

[Mr. Speaker.]

the same thing. If you add or subtract or do something like that it becomes different altogether. He will agree there. That is barred.

17 hrs.

**Shri Bade:** Sir, my amendment No. 81 wants to insert a sub-clause (c) to say that the 'authoritative texts' means the texts in Hindi language. In the Bill there is no mention of what is the authoritative text. In order to clear what is the authoritative text, I have moved this amendment. According to the Bill it seems the English version is the authoritative text. I want to make it clear and say that the authoritative text is the Hindi text by the addition of this sub-clause (c) to clause 6.

**Mr. Speaker:** The Minister would reply tomorrow. We take up the next business now.

17.02 hrs.

COMPULSORY DEPOSIT SCHEME  
BILL—contd.

Clause 2— (Persons to whom Act  
Applies).

**Mr. Speaker:** We will now take up the Compulsory Deposit Scheme Bill. It is already five o'clock. Are any Government amendments to be moved?

**The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha):** I have moved all the amendments to clause (2).

**Mr. Speaker:** Does she want to say anything?

**Shrimati Tarkeshwari Sinha:** I do not want to say anything. It has been explained amply by the Finance Minister already.

**Mr. Speaker:** Am I required to put any amendment separately to the vote?

**Shri Prabhat Kar (Hooghly):** The Finance Minister has not replied to what we have said. Yesterday we had a debate on the various amendments. He has not explained. He has not answered the many amendments that we have moved. We expected that at least.

**Shrimati Tarkeshwari Sinha:** I did not want to repeat all the arguments already used by the Finance Minister because I should have thought that I would be unnecessarily taking the time of the House. But the hon. Member suggests that something must be said' because the hon. Members opposite have spoken about that. I would be repeating mostly the same arguments which have been advanced by the Finance Minister and I think the hon. Members will excuse me if virtually I repeat what has already been said.

The House is not unaware of this fact that the proposal of levying on the people paying land revenue a compulsory deposit scheme would affect them. They want that it should not be so. That will mean that virtually 2.50 crores of accounts will be left out from the orbit of the operation of this scheme. That will leave a very large population of this country outside the purview of this Bill. The basic intention of this scheme must be understood. The hon. Member has become rather sensitive about this scheme because it has come with the Finance Bill. If this measure had come after the Finance Bill or even before the Finance Bill, they would have understood the desirability or the propriety of the rural areas saving. Almost all the reports go to show this. There is no time for me to read the report of the Rural Credit Survey Committee and the report of the other sample surveys such as the National Sample Survey. In each of these reports it has been pointed out that the capacity of the rural areas has not yet been tapped. Unless and until the rural areas are tapped, the quantum of saving of this country

cannot increase. That is one of the basic principles on which we have to really conduct these measures.

**Shri J. P. Jyotishi (Sagar):** Are the people who pay an annual tax of Rs. 5 capable of this, according to the reports that we have?

**Shrimati Tarkeshwari Sinha:** The capability of individuals has not been assessed in that detailed manner, but what I was repeating was that the Sample Survey—the hon. Member, Shri A. P. Jain is trying to bow his hands to me; I do not know whether it in appreciation or otherwise—and what I was trying to impress on the House was that unless . . .

**Shri A. P. Jain (Tumkur):** It was for the Minister and not for you.

**Shrimati Tarkeshwari Sinha:** I am sorry; I was taking the compliment on myself.

**Shri Tyagi (Dehra Dun):** People are of the view that you are softer in heart than the Finance Minister.

**Shri P. Venkatasubbaiah (Adoni):** What about the rural indebtedness?

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, सुनता नहीं है, उधर को मुंह कर के वह बोल रही है। आप की तरफ मुंह कर के उन को बोलना चाहिये।

अध्यक्ष महोदय : अगर मेरी तरफ मुंह करके अंग्रेजी वह बोलें तब तो आप समझ लेंगे। अगर वह दूसरी तरफ मुंह कर के अंग्रेजी बोलें तब अंग्रेजी नहीं समझ सकेंगे ?

श्री बागड़ी : मैं तब भी नहीं समझूंगा।

**Shrimati Tarkeshwari Sinha:** There is not much time to go into the details. The hon. Members do not expect me to go into all the details at the end of the debate on this Bill. But I can tell the hon. Members that the Rural Credit Survey Committee was examining this whole question of

rural credit. They examined this problem of rural indebtedness and in spite of that indebtedness, they have recommended that the potential quantum of saving in the rural areas has to be tapped if we want to increase the quantum of total saving in the country. That is why if we do not really take the rural areas into the purview of any savings programme, the programme will not be the success which we want it to be. After all, the primary purpose of this programme is not to grab money from the people but to take money for the developmental work which gives benefit to them. The sum of Rs. 5 is usefully spent for themselves as by the Government which would take that money and put it in some developmental work.

**Shri Shivaji Rao S. Deshmukh (Parbhani):** Where to bring the money from?

**Shrimati Tarkeshwari Sinha:** Neither the hon. Member there nor hon. Members on this side nor myself—we are not in a position to know how each individual uses the money, but from the other statistics that are available, the figures showing how much the person has invested in tools, how much has been invested in implements, how much has been invested in the agricultural developmental programme indicate that his capacity of spending the money on the developmental programme has also increased. Therefore, we cannot just . . .

**Shri P. Venkatasubbaiah:** What about the co-operative institutions' capacity?

**Shrimati Tarkeshwari Sinha:** The capacity of taking co-operative loans, loans from the co-operative institutions and repay them shows that their capacity for spending money has increased while the capacity for making money has also increased because they have been able to pay back.

**Shri Shivaji Rao S. Deshmukh:** The Rural Credit Survey indicates that

[Shri Shivaji Rao S. Deshmukh.]

in case of uneconomic holdings, besides economic holdings, the return on investment per annum are 25 per cent loss.

**Shrimati Tarkeshwari Sinha:** The Finance Minister pointed out that the question of uneconomic holding at present is a question which is before us, but we cannot really calculate on the basis of uneconomic and economic holding and leave the uneconomic holding from the purview of this scheme, because even the land revenue today does not take into consideration the question of economic holdings and uneconomic holdings. *(Interruptions).*

**Shri Prabhat Kar:** The rural credit survey goes against all the steps that are being taken in this Bill. It has pointed out that so far as the debts are concerned, they are so much. So, the question of savings does not arise. She has referred to the rural credit survey for discussing this Bill. It is amazing.

**Shri A. P. Jain:** The speech is insulting to the intelligence of Members. It is absolutely contrary to what is contained in the report.

