

Mr. Speaker: Now that I have allowed it, he will suffer it to go through. I have allowed it.

Shri Bade (Khargone): Sir, I want to speak on this Appropriation Bill for only two minutes. I want to seek an assurance from the Government.

Mr. Speaker: He ought to have given notice to me in advance.

Shri Bade: Sir, my submission is this. Yesterday, I pointed out some mistakes which were detected by the Auditor-General, that the amounts for expenses on tours were surrendered at the end of the year. The same mistake is repeated every year. The Auditor-General has said that this mistake should not happen every year. I want an assurance from the Government in this respect. Having such an efficient staff with the Government, why should such mistakes occur every year? I want an assurance, when we are passing the Appropriation Bill, that such mistakes will not happen in future (*Interruption*).

Mr. Speaker: Does the Minister want to say anything?

Shri Morarji Desai: Sir, I can never make a promise which I cannot carry out. I cannot say that nobody will make a mistake. How can I say that? All that I can say is that due care and caution will be taken.

Mr. Speaker: All efforts should be made.

Shri Morarji Desai: That is all what I can say.

Mr. Speaker: The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1961, in excess of the amounts granted for those

services and for that year, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take up clause by clause consideration. The question is:

"That clauses 2, 3, 1, the Schedule, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clauses 2, 3, 1, the Schedule the Enacting Formula and the Title were added to the Bill.

Shri Morarji Desai: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

12.36 hrs.

COMPULSORY DEPOSIT SCHEME
BILL—contd.

Mr. Speaker: The House will now take up further clause by clause consideration of the Bill to provide in the interest of national economic development . . .

Shri S. M. Banerjee (Kanpur): May I submit . . .

Mr. Speaker: Am I not to be allowed to put it before the House?

Shri Daji: Sir, I have only one submission to make. Yesterday, Government was pleased to lay on the Table a part of the report of the Attorney-General and the other legal adviser appointed to go into the matter. As the discussion in coming up very soon, on the 4th May, and as it is very difficult to discuss the subject without going through the report, may I request you to see that it is circulated to Members?

Mr. Speaker: I would request hon. Members to consider this point. When I read half of a sentence, they stood up in the middle . . .

Shri Daji (Indore): Because we could not catch your eye.

Mr. Speaker: I should have been permitted at least to finish that sentence. Anyhow, I will find out if it is possible.

Now, we will take up further consideration of the Bill to provide in the interest of national economic development for compulsory deposit and for the framing of a scheme in relation thereto. Three hours were allotted for this Bill. We have already spent ten hours on that.

Shri Prabhat Kar (Hooghly): Out of ten hours, most of the time was by our sitting beyond 5 o'clock.

Mr. Speaker: Perhaps, we will now be just business-like. We were discussing clause 4. I will call the Minister to reply now.

Shri Hari Vishnu Kamath (Hoshangabad): I will make a request in this connection. Sir, we are all grateful to you for the adroit and skilful manner in which you upheld . . .

Mr. Speaker: I have always to interfere and interrupt him that I do not want him to give me so many compliments which I do not deserve.

Shri Hari Vishnu Kamath: It is not a compliment; it is a statement of fact.

Mr. Speaker: I will most humbly request him not to use . . .

Shri Hari Vishnu Kamath: Sir, it is awkward for us to withdraw what we have said.

Mr. Speaker: If he does not withdraw it, then I will have to get it expunged.

Shri Hari Vishnu Kamath: Sir, it is against all parliamentary traditions, decorum and decency. We are all grateful to you for the adroit and skilful manner in which you upheld the supremacy and sovereignty of the House in the matter of calling the

Attorney-General to the House in this connection, and I hope that the salutary precedent set up in the Third Lok Sabha will have very healthy repercussions for the future also. But the House, I am sure, will be glad to know, from the Finance Minister why it was that he put up such stiff resistance to this proposal last week and whether he still thinks that he has done something wrong in calling the Attorney-General.

Mr. Speaker: Order, order, Shri Kamath should not raise it now. Why should he raise it, when the Government agreed to it? The Attorney-General came here and gave his opinion. We have got all the facts now. So, now to go into the question why in the beginning he was not prepared to call him is not necessary.

Shri Hari Vishnu Kamath: It would have looked decent and graceful if they had done it without resistance.

Mr. Speaker: Order, order. Now the Finance Minister.

The Minister of Finance (Shri Morarji Desai): May I say that since the questions on the legal points have now been replied to, I need not add anything further to what the Attorney-General has said and the clarifications made by him? The remaining question is about shopkeepers and salaried people, in whose case it is argued that we should raise the limit from Rs. 1,500 to a higher figure.

Shri Ranga (Chittoor): What about peasants?

Shri Morarji Desai: The peasants also. We have taken powers under another clause which is going to come, namely, clause 7B, in which we have said that we are taking powers to exempt any person where it is necessary to do so. But I am not going to raise the limit of Rs. 5 of land revenue as it is. I am very sorry. If I cannot do it, I cannot do it. It does not fit in with the scheme of the Bill

[Shri Morarji Desai]

and the legislation that is proposed here.

The same thing holds good about the limit of Rs. 1,500. I have explained this at great length even before. I do not think therefore that any useful purpose will be served by my repeating the argument.

I oppose the amendments except the Government amendment.

Shri Tridib Kumar Chaudhuri (Berhampur): I only wanted to ask before the hon. Finance Minister rose as to what time you are allowing for the discussion of this Bill and when the other item will be taken up.

