The Lok Sabha re-assembled after Lunch at thirty-three Minutes past Fourteen of the Clock.

(MR. DEPUTY-SPEAKER IN THE CHAIR) RE. PRICE OF SUGARCANE

श्वी इसहाक सम्भली (ग्रमरोहा) : उपा-ध्यक्ष महोदय, पश्चिमी यू० पी० के 40 लाख गल्गा उत्पादकों के नुमाइन्दे यहां ग्राये हुए हैं ग्रींर बौट क्लब पर जमा हैं। उन का कहना है कि उन के साथ नाइन्साफी हो रही है क्योंकि केन की कीमत बहुत कम मुकर्रर की गई है। हव कम से कम 15 रु० क्विटल मुकर्रर की जाये ग्रीर इस इन्डस्ट्री को नेशनलाइज किया जाये 1 ग्राप मेहरबानी कर मिनिस्टर साहब से कहें कि वह इस के बारे में बयान दें। वर्ना इस मर्तबा गन्ना बहुत कम है।

MR. DEPUTY-SPEAKER: The hon. Member has made his point. Now. order, please.

भी इसहाक सम्भली : अगर किसा में बात नहीं मानी गई तो हड़ताल हो जायेगी ग्रौर चीनी की मिलें नहीं चल पायेंगी जिससे लोगों को दिक्क्त होगी । मेरे पास उन लोगों का मैमोरंण्डम है। (व्यवधान)

श्री रामावक्षार झास्त्री (पटना) : उनको बडे बडे चीनी मैग्नेट्स की चिन्ता है, किसानों को नहीं। किसानों की तरफ ध्यान दिया जाना चाहिये।

MR. DEPUTY-SPEAKER: The hon. Member has made his point. That should be enough.

14.35 hrs.

CENTRAL SALES TAX (AMEND-MENT) BILL

MR. DEPUTY-SPEAKER: We shall now take up discussion of the Bill further to amend the Central Sales Tax Act, 1958, as reported by the Select Committee. Now, the hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): I beg to move:*

"That the Bill further to amend the Central Sales Tax Act, 1956, as reported by the Select Committee, be taken into consideration". I had already explained to the House the important changes sought t_0 be made by the Bill at the time of moving the Motion for reference to the Select Committee. I do not, therefore, wish to take the time of the House by recapitulating them now. I would only touch upon a few of the changes made by the Select Committee and reply to some of the points made by two members in their minutes of dissent.

Clause 3 of the Bill seeks to cast the onus on the transferor claiming exemption on the ground that any movement of goods from one Slate to another was occasioned otherwise than by way of sale. The minutes of dissent apprehend that this would cast an unnecessary burden on the traders resulting in harassment and corruption, when the onus should correctly be on the taxing authorities.

There is nothing unreasonable or inconsistent in casting the onus on the transferor. I might dispel the apprehension that such a provision will result in harassment. The provision is intended to safeguard State revenues against evasion and avoidance of tax on inter-state sales of goods.

Clauses 2, 3, 5 and 10 inter alia seeks to provide that the declarations or certificates referred to therein shall be furnished within the prescribed time. In the minutes of dissent, it has been apprehended that this would lead to harassment. The suggestion is that the declarations or certificates should be allowed to be filed upto the time of assessment or final assessment. Having regard to the apprehensions expressed by the trade and keeping in view the need for uniformity, the Select Committee has already amended clause 10(a) to provide that the rule-making power to prescribe the time limit should yest with the Central Government only. Clauses 2, 8 and 5(b) also provide that for sufficient cause, the appropriate authority may permit the relevant declarations or certificates being furnished beyond

*Moved with the recommendation of the President. 2350 LS-11 the prescribed time. I may add that the intention is to frame rules to the effect that declarations or certificates will be allowed to be furnished upto the time of assessment by the first assessing authority. For sufficient cause, such authority may also allow such declarations or certificates being furnished within such further time as may be allowed by him. This should meet cases of genuine difficulties.

Clause 4 seeks to amend sec. 7 of the principal Act with a view to authorise the registering authority to demand, in appropriate cases, security or additional security upto an amount or amounts not exceeding Rs. 50,000 for initial registration or for continuance of registration. During evidence before the Select Committee, witnesses had felt that this provision would act harshly on the new and small dealers. The Committee has, therefore, amended the clause omitting the monetary limit and providing that the security or, as the case may be, the aggregate of the security and the additional security shall not exceed the amount of tax payable on the estimated turn. over of the dealer for the year in which such security or additional security is required to be furnished.

Shri Bade has suggested that the amount of security required from a dealer should not be more than the amount of security prescribed by the law of the State in which he ordinarily resides or starts his business. If this suggestion is accepted, it would not be possible to call for security from dealers doing inter-state business in States where there is no provision for security under the local sales tax law. It would not also be desirable to link the amount of security under the Central Act with such security payable under the State Act as different State laws provide for different amounts according to the needs and requirements of such States.

