

MR. DEPUTY-SPEAKER : I do not know whether the Minister will yield. Mr. Minister, are you yielding ?

SHRI PRANAB MUKHERJEE : No.

MR. DEPUTY-SPEAKER : The Minister is not yielding.

The question is :

“That the Bill to give effect to the financial proposals of the Central Government for the financial year 1984-85, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER : Now, do we take up clause by-clause consideration of the Bill ?

SHRI SATISH AGARWAL : Sir, it is already 6 o’Clock. It is not possible now. All of us have been sitting here since morning. The clause-by-clause consideration will not be over today. So we start the clause-by-clause consideration tomorrow.

(Interruptions)

SHRI PRANAB MUKHERJEE : If it is over today, then I can go tomorrow afternoon. Now you can do it in one hour.

SHRI SATISH AGARWAL : How Can we sit for three hours more ?

MR. DEPUTY-SPEAKER : Satish, day before yesterday we had the discussion. He has got some work tomorrow.

SHRI SATISH AGARWAL : Sir, it will take three hours. There are so many amendments by the Minister himself and also by us. Then there is the Third Reading.

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH) : You very kindly agreed here. But I do not know why suddenly you are objecting now.

SHRI SATISH AGARWAL : When did I agree ? why are you putting words in my mouth. I had agreed for a Sitting on Saturday only. Then we cooperated.

MR. DEPUTY-SPEAKER : That is why I gave to Satish 45 minutes. Mr. Satish you have already taken more time. So you will not take much time now.

SHRI SATISH AGARWAL : It will take three hours. Now we cannot be sitting for three hours. We have decided to devote three hours to these amendments.

(Interruptions)

MR. DEPUTY-SPEAKER : We have given more time. Sometimes you have to cooperate. You have got to cooperate because on Saturday we had the Session only for this, and therefore, you should not object to this now. Mr. Satish Agarwal, you are a very good friend of the Government. Why can’t you help them ?

The House will now take up clause-by-clause consideration of the Bill.

SHRI BUTA SINGH : Sir, before you take up the clause-by-clause consideration of the Bill, with your permission I will present the Sixty-First Report of the Business Advisory Committee.

MR. DEPUTY-SPEAKER : Yes.

18 hrs.

BUSINESS ADVISORY COMMITTEE Sixty-First Report

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH) : I beg to present the Sixty-first Report of the Business Advisory Committee.

FINANCE BILL, 1984-CONTD.

MR. DEPUTY SPEAKER : Now, clause 2. Shri Bhogendra Jha is not present.

The question is :

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER : Now clause 3. Sarvashri Bhogendra Jha and Bhiku Ram Jain are not there.

The question is :

“That Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

MR. DEPUTY-SPEAKER : There are no amendments to Clauses 4 & 5.

The question is :

“That Clauses 4 and 5 stand part of the Bill.”

The motion was adopted.

Clause 4 and 5 were added to the Bill.

MR. DEPUTY-SPEAKER : Clause 6. Mr. Mool Chand Daga, do you want to move your amendment ?

SHRI MOOL CHAND DAGA (Pali) : I do not want to move my amendment.

MR. DEPUTY-SPEAKER : Shri Mool Chand Daga does not want to move his amendment. Sarva shri G.M. Banatwalla and Bhiku Ram Jain are not present.

The question is :

“That Clause 6 stand Part of the Bill.”

The motion was adopted.

Clause 6 was added to the Bill.

MR. DEPUTY-SPEAKER: Clause 7. There is no amendment to Clause 7.

The question is :

“That Clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

MR. DEPUTY-SPEAKER : Clause 8. Shri Bhiku Ram Jain is not present.

The question is :

“That Clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

MR. DEPUTY-SPEAKER. Clause 9. Shri Mool Chand Daga, are you moving your amendment ?

SHRI MOOL CHAND DAGA : I am not moving my amendment.

MR. DEPUTY-SPEAKER : The question is :

“That Clause 9 stand part of the Bill.”

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 (Amendment of Section 40A)

MR. DEPUTY-SPEAKER : Shri Bhiku Ram Jain is not present.