Mr. Speaker: We might take half an hour over this. Now, I am putting first the Government amendments to the vote of the House.

The question is:

(i) 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).

(ii) 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;”.

(iii) Page 3 omit lines 22 to 25.

(iv) 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 the wife or husband of such person; or

(ii) as a contribution to any provident fund to which the Provident Funds Act, 1925, applies or 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.”;

(v) 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)”.

(vi) 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”.

The motion was adopted.

Mr. Speaker: Now I shall put the other amendments moved by hon. Members to the vote of the House?

Shri S. M. Banerjee: Is he going to accept any of them?

Mr. Speaker: He has said "No".

The amendments were put and negatived.

Mr. Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

I hope Mr. Tyagi is ready now. I am going to call the Division. He always wants some interval between the two. . . (Interruption).

Shri Tyagi (Dehra Dun): Sir, . . .

Shri Surendranath Dwivedy (Kendrapara): You were warned and still this has happened.

The Lok Sabha Divided.

Shri Tyagi: I am sorry, Sir. Today actually there is some defect in the

machine. I would like to try it once again. My fingers. . . (Interruption).

Mr. Speaker: Now, he wants to vote for 'Ayes'.

Shri Tyagi: 'Ayes' of course.

Shri A. P. Jain (Tunkur): Sir, I would object to his vote being recorded for 'Ayes' because he was warned before hand and yet he could not do it.

Mr. Speaker: He says, there is some defect in the machine.

Shrimati Shashnak Manjari (Palamau): My vote has not been recorded. I am for 'Noes'.

Mr. Speaker: All right. One vote is to be added to 'Noes'. Any other mistake?

Shri Ranjit Singh (Sangrur): I am for 'Ayes'.

Mr. Speaker: All right.

Division No. 25]

AYES

[12.47 hrs.

Abdul Rashid, Bakhshi
Alva, Shri A. S.
Alva, Shri Joschim
Anjanappa, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri
Banerjee, Dr. R.
Barkataki, Shrimati Renuka
Barupal, Shri P. L.
Basumatari, Shri
Bhargava, Shri M. B.
Bhattacharyya, Shri C. K.
Bist Shri J. B. S.
Borooh, Shri P. C.
Brahm Prakash, Shri
Brajeshwar Prasad, Shri
Chakraverti, Shri P. R.
Chanda, Shrimati Jyotana
Chattar Singh, Shri
Chaturvedi, Shri S. N.
Chaudhury, Shri C. L.
Chaudhuri, Shri Sachindra
Chaudhuri, Shrimati Kamala
Chavda, Shrimati
Chettiar, Shri Ramanathan
Chuni Lal Shri
Das, Shri N. T.

Das, Shri Sudhanu
Dasappa, Shri
Dass, Shri G.
Dessai, Shri Morarji
Deshmukh, Shri B. D.
Dhaon, Shri
Dighe, Shri
Dubey, Shri R. G.
Dwivedi, Shri M. L.
Firodia, Shri
Gackwad, Shri Fatehsinhrao
Gahmar, Shri
Gaitonde, Dr.
Ganapati Ram, Shri
Goni, Shri Abdul Ghani
Guha, Shri A. C.
Gupta, Shri Shiv Charan
Hajarnavi, Shri
Hanada, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Himatsingka, Shri
Iqbal Singh, Shri
Jain, Shri A. P.
Jamunadevi, Shrimati
Jedhe, Shri
Jyotsni, Shri J. P.
Kadadi, Shri

Kappen, Shri
Karuthiruman, Shri
Kedaria, Shri C. M.
Khadilkar, Shri
Khanna, Shri Mehr Chand
Kindar Lal, Shri
Kisan Veer, Shri
Kripa Shankar, Shri
Krishna, Shri M. R.
Krishnamachari, Shri T. T.
Kureel, Shri B. N.
Lakhan Das, Shri
Lalit Sen, Shri
Laskar, Shri N. R.
Mahadeo Prasad, Shri
Mahtab, Shri
Mahishi, Shrimati Sarojini
Mallick, Shri
Mansan, Shri
Mandal, Dr. P.
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Mantri, Shri
Mehdi, Shri S. A.
Mehrotra, Shri Braj Bihari
Melkote, Dr.
Mengi, Shri Gopal Datt
Menon, Shri Krishna
Mirza, Shri Bakar Ali

Mishra Shri Bibhuti
 Mishra, Shri Bibudhendra
 Mishra, Shri M. P.
 Mohiuddin, Shri
 Morarka, Shri
 More, Shri K. L.
 More, Shri S. S.
 Mukane, Shri
 Musafir, Shri G. S.
 Muthiah, Shri
 Naidu, Shri V. G.
 Naik, Shri Maheshwar
 Nanda, Shri
 Naskar, Shri P. S.
 Nayak, Shri Mohan
 Nehru, Shri Jawaharlal
 Niranjana Lal, Shri
 Pandey, Shri R. S.
 Pandey, Shri Vishwa Nath
 Panna Lal, Shri
 Pant, Shri K. C.
 Paramasivan, Shri
 Patel, Shri Chhotubhai
 Patel, Shri Man Singh P.
 Patel, Shri N. N.
 Patel, Shri P. R.
 Patel, Shri Rajeshwar
 Patil, Shri D. S.
 Patil, Shri S. K.
 Pattabhi Raman, Shri C. R.
 Pillai, Shri Nataraja
 Prabhakar, Shri Naval
 Puri, Shri D. D
 Raghuramaiah, Shri

