्य नहीं था श्रीर न ही कोई श्रीचित्य सरकार की श्रीर से बताया गया है।

दूसरी बात यह है कि लोक सभा की परम्परा के अनुसार और भूतपूर्व अध्वक्ष श्री मावलंकर और प्रधान मंत्री के बीच हुए पत्र-व्यवहार
दाश सिद्ध किया जा चुका था कि कभी भी इस
प्रकार के अशिंडनेन्स, जब सत्र निकट भविष्य में
आरम्भ होने बाला हो, नहीं निकाले जायेंगे।
पहले तो इस प्रकार के आर्डिनेन्स निकालने का
भीचित्य नहीं है। फिर वित्तीय मामलों से

सम्बन्धित किसी ऐसे माडिनेन्स को तो बिल्कुल हो नहीं लाना चाहिए जिसके लोक समा के अधिकार पर माधात पहुँचे। ये दो माधार हैं जिनके बनु-सार इस प्रकार के माडिनेन्स को नहीं लाया जाना चाहिए क्योंकि इसका प्रभाव साधारण जनता पर बहुत ज्यादा पड़ने वाला-है। विधेयक में 20 करोड़ की मामदनी मौकी गई है तथा मन्य करों से टोटल रेवेन्यू 70 करोड़ की मांकी गई है। बंगला देश के शरणाध्यियों के नाम जो कुछ किया जा रहा है उसका भी प्रतिदिन का क्या बहुत ज्यादा है मौर इससे पूरा होने वाला नहीं है। ऐसी स्थित में इस विधेयक के कोई मर्जेनी या इमर्जेंसी भी प्रकट नहीं होती जिसके कार ए इस माडिनेन्स को लागू किया जाना मावश्यक था।

्इन दो ग्राधारों पर मैं इस विधेयक के प्रस्तुत किये जाने का विरोध करता हूं।

श्री श्रटल विहारी वाजपेयी: इस सत्र के पहले दिन मैंने यह लिखा था कि ग्रध्यादेश खारी करने का यह तरीका ठीक नहीं है ग्रीर ग्रापने भी उस वक्त यही कहा था। ग्रव ग्रध्या-देश को कानून बनाया जा रहा है। ग्रध्यादेश के द्वारा टैक्स लागू करना....

श्रध्यक्ष महोदय: श्रव इसको कहने से क्या फायदा कि इसको कानून न बनाया जाय?

श्री श्रटल बिहारी वानपेयी: कानून तो बन ही रहा है, लेकिन यही मौका है जब विरोध किया जा सकता है। यह मिद्धान्त का सवास है। पालियामेंट बनाये रख कर ब्राडिनेन्स के द्वारा टैक्स लगाने के मामले को श्री माबलंकर ने उठाया था। सारी पालिशामेंट्री डिमाकेसी की लड़ाई इसी बात पर हुई है। SHRI INDRAJIT GUPTA (Alipore): In the inter-session period there were 12 or 13 Ordinances but these Ordinances, which are now being presented in the form of Bills, relate to additional measures of taxation. They are different from the other Ordinances.

MR SPEAKER: An Ordinance is an Ordinance, whatever it might be.

SHRI INDRAJIT GUPTA: Can you cite any precedent?

MR. SPEAKER: I am sorry, I am not sure of the distinction. Have you any instance where it is mentioned that Ordinances are to be demarcated into financial and non-financial ... (Interruptions)

SHRI INDRAJIT GUPTA. It was brought into force from the date Parliament was due to open.

श्री अटल बिहारी वाजपेयी: जो टैक्स लगाये गये हैं वह 15 नम्बर से लगाये गये हैं। 1 दिसम्बर से लगाये जाते तो कोई ग्रासमान दूटने वाला नहीं था। यह ग्राडिनेन्स बनाने के हक का दुरुपयोग किया गया है।

SHRI INDRAJIT GUPTA: Apart from the Minister's reply, we would like to have your observation.

भ्रष्यक्ष महोदय : मैं इसके बारे में पहले ही कह चुका हूं।

SHRI INDRAJIT GUPTA: That was about the general tendency.

MR. SPEAKER: I will request you not to ask me to repeat the observation that I had already made in very strong terms. But if you think that there should be some distinction between financial and non-financial, tax and non-tax Ordinances, there is nothing in my knowledge on which I can base my ruling. All I can say is

that I do not approve of an Ordinance just at the time when the House is about to meet.