SHRI PRANAB MUKHERJEE : I beg to move* :

Page 7, for lines 8 and 9 substitute —

(a) in sub-section (5), with effect from the 1st day of April, 1985, —

(1) in clause (a) in the first proviso, for the words “seventy- two thousand rupees”, the words “one hundred and two thousand rupees” shall be substituted ;

(2) in clause (c), in sub-clause (i),—” (115)

Page 7, line 22, for “following sub-section,” substitute “following sub-sections” (116)

Page 7, lines 26 and 27, —

for “the setting up of, or as contribution to, any fund or trust for any purpose” substitute “the setting up or formation of, or as contribution to, any fund, trust, company, association of persons, body of individuals, society registered under the Societies Registration Act, 1860 or other institution 21 of 1860 for any purpose” (117)

Page 7, after line 30, insert —

“(10) Notwithstanding anything contained in sub-section (9), where the Income-tax Officer is satisfied that the fund, trust, company, association of persons, body of individuals, society or other institution referred to in that sub-section has, before the 1st day of March, 1984, bona fide laid out or expended any expenditure (not being in the nature of capital expenditure) wholly and exclusively for the welfare of the employees of the assessee referred to in sub-section (9) out of the sum referred to in that sub-section, the amount of such expenditure shall, in case no deduction has been allowed to the assessee in respect of such sum and subject to the other provisions of this Act, be deducted in computing the income referred to in section 28 of the assessee of the previous year in which such expenditure is so laid out or expended, as if such expenditure had been laid out or expended by the assessee.

(11) Where the assessee has, before the 1st

*Moved with the recommendation of the President.

day of March, 1984, paid any sum to any fund, trust, company, association of persons, body of individuals, society or other institution referred to in sub-section (9), then, notwithstanding anything contained in any other law or in any instrument, he shall be entitled—

(i) to claim that so much of the amount paid by him as has not been laid out or expended by such fund, trust, company, association of persons, body of individuals, society or other institution (such amount being hereinafter referred to as the unutilised amount) be repaid to him, and where any claim is so made, the unutilised amount shall be repaid, as soon as may be, to him,

(ii) to claim that any asset, being land, building, machinery, plant or furniture acquired or constructed by the fund, trust, company, association of persons, body of individuals, society, or other institution out of the sum paid by the assessee, be transferred to him, and where any claim is so made, such asset shall be transferred, as soon as may be, to him." (118)

MR. DEPUTY-SPEAKER : The question is :

Page 7, for lines 8 and 9, substitute—

(a) in sub-section (5), with effect from the 1st day of April, 1985,—

(1) in clause (a), in the first proviso, for the words "seventy-two thousand rupees", the words "one hundred and two thousand rupees" shall be substituted;
(2) in clause (c), in sub-clause (i)—“(115)”

The motion was adopted.

MR. DEPUTY SPEAKER : The question is :

Page 7, line 22, for “following sub-section”, substitute “following sub sections” (116)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

Page 7 lines 26 and 27,—

for “the setting up of, or as contribution to, any fund or trust for any purpose,” substitute “the setting up or formation of, or as contribution to, any fund, trust, company, associa-

tion of persons, body of individuals, society registered under the Societies Registration Act, or other institution 21 of 1860 for any purpose” (117)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

Page 7, after line 30, insert —

(10) Notwithstanding anything contained in sub-section (9), where the Income-tax officer is satisfied that the fund, trust, company, association of persons, body of individuals, society or other institution, referred to in that sub-section has— before the 1st day of March, 1984, *bona fide* laid out or expended any expenditure (not being in the nature of capital expenditure) wholly and exclusively for the welfare of the employees of the assessee referred to in sub-section (9) out of the sum referred to in that sub-section, the amount of such expenditure shall, in case no deduction has been allowed to the assessee in respect of such sum and subject to the other provisions of this Act, be deducted in computing the income referred to in section 28 of the assessee of the previous year in which such expenditure is so laid out or expended, as if such expenditure had been laid out or expended by the assessee.