Rai, Shrimati Sahodrabai
 Raja Shri G. R.
 Ram, Shri T.
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Ramakrishnan, Shri P. R.
 Ramdhani D 195, ri
 Rananjai, Shri Shri
 Rane, Shri
 Ranga Rao, Shri
 Ranjit Singh,
 Rao, Shri Jaganatha
 Rao, Shri Krishnamoorthy
 Rao, Shri Muthyal
 Rao, Shri Rameshwar
 Rao, Shri Thirumala
 Raut, Shri Bhola
 Ray, Shrimati, Renuka
 Reddiar, Shri
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saigal, Shri A. S.
 Samanta, Shri S. C.
 Sanji, Ruppji, Shri
 Sen, Shri P. G.
 Shah, Shri Manabendra
 Shankaraiya, Shri
 Sharma, Shri A. P.
 Sharma, Shri K. C.
 Shashi Ranjan, Shri
 Shastri, Shri Lal Bahadur
 Sheo Narain, Shri
 Shinde, Shri

Shree Narayan Das, Shri
 Singh, Shri D. N.
 Singh, Shri R. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Sinhasan Singh Shri
 Sonavane, Shri
 Subbaraman, Shri
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Surendra Pal Singh, Shri
 Swamy Shri M. P
 Tahir, Shri Mohammad
 Tantia, Shri Rameshwar
 Thimmaiah, Shri
 Thomas, Shri A. M.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tripathi, Shri Krishna Deo
 Tula Ram, Shri
 Tyagi, Shri
 Ukey, Shri
 Upadhaya Shri Shiva Dutt
 Vaishya, Shri M. B.
 Varma, Shri Ravindra
 Veerappa, Shri
 Venkatasubbiah, Shri P.
 Verma, Shri Balgovind
 Verma, Shri K. K.
 Wadiwa, Shri
 Yadav, Shri Ram Harkh

NOES

Bade, Shri
 Banerjee, Shri S. M.
 Berwa Kotah, Shri
 Chakravartty, Shrimati Renu
 Daji, Shri
 Dharamalingam Shri
 Dwivedy, Shri Surendranath
 Ghosh, Shri P. K.
 Gokaran Prasad, Shri
 Gopalan, Shri A. K.
 Gupta, Shri Kanshi Ram
 Gupta, Shri Priya
 Himmatnaji, Shri
 Imbichibava, Shri

Ismail S
 Kamath, Shri Hari Vishnu
 Kapur Singh, Shri
 Kar, Shri Prabhat
 Krishnapal Singh, Shri
 Kunhan, Shri P.
 Misra, Dr. U.
 Mukerjee Shri H. N.
 Nair, Shri Vasudevan
 Nath Pai, Shri
 Raghavan, Shri A. V.
 Ram Singh, Shri
 Ranga, Shri

Reddy, Shri Narasimha
 Reddy, Shri Yallamanda
 Sezhiyan, Shri
 Shashank, Manjari, Shrimati
 Singh, Shri J. B.
 Singha, Shri Y. N.
 Soy, Shri H. C.
 Swamy, Shri Sivamurthi
 Trivedi, Shri U. M.
 Utiya, Shri
 Vimla Devi, Shrimati
 Warior, Shri
 Yashpal Singh, Shri

Mr. Speaker: The result of the Division is: Ayes 188; Noes 40 The 'Ayes' have it.

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5.— (Compulsory Deposit Scheme)

Amendment made.

(i) Page 5, line 25, *add at the end—*

“or by whom penalties for failure to make deposits may be levied” (91)

(ii) Page 5, *after line 34 insert—*

“(gg) the exemptions, if any, to be granted in exercise of the

powers under section 7B;

(ggg) the delegation of powers in pursuance of section 7C"; (92)

(iii) Page 5, after line 39 insert—

"(3) A scheme framed under this section may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in the scheme.

(4) Any scheme framed under this section shall have effect notwithstanding anything contained in any law for the time being in force, other than this Act, or in any instrument having effect by virtue of any law other than this Act."

Mr. Speaker: The question is:

"That clause 5, as amended stand part of the Bill."

The motion was adopted.

Clause 5 as amended was added to the Bill.

Clauses 6 and 7 were added to the Bill. New Clauses 7A, 7B and 7C.

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): I beg to move:

Page 6, after line 4, insert—

7A. "Power to suspend, reduce or remit the amount of compulsory deposit.—Where the State Government has suspended payment of land revenue, or reduced or remitted the amount of land-revenue, payable in any year in respect of any land, then, the Central Government may, by order, suspend payment of the compulsory deposit, or reduce or remit the amount of such deposit payable in that year under sec-

tion 4 by a person falling under clause (a) of section 2.

7B. *Power to exempt.*—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 any 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; and
- (b) cancel any such notification and again subject by a like notification, the person or class of persons to the operation of such provisions.

7C. *Power to delegate.*—The Central Government may, by notification in the Official Gazette, direct that any power which may be exercised by it under this Act, other than the power under section 5 or the power under this section, shall, subject to such restrictions and conditions, if any, as it may specify in the notification, be exercised also by—

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to a State Government, or
- (c) such other officer or authority, as may be specified in the notification." (94)

These provisions have already been amply explained.

Mr. Speaker: The question is:

Page 6, after line 4, insert—

7A. *Power to suspend, reduce or remit the amount of compulsory deposit.*—Where the State Government has suspended payment of land revenue, or reduced, or remitted the amount of land-revenue, payable in any year in respect of any land, then, the Central Government may, by order, suspend payment of the compulsory deposit, or reduce or remit the amount of such deposit, payable in that year under section 4 by a person falling under clause (a) of section 2.