Clause 12 inter alia seeks to amend with retrospective effect sec. 15(b) of the principal Act so as to make it clear that local sales tax on goods

declared to be of special importance in inter-state trade or commerce would be of reimbursable only when the tax on the inter-state sale of such goods has been paid. In the course of evidence tendered before the Select Committee in the State of Mysore, it was urged that the retrospective amendment of the section would hit dealers hard in the State as they could not collect Central sales tax from their customers on declared goods liable to tax at the first point after the Mysore High Court judgment pronounced on 14th February, 1967 in the case of Munshi Abdul Rehman. This position subsisted till the promulgation on 9th June, 1969 of the Central Sales Tax (Amendment) Ordinance, 1969. It is, therefore, contended that the retrospective amendment of the Act would act harshly on the Mysore Dealers who have not collected Central sales tax between 14th February, 1967 and 9th June, 1969. The difficulties pointed out by the traders in Mysore are peculiar to that State The State Government have assured that despite the retrospective amendment of section 15, which is necessary to safeguard the States' revenue interests, dealers who did not collect the tax on the transactions on and after 14th February, 1967 and up to 9th June, 1969 would not be required to pay tax out of their pockets. This would take care of the difficulties the retrospective amendment is likely to have on the dealers in the State of Mysore. My friend, the hon. Shri Bade has in his minute of dissent proposed that the amendment to clause 12 should not in any way affect the provisions of the Central Sales Tax (Amendment) Act. 1969. There is no basis for this apprehension as this clause does not abridge any concession available under the 1969 Amendment Act.

The hon. Shri Bade has also suggested an amendment to the proposed section 18, sought to be inserted by clause 13 of the Bill. This deals with the question of liability of the direcfors of a private company in liquidation His suggestion would in effect shift the burden of proving gross negligence, mis-feasance or breach of duty on the taxing authority. Sir, the facts relating to such matters are within the special knowledge of the director. Acceptance of the suggestion would make the realisation of Central Sales Tax dues private companies which go into liquidation more difficult to the State authorities. The erstwhile director of the private company in liquidation can also absolve himself of his liability if he proves that non-recovery was not due to any gross neglect, mis-feasance or breach of duty on his part.

Sir, at the request of the Government of Nagaland, some changes have been made by which the parent Act will come into effect in the Kohima and Mokokchung districts of that State on the day this Bill is enacted into law and the amendments proposed through the Bill will be enforced in these districts from the date they are enforced in the other parts of India.

The House is aware that this Bill has been drafted after full discussions with the State Governments. The Select Comittee has examined the Bill in great detail and has improved it further by making several useful amendments taking into account all connected and relevent aspects. I therefore commend the Bill for the unanimous acceptance of the House.

Sir, I move.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Central Sales Tax Act, 1956, as reported by the Select Committee, be taken into consideration."

SHRI DINESH JOARDER (Malda): Sir, the Central Sales Tax (Amendment) Bill has been brought into this House for consideration in view of certain changes in the provisions of the original Act, with a view to deal with the problems of evasion of tax and realisation of tax from liquidated companies and also to avoid the scope for contradictory interpretation of the provisions of the Act by that courts

or the tax administration officers as has been pointed out in the Statement of Objects and Reasons annexed to the Bill. But in fact, there is very little substance in the provisions of the Bill as has been envisaged in the Objects and Reasons annexed thereto, particularly in view of the evasion of tax and the realisation of tax. No effective measures to that effect have been envisaged in the Bill. However, on this Bill, a Select Committee was formed with the Members of the House, and the Select Committee, it seems, has traversed throughout this country from Manipur and Kohima to Bombay and from Kashmir to Kanya Kumari. It seems they have tried to keep no stone unturned in their tours to get the opinions and the views of various State Governments and the associations and chambers of commerce and industry, as regards the proposed amendment to the Central Sales Tax Act.

The Select Committee have held as many as 34 sittings and taken evidence of the various State Governments and associations and chambers of commerce and industry numbering 85 many as 84, and also considered the memorandum from public and private bodies to the extent of 125 in number. The Select Committee tried their best within the limited scope to give better shape to the Bill. But this Bill is not conpetent enough to remove the weaknesses of the Government's policy on the taxation system as a whole. The original Act with its restricted and penal provisions had failed to check evasion or reduce arrears. As in the case of direct taxes laws the big business houses, blackmarketeers and the monopoly houses whose interests the ruling party is looking after and safeguarding, are given the most lenient deal in the matter of evasion of taxes and accummulation of huge arrear of taxes. Same opportunitie₃ are also given to them, under Sales Tax laws. Certain provisions have been incorporated in this Bill to realise taxes from the liquidated companies. But no effective measures had been provided how the arrears of sales tax from the tex evaders and tex dodgers should

[SHRI DINESH JOARDER].

be realised. Unless the policy of the ruling party favouring and norishing the interest of big business houses, blackmarketeers and monopolists and tax evaders as a whole is changed and unless the entire tax structure and the taxation statues are overhauled and changed, some changes here and there in the language or wording of the Statutes, will fail to bring any tangible benefit to the society.