(11) Where the assessee has, before the 1st day of March, 1984, paid any sum to any fund, trust, company, association of persons, body of individuals, society or other institution referred to in sub-section (9) then, notwithstanding anything contained in any other law or in any instrument, he shall be entitled—

(i) to claim that so much of the amount paid by him as has not been laid out or expended by such fund, trust, company, association of persons, body of individuals, society or other institution (such amount being hereinafter referred to as the unutilised amount) be repaid to him, and where any claim is so made, the unutilised amount shall be repaid, as soon as may be, to him ;

- (ii) to claim that any asset, being land, building, machinery, plant or furniture, acquired or constructed by the fund, trust, company, association of persons, body of individuals, society or other institution out of the sum paid by the assessee, be transferred to him, and where any claim is so made, such asset shall be transferred, as soon as may be, to him" (118)

The motion was adopted

MR. DEPUTY-SPEAKER : The question is :

"That Clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10 as amended was added to the Bill.

Clause 11-(Insertion of new section 44AB)

MR. DEPUTY-SPEAKER : Shri Bhogendra Jha is not present. Shri Mool Chand Daga, are you moving your amendment ?

SHRI MOOL CHAND DAGA : I am not moving my amendment.

SHRI SATISH AGARWAL (Jaipur) : I beg to move :

Page 7, line 35—

for "twenty lakh" substitute "fifty lakh" (10)

Page 7, line 42, —

after "accountant" insert "or an income-tax practitioner" (11)

Page 7, line 44, —

after "accountant" insert "or income-tax practitioner" (12)

Page 8, line 7—

add at the end—

"and "income-tax practitioner" shall have the same meaning as defined in sub-section (2) of section 288"-(13)

MR. DEPUTY-SPEAKER : Shri Ravindra Verma is not present.

SHRI PRANAB MUKHERJEE : I beg to move* :

Page 7, line 35, *for "twenty lakh rupees", substitute "forty lakh rupees" (119)*

MR. DEPUTY SPEAKER : Shri Shamma, are you moving your amendments ?

You cannot move amendment No. 131 as it is the same as amendment No. 132.

SHRI T.R. SHAMANNA : I beg to move :

Page 7, line 39, —

for "ten lakh" substitute "fifteen lakhs" (132)

Page 8, line 7,—

add at the end—

"and shall also include income-tax practitioner who qualifies the examination to be conducted by the Association of Chartered Accountants within two years from March, 1985." (133)

MR. DEPUTY-SPEAKER : Shri Bhikū Ram Jain is not present.

I shall now put the amendment No. 119 moved by Shri Pranab Mukherjee to the vote of the House.

The question is :

Page 7, line 35, *for "twenty lakh rupees" substitute "forty lakh rupees" (119)*

The motion was adopted.

SHRI SATISH AGARWAL : Sir, I am not going to make a speech. What I wish to make is, I am happy to see that the Finance Minister has accepted partially my amendment. Instead of Rs. 20 lakhs, he said Rs. 40 lakhs. It is as short as his height. It is the average height of the common man.

SHRI T.R. SHAMANNA : Sir, I am happy that the Finance Minister has agreed to some extent to the amendment moved by many hon. Members in respect of raising the quantum from Rs. 20 lakhs to Rs. 40 lakhs.

Now, I would like to say something on the other two amendments, namely 132 and 133. One is with regard to the professionals. Professional people get different rates of income on different professions. For example, they are capable of getting 1% or 90%. So, there should be some relief. The professional people must be given some higher exemption.

Another important amendment is in respect of non-practising Chartered Accountants. I am also accountant teacher for three

*Moved with the recommendation of the President.

decades. I do agree that there is a lot of difference between income-tax auditors and chartered accountants. There is no comparison whatsoever between the qualifications of say B. Com., or B. L. and C. A. C. A. is expected to study all sorts of commercial laws, cost accounts and also he should have a deep knowledge in accountancy and auditing. But in case of B. Com., as a teacher, I know, knowledge in accountancy is very poor and it is not at all possible to compare B. Com., with the C. A. At the same time, it is not possible for all the accounts to be audited by the persons holding C. A. Therefore, a wise move has been taken so that the limit may be increased. Therefore, a large number of tax-auditors can take up the job. But the trouble is, on the whole, I do not want to give that concession. Therefore, I say that the C. A. may not be excepted to pass the Chartered Accountancy course immediately. I suggest that a person is deemed to have qualified in the audit accounts, if he has passed the qualifying examination conducted by the Association of Chartered Accountants. Then, we can say that the person is really capable. If that is done, persons who have got some ability can be chosen. Persons who are not capable and do the work mechanically may be eliminated. With this risk, I have brought an amendment here. It shall also include income-tax practitioners who qualify in the examination to be conducted by the Association of Chartered Accountants within two years from March, 1985. A Chartered Accountant is expected to study and pass the examination and he makes nearly 4 years' struggle. Apart from that, he has to go for the apprenticeship course. It is a very difficult course. I do not say that everything is all right as far as Chartered Accountant is concerned. There are loopholes, there are many cases where Chartered Accountants are not doing the job properly. But I do not agree to place at par the Auditors with the Chartered Accountants. Therefore, a qualifying examination may be conducted for these people so that they may also be given an equal chance.