**Shri Kapur Singh (Ludhiana):** Does the hon. Minister want us to take it that the principle on which the assessment of land revenue is based is identical with the principle on which the Bill under discussion has been drafted? *(Interruption).*

**Mr. Speaker:** I will advise the hon. Minister not to sit down easily when there are interruptions. *(Interruption).*

**Shrimati Tarkeshwari Sinha:** When I said that the Rural Credit Survey Committee has said that the quantum of savings in rural areas has increased, I was not making a mistake or false statement. In spite of all the difficulties they have pointed out, they have suggested that the potential savings have increased....

**Shri A. P. Jain:** Not in the case of a farmer paying Rs. 5 or Rs. 10.

**Shrimati Tarkeshwari Sinha:** I am not entering into the classification. *(Interruptions).*

**Shrimati Tarkeshwari Sinha:** The hon. Members would allow me to speak.

**Shri Ranga (Chittoor):** Where is the need for a speech? You have got votes.

**Mr. Speaker:** If she did not speak, the demand came that she must speak. If she wants to speak, it is said there is no need to speak.

**Shri A. P. Jain:** We wanted to hear tenable arguments, not arguments which are not at all tenable.

**Shrimati Tarkeshwari Sinha:** If the hon. Members are not prepared to hear any arguments, able or not able, it is not my fault.

**Shri Hari Vishnu Kamath (Hoshangabad):** She is doing her best.

**Shri Shivaji Rao S. Deshmukh:** The Deputy Minister does not seem to have experience of the management of rural household.

**Shrimati Tarkeshwari Sinha:** I do not want to reply to all the arguments raised here. The hon. Member is questioning my ability to represent the rural problems. What I am saying here is on the basis of the Rural Credit Survey Committee report and the National Sample Survey Committee report. They have said that the quantum of saving in this country has increased and the quantum of savings that has increased also has to come from the rural areas. There can be no doubt about what they said. Unless and until something is taken from them in the shape of compulsory deposit scheme, the rural areas will never come into the purview of any such scheme of savings. The country's savings have increased. Therefore, the saving has to come from the rural areas also.

So far as the collection of this is concerned, the question of finding out the economic and uneconomic holdings is not a practical one, because the State land revenue authorities do not generally go into the question of determining the condition of each and every individual holding. So, it is very difficult for any such scheme, which is going to be operated through their assistance, to take into consideration this question of economic and uneconomic holding.

Shri Banerjee and Shri Prabhat Kar have said that more liberal consideration may be given to the shopkeepers. The monthly assessment of the amount that they will have to pay would be a little more than Rs. 4. I think this is the bare minimum they can contribute to this kind of national development. Every society has willingly come forward to contribute something to the national welfare programme and national development programme. So, they cannot really be taken out of the purview of this programme. So, they have been included.

A point was raised that the shopkeeper whose turnover is Rs. 15000 should not be brought under the purview of this, because on this gross turnover he will have to pay Rs. 50 per annum; and, it would be a hardship for him to pay that amount.

**Shri Kashi Ram Gupta** (Alwar): What is the income that person will derive from Rs. 15000?

**The Minister of Finance** (Shri Morarji Desai): It cannot be less than Rs. 1500.

**Shri Kashi Ram Gupta**: No.

**Mr. Speaker**: Is that all?

**Shrimati Tarkeshwari Sinha**: Yes.

**Mr. Speaker**: Should I put any amendments separately?

**Shri Prabhat Kar**: Amendments Nos. 49 and 59.

414 (A) LSD—8.

**Mr. Speaker**: I will put amendments Nos. 49 and 59 separately.

**Shri A. P. Jain**: Sir, are you going to put them to vote or can I speak now?

**Shri Morarji Desai**: How can he speak now?

**Mr. Speaker**: Yesterday, I enquired of him, but he was not decisive at that moment.

**Shri A. P. Jain**: All right, Sir; I bow to your ruling.

**Shri P. R. Patel** (Patan): Sir, I withdraw my amendment No. 35.

**Mr. Speaker**: Has he the leave of the House to withdraw his amendment No. 35?

*The amendment was, by leave, withdrawn.*

**Mr. Speaker**: Can I put amendments Nos. 49 and 56 together, or does he want to press for a division on each one of them?

**Shri Prabhat Kar**: They may be put separately, Sir, because we want to press each one of them to a division.

**Mr. Speaker**: Then I will put them at the end.

**Shri Bade** (Khargone): Sir, my amendments Nos. 100 and 101 may be put.

**Mr. Speaker**: Does he want me to put them separately?

**Shri Bade**: No, Sir.

**Mr. Speaker**: I will put all of them together.

**Shri Ranga**: No. 49 is about land revenue exemption limit to be raised.

**Shri S. M. Banerjee**: Nos. 50 and 57 may be put separately?

**Mr. Speaker**: Can I put these two together or should I put them separately?

**Shri S. M. Banerjee** (Kanpur): They may be put together.

**Mr. Speaker:** I shall first put the Government amendments Nos. 72, 73, 74, 75, 76, 77, 78 and 79. The question is:

Page 1, line 10,—

After "land-revenue" insert,—

"(whether known as land revenue, rent, tax or by any other name)".

Page 1, line 17,—

add at the end "who are not liable to payment of tax under the Income-tax Act". (73).

Page 1, for lines 21 to 23, substitute:

"(iii) companies as defined in section 3 of the Companies Act, 1956, including foreign companies within the meaning of section 59 and Government companies as defined in section 617 of that Act". (74).

Page 1, after line 26, insert,—

"(v) individuals or associations of persons or bodies of individuals liable to payment of tax under the Income tax Act, and entitled to deduct the salary paid to their employees for the purpose of computing their income under that Act,".

Page 2, line 1,—

for "shopkeepers" substitute "dealers". (76).

Page 2, line 2,—

for "any law" substitute "any State Act". (77).

Page 2, after line 4, insert:

"Provided that where by or under any such State Act any amount higher than fifteen thou-

sand rupees has been fixed as the minimum annual turn-over for the purpose of registration under that Act the reference to fifteen thousand rupees in this clause shall be construed as a reference to that amount.

*Explanation.*—In this clause,—

(a) "dealer" has the same meaning as in the respective State Acts with respect to tax on the sale of goods;

(b) "State Act" includes a Provincial Act;". (78).

Page 2, omit lines 5 to 8. (79).

*The motion was adopted.*

**Mr. Speaker:** Then I shall put Shri Banerjee's amendments Nos. 50 and 57.

Page 1, line 10,—

After "land-revenue" insert,—

"over twenty rupees." (50).

Page 1, lines 27 and 28,—

for "one thousand five hundred rupees" substitute—

"three thousand six hundred rupees". (57).