We have seen the promises of the ruling party and the Government in other spheres also on eradication of poverty, unemployment and the sncalled radical land reforms. policy. self-reliance, distribution of food articles and essential needs of life of the down-trodden and weaker communities; all have ended in a flasco. There was the slogan of garibi hatao. Now we are testing and feeling the britterness of that sugar-coated slogan. There is a spiralling and gollopping rise in prices; the unemployment is ever increasing. There is the free play of the big business houses and black marketeers and monopolists. There is tax evasion. The arrears of taxes are accumulating in the higher levels. We are afraid that the proposed enactment will yield the same results as the earlier ones. We have yet to see the results or the outcome of the direct tax amendment legislation that had been passed in the last session and also the effect of the wanchoo Committee report. Frankly we do not hope for effective results by these amendments to the taxation laws under the present policy of the ruling Congress Party and their Government.

As to the clauses, after consideration by the Select Committee exhaustively, it is slightly better than before. But there is no provision in the Bill to impose sales tax at source. This is a very important matter. That would avoid tax evasion and also comlications in the tax administration. This has been totally overlooked by the ruling party.

Clause 4 provides for a new subclause to section 7 of the Act and the new clause 6 (A) proposed in clause 3 of the Bill are important no doubt. These provisions may lend scope to officers for putting undue pressure and harassment to the honest and innocent tax payer and businessmen; yet these may be recommended so that evasion of tax may be checked, even though there is limited scope in it for the purpose, as I have explained earlier. With these observations, I conclude my speech.

श्री प्रबोध चन्द्र (गुरदासपूर) : डिपूटी स्पीकर साहब, इस बात में कोई दो रायें नही हो सकती हैं कि इस बिल में जो एमेंडमेंटम की गई हैं, वह एक स्टेप फार्वर्ड है। लेकिन इस गमेंडिंग बिल में उन लोगों पर हाथ डालने की कोई गजाइश नहीं है, जो बजाये सीधे कन-ज्यमर्जनो मपना माल बेचने के हर सूबे में ग्रपने डीलर ग्रौर स्टाकिस्ट रखे हए हैं ग्रौर कई गलत तरीकों से सैंटल सेल्ज टैक्स ग्रीर स्वसाइफ टैक्स को ईवेड करते हैं। मैंने चन्द महीने पहले श्री गणेंश को लिखा था कि हिन्दालकों को एल मिनियम के कारखाने में सात करोड रुपये की सालाना पैदावार होती है, मगर गवर्नमेंट को उससे माधे पर भी सेल्ज टैक्स या एक्साइज टैक्स हीं मिलता है । उनकी काम करने का तरीका यह है कि वे बाजार भाव से तीस चालीस परसेंट कम पर ग्रपने डीलर्ज को माल बेच देते हैं । उन्होंने मपने चुने हुए स्टाकिस्ट्स रखे हुए हैं, जो डीलर्ज से बाजार भाव के फर्क को ब्लैक मनी की शक्स में से सेते हैं। हिन्दालको विड्लाज का कारखाना है। उसके बारे में रिपोर्ट मिनि-स्टर साहब के पास पहुंच गई है। उसको देखकर उन्हें पता लगेगा कि उसमें लाखों नहीं बल्कि करोडों रुपयों का घपला है।

छोटे छोटे ए र्रामनियम पैदा करने वाले इस कम्पनी का मुकाबला नहीं कर सकते, क्योकि वे यह ए फोड नहीं कर सफते कि व हर प्रदेश में या प्रदेश के बड़े बड़े शहरों में प्रपनी बांचिज खोल । फिनांस मिनिस्टर साहब ने यह जो कदम ग्राग बढ़ाया है, उसके लिए मैं उनको मुवारकबाद देता हूं। लेकिन ग्रेगर वह सेल्ज टैक्प के इवेजन को रोकना चाहते हैं, तो उसका सही तरीका यह है कि स्टाकिस्ट्स से जो प्राईजितज चार्च की जाती हैं, उन पर सेंट्रल सेल्ज टैक्स ग्रीर एक्साइज टक्स लगावा जाये ।

जहां तक सजा का ताल्लुक है, सरम।या-चार को जुर्माने की कोई परवाह नहीं है। हम।रे देश में सरमायादार जल से डरता है म्रौर किसान जुर्माने से डरता है। जब तक इस बिल में उन सरमायादारों के लिए जल की कड़ी सजा नहीं रखी जायेगी, जो गवनमेंट का करोड़ों रुपया खा जाते हैं झौर भ्रपने ग्रापको बचाने के लिए ग्रपने छोटे कारिन्दों के नाम पर व्यापार करते हैं, तब तक यह ईवेजन नहीं रोका जा सकता है। बिडला किसी भी कागज पर भ्रपने दस्तखत नहीं करता है। मेरे पास कुछ लोग भाये भौर उन्होंने कहा कि अगर उन्हें प्रोटेक्शन दी जाये, तो वे बता सकते हैं कि गवनं मेंट का कितना रुपया खाया जाता है। रोजाना पैदावार को जमा कर के साल में जितनी पैदावार होती है, उसके मुकाबले में बैलेस शीट की पैदावार दो-तिहाई दिखाई जाती है। गवनमेंट ने हिन्दालको को दो यूनिट लगाने की इजाजत दी थी, लेकिन उन्होंने स्मगल करके या फब्रिकेट करके एक