7B. *Power to exempt.*—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 any 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; and
- (b) cancel any such notification and again subject by a like notification, the person or class of persons to the operation of such provisions.

7C. *Power to delegate.*—The Central Government may, by notification in the Official Gazette, direct that any power which may be exercised by it under this Act, other than the power under section 5 or the power under this section, shall, subject to such restrictions and condition, and conditions, if any, as it may specify in the notification, be exercised also by—

- (a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to a State Government, or

(c) Such other officer or authority, as may be specified in the notification." (94)

The motion was adopted.

Mr. Speaker: The question is:

"That new clauses 7A, 7B and 7C be added to the Bill."

The motion was adopted.

New Clauses 7A, 7B and 7C were added to the Bill.

Clause 8 was added to the Bill.

Clause 9—(Penalty for failure to make deposit).

Shrimati Tarkeshwari Sinha: I beg to move:

Page 6, line 15,—

for "an amount equal to" substitute "an amount not exceeding". (95)

Page 6, lines 20 and 21,—

for "any company or other corporation referred to in clause (d) of section 2" substitute "any person". (96).

Page 6, line 24,—

for "that company or other corporation" substitute "that person". (97).

Shri Bade: I beg to move:

Page 6, line 16,—

add at the end—

"and this amount of fine will be added to the amount of deposit". (115).

Page 6, line 19,—
add at the end—

"and if sufficient cause is shown the default will be condoned" (116).

I move these amendments simply for this reason. Clause 9 dealing with penalty for failure to make deposit, says:

"If any person who is liable to make a deposit under this Act fails to make the same within the time specified therefor, he shall be liable to pay by way of penalty an amount equal to the amount of deposit which he is liable to make."

I have moved an amendment that this amount of fine will be added to the amount of deposit. Because, this is not a Bill which penalises the cultivators. If he fails, the amount which is taken from him as penalty should be given to him after five years as if it is a deposit from him.

There is another amendment. It is said here:

"Provided that before levying any such penalty such person shall be given a reasonable opportunity of being heard in respect of the same."

I have added:

"and if sufficient cause is shown the default will be condoned."

There is no provision in this. Suppose there is an enquiry and the officer comes to the conclusion that there was sufficient cause. What is that officer to do: whether he should condone or he should only enquire into the matter and leave the matter as it is. Therefore, there is a lacuna. I pray that the hon. Finance Minister should take into account at least this provision, that if sufficient cause is shown, the default of the cultivator will be condoned. That should be amended here. Therefore, I have moved these two amendments.

Shri Ranga: I think it is a very reasonable amendment, because, after all, the peasants have not got much to save. They are already in debt. In spite of it, if in the national interest the hon. Finance Minister wants to insist upon this payment, by compulsory deposit, and if by any chance, they are not able to pay, they are sought to be penalised. The penal clause ought not to be there at all. Since it is going to be there, it is much better that the suggestion made by my hon. friend is accepted by the hon. Finance Minister. The other amendments follow as a consequence from this. If the penalty is not to be treated as a punishment, it should be added to it. Notice should be given and reasonable opportunity should be given to them to show why this penalty should not be levied. I would request the hon. Finance Minister to accept the amendment.

Shri Kashi Ram Gupta (Alwar): I request that the penalty be reduced to a half. Instead of 100 per cent, it should be 50 per cent. I request that the hon. Finance Minister may accept this.

Mr. Speaker: He has not moved any amendment.

Shri Kashi Ram Gupta: I have moved.

Mr. Speaker: Which Number?

Shri Kashi Ram Gupta: No. 71. I moved:

Page 6, line 15,—

after "an amount equal to" insert "half". (71)

Mr. Speaker: All right.

Shri Kashi Ram Gupta: After all, a compulsory deposit should not be the way to penalise the people like anything. The penalty should in no case go beyond 50 per cent.

Shri Morarji Desai: I can accept reduction to a half. I cannot accept the other amendments, because, then, it does not remain a penalty. It goes against the scheme.

Mr. Speaker: Amendment No. 71 is accepted?

Shri Morarji Desai: I am accepting reduction to a half. There is no question of accepting the other amendments where it is said, after explanation is given, if sufficient cause is shown, that goes out. That is not necessary.

Mr. Speaker: The question is:

Page 6, line 15,—

after "an amount equal to" insert "half". (71)

The motion was adopted.

Mr. Speaker: The question is:

(i) Page 6, line 16,—

add at the end—

"and this amount of fine will be added to the amount of deposit" (115)

(ii) Page 6, line 19,—

add at the end—

"and if sufficient cause is shown the default will be condoned". (116)

The motion was negatived.

Mr. Speaker: The question is:

(i) Page 6, line 15,—

for "an amount equal to" substitute

"an amount not exceeding". (95).

(ii) Page 6, lines 20 and 21,—

for 'any company or other corporation referred to in clause (d) of section 2, substitute "any person".

(iii) Page 6, line 24,—

for "that company or other corporation" substitute "that person".

The motion was adopted.

Mr. Speaker: The question is:

"That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clauses 10 and 11 were added to the Bill.

New clause 11A

Shrimati Tarkeshwari Sinha: I beg to move:

Page 6, after line 39, insert—

11A. "Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act or of any scheme framed thereunder, the Central Government may, by order, as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty." (98)

This new clause 11A proposed to be inserted under this amendment enables the Central Government to issue Removal of Difficulties Orders to carry out the intentions of the Act wherever it may be expedient to do so.