*The motion was negatived.*

**Mr. Speaker:** I shall now put amendment No. 49.

**Shri Kashi Ram Gupta:** My amendment No. 51 is on the same lines.

**Mr. Speaker:** He can give his support to this.

**Mr. Speaker:** The question is:

Page 1, line 10,—

after "land revenue" insert—

"over fifteen rupees". (49).

*The Lok Sabha divided:*

Division No. 15]

AYES

17.19 hrs.]

Aney, Dr. M.S.  
Bade, Shri J  
Banerjee, Shri S.M.  
Brij Raj Singh, Shri  
Gopalan, Shri A.K.  
Gupta, Shri Kashi Ram  
Gupta, Shri Piriya  
Jha, Shri Yogendra

Kamath, Shri Hari Vishnu  
Kapur Singh, Shri  
Kar, Shri Prabhat  
Krishnapal Singh, Shri  
Kunhan, Shri P.  
Mehta, Shri Jashwant  
Pottakkatta, Shri  
Raghavan, Shri A.V.

Ranga, Shri  
Reddy, Shri Narasimha  
Swamy, Shri Sivamurthi  
Vishram Prasad, Shri  
Warior, Shri  
Yadav, Shri Ram Sewak  
Yashpal Singh, Shri

NOES

Alva, Shri Joachim  
Bajaj, Shri Kamalnayan  
Balakrishnan, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Barupal, Shri P.L.  
Bhargava, Shri M.B.  
Brajeshwar Prasad, Shri  
Chandrasekhar, Shrimati  
Chaturvedi, Shri S.N.  
Dasappa, Shri  
Dass, Shri G.  
Deo Bhanj, Shri P.G.  
Desai, Shri Morarji  
Deshmukh, Shri B.D.  
Deshmukh, Shri Shivaji Rao S.  
Dhuleshwar Meena, Shri  
Dwivedi Shri M.L.  
Elayaperumal, Shri  
Gaitonde, Dr. J  
Gandhi, Shri V.B.  
Gupta, Shri Shiv Charan  
Hanumanthaiya, Shri  
Jedhe, Shri  
Jyotishi, Shri J.P.  
Kajolkar, Shri  
Kanungo, Shri  
Kedaria, Shri C.M.  
Kindar Lal, Shri  
Kisan Veer, Shri  
Lalit Sen, Shri  
Lonikar, Shri J

Mahtab, Shri  
Malliah, Shri U.S.  
Manaen, Shri  
Mandal, Shri Yamuna Prasad  
Maniy angadan, Shri  
Mehrotra, Shri Braj Bihar  
Melkote, Dr.  
Mitra Shri, Bakar Ali  
Morarka, Shri  
Mukane, Shri  
Muthiah, Shri  
Naidu, Shri V.G.  
Naik, Shri D.J.  
Pant, Shri K.C.  
Parashar, Shri  
Patel, Shri Chhotubhai  
Patel, Shri N.N.,  
Patel Shri P.R.  
Patel, Shri Rajeshwar  
Patil, Shri S.B.  
Pillai, Shri Natara  
Prabhakar, Shri Naval  
Pratap Singh, Shri  
Raghunath Singh, Shri  
Raju, Dr. D.S.  
Ram Subhag Singh, Dr.  
Ramaswamy, Shri S.V.  
Ramaswamy, Shri V.K.  
Kamrajnai Singh, Shri J  
Bane, Shri J  
Rao, Shri Krishnamoorthy  
Rao, Shri Muthyal

Rao, Shri Thirumala  
Reddiar, Shri  
Sahu, Shri Rameshwar  
Sanji Rupji, Shri  
Shah, Shri Manabendra  
Sham Nath, Shri  
Shankaraiya, Shri  
Sharma, Shri A.P.  
Sharma, Shri D.C.  
Shashi Ranjan, Shri  
Shastri, Shri Lal Bahadur  
Shastri, Shri Ramanand  
Sheo Narain, Shri  
Singh, Shri D.N.  
Sinha, Shri Satya Narayan  
Sinha, Shrimati Ramdulair  
Sinha, Shrimati Tarkeshwari  
Sonavane, Shri  
Subbarangan, Shri  
Sumat Prasad, Shri  
Swamy, Shri M.P.  
Tantia, Shri Rameshwar  
Thimmaiah, Shri  
Tiwary, Shri K.N.  
Tripathi, Shri Krishna Deo  
Tyagi, Shri  
Upadhyaya, Shri Shiva Dutt  
Upadhyaya, Shri Shiva Dutt  
Varma, Shri M.L.  
Varma, Shri Ravindra  
Verma, Shri Balgovind  
Vidyalankar, Shri A.N.  
Yadab, Shri N.P.

Mr. Speaker: The result of the division is Ayes 28; Noes 97.

The motion was negated.

Shri Prabhat Kar: Yes.

Shri Bade: Sir, Shri Deshmukh has spoken against the Bill. Now he has voted against the amendment.

Mr. Speaker: Perhaps, subsequent arguments might have convinced him.

Shri Hari Vishnu Kamath: Anyhow, they have got less than 100 votes.

Mr. Speaker: I will now take amendment No. 56. Is that also going to be pressed for?

Mr. Speaker: All right. The question is:

Page 1, lines 27 and 28,—  
for "one thousand five hundred rupees" substitute—

"three thousand rupees". (56).  
Those in favour may say "Aye".

Some Hon. Members: 'Aye'.

Mr. Speaker: Those against may say "No".

Some hon. Members: No.

**Mr. Speaker:** I think the "Noes" have it.

**Shri Prabhat Kar:** The "Ayes" have it.

**Mr. Speaker:** All right. We will have division.

The question is:

Page 1, lines 27 and 28,—

for "one thousand five hundred rupees" substitute—

"three thousand rupees". (56).

*The Lok Sabha divided:*

**Shrimati Tarkeshwari Sinha:** Sir, the question was put before we had occupied our seats.

**Mr. Speaker:** I had given the warning that hon. Member; should be in their seats.

**Shrimati Tarkeshwari Sinha:** I have walked from there to my seat, but before I reached my seat it was put.

**Shri Tyagi:** Sir, I protest. It may not be accepted. It is not the fault of the mechanism.

**Mr. Speaker:** The result of the division, as shown by the machine is Ayes 22, Noes 98. Were there any mistakes?

**Shri A. P. Jain:** Sir, my vote, which is for 'Noes' has not been recorded.

**Shri Maniyanganadan:** My vote, which is for 'Noes' has not been recorded.

**Shri Rananjai Singh:** My vote for 'Noes' has also not been recorded.

**Shrimati Tarkeshwari Sinha:** Sir, my vote for 'Noes' is also there.

**Shri Hajarnavis:** Sir, I was not in my seat. Can I have my vote recorded now?

**An Hon. Member:** Sir, it should not be permitted.

**Mr. Speaker:** No, I am not recording his vote.

The result of the division is:

*Division No. 16]*

**AYES**

[17.21 hrs.