तीसरा यूनिट भी लगा लिया है । जब एन-क्वायरी करने वाले ग्रफसर वहां गये, तो उन्होंने कहा कि ग्रापने बैलेंस शीट में इतनी पैदावार दिखाई है, लेकिन रोजाना पैदावार को जमा करके 33 परसट ज्यादा पैदावार हो जाती है । इसका कोई एक्सप्सेनेशन देने के बजाय कम्पनी ने कहा कि हम इस बारे में लिख देंगे, तुम नहीं जानते कि बिड़ला के पंजे बहुत फैले हुए हैं, तुम्हें जरा सोच समझ क काम करना जाहिए ।

हिन्दालकों में सीखे कनज्यूमर के झाडर बक नहीं किये जाते हैं। वे कहते हैं कि हमारे फलां स्टाकिस्ट या डीलर हैं, उन से बातचीत कर लो । बातचीत का मतलब यह होता है कि ब्लैक का रूपया नकद दे दो झौर बाकी चैक की शक्ल में । इसलिए बड़े बड़े मानोपली हाउसिज ग्रौर कारखानेदारों को यह इजाजत न दी जाये कि वे ग्रपनी ब्रांचिज खोल कर ग्रपना माल बेचें। होता यह है कि अगर एक किलो का भाव पचास रूपये है, तो वे डीलर को तीस रूपये पर बेच देते हैं झौर इस तरह बीस रुपये का सेल्ज टैक्स भ्रौर एक्साइज टैक्स मारा जाता है। इसलिए बड़ी बड़ी कम्पनीज को मपनी क्रांचिज के जरिये कारोबार करने की इजाजतन दी जाये । वे सीधे कनज्युमर के ग्राडंर बुक करें <mark>भ</mark>ौर जिस भावे पर कनज्यूमर को माल बेचा जाये, उसके मुताबिक सेल्ज टैक्स लगाया जाये ।

मान लीजिए कि बिड़ला की कम्पनी दो करोड़ रुपये का टैक्स ईवेड करती है झौर बह पकड़ी गई, तो वह एक या दो लाख पया जुर्माना दे कर छूट जायेगी। मैंने मिनिस्टर साहब को इस बारे में सीधे एक चिटठी लिखी। उसको मैं जानता हुं या मेरा स्टेनोग्राफर जानता है । लेकिन भ्राप सुनकर हैरान होंगे कि चौथे दिन कलकत्ता से मेरे पास एक मादमी माता है मौर कहता है कि तुम्हें ऐसी चिटठी नहीं लिखनी चाहिए, यह पार्टी बड़े काम की है । इससे आप अम्दाओं लया सकते हैं कि उन लोगों का जाल भौर पंजे कितने फैले हए हैं। मैं मिनिस्टर साहब के दफ्तर पर शक नहीं करता हूं। मुझे मपने स्टेनोग्राफर पर भी यकीन है। मैं नहीं जानता कि यह कैसे हमा। में चाहुंगा कि मिनिस्टर साहब आफिशल कारेसपोंडेंस या कम्पलेंट रिसीव करने वाले सेक्शन पर ज्यादा नजर रखें। चार दिन में कलकत्ता से एक आदमी भा जाये और कहे कि तमने ऐसी चिटठी लिखी है, इससे ज्याद। गवर्नमेंट को कमजोरी ग्रौर इनडिफरेंस क्या हो सकती है । मैं मिनिस्टर साहब से भ्रर्ज करूंगा कि वह इस बिल में ऐसी एमेंडमेंट लायें, जिससे कारखाने के मालिक को सजा मिल्ले. उसके किसी मैनेजर या कारिन्दे को नहीं।

श्वी रामावंतरार झास्त्री (पटना) : उपा-ध्यक्ष महोदय, केन्द्रीय सेल्ज टैक्स के सम्बन्ध में सिलेक्ट कमेटी द्वारा जो बिल संबोधित किया गया है, हम उस पर जिपार कर रहे हैं। इस बिल के जरिये इस बात की कोशिश करने का दावा किया गया है कि हमारे देश में जो करों की चोरी चल रही है, उसको कैसे रोका जाये । इसी को बुनियाद बनाकर इस बिल को पेश किया गया श्रीर प्रवर समिति ने भी उन्हीं बातों को ध्यान में रखकर कुछ संशोधन करन की कोशिश की है ।

15 hrs.

यह ठीक है कि करों की चोरी को रोकने की जितनी भी कोशिश की जाये, वह थोड़ी है। लेकिन सवाल यह पैदा होता है, जिस पर गौर किये बगैर हम नहीं रह सकते, कि झाज करों की जो व्यवस्था है, क्या वह सचमुच में जनता के झनुकूल है या हमारे देश के बड़े बड़े