SHRI PRANAB MUKHERJEE : Whether the Chartered Accountants Association will agree to have some short-term course for a qualifying examination for these people and all that are matters of detail. I have nothing to say on that.

MR. DEPUTY SPEAKER : I shall now put Amendment Nos. 10, 11, 12 and 13 moved by Shri Satish Agarwal and Amendment Nos. 132 and 133 moved by Shri T. R. Shamanna to Clause 11 to the vote of the House.

Amendments Nos. 10 to 13, 132 and 133 were put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That Clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12-(Amendment of section 80cc)

SHRI SATISH AGARWAL : Sir, I beg to move :

Page 8, line 18—

for "1984" Substitute "1985"(14)

SHRI PRANAB MUKHERJEE : Sir, I beg to move*

Page 8, line 18, for "1st day of March, 1984", substitute

"1st day of April, 1987" (120)

You asked for one year. I have given you three years.

SHRI SATISH AGARWAL : Sir, I wanted one year's extension, so far as this particular Clause is concerned. He has given three years. He is much more liberal. Therefore, I wish to withdraw my amendment.

MR. DEPUTY SPEAKER : Has Shri Satish Agarwal the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

Amendment No. 14 was, by leave, withdrawn

MR. DEPUTY-SPEAKER :

The question is :

Page 8, line 18, for "1st day of March, 1984",

substitute—"1st day of April, 1987" (120)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

*Moved with the recommendation of the President.

"That Clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12 as amended, was added to the Bill.

Clause 13-(Omission of section 80D)

SHRI SATISH AGARWAL : Sir, I beg to move :

Page 8, line 20—

for "1985" substitute "1986" (15)

MR. DEPUTY-SPEAKER : I put amendment No. 15 moved by Shri Satish Agarwal to Clause 13 to the vote of the House.

Amendment No. 15 was put and negatived.

MR. DEPUTY SPEAKER : The question is :

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14-(Amendment of section 80E)

SHRI SATISH AGARWAL : Sir, I beg to move :

Page 8, line 23—

for "1984" substitute "1985" (16)

MR. DEPUTY-SPEAKER : I put Amendment No. 16 moved by Shri Satish Agarwal to the vote of the House.

Amendment No. 16 was put and negatived

MR. DEPUTY-SPEAKER : The question is :

"That Clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill

Clause 15-(Amendment of section 80L)

SHRI PRANAB MUKHERJEE : I beg to move* : amendment No. 121 to clause 15.

"Page 8, line 32, for "proviso",

substitute "provisos" (121)

MR. DEPUTY-SPEAKER : I shall now put Government Amendment No. 121 to Clause 15 to the vote of the House.

The question is :

"Page 8, line 32, for "proviso" substitute "provisos" (121)

The motion was adopted.

SHRI PRANAB MUKHERJEE : I beg to move* : amendment No 122 to Clause 15.

Page 8, after line 40, insert

"Provided further that where any income by way of interest on any deposits referred to in clause (iia) remains unallowed after the deduction under the foregoing provisions of this section, there shall be allowed in computing the total income of the assessee, an additional deduction of an amount equal to so much of such income as has remained unallowed; so, however, that the amount of such additional deduction shall not exceed two thousand rupees." (122)

MR. DEPUTY-SPEAKER : I now put Government amendment No. 122 to clause 15 to the vote of the House.

