

VISVA-BHARATI (AMENDMENT)
BILL*

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (PROF. S. NURUL HASAN) : Sir, I beg to move for leave to introduce a Bill further to amend the Visva-Bharati Act, 1951."

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Visva-Bharati Act, 1951."

The motion was adopted.

PROF. S. NURUL HASAN : Sir, I introduce the Bill.

STATEMENT RE. VISVA-BHARATI
(AMENDMENT) ORDINANCE

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (PROF. S. NURUL HASAN) : Sir, I beg to lay on the Table a copy of the explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Visva-Bharati (Amendment) Ordinance, 1971, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

4:34 hrs

STATUTORY RESOLUTION RE STAMP
AND EXCISE DUTIES (AMENDMENT)
ORDINANCE ; AND STAMP AND
EXCISE DUTIES (AMENDMENT)
BILL—Contd—

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : Sir, yesterday, while speaking on this Bill I was replying to certain questions and the House adjourned for the day. And therefore, I would like to conti-

nue my answers to some of the propositions and the allegations that were made by some hon. Members on the other side. One question raised was about the percentage of the newspapers and periodicals that would be affected. I would say that in so far as newspapers alone are concerned it would be correct to say that nearly 75% of the newspapers would fall in the exempted category. The figure of 90 to 95% is the aggregate percentage for both newspapers and periodicals. If periodicals alone are taken, then about 96% of them would come within the exempted category of having circulation of less than 15,000 copies per publishing day. All these percentages are with reference to the numbers of the newspapers and periodicals and not with reference to their circulation. That was one of the points raised yesterday. So, these 75% would be in the exempted category and the balance 25% would fall in the duty-paying category. They will consist of the following categories.

- (a) Newspapers whose average circulation exceeds 15,000 but not 50,000 copies per publishing day—16.5%.
- (b) Newspapers whose average circulation exceeds 50,000 but not 1,00,000 copies per publishing day—5.2%.
- (c) Newspapers whose average circulation exceeds 1,00,000 copies—3.3%.

So far as periodicals are concerned, leaving out the 96% which falls in the exempted category, the balance of 4% of the number of periodicals consist of the following :

- (a) periodicals having a circulation exceeding 15,000 but not exceeding 50,000—2.5%.
- (b) periodicals having a circulation exceeding 50,000 but not exceeding 1 lakh.....0.5 per cent.
- (c) periodicals having a circulation above one lakh copies.....0.3 per cent.

This was some of the break-up demanded by hon. Members.

The second point was about the basis of the estimate of Rs. 7 crores. I think Shri

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[Shrimati Sushila Rohatgi]

Indrajit Gupta had raised that point. This estimate of Rs. 7 crores was made when the exemption of Rs. 1.75 crores was not taken into consideration. The figures given by the registrar of newspaper were taken as the basis. There were 480 newspapers and 5873 periodicals. The exemption issued on 5th November would take out of the excise control 360 newspapers and 5690 periodicals, that is, as I had said, 75 per cent of the newspapers and 96 per cent of the periodicals, and that has already been given.

SHRI INDRAJIT GUPTA (Alipore) : After the exemption, what would be the anticipated revenue from this tax ?

SHRIMATI SUSHILA ROHATGI : Out of the Rs. 7 crores we have just to take out Rs. 1.75 crores. That is the total as it stands now. The exemption is Rs. 1.75 crores.

SHRI BHOGENDRA JHA (Jainagar) : I would like the hon. Minister to clarify one more point. There is an amendment that newspapers having a circulation of 30,000 should be exempted. If that is done, then how would the figures work out ?

SHRIMATI SUSHILA ROHATGI : We shall come to that amendment later on, and we shall deal with it when we come to it.

The point made by Shri Jyotirmoy Bosu was this. If there is such a large percentage outside the excise net, how could the revenue be still maintained ? The point to be seen is that the excise duty is with reference to the circulation. Taking the 1969 figures, the circulation of medium and big newspapers is 6.2 million approximately per day out of the aggregate publication of 7.8 million approximately per day. In other words, 80 per cent of the circulation was accounted for by big and medium newspapers.

In the case of periodicals, on the basis of 1969 figures, the circulation of big and medium periodicals forms 43 per cent of the total. This was the break-up which they had demanded and which we are placing at their disposal.

Another point which Shri Jyotirmoy Bosu had asked was why a uniform additional duty of 10 paise had been imposed on all the

instruments when some of them could have borne a higher duty. There was some relevance in that point. Although the hon. Member is not present here, since the point is important, I would like to say that a graded duty with reference to the type of instrument would have created several administrative difficulties. Since the hon. Member is not here, I do not think he is interested very much in a detailed reply. Otherwise, I have the explanations with me and I could have given them to the House.