Bade Shri  
Banerjee, Shri S.M.  
Brij Raj Singh Kotah, Shri  
Gopalan, Shri A.K.  
Gupta, Shri Kashi Ram  
Gupta, Shri Priya  
Jha, Shri Yogendra  
Kamath, Shri Hari Vishnu

Kapur Singh, Shri  
Kar, Shri Prabhat  
Krishnapal Singh, Shri  
Kunhan, Shri P.  
Mehta, Shri Jashvant  
Pottakkatt, Shri  
Raghavan Shri A.V.  
Ranga, Shri

Rddy, Shri Narasimha  
Swamy, Shri Sivamurthi  
Vishram Prasad, Shri  
Warior, Shri  
Yadav, Shri  
Yashpal Singh, Shri

**NOES**

Alva, Shri Joachim  
Aney, Dr. M.S.  
Bajaj, Shri Kamalnayan  
Balakrishnan, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Barupal, Shri P.L.  
Basappa, Shri

Bhargava, Shri M.B.  
Brajeshwar Prasad, Shri  
Chandrasekhar, Shrimati  
Chaturvedi, Shri S.N.  
Dasappa, Shri  
Dass, Shri G.  
Deo Bhanj, Shri P. C.  
Dessai, Shri Morarji

Deshmukh, Shri B.D.  
Deshmukh, Shri Shivaji  
Rao S.  
Dhuleshwar Meena, Shri  
Dwivedi, Shri M.L.  
Dwivedy, Shri Surendranath  
Elayaperumal, Shri  
Gaitonde, Dr.

Gupta, Shri Shiv Charan	Parashar, Shri	Sahma, Shri, A.P.
Hanumanthaiya, Shri	Patel, Shri Chhotubhai	Sharma, Shri D.C.
Jain, Shri A.P.	Patel, Shri Man Singh P.	Shashi Ranjan, Shri
Jedhe, Shri	Palel, Shri N.N.	Shastri, Shri Lal Bahadur
Joshi, Shrimati Subhadra	Patel, Shri P.R.	Shastri, Shri Ramanand
Jyotishi, Shri J.P.	Patel, Shri Rajeshwar	Sheo Narain, Shri
Kajrolkar, Shri	Patej, Shri D.S.	Singh, Shri D.N.
Kanungo, Shri	Patil, Shri S.B.	Singh, Shri R.P.
Kedaria, Shri C.M.	Pillai, Shri Nataraja	Sinha, Shri Satya Narayan
Keishing, Shri Rishang	Prabhakar, Shri Naval	Singh, Shrimati Ramdulari
Kindar Lal, Shri	Pratap Singh, Shri	Sinha, Shrimati Tarkeshwari
Kisan Veer, S hri	Raghunath Singh, Shri	Sonavane, Shri
Lalit Sen, Shri	Raju, Dr. D.S.	Subbaraman, Shri
Lonikar, Shri	Ramaswamy, Shri S.V.	Sumat Prasad, Shri
Mahtab, Shri	Ramaswamy, Shri V.K.	Swamy, Shri M.P.
Malliah, Shri U.S.	Rananjai Singh Shri,	Tantia, Shri Rameshwar
Manan, Shri	Rane, Shri,	Thimmaiah, Shri
Mandal, Shri Yamuna Prasad	Rao, Shri Krishnamoorthy	Tiwary, Shri K.N.
Naniyangadan, Shri	Rao, Shri Muthyal	Tripathi, Shri Krishna Deo
Mehrotra, Shri Braj Bihari	Rao, Shri Thirumala	Tyagi, Shri
Melkote, Dr.	Reddiar, Shri	Uikey, Shri
Mirza, Shri Bakar Ali	Sahu, Shri Rameshwar	Upadhyaya, Shri Shiva Dutt
Morarka, Shri	Sanji Rupji, Shri	Varma, Shri M.L.
Mukae, Shri	Shah, Shri Manabendra	Varma, Shri Ravindra
Muthiah, Shri	Sham Nath, Shri	Verma, Shri Balgovind
Naidu, Shri V.G.	Shankaraiya, Shri	Vidyalankar, Shri A.N.
Naik, Shri D.J.		Yadab, Shri N.P.

**Mr. Speaker:** The result of the division is: Ayes 23; Noes 102.

*The motion was negatived.*

**Mr. Speaker:** Then, I will put the other amendments, except Government amendments that have been accepted, to the vote of the House.

*The amendments were put and negatived.*

**Mr. Speaker:** The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

#### **Clause 3.—(Definitions)**

**Amendments made:**

Page 2, for line 19 substitute—

'(d) "person" shall have the same meaning as in clause (31) of section 2 of the Income-tax Act;'. (80)

Page 2, line 22, add at the end "or annuity or pension". (81).

Page 2, omit lines 23 and 24. (82).

Page 2, line 28, for "or a Panchayat" substitute—

"or a Panchayat constituted by reorganisation of any of the aforesaid local authorities". (83).

Page 2, after line 29 insert—

'(h) "year" means the financial year.' (84).

—(Shrimati Tarkeshwari Sinha)

**Mr. Speaker:** The question is:

"That clause 3, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

#### **Clause 4.—(Requirement as to compulsory deposit)**

**Mr. Speaker:** There are many amendments. Hon. Members who wish to move their amendments may do so.

**Shri Tyagi:** My Chief Minister has agreed. Therefore I do not move my amendment No. 17.

**Mr. Speaker:** Amendment No. 26 is also not moved because Shri Tyagi feels satisfied with the assurance of the Chief Minister.



**Shri D. S. Patil:** I beg to move:

Page 2, line 38,—

omit "maximum". (109).

Page 3, line 1,—

for "maximum" substitute  
"minimum". (110).

**Shrimati Tarkeshwari Sinha:** I beg to move:

Page 3, for lines 2 to 5, substitute—

"(a) in the case of a person falling under clause (a) of section 2, fifty per cent of the land-revenue (including surcharge thereon, if any), payable in respect of the land or lands held by him in the year for which the deposit is required to be made.

Explanation:—In this clause 'year' means the year with reference to which land-revenue is payable under any law with respect to land-revenue." (85).

**Shri Ram Sewak Yadav:** I beg to move:

Page 3, after line 5, add—

"Provided that a tenant possessing less than seven acres of land shall be exempted from the payment towards the compulsory deposit." (20).

**Shri Kashi Ram Gupta:** I beg to move:

Page 3, after line 5, insert—

"Provided that this shall not apply to persons paying land-revenue of twenty-five rupees or below." (67).