The question is :

Page 8, after line 40, insert—

"Provided further that where any income by way of interest on any deposits referred to in clause (iia) remains unallowed after the deduction under the foregoing provisions of this section, there shall be allowed in computing the total income of the assessee, an additional deduction of an amount equal to so much of such income as has remained unallowed; so, however, that the amount of such additional deduction shall not exceed two thousand rupees." (122)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 15, as amended stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clause 16-(Amendment of Section 80M)

SHRI SATISH AGARWAL : Sir, I beg to move :

Page 8, line 42—

for "1985" substitute "1986" (17)

MR. DEPUTY-SPEAKER : I shall now put the amendment moved by Shri Satish Agarwal No. 17 to the vote of the House.

*Moved with the recommendation of the President.

Amendment No. 17 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17-(Amendment of Section 80N)

SHRI SATISH AGARWAL : Sir, I beg to move :

Page 9, line 1—

for "fifty" substitute "seventy five" (18)

Page 9 line 2—

For "1985" substitute "1986" (19)

MR. DEPUTY-SPEAKER : I shall now put the amendment Nos. 18 and 19 moved by Shri Satish Agarwal to Clause 17 to the vote of the House.

Amendment No. 18 and 19 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 17 stand part of the Bill".

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18-(Amendment of section 80O)

SHRI SATISH AGARWAL : Sir, I beg to move.

Page 9, line 5,—

for "fifty" substitute "seventy-five" (20)

Page 9, line 6—

for "1985" substitute "1986" (21)

MR. DEPUTY-SPEAKER : I shall now put the amendment Nos. 20 and 21 to Clause 18 moved by Shri Satish Agarwal to the vote of the House.

Amendment Nos. 20 and 21 were put and negatived

MR. DEPUTY-SPEAKER : The question is :

"That Clause 18 stand part of the Bill".

The motion was adopted

Clause 18 was added to the Bill.

Clause 19 (Amendment of Section 80U)

SHRI SATISH AGARWAL : Sir, I beg to move :

Page 9 line 13—

for "1985" substitute "1986" (22)

MR. DEPUTY-SPEAKER : I shall now put the amendment No. 22 to Clause 19 moved by Shri Satish Agarwal to the vote of the House.

Amendment No. 22 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was adopted to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

Clause 21-(Amendment of Section 164)

SHRI T. R. SHAMANNA : I beg to move :

Page 10, Omit lines 1 to 7, (134)

Page 10, Omit lines 8 to 21, (135)

Last year, exemption, was given to those who were suffering from incurable disease to the extent of Rs. 10,000. This year, the wholesale exemption has been removed. I do not say that the wholesale exemption should be given. All that I say is that the Board has to be appointed early, the Board should examine all the cases and an early decision taken in the matter. With this request, I seek leave of the house to withdraw my amendments.

MR. DEPUTY-SPEAKER : Is it the pleasure of the House that the amendments be withdrawn ?

HON. MEMBERS : Yes.

Amendments Nos. 134 and 135 were, by leave, withdrawn.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22-(Amendment of Section 193)

SHRI SATISH AGARWAL : Sir, I beg to move.

Page 10, line 35,

for "one thousand rupees"

substitute "two thousand rupees" (23)

MR. DEPUTY-SPEAKER : I shall now put Amendment No. 23 to the vote of the House.

Amendment No. 23 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clause 23-(Amendment of Section 194)

SHRI SATISH AGARWAL : Sir, I beg to move :

Page 10, line 47,

for "one thousand rupees."

substitute "two thousand rupees" (24)

MR. DEPUTY-SPEAKER : I shall now put Amendment No. 24 to the vote of the House.

Amendment No. 24 was put and negatived

MR. DEPUTY-SPEAKER : The question is :

"That Clause 23 stand part of the Bill"

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24 was added to the Bill.

Clause 25-(Amendment of Section 269C)

SHRI SATISH AGARWAL : Sir, I move my Amendment No. 25...

MR. DEPUTY-SPEAKER : There is a government amendment and your amendment is similar to that of the Government...

SHRI SATISH AGARWAL : The point is, either he accepts my amendment or I accept his amendment. I accept his amendment and I withdraw my amendment...

MR. DEPUTY-SPEAKER : There is no question of your moving your amendment because your amendment is similar to the government amendment. I do not know what is the understanding between you.

SHRI SATISH AGARWAL : The understanding is very good, and with you also today.
*Amendment Made**

Page 11 lines 4 and 5, for "fifty thousand rupees"

substitute "one hundred thousand rupees" (123)

(SHRI PRANAB MUKHERJEE)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 25, as amended, stand part of the Bill".