सरमायादारों, पुंजीपतियों, मानोपलिस्टस भौर चोर-बाजारी करने वालों के हक में है । सरकार कोई भी कानून बनाये, लेकिन धाज स्थिति यह है कि बड़े बड़े पूंजीपति ग्रीर ब्लैक-मार्केटियर्ज करों की चोरी करते हैं और सरकार उन के खिलाफ कोई सख्त कार्यवाही नहीं कर सकती । कहने के लिए सरकार यह दावा करती है कि हम समाजबाद लाना चाहते हैं. लेकिन उसकी कर नीति पूंजी-परस्त है, चाहे वह सेल्ज टैझ्स के बारे में हो ग्रीर चाहे दूसरों करों के **बा**रे में 1 उससे ग्रामी से तक ज्यादा ज्यादा ला भ मोनोपलिस्ट या इजारेदार उठाते रहे हैं। बात भाप समाजवाद की करते हैं लेकिन कर लगाने की समाजवादी नीति को भ्राप ग्रंगीकार नहों कर रहे हैं। ग्रगर ऐसा ग्राप करते तो ठीक ही कुछ माननीय सदस्यों ने कहा कि कर ग्राप स्रोत पर लगाते । यह बडे सरमायेदा रों के यहां से जब माल चलता है तो उन पर लगाते । लेकिन वहां न लगा कर के नीचे लगाते हैं ग्रौर एक प्वाइंट पर नहीं, जगह जगह मल्टी प्वाइंट सेल्स टैक्स चलता है जिस की ज्यादा से ज्यादा चोट हमारी आम जनता पर पडती है जब कि उसकी चोट पडनी चाहिए जिन के पास पैसे हैं, जो ग्रपने पैसे बचाना चाहते हैं , उन पर । यह चोट उन पर नहीं पड़ती । क्योंकि आप की वर्तमान नीति पुंजीवादी व्यवस्था को कायम रखने की है। आप समाजवाद का नाम लेते हैं लेकिन समाजवादी कर व्यवस्था लागु नहीं करते । ग्राप देखिए, सेल्स टैक्स दवाग्रों पर भी वसूल किया जाता है, खाने की सामग्री पर वसूल किया जाता है। होटलों से वसूल किया जाता है। रेलवे से जो मुसाफिर सफर करते है उनसे भी ग्रीर तमाम गरीबों से यह सेल्स टेक्स म्राप लेते हैं । मगर श्राप स्रोत पर लेते, उदगम स्थान पर लेते तो फिर ग्राम जनता को राइत मिल सकती थी। लेकिन भापकी वह नीति झभी नहीं है। प्रापकी नीति है कि गरीबी मिटाने का नाम भी लो झौर गरीबों पर टैक्स भी लगाग्रो, उनको तबाह भी करो । उनके पास खाने के लिए तो पैसे हैं नहीं, वह टैक्स

कहां से दें ? लेकिन ग्रामी टैक्स उनहीं को देना पड रहा है मौर बड़े लोग बच जाते हैं। मख-बारों को देविए, ग्रखबार कौन लोग पढते हैं ? प्रखवार माज गरीब लोग पडते हैं। देहात देहात में भ्रखबार जाता है । सरकार ने उन पर भी टैक्स लगा दिया । भाष किरला. टाटा, डालमिया जो बडे बडे प्रेसों के मालिक हैं उन पर टैक्स लगाइए, उनसे टैक्स लेजिए। लेकिन मखझारों पर टैक्स लगा कर माप म्राम जनता पर चोट करने की कोशिश कर रहे हैं। तो इन नीतियों को आप को छोडना होगा । भगर भाप गरीबी मिटाने की बात करते हैं. समाजवाद की बात तो भूल जाइए, समाजवाद का नाम जो माप लेते हैं. समाजवाद आपसे होने वाला नहीं है, वह तो बहत संवर्ष के बाद किसान मजदूर जब धागे बढेंगे, संघर्ष करेंगे तब समाजाद माएगा । वह न हमारे कहने से न आपके कहने से आने वाला है, लेकिन गरीबी मिटाने की बात करते हैं तो गरीबों को टैक्स से राहत दीजिए । उन पर चोटन कीजिए ग्रौर जिनके यहां वकाया है उनसे बसूस कीजिए । बकाया में क्या होता है ? सबसे ज्यादा जो परेशान किए जाते हैं सेल्स टैक्स की वसुली में वे बडे बडे पंजीपति या सरमायेदार नहीं बल्कि साधारण व्यापारी वर्ग के लोग हैं। झौर वे व्यापारी वर्ग के लोग समझते हैं कि हमको परेशान करने के लिए यह सेक्स टैक्स लगाया गया है ग्रीर इसने टैक्स सरकार लगाती है। झापके जो अफसरान हैं ग्राप जानते हैं ऊपर से नीचे तक उनमें भ्रष्टा-चार का बोलजाला है ।.... (व्यवधान) में बिल पर ही बोल गहा हं। मैंने शुरू में ही निवेदन कर दिया था कि टैकनिकल बातें जो बताई गई हैं भौर बिल में जो भ्रमेंडमेंट किया गया है वह सही दिशा में है। लेकिन उतने से काम चलने वाला नहीं है। तब मैं इन बातों को बोल रहा हं। किल में जो झाप ज्यादा से ज्यादा मैजर्स रख रहे हैं वह तो ठीक है। लेकिन जब बह भ्रमल में माता है तो सातारण व्यापारी पर ही चोट पडती है। तो इस चोट को बचाना चाहिए । ग्रीर जो सही मानें में