**Shri Brij Raj Singh:** I beg to move:

Page 3, after line 5, insert—

"Provided that this clause shall apply to those agriculturists who are not in debt and against whom no decree of a civil court is standing". (112).

**Shrimati Tarkeshwari Sinha:** I beg to move:

Page 3, for lines 11 to 15, substitute—

"Provided that where the property is assessed to such tax not with reference to its annual rental value, the maximum rate of deposit under this clause shall be twelve and a half per cent. of such tax;" (86).

**Shri Ram Sewak Yadav:** I beg to move:

Page 3, after line 15, add—

"Provided further that the owner who owns one house or whose income from all sources including the rent of the house does not exceed one thousand two hundred rupees per annum, shall be exempted from the purview of this section". (23).

**Shrimati Tarkeshwari Sinha:** I beg to move:

Page 3, omit lines 22 to 25. (87).

**Shri Kashi Ram Gupta:** I beg to move:

Page 3, line 23,—

for "an amount equal to" substitute "half".

**Shrimati Tarkeshwari Sinha:** I beg to move:

Page 4, after line 29, insert—

"(5A) Where a person falling under clause (d) of section 2 pays in any year any sum,

- (i) to effect or to keep in force any insurance on the life of such person or on the life of (19 of 1925) the wife or husband of such person; or
- (ii) as a contribution to any provident fund to which the Provident Funds Act, 1925, applies to any "recognised provident fund" as defined in clause (38) of section 2 of the Income-tax Act; or
- (iii) in a ten-year account or a fifteen-year account under the Post Office Savings Bank (Cumulative Time Deposit) Rules, 1959, as amended from time to time,

he shall not be liable to make any compulsory deposit under this

section for that year if such sum is not less than eleven per cent of his annual income from salary.”; (88).

**Shri Kashi Ram Gupta:** I beg to move:

Page 4, line 33, *add* at the end—

“The person belonging to category referred to in clause (b) of that section shall also be liable to pay additionally, if he also belongs to clause (a) of that section”. (70).

**Shrimati Tarkeshwari Sinha:** I beg to move:

Page 4, line 35, *after* “four per cent. per annum” *insert*—

“to be calculated from the first day of the month immediately following the month in which the deposit is made to the last day of the month immediately preceding the month in which it is repaid (both days inclusive)”. (89).

Page 5, lines 2 and 3, for “in the event of the death of the depositor if the authority” *substitute* “in any case in which the authority”. (90).

**Shri Yogendra Jha:** I beg to move: Page 5, *after* line 11, *insert*—

“(10) Persons or a family liable to make such payment under clause (a) of section 2 may be exempted from making such payments/deposits in any particular year if in the opinion of the State Government concerned such persons or family are affected by flood, drought or fire”. (39).

**Mr. Speaker:** All the above amendments are now before the House.

**Shri A. P. Jain:** Mr. Speaker, Sir, we have already had some discussion about the validity of the Bill. Now, I propose to raise the question that clause 4 which is the pivotal clause of the Bill and which authorises the compulsory deposit, is *ultra vires* of

the Constitution and, therefore, it should not be enacted.

Before I come to the merits of the legal case, I want to make one submission to you. You, Sir, are the conscience keeper of the House which expects that when a vital question of legality or otherwise comes up you will give a proper guidance to the House. I remember of an event which happened about 25 years ago when I was steering the U.P. Tenancy Act in the U.P. Legislative Assembly. On one of the clauses the Speaker felt that it was *ultra vires*. He threw open the clause to the discussion. Later on, after the clause had been discussed, instead of leaving it to the House, he gave a ruling on it. I submit that all the legal questions are not to be decided by the House. But there might be extreme cases where they call for the ruling of the House. We are working under a written Constitution and supposing—I do not say that is going to happen—a Bill is brought into the House contravening the territorial jurisdiction, say, for imposing a levy in UK or, say, in Honolulu and if a Member of the House rises and says that the Bill is unconstitutional, a question like that should be decided by the Speaker, by his ruling in extreme cases only, not where it is a doubtful case. My submission is that this Bill comes within the definition of those Bills.

**Mr. Speaker:** The hon. Member presumes that only the Speaker is the conscience keeper of that and all Members have no conscience, that they will pass a law where the U.K. territories might be taken over. Every Member is as much responsible as the Speaker and he can think over it—really it is such a clear thing—whether he should bar it or not.

**Shri A. P. Jain:** There are marginal cases where I would not expect the Speaker to give the ruling. But there might be extreme cases where I expect that the Speaker should give the ruling. In this particular case, I want to establish that this is

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an extreme case and where I expect the Speaker to give the ruling.

Now, Sir, I understand—I was not present in the House—that it has been said by the Treasury Benches that it is not a taxation measure. The case of protecting his measure under article 19(f) and its exception 19(5) has also been practically given. Now refuge is sought under article 31. Article 31 deals with what in law is known as eminent domain. Eminent domain means the special power of the State to deprive an individual of his property against his will. One pertinent question that arises is: does the taking away of the cash come under the definition of 'eminent domain'? It is a very important question. On that there have been a number of rulings. There was one ruling in 1960 *Bombay Law Reporter*. Unfortunately, I could not get it. But I have got a still higher ruling, that of the Supreme Court given in 1952.

**श्री योगेन्द्र झा :** अध्यक्ष महोदय, श्रीन ए प्वाइंट ग्राफ आर्डर। अब जबकि बिल के क्लोज़ पर विचार चल रहा है तो क्या सम्पूर्ण बिल के ऊपर आपत्ति की जा सकती है।

**एक माननीय सदस्य :** क्लोज़ ४ की वैधानिकता पर बहस चल रही है।

**श्री योगेन्द्र झा :** मैं पूछना चाहता हूँ कि क्या उन का ऐसा कहना है कि क्लोज़ ४ अनकांस्टीट्यूशनल है।

**श्री अ० प्र० जैल :** सारा बिल अनकांस्टीट्यूशनल है और क्लोज़ ४ भी अनकांस्टीट्यूशनल है।

**अध्यक्ष महोदय :** इस वक्त तो क्लोज़ ४ चल रहा है और उन के लिए ब्रेक रह रहे हैं।

**Shri A. P. Jain:** In the case of the State of Bihar vs the Maharajadhiraja

Kameshwar Singh reported in the *Supreme Court Report*, 1952, page 943, two questions arose. They were: whether money, and chose in action, are all a part of eminent domain. That question was first answered by the Chief Justice, Mr. Patanjali Shastri. He said that so far as cash is concerned, there is a little doubt. So far as chose in action is concerned, it comes within the definition of 'eminent domain'. The learned lawyer, P. R. Das, had argued that the taking away of cash is tantamount to a forced loan and therefore, cash does not come under the definition of 'eminent domain'. If cash is to be taken away, either it must be by taxation or it must be by loan, a voluntary loan. Later on, a great and eminent Judge, no less a person than Justice Mahajan, has expressed a definite and categorical opinion upon it, that cash does not come under article 31. I will read out that portion:

"The learned Attorney General contended that the acquisition of arrears was an acquisition of choses in action and that the compensation paid for it was 50 per cent of the amount of arrears. I regret that I am unable to accept this suggestion. It is a well accepted proposition of law that property of individuals cannot be appropriated by the State under the power of compulsory acquisition for the mere purpose of adding to the revenues of the State".