The motion was adopted.

Clause 25, as amended, was added to the Bill.

Clause 26-(Amendment of Section 269F)

MR. DEPUTY-SPEAKER : There is a government amendment...

SHRI SATISH AGARWAL : My Amendment No. 26 is the same as the government amendment. Therefore, I am not moving it...

MR. DEPUTY-SPEAKER : Automatically it means that...

SHRI SATISH AGARWAL : It should come on record.

MR. DEPUTY-SPEAKER : When his amendment is accepted by the House, your amendment is also automatically accepted by the House.

SHRI SATISH AGARWAL : How does it come on record unless I say or you say ?

The Minister of State in the Ministry of Finance.

SHRI S. M. KRISHNA : The record is for the posterity.

*Amendment Made**

Page 11, line 7, for "fifty thousand rupees"

substitute "one hundred thousand rupees" (124)

(SHRI PRANAB MUKHERJEE)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Clause 27-(Amendment of Section 269P)

SHRI SATISH AGARWAL : Sir, amendment No. 27 is the same as that of the Government.

MR. DEPUTY-SPEAKER : The amendment of Mr. Satish Agarwal is the same as Government amendment No. 125. Are you

satisfied now? The Minister to move his amendment.

SHRI PRANAB MUKHERJEE : Sir, I beg to move*

Page 11, line 10, for "twenty-five thousand rupees",

substitute "fifty thousand rupees" (125)

MR. DEPUTY-SPEAKER :

The question is :

Page 11, line 10, for "twenty-five thousand rupees"

substitute - "fifty thousand rupees" (125)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clause 28-(Insertion of new Section 269SS)

MR. DEPUTY-SPEAKER : Mr. Bhogendra Jha—not present.

Shri Mool Chand Daga not moving.

SHRI SATISH AGARWAL : I beg to move :

Page 11, line 29,—

for "ten thousand rupees or more"

substitute "twenty thousand rupees or more" (28)

Page 11, line 40,—

after "Official Gazette" insert—

"a copy of which shall be laid on the Table of the House as soon as possible" (29)

MR. DEPUTY-SPEAKER : I shall now put amendments 28 and 29 moved by Mr. Satish Agarwal to vote.

Amendments Nos. 28 and 29 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 28 stand, part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29 was added to the Bill.

Clause 30-(Insertion of new Section 271B)

SHRI SATISH AGARWAL : I beg to move :

Page 12, line 16,

for "one hundred thousand rupees"

substitute "fifty thousand rupees" (30)

Page 12,—

after line 17, insert—

"Provided that the Income-tax Officer shall on sufficient cause being shown extend the time not exceeding six months for getting the accounts audited as required under section 44AB." (31)

MR. DEPUTY-SPEAKER : I will now put the amendments moved by Mr. Satish Agarwal to vote.

Amendments Nos. 30 and 31 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 30 stand part of the Bill"

The motion was adopted.

Clause 30 was added to the Bill.

Clause 31 and 32 were added to the Bill.

Clause 33-(Amendment of Ninth Schedule).

Amendment made.*

Page 13, for lines 4-7, substitute—

Consequential amendments to the Income tax Act.

33. The following amendments (being amendments of a consequential nature) shall be made in the Income-tax Act with effect from the 1 st day of April, 1985, namely :—

(a) in section 246, in sub-section (2) after clause (g), the following clause shall be inserted, namely :—

"(gg) an order imposing a penalty under section 271 B";

*Moved with the recommendation of the President.

- (b) in the Ninth Schedule, for the brackets, word, figures and letters "[See section 32 (1) (vi) and section 80M (1) (a) (i)]" the brackets, words and figures "[See section 32 (1) (vi)]" shall be substituted." (126)

(SHRI PRANAB MUKHERJEE)

MR. DEPUTY-SPEAKER : The question is :

"That clause 33, as amended, stand part of the Bill."

The motion was adopted.

Clause 33, as amended, was added to the Bill.

Clause 34—(Amendment Act 27 of 1957).