चोरी करनें बाले हैं करों की बिरसा टाटा डालमिया, हिन्दुस्तान के 175 इजारेदार पूंजीपति उन पर चोट होनी चाहिए। कोशिश जरूर है लेकिन ग्रमल में ग्राप ऐसा नहीं करते। इसलिए हमारा यह कहना हैं कि ग्राप उन पर चोट कीजिए ग्रीर ऐसा ग्रपनी प्रफश्चर-गाही को कहिए वह ग्रफसर लोग जब जाते हैं वसूल करने तो वे तंग किनको करते हैं शै साधारण व्यापारियों को तंग करते हैं ग्रीर बड़े बड़े लोगों को छोड़ देते हैं। उनसे पैसा लेते हैं, मंयली बंधा हुग्रा है। ग्रगर इसी तरह ग्राप चलते रहेंगे तो ग्राप कितना गी कानून में संशोधन कर लें, जो कुछ भी कानन ग्राप बनाएंगे वह ग्रापकी किताबों में ही पड़ा रह जायगा।

इसलिए म यह कहुंगा कि सरकार मपनी टैक्स नीति बदले झौर साथ साथ जो टैक्स वसुली करने की मशीनरी है उसको ठीक करे। जिन बातों को इस संजोधित बिल में रखने की कोशिश की गई है उन पर भ्रमल किया जाय ग्रौर साधारण व्यापारियों पर ज्यादा चोट जो भ्राज पडती है उसका निम्नाना बडे लोगों पर किया जाय क्योंकि घरबों रुपये उन के ऊपर ही बकाया है । साधारण लोगों पर कोई टैझ्स बकाया नहीं है । खाने की सामग्री पर, होटलों पर, दवाग्रों पर, इन तमाम चीजो पर जो टैइस लगा हम्पा है उसको हटा देना चाहिए । इसकी वजह से ग्रीर ज्यादा करप्शन होता है। मगर जहां से सामान झाता है बन कर के वहां से टैक्स वसल करेंग तो भ्रष्टाचार का जो बाजार गरम है वह भी खत्म होगा मौर साधारण जनता को भी राहत मिलेगी। तब सडी मानों में सोग महसूस करेंगे कि गरीबी मिटाते की तरफ मापने कदम उठाया । म्रभी ग्रापव उस तरफ कदम उठाया नहीं है। ग्राप कहते कुछ हैं ग्रौर करते कुछ हैं। उससे फायदा होता है बड़े बड़े इजारेवारों को, एकाधिकारी पंजीपतियों को । तो इस कर की नीति को बदलना होगा । तभी भाप कर वसूल कर

सकेंगे । ऐसे तो भापने जो संगोधित विस यहां रखा है मोटे रूप में वह ठीक है । इससे कुछ प्रापको मदद हो सकती है । लेकिन ज्यादा मदद इस से भापको नहीं मिलेनी । भाप पूरी विकी कर संबंधी नीति पर पुनर्विचार कीजिए भीर गरीवों को राहत दीजिए । वडे लोगों पर यह कर लगाइए । इन शब्दों के साथ मैं समझता हूं माननीय मंत्री महोदय का घ्यान इन वातों की तरफ जायेगा जो मैंने रखी हैं ।

*SHRI J. MATHA GOWDER (NIL-GIRIS): Hon. Mr. Deputy Speaker, on behalf of my party, the Dravida Munnetra Kazhagam, I would like to say a few words on The Central Sales Tax (Amendment) Bill.

I have gone through the Report of the elect Committee and I am happy to say that, after discussing in great details all the provisions of this Bill, the Select Committee has made many meaningful amendments in the Bill. I would like to say here what I felt when I was going through the Report of the Select Committee. You know, Sir, that there is a plethora of high officials in both the Law Ministry and the Finance Ministry of the Government of India, getting salary in thousands of rupees. I am of the view, after reading the Select Committee's Report, that they have not paid adequate attention in drafting this Amendment Bill. They have neither tried to understand the problems faced by the traders. They have also not analysed the deficiencies in the parent Act with proper care. Sir, supposing this Bill has been passed without reference to the Select Committee, I am sure that this Bill would be struck down by the Courts in case the traders take the issue to the Courts. The Bill would have been passed by this House with all the lacunae, which have now been removed by the Select Committee.

You are also aware, Sir, that many Acts passed by this House without reference to the Select Committee have been struck down by the Courts. This Bill also would also have received the same set back if it had not been improved by the Select Committee. I want to say, Sir, that there seems to be something basically wrong with the Administration here in the Centre so far as drafting of Bills is concerned. This has been amply proved by the Select Committee on the Central Sales Tax (Amendment) Bill, I would give you one or two points to prove my contention. Clause 1 has been suitably amended by the Select Committee bearing in mind the judgment of the Supreme Court regarding exclusion of charcoal from the scope of the term coal. I wonder how the judgment of the Supreme Court should escape the attention of the officials who prepared the Draft Bill. Similarly, the Select Committee has included "iron scrap and cast iron scrap" in the definition of the term 'Iron and Steel", which has not been incorporated in the Draft Bill by the Government. But for this, the Bill will naturally be struck down by the Courts. I have no hesitation in saying that the Administration in the Centre is not giving proper and adequate attention to the Draft Bills sent to this House.