A point was also brought forward regarding the advertisement policy of the Government. The policy of the Government is to make increasing use of small and medium newspapers. About 75 per cent of the advertisements taken by the DAVP goes to the medium and small newspapers.

Another point made was about the levy on the cheques. It was asked why cheques had been kept out of the scope of the levy. I would like to point out that the hon. Member had written to the Finance Minister in this connection only recently, and the hon. Finance Minister had replied to him saying that such a levy would impede the banking habit and might divert the flow of the funds away from the banking system and as such it had not been thought advisable to impose this duty on the cheques.

I have already referred to the notification regarding the exemptions. Now, I come to the administrative steps required to be taken. Since there were about 70 crores of stamps which were required to be printed at the Security Press and it was quite a big figure, and since that would be the number required in the course of the whole year, another shift had been added there, so that they are now working three shifts. All the machinery could not be diverted particularly to this task because in that way other work might also have suffered.

Therefore, a certain time was also required for this. Moreover, since one of the instruments covered is the receipt, it was necessary that these stamps had to reach the post offices and treasuries before hand; otherwise, it would have led to a lot of inconvenience so far as the ordinary public was concerned.

Regarding newspapers, as I pointed out earlier, the new facilities had to be given to

these people and the newspaper people had to become familiar with the excise formalities including the self removal procedure. For that also, it was decided that it might be more conducive to the welfare of the newspaper community and the reading public because if the paper was published and not circulated, that would lead to loss and that would cause great inconvenience and that might have dislocated the industry also. These were the basic factors which motivated Government in taking this step.

SHRI INDRAJIT GUPTA : The time that Government gave to get accustomed was used by them to raise the price by 6P, 8P and so on.

SHRIMATI SUSHILA ROHATGI : Yes. A statement has already been made by the Minister of State for Information and Broadcasting. I am told by my senior colleague here that the newspaper community had also listened to this.

SHRI INDRAJIT GUPTA : Not all of them.

SHRIMATI SUSHILA ROHATGI : I am told that they have on the whole responded well and they have welcomed this in the larger interest of the public. The newspaper community has always understood the cause and have supported it as it has done on many occasions. I do not think they will fail us on this occasion because the question involves national dignity and honour.

SHRI INDRAJIT GUPTA : They are not paying unfortunately, the readers are.

SHRIMATI SUSHILA ROHATGI : I do not know why Shri Indrajit Gupta should object this medium of mass communication having been touched. When we use this instrument mass communication, it also means mass involvement.

SHRI INDRAJIT GUPTA : Minus the rich people.

SHRIMATI SUSHILA ROHATGI : No. The public of India irrespective of caste, creed or political affiliation have stood by us,

whether it is in a smaller or greater measure. They have willingly come to the aid of the people who are affected. The people who are vitally affected, the people of Tripura, Meghalaya, Assam and West Bengal are sharing their rations, houses, education and daily facilities without grudging, even when they have the apprehension that probably the refugees may have to stay on here for some time to come. The common public of India understand this and I think it is not being fair to them to say that they resent it. It is a means of mass involvement. I think the people of India understand their responsibilities and I do hope that the newspaper community will also understand it in the correct perspective and accept the challenge.

MR. DEPUTY-SPEAKER : Shri Joshi is absent. The question is :

"This House disapproves of the Stamp and Excise Duties (Amendment) Ordinance, 1971 (Ordinance No. 16 of 1971) promulgated by the President on the 22nd October 1971."

The motion was negatived.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill further to amend the Indian Stamp Act, 1899, the Central Excises and Salt Act, 1944, and the Union Duties of Excise (Distribution) Act, 1962, be taken into consideration".

The motion was adopted.

MR. DEPUTY-SPEAKER : We shall take up clause by clause discussion.

Clause 2. Shri Joshi is absent. The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3. (*Amendment of Act 1 of 1944*)

SHRI BHOGENDRA JHA : I beg to move :

Division No. 7]

AYES

[4.52 hrs.

Page 2, line 14—*after* “PERIODICALS”
insert—

“HAVING A CIRCULATION OF
ABOVE THIRTY THOUSAND
COPIES.” (3)

Page 2,—*after* line 18, *insert*—

“Provided that in no case shall this
additional duty be passed on to the
readers by increasing the price.” (5)

MR. DEPUTY-SPEAKER : I shall put
these amendments to vote.