SHRI H M. PATEL (Dhandhuka): In all these years this is the first time . . . (Interruptions)

MR. SPEAKER. It is not the first time.

श्री श्रटल बिहारी वाजपेयी: इंगलैण्ड मे पार्लियामड़ी डिमाकेसीकी लड़ाई ही इस बान पर हुई कि इस तरह से टैक्स नहीं लगाये जा सकते।

SHRI H. M PATEL This is the first time that a financial matter has been passed by an ordinance. An ordinance has been used for other purposes.

MR SPEAKER. After all, you must have been advised by some old collegues in the civil services. I must say that I do not approve of an Ordinance at so late a stage as 15th November. I made my observations just at the out set of this session, What else you want?

श्री घटल बिहारी वाजवेगी : उनसे पूछिये कि 1 दिसम्बर से क्यो नहीं लगाते (ब्यवधान)

MR. SPEAKER: Will the Minister say if there is any justification why this was done on the day when Parliament was meeting?

SHRI K. R. GANESH: As the House is aware, we are really in an extraordinary emergent situation.

AN HON. MEMBER: What?

SHRI K. R GANESH: Every day you speak about that. On every question you speak about that. We are aware of that and I do not have to put it before you. The House is also aware that there is a tremendous financial burden of maintenance of Bangla Desh refugees.

This question was discussed with the Chief Ministers and a consensus was reached that one of the ways of meeting the tremendous burden and one of the ways of fighting the consequential problems that have arisen as a result of the huge budgetary deficit was to raise more resources...

MR. SPEAKER: I must say that we do recognise that there are very exceptional circumstances. But, I hope, you will not continue this practice in future unless there are similar exceptions

THE MINISTER OF PARLIAMENT-ARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): Whenever it is unavoidable we do it. My friends will bear with me that it was very extraordinary situation We never had wanted to by pass Parliament nor do we intend to bypass it. We knew that we had to face you here and we are facing you... (Interruptions)...we will convince you that it was unavoidable...(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: The Chief Ministers did not suggest that you should issue Ordinances.

SHRI H. M. PATEL: Sir, when the Minister says that this was unavoidable, it is really very strange. We are not disputing that there is need for more money, etc. Certainly, it may be raised. But what was the necessity for not waiting untill 15th of November? Even on their own, they are saying that they do not expect to collect money before the 15th November. These measures could have been introduced on the 15th November. What harm would it have done? On that argument, you might say that all legislation should be done by Ordinances.

MR. SPEAKER: On the first day, I made certain observation.

SHRI H. M. PATEL: There must be special circumstances under which an ordinance may be issued. In this case, no special circumstances have been given. They have not said anything except that they discussed it with the Chief Ministers.

Is that a special reason? An emergency is there. We need more money undoubtedly. These measures could have been introduced on the 15th November. They have an enormous majority. They could have got the Bills passed within two days.

श्री प्रदल बिहारी वाजपेयी: श्राप को याद होगा कि पालियामेंट की विद्युली बैठक में फाइनेन्स मिनिस्टर से पूछा गया था कि क्या वंगला देश से ग्राने वाले विस्थापितों के खर्च को ध्यान में रखकर कोई सप्लीमेंट्री बजट वह पेन्न करने वाले है। उन्होंने कहा, नहीं सप्लीमेंट्री बजट पेश नहीं करेंगे।

एक माननीय सबस्य: उस बक्त ऐसा ही विचार था।

श्री अटल (बहारी बाजपेयी: ऋभी सरकार
15 तारीख तक रक सकती थी। उसके बाद
मंत्री जी विधेयक लाकर 1 दिसम्बर से टैक्स
लगा सकते थे, लेकिन वह तो संसद की श्रवहेलना करने पर तुले हुये थे। श्राडिनेन्स के
दारा टैक्स लगाना......