Mr. Speaker: The question is:

Page 6, after line 39, insert—

11A. "Power to remove difficulties.—If any difficulty arisen in giving effect to the provisions of this Act or of any scheme framed thereunder, the Central Government may, by order, as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty." (98)

The motion was adopted.

Mr. Speaker: The question is:

"That new clause 11A be added to the Bill."

The motion was adopted.

New Clause 11A was added to the Bill.

Clause 12 was added to the Bill.

Clause 1.—(Short title, extent and commencement)

Shri P. R. Patel: There is one amendment. I beg to move:

Page 1, line 5, add at the end—

"and shall stand repealed one year after the Proclamation of Emergency is withdrawn". (32)

The Finance Minister has been pleased to make a statement. In para 4 of the statement, he has stated like this:

"I now turn to the Compulsory Deposit Bill and Super-Profits tax Bill. Both these Bills interject ideas which are admittedly unorthodox. In dealing with the challenge posed by the Emergency at a time when our resources were already heavily committed to development, I felt the need to depart from conventional methods of increasing savings and taxing the corporate sector.

Then, he has stated, in that very para:

"How long these proposals will remain as a part of the law of the land and in what shape, are clearly not matters on which I, or the Government, or this House, need form any judgement at this stage."

In moving this amendment, I want to say this. We want money to meet our emergency, to meet our expenses. When the emergency is over, I feel that the present Bill, even if it becomes law, should not be continued. So, I have moved this amendment

and I hope the Finance Minister will accept it.

Shri Morarji Desai: I am very sorry, for the reasons I have already stated, I cannot accept this amendment. I have not called it an emergency measure.

Mr. Speaker: Does he withdraw the amendment?

Shri P. R. Patel: I withdraw.

The amendment was, by leave, withdrawn.

Mr. Speaker: 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.

Shri Morarji Desai: I beg to move:

"That the Bill, as amended, be passed".

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed".

13 hrs.

Shri Ranga: I am sorry I have to voice my protest against this Bill, and I am not at all in favour of it, especially because it is likely to hurt the interests of the people who are already heavily indebted, namely the peasants, the lower middle classes, and the middle classes, including the salaried employees with low income. I am sorry that we have not been able to persuade the Finance Minister and the Government to deal with the peasants at least in the same way as they have dealt with the other classes of people. This Bill is a standing

[Shri Ranga]

monument of discrimination against peasants, and, therefore, I am not able to accept this Bill.

But, at the same time, I would like to congratulate my hon. friend the Finance Minister for having displayed a democratic spirit and the way in which he was ready to change, as we always must be ready to change, his opinion in regard to the stand that he or anybody else would be taking at one time even in the course of the passage of any particular Bill. He has shown a sense of statesmanship by his readiness to change his own attitude in regard to this particular problem that we placed before him namely that the Attorney-General should be invited to this House. Therefore, I am glad that he has accommodated himself to the democratic spirit, and I congratulate him on that.

Shri Prabhat Kar: So far as the scheme of the Bill was concerned, generally we had lent our support before and we had wanted certain modifications in respect of the lower income groups, but we are sorry that all the amendments that we have moved in respect of the lower income groups, either the peasantry or the salaried employees or the shopkeepers etc., have not been accepted by Government.

Yesterday, when the question of the legality or the competence of this Parliament was being taken into consideration, and when the Attorney-General was present here to clarify the point, Shri Tyagi referred to a similar measure that had been adopted at the instance of Keynes, during the war economy of England. But one thing is forgotten that that country had full employment, and the wage structure was also higher. But today, as a result of the imposition of new taxes, the application of the compulsory deposit scheme to the lower income groups will be repressive and oppressive. That was why we wanted certain modifications. But I am sorry that these have not been

accepted, although Government have moved an amendment seeking to insert a new clause 7B, which has just been adopted, under which Government have taken certain powers whereby at any time, on a representation being received, they exempt such classes of persons or individuals as they may think fit. But, looking at the way the things have been done and the way the discussions have gone on from every section of the House, including the Congress Party and other parties, we find that in spite of the repeated request and appeal to the Finance Minister, he has not accepted these modifications. Therefore, we cannot lend our support to the Bill as it is going to be passed today.

Shri S. M. Banerjee: I am really sorry that despite the best efforts of the hon. Finance Minister to uphold the democratic traditions of this country by bringing the Attorney-General to this House and trying to convince us, there are certain other aspects of this Bill which have not been taken into consideration. As has already been stated by me, in this House, the middle class employees belonging to the Central Government employment or other employment, and especially that section of the peasantry which is already indebted, would be hard-hit after the passing of this Bill. Of course, as a result of this compulsory deposit scheme, Government may get some money, but I have no hesitation in saying that this compulsory deposit scheme will be at the cost of the impoverishment and starvation of the common people. I am sorry that no notice has been taken of this fact by the Finance Minister, though he knows full well that there is indebtedness to the tune of Rs. 100 in the middle class families, and especially among those members of the peasantry who are having uneconomic holdings. So, I am really sorry that the spirit of our submissions has not been taken into consideration, and the Finance Minister has simply considered

only one aspect namely that the country wants money. Surely, the country should have money. But he has not considered the other aspects of the matter.

I am really sorry, that though with all his eloquence he wanted to convince us, I cannot possibly lend my wholehearted support which otherwise I wanted to give. I would have lent my wholehearted support for this measure had he specified some exemption limit so that the poor employees who are already hard-hit may not face starvation.