Sir, under Clause 2, it is proposed to prescribe a time-limit for the submission of Certificates in regard to inter-State Sales. I feel that his provision will be effective only when it is ensured that the traders are able to get Form C from the authorities. Many times the traders are told that Form C is out of stock. If that is the position, how can you expect them to submit Form C within the prescribed timelimit. It is also not uncommon that the salestax hearings are postponed on the ground that Form 'C' has not been made available to them in time. Though Form 'C' is not supplied to the traders in time, it is also normal that heavy penalties are imposed on them for non-submission of Form C at the time of salestax hearing. I

*The Original speech was delivered in Tamil.

would like to suggest that before any time-limit is fixed for submitting Form 'C' it should be ensured by the Government that Form 'C' is made available to the traders by the authorities at proper time. I feel that it should be ensured that the traders submit Form 'C' at the time when the assessment of sales tax is taken up in hand.

Sir, regarding inter-State transfers, you know that only big industrial establishments enjoy this luxury. Though they have a factory in Calcutta, they manage to transfer the goods produced in Calcutta to their Branch Office in Bombay. It is only a name-sake transfer. As soon as the goods reach Bombay Railway Station, the goods are sold. In fact they are not even taken to the godowns. Thus, they are able to evade the Central Sales Tax. I feel that the Government have done the right thing to insist on proper records for such transfers.

Under Clause 4, it is proposed that those, who want to get Central Sales Tax Registration done, should deposit a security. Here, I would like to point out that in many States, there is no such system of security for the registration of local Sales Tax. In Tamil Nadu there is no such system of security for local sales tax registration and it is so in other States also. I do not think it is proper to evolve a different system for Central Sales Tax registration especially when it is to be implemented by the local sales tax authorities.

भी रामावतार झास्त्री: उपाध्यक्ष महोदय, मेरा प्वाइन्ट ग्राफ ग्रार्डर है। श्रीपीलू मोदी फिर उसी वेज को पहन कर ग्राये हैं..... श्रीनवल किशोर सिन्हा (मुखफ्करनगर) वह तो कुबूल करते हैं, फिर झाप नाराज क्यों होते हैं ?

भी रामावतार झास्त्रीः वह इसे यूज नहीं कर सकते हैं, उम्होंने विधान के प्रति गपथ ली है

MR DEPUTY SPEAKER: May I request the hon. Member to kindly resume his seat so that I can hear the point of order?

SHRI S. M. BANERJEE (Kanpur): As I pointed out this morning, a particular badge which is worn by Mr. Piloo Mody around his neck says that he is a CIA agent. I have nothing against it, let him wear anything. But the question is: if you read our Rules, any hon. Member who is duly elected by the people takes oath in this House, either it is an oath or affirmation, either in the name of God or in the name of the Constitution of India, that he shall maintain and he shall be loyal to the Constitution. In this case, in order to ridicule this entire movement which has been launched in the country by all Parties against the CIA and against the nefarious activities of the CIA, the question is whether in this House, after the Speaker has expressed his displeasure.

SHRI RAMAVATAR SHASTRI: in strong terms.

SHRI S. M. BANERJEE: Yes, in strong terms and he also made a request to my hon. friend whether it is. open to an hon. Member to persist in doing it.

In the larger interests of decorum of the House, I would only plead with him about this and I hope he will understand this problem, and observe decorum. SHRI PILOO MODI (Godhre): Kindly don't give a ruling in my absence, Sir.

SHRI S. M. BANERJEE: My only submission is this, Sir. This is what we call in Hindi.

वह जो कुछ भी गले में बांध कर जायें, हम को कोई एतराज नहीं है, वह तो म्यनिस्पिलिटी वाले देखेंगे।

MR. DEPUTY SPEAKER: Order please. You are making too long a speech. (Interruptions)

SHRI S. M. BANERJEE: I want to know from you, Sir, whether after the displeasure has been expressed by Mr. Speaker, Mr. Piloo Mody, the Cheirman of a particular political party, can disturb the decorum of this House and come in this way. Is this the way? (Interruptions)

MR. DEPUTY SRPEAKER: Order please. This is a point of order, this is not going to be a debate. (Interruptions) He has raised a point of order. (Interruptions) Order please. Now, I have allowed this point of order because it relates to the conduct of business of this House at this particular moment. There should not be a debate on it because it will then be a debate within a debate. In the first place, he asked whether Mr. Mody, by wearing that badge, had violated his oath to the Constitution by which he swore here as a Member. That is a constitutional question and I don't think I am in a position to make any pronouncement on that. It has to be looked into.

But, I think, it is important for the efficient and for the smooth conduct of the proceedings of this House, that every Member should help in running the House with the dignity which it deserves. And, every Member should avoid doing anything that will create a furore in the House and things of that type.

Now, the Speaker in the morning had observed that it was most improper for Mr. Mody to come flaunting that badge before the House. I think he is expected to abide by that observation of the Speaker. With what Mr. Piloo Mody does outside the House we are not concerned, but it is expected that every Member should conduct himself, even in the way that he dresses, in such a way, as not to excite controversy in this House or bring this House into contempt.