This is the first contention. Here the object of the Finance Minister is to take away cash through compulsory deposit and add to the revenue. An eminent Judge of the Supreme Court has held in unequivocal terms that the principle of eminent domain cannot be applied for augmenting the revenue. This is my first contention.

Later on, it is said:

"The principle of compulsory acquisition of property (says

Cooley in Vol. II, page 113, *Constitutional Limitation*) is founded on the superior claim of the whole community over an individual citizen, but is applicable only in those cases where private property is wanted for public use or demanded by the public welfare, and that no instance is known in which it has been taken for the mere purpose of raising a revenue, by sale or otherwise and the exercise of such power is utterly destructive of individual right."

That is my second contention based on Cooley. Further:

"taking money under the right of eminent domain, when it must be compensated in money afterwards is nothing more or less than a forced loan. Money or that which in ordinary use passes as such and which the Government may reach by taxation, and also rights in action which can only be available when made to produce money, cannot be taken under this power."

That is applicable on all fours here. Here is money being taken to be paid back in the form of money.

Article 31 applies to immovable property. It is doubtful whether it applies to those in action. Certainly it does not apply to money. What the Finance Minister is trying to take away through clause 4 is cash which he proposes to pay back after a certain period.

Now, Sir, taxation has a long history. There was a time when absolute monarchs were at liberty to take away as much money or property as they liked and whenever they liked from the people. The only safety against arbitrary action was that he will not go too far lest there may be a revolt. The Magna Carta came and then the principle of no taxation without representation was accepted.

Then came the principle of no taxation except through the law. It has been the tradition all over the world, in England and elsewhere, in all the civilised countries that the laws of taxation must be very strictly construed. Unless the Treasury Benches are in a position to establish that a particular levy or tax or imposition comes under one of the specific powers laid down in the Constitution, it would be invalid. In this particular case, there is no doubt that it is not a taxation. It is a compulsory loan. The power of raising a loan is given under Chapter XII. Certainly the compulsory loan is nowhere provided for. The hon. Finance Minister gave the parallels of compulsory provident fund and compulsory insurance. These parallels are not good because compulsory insurance or provident fund are for the benefit of workers. They are not for the benefit of another person. They are by way of welfare schemes. There is no resemblance between the use of compulsion there and here. This is certainly not a legislation which is provided by law. The other day when the Law Minister tried to bring the deposits under clause 19(5) which deals with reasonable restriction. Sir, you will permit me to repeat the argument; sometimes it is necessary to repeat an argument. Restriction is the negation of a right or taking away of a right. There may be 100 types of property, 100 attributes of rights of ownership and user. You can take away one, you can take away two and you can take away all the 100 under the term restriction. Whether it is 'reasonable' or not is another question. I am not concerned with that. The clause, however, does not take my rights but it vests the right of user in the Government, that is it vests that right in another person. I am yet to understand by any lexicon or dictionary or logic how 'restriction' can give a positive right to the Government to use that money. They could as well say: "Mr. Jain, you have got Rs. 100 deposited in this bank: You will not be allowed to withdraw

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the money because you are going to misuse it." This might be a limitation. But Government cannot take away those Rs. 100 for any purpose; even for planning. I am all for planning and am all for defence. I want the country to make the greatest sacrifice both for planning and for the defence. But it should be in the manner provided by the Constitution. My humble submission is that the provisions of the Constitution are being expressly violated.

We have discussed this point on numerous occasions. Everytime we argued, I have taken part in it. But I should have got a reply to my argument by an argument. I beg of the Finance Minister to reply to this point. I am one of his friends, his colleagues. I have the highest respect for him. I submit that he is one of those persons who have brought about confidence in the market. He has done very nicely as Finance Minister. I am not perverse. I am not talking in a spirit of levity. I am talking with all sincerity. I want that this House should not be ridiculed. After all, you can pass this law but under our Constitution, there is the Supreme Court, and there are high courts. They may declare the law but under our Constitution, a hurry. Let us not be partial. Let us judge it patiently and unless it comes within the purview of the Constitution, we should not proceed with it. That is my humble submission to the Finance Minister.

I made a proposal that the Attorney-General may be requested to come here. My proposal was not acceptable to the hon. Finance Minister. Why did I make it? I am not much of a lawyer. I am a broken lawyer. The last time I appeared was about 15 years ago before the Federal Court, in the year 1949. After that I did not appear in any court. So, I am a broken lawyer. My knowledge of law is rusty. I wanted that a first-class advice must be given to this House. That is what the Constitution provides. After all, why does the

Constitution make a provision that the Attorney-General can come to the House and address it? He is our legal adviser, and although the House may not have the power to invite him here, he being an employee of the Government, he may come at the instance of the Government. I expect that courtesy from the Government—that they will call him. After all, why do we want him to be called? Not because he is going to serve any purpose of mine or is going to support my views. Possibly he will contradict my views, but let this House have a first-class advice, so that we may be able to apply our minds honestly. Why are we being deprived of that, I cannot understand. I appeal to you that even if the Government does not take the hint, you could issue a direction. If they do not accept—well, you are the Speaker of the House. I say you are the conscience-keeper of the House. You may issue an invitation to the Attorney-General to come here and give his good advice to us. If we find that I am wrong—

**Mr. Speaker:** Can he give me a direction where I can issue a direction?

**Shri A. P. Jain:** I am making a request to you. I can certainly request you.

**Mr. Speaker:** But it is for the Government.

**Shri A. P. Jain:** I said, "request". They can write to him. Even I can write to him. But you, Sir, is the highest dignitary in this House.

**Mr. Speaker:** Shri A. P. Jain will realise that it is for the Government to convince the House of the stand that they take and the advice of the Attorney-General is available to them. An appeal has been made by the hon. Member, and if the Government fees

that they require the advice to be given to the House so that they can carry the House with them, it is their business, he wrote to me also. But I do not find any precedents that I should ask that. I do not feel or find myself in any difficulty at all. Not that I am expressing any view or that I am of one view or the other. But if the House desires, then certainly it can ask the Government. He has made that request to the Government. If the Government feel that any further assistance has to be given now or that the Members ought to be convinced of the stand that the Government have taken, they might think over it. I cannot issue any direction.

