

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

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

MR. SPEAKER : The question is :

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

The motion was adopted.

SHRI UMA SHANKER DIKSHIT : I introduce the Bill

12.33 hrs.

SMALL COINS (OFFENCES) BILL*

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

MR. SPEAKER : The question is :

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

The motion was adopted.

SHRI K. R. GANESH : I introduce the Bill

**STATEMENT RE. SMALL COINS
(OFFENCES) ORDINANCE**

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

2.34 hrs

TAX ON POSTAL ARTICLES BILL*

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

MR. SPEAKER Motion moved

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

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

डा० लक्ष्मीनारायण पांडेय (मदसौर) :

अध्यक्ष महोदय, इस बारे में मैंने भी सूचना दी है कि मैं इस विधेयक का विरोध करना चाहता हूँ।

अध्यक्ष महोदय . मेरे पास तो कोई सूचना आई नहीं है।

डा० लक्ष्मीनारायण पांडेय मैंने इसके लिए सूचना दी है, समय स पहले।

अध्यक्ष महोदय 12 बजे के बाद आई है।

श्री ब्रह्म बिहारी बाजपेयी (गालिबर) :

11 बजे ।

अध्यक्ष महोदय अगर 11 बजे भी सी है
तब भी लेट है ।

श्री बनर्जी—

SHRI S M BANERJEE (Kanpur)

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

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

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

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

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

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

The meagre taxation provision in the original budget this year was with a view to hoodwinking the people. The actual deficit was Rs 400 crores to 475 crores though it was mentioned as Rs 235 crores. This shows the inefficiency, dishonesty and political gimmicks. People are groaning under the galloping price rise and yet there is no tightening of the belt so far as government is concerned. A Minister today costs between Rs 25,000 to 50,000 a month and a meeting of the Prime Minister cost Rs 80,000 towards security arrangements. Very recently a Mercedes car, a very fine six door car has been bought for the government, I do not want to say for whom it is bought.

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

SHRI JYOTIRMOY BOSU I want to oppose it from the beginning.

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

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

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

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

अध्यक्ष महोदय: डाक्टर पांडे, आज आप कह लीजिए लेकिन आगे से आपकी सूचना लेट नहीं आनी चाहिए।

डा० लक्ष्मी नारायण पांडेय : मैं दो आधारों पर इस विधेयक का विरोध करता हूँ। पहला आधार तो यह है कि 22 अक्टूबर को यह अध्यादेश निकाला गया और 15 नवम्बर से इसके लागू होने की बात थी जबकि ठीक 15 नवम्बर से ही यह लोक सभा प्रारम्भ होने वाली थी। ऐसी दशा में इसको निकालने का कोई औचित्य नहीं था और न ही कोई औचित्य सरकार की ओर से बताया गया है।

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

सम्बन्धित किसी ऐसे आर्डिनेन्स को तो बिल्कुल ही नहीं लाना चाहिए जिससे लोक सभा के अधिकार पर आघात पहुँचे। ये दो आधार हैं जिनके अनुसार इस प्रकार के आर्डिनेन्स को नहीं लाया जाना चाहिए क्योंकि इसका प्रभाव साधारण जनता पर बहुत ज्यादा पड़ने वाला है। विधेयक में 20 करोड़ की आमदनी आँकी गई है तथा अन्य करों से टोटल रेवेन्यू 70 करोड़ की आँकी गई है। बंगला देश के शरणार्थियों के नाम जो कुछ किया जा रहा है उसका भी प्रतिदिन का व्यय बहुत ज्यादा है और इससे पूरा होने वाला नहीं है। ऐसी स्थिति में इस विधेयक से कोई अर्जेंसी या इमर्जेंसी भी प्रकट नहीं होती जिसके कारण इस आर्डिनेन्स को लागू किया जाना आवश्यक था।

इन दो आधारों पर मैं इस विधेयक के प्रस्तुत किये जाने का विरोध करता हूँ।

श्री अटल बिहारी वाजपेयी : इस सत्र के पहले दिन मैंने यह लिखा था कि अध्यादेश जारी करने का यह तरीका ठीक नहीं है और आपने भी उस वक्त यही कहा था। अब अध्यादेश को कानून बनाया जा रहा है। अध्यादेश के द्वारा टैक्स लागू करना.....