*Amendments Nos. 3 and 5 were put
and negatived.*

MR. DEPUTY-SPEAKER : The ques-
tion is :

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

MR. DEPUTY-SPEAKER : For clause
1, there is an amendment by Shri Mishra.
He is not here. The question is :

“That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

*The Enacting Formula and the Title
were added to the Bill.*

SHRIMATI SUSHILA ROHATGI : Sir,
I move :

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The ques-
tion is :

“That the Bill be passed.”

The Lok Sabha divided.

Ahirwar, Shri Nathu Ram
Ambesh, Shri
Banerji, Shrimati Mukul
Besra, Shri S. C.
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Chanda, Shrimati Jyotsna
Chandrakar, Shri Chandulal
Chaturvedi, Shri Roshan Lal
Daga, Shri M. C.
Das, Shri Anandi Charan
Dhamankar, Shri
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Ganga Devi, Shrimati
Gautam, Shri C. D.
Gohain, Shri C. C.
Gopal, Shri K.
Goswami, Shri Dinesh Chander
Hansda, Shri Subodh
Ishaque, Shri A. K. M.
Jadeja, Shri D. P.
Jamilurrahman, Shri Md
Jha, Shri Chiranjib
Joshi, Shri Popatlal M.
Joshi, Shrimati Subhadra
Kader, Shri S. A.
Kavde, Shri B. R.
Kedar Nath Singh, Shri
Kinder Lal, Shri
Kureel, Shri B. N.
Majhi, Shri Gajadhar
Malhotra, Shri Inder J.
Mandal, Shri Jagdish Narain
Marandi, Shri Ishwar
Mishra, Shri Bibhuti
Mishra, Shri Jagannath
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Munsi, Shri Priya Ranjan Das
Negi, Shri Pratap Singh
Panigrahi, Shri Chintamani
Paokai Haokip, Shri
Partap Singh, Shri
Patil, Shri Krishnarao

Peje, Shri S. L.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Dhan, Shri
 Ram Prakash, Shri
 Rao, Shrimati B. Radhabai A.
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Narasimha
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Sant Bux Singh, Shri
 Sethi, Shri Arjun
 Shankar Dayal Singh, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Shastri, Shri Raja Ram
 Shastri, Shri Sheopujan
 Shinde, Shri Annasaheb P.
 Sohan Lal, Shri T.
 Sonar, Dr. A. G.
 Tiwari, Shri R. G.
 Venkatswamy, Shri G.
 Virbhadra Singh, Shri
 Yadav, Shri R. P.
 Yadav, Shri D. P.

NOES

Bade, Shri R. V.
 Banera, Shri Hamendra Singh
 Chandra Shekhar Singh, Shri
 Chaudhury, Shri Ishwar
 Chowhan, Shri Bharat Singh
 Goswami, Shrimati Bibha Ghosh
 Gupta, Shri Indrajit
 Halder, Shri Madhuryya
 Jha, Shri Bhogendra
 Krishna Kumari Jedhpur, Rajmata
 Krishnan, Shri M. K.
 Manjhi, Shri Bhola
 Mehta, Shri P. M.
 Mohammad Ismail, Shri

*The following Members also recorded their votes for AYES :
 Sarvashri Sadhu Ram, Tarun Gegoi, Prabodh Chandra and N. Shivappa.

†Moved with the recommendation of the President.

Mukerjee, Shri H. N.
 Parmar, Shri Bhaljibhai
 Pradhan, Shri Dhan Shah
 Ramkanwar, Shri
 Saha, Shri Ajit Kumar
 Sen, Shri Robin
 Singh, Shri D. N.
 Solanki, Shri Somchand

Mr. DEPUTY-SPEAKER : The result* of the division is : Ayes 73 ; Noes 22.

The motion was adopted.

14.54 hrs.

COMMISSIONS OF INQUIRY (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : I beg to move† :

“That the Bill to amend the Commissions of Inquiry Act, 1952, be taken into consideration.”

There were certain difficulties and deficiencies experienced in the working of the Commissions of Inquiry Act, 1952 and the matter was referred to the Law Commission for suggesting suitable amendments to the Act. Taking into account the importance of the Act and the need for a proper system of enquiry, the Law Commission undertook a comprehensive examination of the entire Act and made a number of recommendations in their 21th report for the revision of the Act in several respects.

The main recommendations of the Law Commission had generally been accepted by the Government after considering the views expressed on those recommendations by the State Governments, Union Territory Administrations and the Ministries of the Government of India and to give effect to the accepted