**Shri A. P. Jain:** That is exactly my contention. Fortunately enough the proposal which was made to combine the offices of Attorney General and the Law Minister has been dropped. I think that is a great blessing that the independence of the Attorney General has been maintained. So, possibly he may come and he may not support the Government and he might support me. So, it may not be in their interests to call him. But this House has the right and I think it is the privilege of the House to have the advice of the Attorney General and his guidance. It is from that point of view that I am making a request. You cannot issue that direction. But certainly even I, as a ordinary Member of this House, as a very humble person, can just write a letter to the Attorney General that such and such important....

**Mr. Speaker:** He might have done that and he might have asked other Members also.

**Shri Shivaji Rao S. Deshmukh:** That can be only with the approval of the House.

**Shri A. P. Jain:** I wanted the request to be made through the highest dignitary, through the most privileged person, through the biggest officer of this House. That is why I did not

make that request myself. Mine may be disregarded, but I am sure yours will not be disregarded. At any rate, I would like to hear from the hon. Finance Minister the reason why he is shy of calling the Attorney General in the House. I think, if compelled, I may even have to argue the case before the Supreme Court. I may have to don the *choga*, which I think has been eaten by the moths. I may have to fight out a case, I will do it as a free service. But why does the Government fight shy of making an independent and expert advice available to this House? I pray to you, Sir; I pray to the Finance Minister and to his colleagues; unfortunately, the Prime Minister is not here; I would have prayed to him also that the Attorney General may be called, so that we may have a clear conscience. I feel guilty, in voting for this Bill. I may do it because of the discipline. But I want to vote for it as a free man, who can consciously vote for it. I can vote for it consciously only when I am convinced that my views are incorrect. That is possible only when I have the independent and expert advice of the Attorney General.

I am sorry if I have offended anybody, but I feel strongly about it and I have expressed myself freely.

**Shri Hari Vishnu Kamath:** In support of what Mr. Jain has said, may I invite you attention to article 88 of the Constitution about the Attorney General's right to address the House?

**Mr. Speaker:** We are to see it with the clause. He has argued that it is not constitutional and it is *ultra vires*. If any Member wants to argue on this constitutional validity as well as other things, I will give him an opportunity. Shri Bade.

**Shri Bade:** Sir, of course, my hon. friend, Mr. Jain, in all his humility has said that he has only rusty knowledge. But after hearing his arguments, I think he has good knowledge and he is well prepared. I would also

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request you to call the Attorney General, because we are completely in the dark, whether it is *ultra vires* or *intra vires*. We were not convinced by the arguments of the hon. Law Minister. It appears from the arguments of Mr. Jain that it is *ultra vires* of the Constitution.

My amendment is:

after line 5, insert—

“Provided that this clause shall apply to those agriculturists who are not indebted and against whom no decree of a civil court is standing.”

Of course, the Government brought an amendment for insertion of 7B (New) which says:

“Where the Central Government is of the opinion that it is necessary or expedient so to do, either in the public interest or having regard to the peculiar circumstances of the case, it may, by notification in the official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(a) exempt any person or class of persons from the operation of all or any of the provisions of this Act;”

That is, they have made certain provisions conscious of the fact that they are inflicting some hardship by bringing this clause and applying it to the agriculturists. My submission is, if there is sufficient indebtedness in the country, if the agriculturists are indebted and if they have got uneconomic holdings, they should all be exempted. If there are civil court decrees standing against them, they should be exempted from this provision. The rate of interest which is charged by the creditors is far more than 4 per cent. The Government is giving only 4 per cent, while the agriculturists pay even 25 per cent to the creditors. Therefore, by giving only

4 per cent they will not be benefited. My submission is that the Government may accept this provision that if the agriculturists are in debts and there are decrees standing against them, they should be exempted from this, and that is what my amendment seeks to do.

**Shri Tyagi:** Sir, I have only one suggestion to make. I need not repeat what I have already said about the constitutional point. My hon. friend Shri Jain has said it better and in an elaborate manner. I have only one request to make to the hon. Finance Minister. If at all ultimately this Bill becomes an Act and the cultivators, peasants and villagers have to make a contribution or loan or toll, whatever you may call it, he may kindly agree, not in the Bill itself but as a matter of policy he may announce, that this money so collected may essentially be spent in that very block or panchayat or village

**Some Hon. Members:** No, no.

**Shri Tyagi:** If at all it is collected, it may be spent like that. I am only making a suggestion.

**Shri A. P. Jain:** It does not change the position.

**Shri Shivaji Rao S. Deshmukh:** That won't make any change.

**Shri Tyagi:** I do not say that it will make it legal. Provided this Bill is legal and ultimately it is decided to have this, my only humble suggestion is that let that money, if collected legally, be spent in that very block so that the villager who contributes might also have a sense of satisfaction that the money he contributed is being used in his own village and he might see that the money has been usefully employed.

**Shri Hari Vishnu Kamath:** Mr. Speaker, may I, Sir, invite your attention to two articles of the Constitution, articles 76 and 78, wherein the Attorney-General figures? You will

be pleased to see that article 76 forms an integral part of Chapter I of Part V relating to the executive, and article 88 forms part of Chapter 11 of the same part relating to Parliament. So, Sir, the Attorney-General has got two kinds of functions to discharge: one is *vis-a-vis* the executive and the other is *vis-a-vis* the Parliament. And, you will be pleased to see that article 76 defines his functions or his duties of advice to the Government. Article 88 is in a different category. There his right to speak—please mark the word 'right'; it is categorical—is defined. His right to speak in, and otherwise take part in the proceedings of either House is admitted. A remarkable feature of this article is that the Attorney-General has been placed on a par with other Ministers, and this was, I believe, the provision of the Constitution under which the Prime Minister had an idea of combining the offices of the Law Minister and Attorney-General. Every Minister and the Attorney-General of India shall have the right to speak and otherwise take part in the proceedings of either House of Parliament.

Now, when my hon. friend, Shri Jain, raised this point, Sir, you said that you do not have the right to invite him, or direct him to appear. But, Sir, who has got that right? Nobody is specially empowered under this article—neither the Minister, nor the President, nor the Government is expressly empowered to invite the Attorney-General. Therefore, it follows as a necessary, shall I say, corollary or inference that, so far as Parliament is concerned—I am not referring to the Government here; Government is different from Parliament—so far as Parliament is concerned, so far as this House is concerned, you, Sir, are the supreme authority, enforced in the high chair under the canopy of that luminous Dharma Chakra, and I think,—I hope my hon. friends will agree with me—that you are the supreme authority in whom is vested this power to issue any invitation to the Attorney-General, when nothing is expressly provided for. If

it is specifically provided that the President can direct him to appear, or invite him to appear, then it is different, but when nothing is provided there....