Shri Kashi Ram Gupta: The basis fixed in regard to the salaried employees and also the shopkeepers is totally unjustified, and in spite of our definite request made from time to time, the hon. Minister has not been able to convince us on this point. I would say again that the basis that he has fixed is totally wrong and totally unscientific. Also, in regard to the cultivators, the basis is totally unscientific.

Hence, I oppose the Bill.

श्री दे० शि० पाटिल (यवतमाल) : अध्यक्ष महोदय, यह बिल जो कि एक्ट बनने जा रहा है, यह कम्पलसरी सेविंग स्कीम नहीं है, बल्कि कम्पलसरी डिपॉजिट स्कीम है। अब मैं कुछ सुझाव ही इसके बारे में दे सकता हूँ।

क्लाजिज ५, ६ और ७ जिन को हार्डशिप होती है, उनके लिए कुछ सेफगार्ड्स की व्यवस्था करते हैं। सेंट्रल गवर्नमेंट इनके द्वारा कुछ माडिफिकेशंस कर सकती है, कुछ स्कीम्स बना सकती है और मोडिफाई करके उसको लागू कर सकती है। जिनको हार्डशिप होती है, उनमें काश्तकार आते हैं। एक आदमी जो छः रुपया लगान देता है, वह सेविंग नहीं कर सकता है। जिनकी इनकम सौ रुपया भी नहीं है, ऐसे लोगों को अधिक से अधिक सहाय्यता देने की व्यवस्था

की जाए, ऐसे केसिस की तरफ सहानुभूति से विचार किया जाए, यह मैं मंत्री महोदय से इस वक्त प्रार्थना करना चाहता हूँ। आगे भी इनको हार्डशिप से कैसे बचाया जा सकता है, इस पर गवर्नमेंट विचार करे।

एक बात मैं और कहना चाहता हूँ। मंत्री महोदय ने कहा है कि सेंट्रल गवर्नमेंट तो और भी ज्यादा एग्जम्पशन देने के लिए तैयार थी, लेकिन स्टेट गवर्नमेंट्स तैयार नहीं थीं, उन्होंने इन्कार कर दिया। वे क्यों इन्कार नहीं करेंगी? सेंट्रल गवर्नमेंट कानून बना कर पैसे उनको दे, ऐसी स्कीम को वे क्यों अपोज करे? आगे के लिए माननीय मंत्री जी का ध्यान मैं इस ओर खींचना चाहता हूँ कि स्टेट गवर्नमेंट मानें या न मानें, जिसको हार्डशिप होती हो, उसको जरूर यह एग्जम्पशन देने की कृपा करे। इसमें हार्डशिप किसानों को होती है, पच्चीस रुपये तक लगान देने वाले किसान को भी हार्डशिप होता है। लेकिन आपने तो छः रुपये देने वाले को भी इसमें शामिल कर लिया है। आप उसकी इनकम को देखते तक नहीं हैं। आपने यह भी नहीं देखा है कि कौन सी इरिगेटिड लैंड हैं और कौन सी ड्राई लैंड हैं। कुछ भी आपने देखा नहीं है। आपने यह भी नहीं देखा है कि किसान तीन हजार या दो हजार रुपया सालाना कमाता है या नहीं कमाता है। मैं कहना चाहता हूँ कि पांच रुपये लगान देने वाला किसान मजदूर कहलाता है।

अध्यक्ष महोदय : अब सारी तक्रार नहीं हो सकती है। आप खत्म करें।

Shri P. R. Patel (Patan): I am glad that in these hard days we have got a Finance Minister who is bold enough and who can face public opinion. I know the difficulties, but if we have to save our liberty, we have to face difficulties and give money to the Treasury of our country.

[Shri P. R. Patel]

The money has to be utilised for the defence of our liberty. Had the Chinese not made an invasion of our country, perhaps, the present taxes would not have been there. So, I congratulate the hon. Minister, and I promise him that whatever be the say of Shri Ranga, the agriculturists will be with the Government in the defence of the country.

Shri Krishnapal Singh (Jalesar): This money is not going for the defence of the country but it will be utilised for development. I think my hon. friend should not congratulate Government for wrong reasons.

श्री डा० ना० तिवारी (गोपालगंज) : अध्यक्ष महोदय, यह बिल चन्द मिनटों के बाद पास होने जा रहा है। मैं महसूस करता हूँ कि बचत योजना अच्छी योजना है। लेकिन साथ ही इसमें जो कठिनाइयाँ हैं, उनकी तरफ मैं आपका ध्यान दिलाना चाहता हूँ।

वह किसान जो पांच रुपया बतौर लगान के देता है वह लगान की राशि भी बहुत सालों तक उससे वसूल नहीं हो पाती है और यह नई राशि उससे कैसे वसूल हो सकेगी, इस पर आप विचार करें। उसको बड़ी कठिनाई का सामना करना होगा। अगर यह वसूल हो भी गई तो हिसाब किताब कैसे रखा जाएगा। यह भी देखने की बात है। मैं चाहता था कि हर किसान के नाम से पोस्ट ऑफिस सेविंग बैंक में खाता खुलवा दिया जाता ताकि जब वक्त आता वह अपना रुपया आसानी से वहाँ से निकाल लेता। आज रुपया तो जमा हो जाएगा लेकिन निकालने के समय इतनी कठिनाइयाँ होंगी, इतना अष्टाचार होगा, कि आप अन्दाजा नहीं लगा सकते हैं। एकाउंट थोड़े नहीं होंगे, करोड़ों की तादाद में.....