श्रध्यक्ष महोवय: आडिनेन्स तं। पहले से ही चले आते है। आडिनेन्सो के बारे में श्री मावलंकर के सामने प्राइम-मिनिस्टर ने जो जवाब दिया था वह यह कि आडिनेन्स लाने का तो सरकार को ध्रधिकार है, लेकिन भाज यह देखने की बात है कि जब सेशन बिल्कुल नजदीक हो तब उसकी प्रोप्रायटी है या नहीं, भौर इसके बारे में में ने पहले ही कह दिया है। उन्हीं आडिनेन्सज में ते एक आडिनेन्स यह है श्रीर इनके बारे में मै कोई धाड्यवेंश्वन करूं तो कोई वर्ष बात नहीं होगी।

भी भटल बिहारी वाजपेयी : नई बात यह हे कि उनके पान कोई जिस्टिफिकेशन नहीं है। अध्यक्ष महोदय : ग्राप ने ग्रमी बतलाया कि पिछले सेशन में क्या हुगा था। पिछके तेशन के बाद भी यह मामला चलता रहा ग्रीर ग्राज भी रिपयूजीज चने ग्रारहे हैं।

श्री श्रटल बिहारी वाजपेयी: श्रभी सत्तर करोड़ के टैक्स लगावे गये हैं। रिप्यू श्रीज पर छ: सौ करोड़ रुपया खर्च हो गया है। जरा बताइए सत्तर करोड़ से कैसे मामला हल हो जायगा?

श्रध्यक्ष महोदय : इस पर किसी ग्रौर वक्त डिवेड कर लें।

SHRI JYOTIRMOY BOSU: Outcome of one-man rule. This is nothing but a dictatorial rule.

MR. SPEAKER: Please don't make such observations.

SHRI JYOTIRMOY BOSU: Your ruling is being disregarded by the Government every time. What is it other than dictatorial rule?

SHRIR. S. PANDEY (Rajnandgaon): Last session it was said that the Government had no intention to levy any tax because the refugee influx was only 25-30 Lakhs then. But, now it has shot up to 1 crore. This is the information which I am submitting to Mr. Vajpayeeji.

SHRI K. R. GANESH: The hon. members also would realise that we are in a very emergent situation. Therefore, additional resources have got to be raised.

SHRI JYOTIRMOY BOSU : Not at all.

SHRI K. R. GANESH: Now, Sir, the only point is...

SHRI ATAL BIHARI VAJPYEE: Not by ordinance.

SHRI K. R. GANESH: Sir, your remarks are there on the ordinance. The Government are aware of the remarks. We are not going into that.

I am trying to place before the House...(Interruptions).

श्रध्यक्ष महोदय: वे कहते हैं कि आपने लगा तो देने हैं, हमें बोल तो लेने दीजिए।

SHRI K. R. GANESH: In each of the levies and taxes that have been introduced, certain administrative arrangement have to be made. For instance, regarding the stamp duty and the tax on postal articles, all these require tremendous administrative prepartion and that is why the date of 15th November was fixed because every day lost is a loss to the resources mobilisation that is taking place. This is all I am submitting.

There is a statutory resolution by hon. Members disapproving the ordinance which shall be considered at the consideration stage and the Government's viewpoint on this will be placed.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the levy of a tax on certain postal articles."

The Lok Sabha divided:

Division No. 2]

[12-58 hrs.

AYES

Agrawal, Shri Shrikrishna
Ahmed Shri F. A.
Appalanaidu, Shri
Arvind Netam, Shri
Balakrishaniah, Shri T.
Banerji, Shrimati Mukul
Basumatari, Shri D.
Bhuvarahan, Shri G.
Bisht, Shri Narendra Singh

Chandra Gowda, Shri D. B.

Chavan, Shri Yeshwantrao

Chawla, Shri Amar Nath Choudhary, Shri B. E.

Choudhury, Shri Moinul Haque

Dalip Singh, Shri

Darbara Singh, Shri

Deo Shri S. N. Singh

Dhandapani, Shri C. T.

Doda Shri Hiralal

Dube, Shri J. P.

Dumada, Shri L. K.

Dwivedi, Shri Nageshwar

Gandhi, Shrimati Indira Ganesh, Shri K. R.

Ganga Devi, Shrimati

Gangadeb, Shri F.

Gogoi, Shri Tarun

Gohain Shri C. C.

Goswami, Shri Dinesh Chander

Gotkhinde, Shri Annasaheb

Gowda, Shri Pampan

Jitendra Prasad, Shri

Joshi, Shri Popatlal M.

Kailas, Dr.

Kamakshaiah, Shri D.

Kamble, Shri T. D.

Karan Singh, Dr.