**Mr. Speaker:** Does the Speaker issue invitation to any person to attend the House?

**Shri Hari Vishnu Kamath:** On behalf of the House.

**Mr. Speaker:** He does not invite even on behalf of the House.

**Shri Bade:** The House of Commons in England has the power to call him.

**Shri Hari Vishnu Kamath:** Then the article says about committee:

"...any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote."

The only restriction is that he is not entitled to vote. So, I think there is no bar under the Constitution. Even though there may not be a categorical provision to empower you, there is no bar either, under the Constitution, preventing you from inviting the Attorney-General to address the House. Later on, whatever the advice given by him may be and whatever may happen to his advice, is another matter. But, Sir, I would again plead with you and strongly urge you that you are the supreme authority—I would not say the conscience-keeper—and the custodian of the rights of the House. If the House can invite him, who will invite him on behalf of the House? Sir, it is you. This article shows that the House can invite him, that the House has got the right to invite him to address themselves. Then, in whom shall that authority vest?

18 hrs.

**Mr. Speaker:** It is not put there that the House can invite him.

**Shri Hari Vishnu Kamath:** Then, would he appear *suo motu*?

**Mr. Speaker:** He has been given the right to address the House.



**Shri Hari Vishnu Kamath:** Sir, will you please enlighten us on this point?

**Mr. Speaker:** Whenever the Government thinks it necessary just to take his opinion, or make it available to the members, in order to have their case explained before the House, it is the duty of the Government to request him to address the House. Government should do that.

**Shri Hari Vishnu Kamath:** That is under article 76.

**Mr. Speaker:** Article 88 also only says:

“Every Minister and the Attorney-General of India shall have the right to speak in....”

Of course, nobody denies that. He has the right to speak.

**Shri Hari Vishnu Kamath:** Then? who will invite him? Can he appear *suo motu*?

**Mr. Speaker:** Yes, he can appear *suo motu*.

**Shri Hari Vishnu Kamath:** Then, certainly, Sir, you, as the Supreme dignitary here, has got the right to invite him on behalf of the House. So, Sir, on behalf of the House, we make a unanimous request that you should invite him.

**Mr. Speaker:** Let him argue his point.

**Shri Hari Vishnu Kamath:** Therefore in support of my hon. friend, Shri Jain, I would again urge upon you to invite him to address this House, at some convenient hour tomorrow, on this question.

**Shri Shivaji Rao S. Deshmukh:** Mr. Speaker, after carefully listening to what Shri Jain has said on the constitutional validity of the Bill under discussion, and particularly this provision, which now forms the subject-matter of the discussion, I also honestly and sincerely feel that this

particular provision is *ultra vires* of the Constitution and, therefore, I feel, this House will have to give careful consideration to the line of argument which Shri Jain has advanced. Sir, Government have been explicit in specifically stating that this is not a taxation measure, and once Government take this position that the compulsory deposit scheme is not a taxation measure, they cannot go back and then argue that the money that will be collected on the basis of the compulsory deposit scheme will be further appropriated towards the payment of taxes, because this in effect means that this House wants to legislate, not only for past taxation, not only for current taxation but also for future taxation. So, in effect, Sir, this will mean that Parliament is empowered to enact on the basis of legal fiction. We are thinking of a situation which may or may not exist and every law for its sheer merit of being capable of execution and interpretation should be based on the existence of concrete facts.

Parliament cannot appropriate to itself the authority of taxation for the States. It has been specifically stated that the compulsory deposits that will accrue on the basis of land revenue assessment will be made use of by the States concerned. The States are further empowered to make use of these deposits towards the payment of future land revenue. Can this House take this position that the States will be compelled to have land revenue legislation? Suppose, tomorrow the State of Maharashtra enacts a legislation saying that land revenue should be done away with. Then, what happens if we incorporate in a Bill that the amount of compulsory deposit that will be collected in the State of Maharashtra should be appropriated towards the payment of land revenue in future?

Similarly, from people who pay professional tax which is due to the local authorities certain deposits will be collected.

**The Minister of Finance (Shri Morarji Desai):** That is no longer there.

**Shri Shivaji Rao S. Deshmukh:** Professional tax may not be there but we are going to collect certain deposits with the help of local authorities. Local authorities have been empowered to adjust these deposits towards the payment of local taxes. So, the question arises whether Parliament will be empowered to enact any law enabling local authorities to appropriate the amount of deposits collected on the strength of this Bill towards their future taxation.

So, I think in all humility in spite of and over and above the position of Government that this Bill is not a taxation measure in effect it proposes to have the same effect on the holding of property so far as cash transactions are concerned and, therefore, in effect, though not in law or words, this Bill amounts not only to taxation but to future taxation. I think, legislatures are not empowered to enact for future taxation depending upon future contingencies in fields which are specifically and constitutionally reserved for State legislatures or certain other forums.

Therefore Shri Jain's request to call for the audience of the Attorney-General is very pertinent. The Constitution specifically provides for and confers the right of audience on the Attorney-General. How that right is to be exercised is the only question before the House. It is not merely that Government can compel the Attorney-General to appear before this House and enforce his right of audience, it is not merely that through the agency of the executive alone the Attorney-General can appear before the House, but he can also be summoned by the House.

**Mr. Speaker:** Who is to summon? That was the only question that I was asking?

**Shri Shivaji Rao S. Deshmukh:** This House in its collective capacity can summon the Attorney-General through the Chair and thus help him to exercise his constitutional right. If what you were pleased to remark were brought into existence the negative aspect of this would be whether Parliament in spite of its supreme or sovereign authority would be empowered to deny the Attorney-General the right of audience if the executive fails to procure his attendance. It is only a procedural matter, namely, whether the Attorney-General should appear at the request of the Government or of this House. Ordinarily this House is empowered to summon every citizen of India to explain his conduct in relation to privilege; similarly, I do not suppose that there is any constitutional limitation on the authority of the House to summon the Attorney-General.

**Shri A. P. Jain:** On a point of order, Sir.

**Mr. Speaker:** At this hour? To the effect that we cannot adjourn? I was just going to adjourn the House.

**Shri A. P. Jain:** Then I will raise it tomorrow.

**Mr. Speaker:** Can we take it up tomorrow at 5 o'clock?

**Shri Morarji Desai:** Yes; I have no objection.

**Mr. Speaker:** Then we adjourn now to meet again tomorrow at 11 o'clock.

18.07 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, April 26, 1963/Vaisakha 6, 1885 (Saka).*