अध्यक्ष महोदय : ये सब तजवीजें आप उनके पास भेज सकते हैं ताकि जब वे रूल बनाने लगे तो इन बातों पर गौर कर लें।

श्री डा० ना० तिवारी : मैं एक दो मिनट में खत्म कर दूंगा।

मैं समझता हूँ कि करोड़ों की तादाद में एकाउंट्स होंगे, खास कर किसानों को जमा करने में जो तकलीफ होगी वह तो होगी ही, इसके अलावा रुपया निकालने में उनको इतनी तकलीफ होगी जिसका ठिकाना नहीं है। गवर्नमेंट भी बदनाम होगी। इस बदनामी को बचाने का एक उपाय है कि सब एकाउन्ट्स पोस्ट ऑफिस सेविंग बैंक में रखे जाएँ जिसमें किसानों के हाथ में किताब रहे और वे आसानी से रुपया निकाल सकें। इस पर सरकार को ध्यान देना चाहिये।

Shri Tyagi: I am sorry to have initiated the question of the legality of this Bill—it being *ultra vires* or *intra vires* the Constitution. I raised that point of order first. It is my privilege as a layman to get my doubts clarified; I am glad that the Attorney-General has said that the Bill is legally sound. But I have still my doubts. Anyway, a layman has nothing but to surrender to the opinion of lawyers and jurists. I think that matter is over now.

There are one or two points which I would like to mention—I would not take much time in doing so. No doubt, the Bill had to face rough weather. But it is clear and the House has practically approved of it. Compulsory deposit is a device of compulsory saving which is generally resorted to when industrial activity is on the increase, there is surplus money with people, there is inflation which is deliberately caused so that people may not buy more but may save more. That is indirectly done. For

this reason, I hope it will give benefit to the nation.

But it will cause a lot of administrative difficulties. I want to warn the hon. Minister about it. He has taken upon himself a lot of administrative work—calculating amounts in the case of every individual, giving receipts, making payments, interest etc. All this will mean a lot of administrative machinery. I hope he will devise some way by which he could facilitate realisation and repayment of these deposits.

There is another thing. This would sentimentally hurt the villagers. I have no doubt I agree with Shri Ranga about it because those who have money to pay this deposit, those who have to do it after borrowing at a high rate of interest, will find it difficult to do so. Therefore, my suggestion is: let there be some sentimental satisfaction given to the villagers. Let the hon. Minister agree that these deposits which are collected are as far as possible, invested in that locality, so that a man who has deposited might have a little psychological satisfaction that his deposit has helped development of his own village or locality. I hope he will agree to this.

श्री बृज बिहारी मेहरोत्रा (बिल्हौर) : अध्यक्ष महोदय, इस विधेयक के अन्तिम वाचन के ऊपर जो मुझे अपने विचार प्रकट करने का अवसर मिला है उस समय मैं वित्त मंत्री जी की तारीफ करता हूँ लेकिन साथ ही साथ उन से प्रार्थना करना चाहता हूँ कि किसानों के ऊपर जो उन्होंने ने यह अनिवार्य बचत लागू की है उस पर वे कृपा कर के एक बार फिर विचार करें। उन्होंने ने इस हाउस में जब उन से कहा गया कि बड़े आदमी राष्ट्रीय रक्षा कोष में कम धन दे रहे हैं और गरीब

आदमी अधिक दे रहे हैं एक प्रश्न का जवाब देते हुए कहा था कि बड़े आदमियों का रुपया अधिक है और कम पाने वालों का रुपया थोड़ा है। है तो फिर रुपया आप को बड़े आदमियों से भी मिल सकता है और छोटे आदमियों से नहीं मिल सकता है। जिन किसानों की भूमि खराब है या जिन की जोत अलाभकर है, उन के पास पैसा नहीं बचता है, उन्हें तो पेट भरना कठिन है, लेकिन यह पैसा तो उन से भी लिया जायेगा। इस का नतीजा यह होगा कि वे महाजनों से ऊँचे व्याज में रुपया ले कर बचत में देने के लिये बाध्य होंगे। वे कर्ज के बोझ से दब जायेंगे। मैं समझता हूँ कि वित्त मंत्री जी बहुत उदार हैं वे इस बात पर विचार करेंगे तथा किसानों की परिस्थिति को देखते हुए उन को कुछ और रियायत देने की बात सोचेंगे।

श्री बड़े : अध्यक्ष महोदय, यह बिल अब पास होने जा रहा है। इस सम्बन्ध में हम ने जो आपत्तियाँ उठाई थीं शुरू से, वे इस वास्ते उठाई गई थीं कि जो काश्तकार हैं उन के बारे में बोलने वाला यहाँ पर कोई नहीं है। बड़े बड़े सेठों, साहूकारों के वास्ते तो सभी लोग बोल लेते हैं लेकिन छोटे आदमियों और काश्तकारों के वास्ते यहाँ पर कोई नहीं बोलता है। मैं मंत्री महोदय से यह विनती करता हूँ कि उन्होंने ने इस बिल पर विचार होते समय कंटेगारिकल टर्म में यह नहीं कहा कि ५ रु० लैंड रेवेन्यू देने वाले जो किसान हैं उन को वे एग्जेंट कर रहे हैं, उन्होंने ने यह कहा कि अगर गवर्नमेंट आवश्यक समझेगी तो जो ५ या १० रु० तक लैंड रेवेन्यू देने वाले होंगे उन को भी एग्जेंट कर देगी। मेरी आप से हाथ जोड़ कर यह प्रार्थना है कि कम से कम कोई कंटेगारिकल स्टेटमेंट तो दें, काश्तकारों के वास्ते वे कम से कम यह तो कहें कि जो लोग कर्ज के नीचे दबे हुए हैं उन को वे छूट देंगे। जो किसान कर्जा लेते हैं उन को इंटरैस्ट ज्यादा देना होता है जब कि आप सिर्फ ४ परसेंट ही

[श्री बड़े]

देंगे। शेक्सपियर के शब्दों में तो यह इसी प्रकार हुआ :

"The quality of mercy is not strained; It droppeth as a gentle rain from Heaven; It blesseth him that gives and him that takes."