अध्यक्ष महोदय : अब इसको कहने से क्या फायदा कि इसको कानून न बनाया जाय ?

श्री अटल बिहारी वाजपेयी : कानून तो बन ही रहा है, लेकिन यही मौका है जब विरोध किया जा सकता है। यह मिद्दान्त का सवाल है। पार्लियामेंट बनाये रख कर आर्डिनेन्स के द्वारा टैक्स लगाने के मामले को श्री मावलंकर ने उठाया था। सारी पार्लियामेंटी डिमाक्रेसी की लड़ाई इसी बात पर हुई है।

SHRI INDRAJIT GUPTA (Alipore) : In the inter-session period there were 12 or 13 Ordinances but these Ordinances, which are now being presented in the form of Bills, relate to additional measures of taxation. They are different from the other Ordinances.

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

SHRI INDRAJIT GUPTA : Can you cite any precedent ?

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

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

श्री अटल बिहारी वाजपेयी : जो टेक्न लगाये गये हैं वह 15 नम्बर से लगाये गये हैं । 1 दिसम्बर से लगाये जाते तो कोई आसमान टूटने वाला नहीं था । यह घाड़िनेन्स बनाने के हक का दुरुपयोग किया गया है ।

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

अध्यक्ष महोदय : मैं इसके बारे में पहले ही कह चुका हूँ ।

SHRI INDRAJIT GUPTA : That was about the general tendency.

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

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

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

MR. SPEAKER : It is not the first time.

श्री अटल बिहारी वाजपेयी : इंग्लैण्ड में पालियामेन्टो डिमार्केसो की लड़ाई ही इस बान पर हुई कि इस तरह से टेक्न नहीं लगाये जा सकते ।

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

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

श्री अटल बिहारी वाजपेयी : उनसे पूछिये कि 1 दिसम्बर से क्यों नहीं लगाने (अवधान)

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

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

AN HON. MEMBER : What ?

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

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

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

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

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

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

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

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

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

श्री अटल बिहारी वाजपेयी : आप को याद होगा कि पार्लियामेंट की दिल्ली बैठक में फाइनेंस मिनिस्टर से पूछा गया था कि क्या बंगला देश से आने वाले विस्थापितों के खर्च को ध्यान में रखकर कोई सप्लीमेंट्री बजट पेश करने वाले हैं। उन्होंने कहा, नहीं सप्लीमेंट्री बजट पेश नहीं करेंगे।

एक माननीय सदस्य : उस वक्त ऐसा ही विचार था।

श्री अटल बिहारी वाजपेयी : श्री सरकार 15 तारीख तक रुक सकती थी। उसके बाद मंत्री जी विधेयक लाकर 1 दिसम्बर से टेक्स लगा सकते थे, लेकिन वह तो संसद की अवहेलना करने पर तुले हुये थे। ब्राडिनेन्स के द्वारा टेक्स लगाना.....

अध्यक्ष महोदय : ब्राडिनेन्स तो पहले से ही चले आते हैं। ब्राडिनेन्सों के बारे में श्री मावलंकर के सामने प्राइम-मिनिस्टर ने जो जवाब दिया था वह यह कि ब्राडिनेन्स लाने का तो सरकार को अधिकार है, लेकिन आज यह देखने की बात है कि जब सेशन बिल्कुल नजदीक हो तब उसकी प्रोप्रायटी है या नहीं, और इसके बारे में मैंने पहले ही कह दिया है। उन्हीं ब्राडिनेन्सों में से एक ब्राडिनेन्स यह है और इनके बारे में मैं कोई प्रोजेक्शन करूँ तो कोई नई बात नहीं होगी।

श्री अटल बिहारी वाजपेयी : नई बात यह है कि उनके पास कोई जस्टिफिकेशन नहीं है।

अध्यक्ष महोदय : आप ने अभी बतलाया कि पिछले सेशन में क्या हुआ था। पिछले सेशन के बाद भी यह मामला चलता रहा और आज भी रिफ्यूजीज चले आ रहे हैं।

श्री अटल बिहारी वाजपेयी : अभी सत्तर करोड़ के टैक्स लगाये गये हैं। रिफ्यूजीज पर छः सौ करोड़ रुपया खर्च हो गया है। जरा बताइए सत्तर करोड़ से कैसे मामला हल हो जायगा ?