Amendment made :*

Page 13, line 28 for "following proviso", substitute "following provisos" (127)

Page 13, after line 36, insert—

"Provided also that where the value of any assets, being deposits referred to in clause (xxva), has not been excluded from the net wealth of the assessee under the foregoing provisions of this sub-section, so much of the value of such assets as has not been so excluded shall be excluded from the net wealth of the assessee; so, however, that the value of the assets so excluded under this proviso shall not exceed twenty-five thousand rupees."

(128)

Page 14, lines 14 and 15, for "in respect of the property held by him under trust at the maximum marginal rate", substitute "in the like manner and to the same extent as if the property were held by an individual who is a citizen of India and resident in India for the purposes of this Act, but without excluding the value any asset under sub-section (1) of section 5, and at the maximum marginal rate.". (129)

Page 14, for line 16, substitute—

"(2) after the second proviso, the following proviso shall be inserted, namely :—

"Provided also that,—

- (a) in the case of any association referred to in clause (21) of section 10 of the Income-tax Act,
- (i) the provisions of clause (i) and clause (ii) shall not apply; and

- (ii) the other provisions of this section shall apply with the modifications that :—

(1) for the words, brackets, letter and figures "in contravention of the provisions of clause (d) of sub-section (1) of section 13 of the Income-tax Act", the words brackets and figures "in contravention of the provisions contained in the proviso to clause (21) of section 10 of the Income-tax Act" had been substituted; and

(2) for the words "at the maximum marginal rate", the word and figures "at the rates specified in Part I of Schedule in the case of an individual" had been substituted;

(b) in the case of any institution fund or trust referred to in clause (22) or clause (22A) or clause (23B) or clause (23C) of section 10 of the Income-tax Act, the provisions of clauses (i) to (iii) shall not apply.;

(3) in the Explanation, after clause (a), the" (130)

(SHRI PRANAB MUKHERJEE)

MR. DEPUTY-SPEAKER : The question is :

"That clause 34, as amended, stand part of the Bill."

The motion was adopted.

Clause 34, as amended, was added to the Bill.

Clauses 35 to 39 were added to the Bill.

Clause 40—(Amendment of Section 129A)

Amendment made :*

Page 15, line 40,—

for "imported as baggage"

substitute "imported or exported as baggage" (97)

(SHRI PRANAB MUKHERJEE)

MR. DEPUTY-SPEAKER : The question is :

"That clause 40, as amended, stand part of the Bill."

The motion was adopted.

Clause 40 as amended, was added to the Bill.

Clause 41 to 55 were added to the Bill.

FIRST SCHEDULE

SHRI T. R. SHAMANNA : I beg to move :

Page 21,—

for lines 11 to 23, substitute—

Rates of income-tax

- | | |
|---|---|
| (1) where the total income does not exceed Rs. 25,000 | Nil; |
| (2) where the total income exceeds Rs. 25,000 but does not exceed Rs. 30,000 | Rs. 2,500 plus 25 per cent of the amount by which the total income exceeds Rs. 25,000; |
| (3) where the total income exceeds Rs. 30,000 but does not exceed Rs. 50,000 | Rs. 4,000 plus 30 per cent of the amount by which the total income exceeds Rs. 30,000; |
| (4) where the total income exceeds Rs. 50,000 but does not exceeds Rs. 60,000 | Rs. 10,000 plus 40 per cent, of the amount by which the total income exceeds Rs. 50,000;" (136) |

Sir, all that I want to say is when Rs. 15,000 exemption was given the rupee value was worth 22 paisa. It is now 17 paisa. Accordingly, the exemption limit be reduced. Since it is not likely to be accepted I wish to withdraw my amendment.

MR. DEPUTY-SPEAKER : Has Shri T.R. Shamanna leave of the House to withdraw his amendment ?

SOME HON. MEMBERS : Yes.

Amendment No. 136 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER : The question is :

"That First Schedule stand part of the Bill."

The motion was adopted.

First Schedule was added to the Bill.

Second Schedule, Third Schedule and Fourth Schedule were added to the Bill.

Fifth Schedule was added to Bill.

Clause 1 was added to the Bill.

Enacting Formula was added to the Bill.

Title was added to the Bill.

SHRI PRANAB MUKHERJEE : Sir, I beg to move :

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

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

MR. DEPUTY-SPEAKER : The House stands adjourned to re-assemble tomorrow at 11 A.M.

18.35 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, April 24, 1984|
Vaisakha 4, 1906 (Saka).*