इस वास्ते कम से कम काश्तकारों के लिये उन को मर्सी दिखलानी चाहिये। जो काश्तकार कर्ज लिये हुए हैं उन पर अधिक कर्ज न हो इसलिये यह बिल उन पर लागू नहीं होना चाहिये।

Shri Sonavane (Pandharpur) *rose*—

Mr. Speaker: Enough has been said.

Shri Ramanathan Chettiar (Karur): I have not participated in the discussion on this Bill so far.

Mr. Speaker: He may participate in the next.

Shri Ramanathan Chettiar: I will say only one or two words.

Mr. Speaker: The Finance Minister.

Shri Sonavane: We wish to pay compliments to the Finance Minister for having brought forward this Bill. Will you not give us that much chance? After all, some persons must be there to support him also.

Mr. Speaker: I think that would be enough; he would take it as compliment.

Shri Morarji Desai: I am very thankful to my hon. friend, Prof. Ranga, for his words of appreciation at the spirit of accommodation which, he said, I showed. May I assure him and all others in this House that I have always considered it my duty to accommodate the wishes of hon. Members as much as I can, but that can be only consistently with what I consider is right. It is possible that I may err in seeing what is right, but

until I see the error, it is not possible for me to give up what I see is right. I hope, therefore, that he will bear with me when I am not able to do something which he considers is right, which I consider is wrong.

This is a Bill which is a new provision altogether in the history of this country. I do agree that it might in some cases give rise to some hardships. I would not say that these savings are made with ease or with immediate joy or cheerfulness. But we are living in a country which is very poor. It is an irony that prosperous countries have to live extravagantly; otherwise, they cannot maintain their prosperity because they have got to go on consuming more and more so that they can keep up their production drive. But for poor countries, it is necessary to save even by hurting themselves, if they want to be prosperous. Germany, after it was defeated and ruined in the last war—on account of course of its own actions—was reduced to such straits that people had not anything to eat. But they did not utilise their production for their own purposes for four or five long years. They lived in the open, they did not build their houses, they ate little, they exported everything they produced, earned money and became prosperous. Now, they are more prosperous than many other countries. Our country will have also to tighten its belt and save as much as it can. It so happens that 99 per cent of our people are poor and unless they save, there will be no future for this country's prosperity. It is because of this conviction which I have that I have brought in this measure, so that even though the peasants and the other workers who are involved in this, particularly those between the salaries of Rs. 1,500 and Rs. 3,000, have some hard life to pass for making these savings, this will be only for the security and cheerfulness that their children and they themselves will enjoy later on. It is in that conviction only

that I would be justified in bringing this Bill.

We have taken powers under this Bill to remove hardships, and may I say that we shall be constantly watching this, the implementation of this measure, and see that any avoidable hardships are not inflicted. It is not possible for me to say anything beyond that because to make a promise and not to carry it out would be disloyalty to this House.

Thank you for the patience with which you allowed us to speak on this Bill. May I say that it was because this Bill is a new and novel measure that I never raised any voice even though the time first given was three hours and it was extended further, because I believe that all the time that we have spent on this Bill has been usefully spent and has benefited all of us in every way.

Shri Bade: It is a historical Bill.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

13-22 hrs.

CONSTITUTION (FIFTEENTH AMENDMENT) BILL

Mr. Speaker: We now take up further consideration of the following motion moved by Shri A. K. Sen on the 29th April, 1963, namely:—

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

Shri Tridib Kumar Chaudhuri may continue his speech. He has already taken 31 minutes.

Shri Tridib Kumar Chaudhuri (Barrampur): I will finish as soon as possible.

Mr. Speaker: Five minutes.

Shri Tridib Kumar Chaudhuri: I asked for ten minutes. In ten minutes precisely I will finish.

Mr. Speaker: Out of the ten minutes he asked, five were taken yesterday and five remain.

The Minister of Law (Shri A. K. Sen): He may be allowed to speak because he is throwing good light on the matter, if I may request you.

Shri S. M. Banerjee (Kanpur): How does he know he will not throw good light?

Shri A. K. Sen: I did not say so. Simply because somebody throws good light, that does not mean others will not.

Shri Prabhat Kar (Hooghly): In that case, the time for the Bill should be extended.

Mr. Speaker: Not now. We have just started.

Shri C. K. Bhattacharyya (Raiganj): In any case, we may kindly be allowed to throw some light on it.

Mr. Speaker: If light comes from every quarter, there will not be light at all.

Shri Sonavane (Pandharpur): There will be a flood of light.

Mr. Speaker: Only if there is some darkness, light can be appreciated, not if light comes from all sides and there is no darkness.

Out of five hours allotted for the Bill, probably for the second reading we might have 3½ hours.

Shri Prabhat Kar: Yes.

Shri Tridib Kumar Chaudhuri: I was trying to point out yesterday that the main thing involved in clause 4