अध्यक्ष महोदय : इस पर किसी और वक्त डिबेट कर लें।

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

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

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

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

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

SHRI JYOTIRMOY BOSU : Not at all.

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

SHRI ATAL BIHARI VAJPYEE : Not by ordinance.

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

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

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

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

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

MR. SPEAKER : The question is :

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

The Lok Sabha divided :

Division No. 2]

[12-58 hrs.

AYES

Agrawal, Shri Shrikrishna

Ahmed Shri F. A.

Appalanaidu, Shri

Arvind Netam, Shri

Balakrishniah, Shri T.

Banerji, Shrimati Mukul

Basumatari, Shri D.

Bhuvarahan, Shri G.

Bisht, Shri Narendra Singh

Chandra Gowda, Shri D. B.
 Chavan, Shri Yeshwantrao
 Chawla, Shri Amar Nath
 Choudhary, Shri B. E.
 Choudhury, Shri Moinul Haque
 Dalip Singh, Shri
 Darbara Singh, Shri
 Deo Shri S. N. Singh
 *Dhandapani, Shri C. T.
 Doda Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri F.
 Gogoi, Shri Tarun
 Gohain Shri C. C.
 Goswami, Shri Dinesh Chander
 Gotkhinde, Shri Annasaheb
 Gowda, Shri Pampan
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Kailas, Dr.
 Kamakshaiiah, Shri D.
 Kamble, Shri T. D.
 Karan Singh, Dr.
 Kaul, Shrimati Sheila
 Kendar Nath Singh, Shri
 Kisku, Shri A. K.
 Krishanan, Shri G. Y.
 Kushok Bakula, Shri
 Lakshmikanthamma, Shrimati T.
 Lakshminarayanan, Shri M. R.
 Laskar, Shri Nihar
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mauraya, Shri B. P.

Mirdha, Shri Nathu Ram
 Mishra, Shri Bibhuti
 Mishra, Shri Jagannath
 Mohammad Tahir, Shri
 Murthy, Shri B. S.
 Negi, Shri Pratap Singh
 Oraon, Shri Tuna
 Oza, Shri Ghanshyam
 Pahadia, shri Jagannath
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Panigrahi Shri Chintamani
 Pant, Shri K. C.
 Parashar, Prof. Narain Chand
 Pratap Singh, Shri
 Parthasarathy, Shri P.
 Patel, Shri Ramubhai
 Patil, Shri Krishnarao
 Patnaik, Shri J. B.
 Qureshi, Shri Mohd. Shafi
 Raghu Ramaiah, Shri K.
 Raj, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rao, Shri Jagannath
 Rao Shri M. S. Sanjeevi
 Rao, Shri P. Ankineedu Parasada
 Rathia, Shri Umed Singh
 Rohatgi, Shrimati Sushila
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sarkar, Shri Sakti Kumar
 Satpathy, Shri Devendra
 Shambhu Nath, Shri
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma Dr. Shankar Dayal
 Shastri, Shri Biswanarayan
 Shenoy, Shri P. R.
 Sher Singh, Prof.

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

NOES

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

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

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

Ayes 102; Noes 32

The motion was adopted.

SHRI K. R. GANESH. I introduce† the Bill

12.57 hrs.

STATEMENT *Re.* TAX ON POSTAL ARTICLES ORDINANCE

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

RAILWAY PASSENGER FARES BILL‡

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

* The following members also recorded their votes :

Ayes : Sarvasbri B. K. Daschowdhury, Sheopujan Shastri and R. V. Swaminathan.

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

† Introduced with the recommendation of the President.

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