Kaul, Shrimati Sheila

Kendar Nath Singh, Shri

Kisku, Shri A. K.

Krishanan, Shri G. Y.

Kushok Bakula, Shri

lakshmikanthamma, Shrimati T.

ukshminarayanan, Shri M. R.

laskar, Shri Nihar

Mahajan, Shri Y. S.

Maharaj Singh, Shri

Malaviya, Shri K. D.

Malhotra, Shri Inder J.

Mauraya, Shri B. P.

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri Jagannath Mohammad Tahir, Shri

Murthy, Shri B. S.

Negi, Shri Pratap Singh

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pahadia, shri Jagannath

Pandey, Shri Narsingh Narain

Pandey, Shri R. S.

Panigrahi Shri Chintamani

Pant, Shri K. C.

Parashar, Prof. Narain Chand

Pratap Singh, Shri

Parthasarathy, Shri P.

Patel, Shri Ramubhai

Patil, Shri Krishnarao

Patnaik, Shri J. B.

Qureshi, Shri Mohd. Shafi

Raghu Ramaiah, Shri K

Raj, Shrimati Sahodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Ram Swarup, Shri

Ramshekhar Prasad Singh, Shri

Rao, Shri Jagannath

Rao Shri M. S. Sanjeevi

Rao, Shri P. Ankineedu Parasada

Rathia, Shri Umed Singh

Rohatgi, Shrimati Sushila

Sankata Prasad, Dr.

Sant Bux Singh, Shri

Sarkar, Shri Sakti Kumar

Satpathy, Shri Devendra

Shambhu Nath, Shri

Sharma, Shri Madhoram

Sharma, Shri Nawal Kishore

Sharma Dr. Shankar Dayal

Shastri, Shri Biswanarayan

Shenoy, Shri P. R.

Sher Singh, Prof.

Yadav, Shri R. P.

Shivnath Singh, Shri
Sinha, Shri R. K.
Sonar, Dr. A. G.
Sunder Lal, Shri
Tewari, Shri Chandra Bhai Mani
Tewari, Shri Shankar
Uikey, Shri M. G.
Unnikrishnan, Shri K P.
Vekaria, Shri

NOES

Banera, Shri Hamendra Singh Banerjee, Shri S. M. Bhattacharyya, Shri S. P. Bosu, Shri Jyotirmoy Chandrappan, Shri C. K. Chaudhary, Shri Ishwar Chaudhuri, Shri Tridib Dandavate, Prof. Madhu Godfrey, Shrimati M. Goswami, Shrimati Bibha Ghosh Gowder, Shri J. M. Gupta, Shri Indrajit Kachwai, Shri Hukam Chand Lalji Bhai, Shri Manjhi, Shri Bhola Mayavan, Shri V. Mehta, Shri P. M. Mody, Shri Piloo Mukherjee, Shri Samar Panda, Shri D K. Pandeya, Dr Laxminarain Parmar, Shri Bhaljibhai Patel, Shri H M.

Railway Passenger Fares Bill

Ramkanwar, Shri
Rao, Shri M. Satyanarayan
Reddy, Shri B. N.
Reddy, Shri Y. Eswara
Sezhiyan, Shri
Singh, Shri D. N.
Sivasamy, Shri M. S.
Subravelu, Shri
Vajpayee, Shri Atal Bihari.

MR. SPEAKER. The result* of the division is:

Ayes 102; Noes 32

The motion was adopted.

SHRI K. R. GANESH I introduce† the Bill

12.57 hrs.

STATEMENT Re. TAX ON POSTAL ARTICLES ORDINANCE

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH). On behalf of Shri Y. B. Chavan, I beg to lay on the Table a copy of the explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Tax on Postal Articles Ordinance, 1971, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha

RAILWAY PASSENGER FARES BILL!

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI). Sur, I beg to move for leave to introduce a Bill to provide for the levy of a tax on railway fares.

Ayes · Sarvashri B K. Daschowdhury, Sheopujan Shastri and R. V. Swaminathan.

Noes: Sarvashri Birender Singh Rao, Sarjoo Pandey and C. T Dhandapani.

^{*} The following members also recorded their votes .

[†] Introduced with the recommendation of of the President.

¹ Published in Gazette of India Extaordinary, Part II, section 2, dated 22-11-71.