I am not, as I said, in a position to say whether constitutionally he has violated his oath to the Constitution and I don't think that any action is called for unless some kind of a definite motion is brought before the House over this. I would say that at this moment if Mr. Mody persists in this, the House, until some other action is taken on a proper motion, should consider it as an individual act of buffoonery on the part of a Member.

भी जगन्नाथ राव जोशी (झांआपुर) : सम्माननीय सदस्य के बारे में प्राप जो कह रहे हैं. उस के बारे में उनसे पूछा नहीं है... (व्यवधान) ...मैं ग्राप की रुलिंग को चेलेन्ज नहीं कर रहा हूं.. (स्यव-धान) ..

DR. KAILASH (Bombay South): He should not have done that; it is not proper (Interruptions).

MR. DEPUTY SPEAKER: Everybody has mentioned what he is wearing. He has not contradicted it and therefore I take it that what the Member says is correct. Now, Mr. Gowder. (Interruptions) Order please.

SHRI J. MATHA GOWDER: I would request the hon. Minister that he should pay his attention to this unwarranted discrimination between the Central Sales Tax registration and the local Sales tax registration.

Sir, it is also proposed under Clause 13 that in respect of Central Sales tax arrears of a company under liquidation, the Director will be made responsible for the payment of arrears of central sales tax. In the same clause, it is proposed earlier that the liquidator appointed under the Companies Act will ensure payment of the central sales tax arrears from the assets of the wound-up company. Central Sales tax arrears have been made the first priority of the assets of the liquidated company. It is the duty of the liquidator to see that the arrears of the Government are paid from the assets of the wound-up company, I am not able to appreciate why the Director of such a company should be made responsible for the payment of central sales tax arrears. I would request the hon. Minister to clarify this point.

You are aware of the fact that sales tax is the backbone of the State revenue. When prohibition was introduced in the States to make good the loss of revenue through the introduction of prohibition, the sales tax was introduced. The States have got meagre revenue raising resources. Even in that the Centre wanted to have a share and introduced this Central Sales Tax. I need not say that this has depleted the resources of the States. The Centre has not got officials also to collect the Central Sales Tax. It is collected by the State Sales Tax authorities. I am afraid that the Centre is trying to take over one by one the revenue raising capabilities of the States. I would strongly recommend that there should be only one kind of Sales tax, which should be entirely left to the States for administration. This kind of Central Sales Tax and local Sales tax has led to many types of malpractices among the traders. They are keeping double sets of books to evade the central sales tax and also local sales tax.

Before I conclude, I would suggest the introduction of one sales tax throughout the country, abolishing the Central Sales Tax and combining it with the local sales tax, so that it can be implemented effectively. It will a.so lead to eradication of all kinds of malpractices among the traders. Since the Select Committee has amended the Bill in a constructive manner, I support the Bill.

With these words, I conclude.

भी झार० थी० थड़े (खारगोन) : माननीय उपाध्यक्ष महोदय यह सैन्ट्रल सेल्स टैक्स भनेन्डमैन्ट बिल पहले सिलेक्ट कम्मेंटी को भेजा गया था जिसका मैं भी मेम्बर था । उस समय जब हमने इसके प्राविजन देखे तो मालूम पडा कि जो कानून बनाया जा रहा है उससे छोटे छोटे व्यापारियों को बढी कठिनाई होगी । इस-लिए इसपर डिस्कशन किया गया भौर इस नतीजे पर भाषे कि जो सैक्शन्स है उनमें कुछ परिवर्तन होना चाहिए । मैंने इस सम्बन्ध में झपना एक डिसेन्टिंग नोट दिया है । इस सैक्शन्स के बारे में हमारे मित्रों ने प्रकाश डाला है । मंत्री महोदय ने भी प्रकाश डाला है । मंत्री महोदय ने भी प्रकाश डाला है भोर उन्होंने मेरडिसेटिंगनोटका उत्तर भी दिया है। कलाज (3) के बारे में मैं ने कहाथा :

The burden of proof should be on the taxing authority.

सेलौ टैक्से को केस क्वासी किमीमल केस समझी जाती हैं। क्वासी किमिनल केसेख में प्रगर कोई टैक्स देना है तो जो वकील है। उसको साबित करना पडेगा, पहले पाखिटव सबूत हो ग्रीर फिर नैगि टिव सबूत होता है। इस लिए मैं ने लिखा है:

The person who is at the dock is supposed to be innocent.

ग्रतः वडन ग्राफ प्रूफ टैक्सिण्ग∦ ग्रावारिटी पर होगी कि वह जो [टैक्स देना [भी भार० मो० महे] :

चाहिए, जो टक्सेबिल हो वह पहले साबित इस सक्शन का प्रपज ही यहीं है। गवर्न न्ट जब सुप्रिम कोर्ट या हाई कोर्ट में जाती है तो यह साबित करने में बड़ी परेशानी होती है कि यह टक्सेबिल है। झतः शासन ने यह उलटा प्राविजन रखा है।

जितने विटन सहमारे सामने माये उन्होंने दो बातों की ही ज्यादा टीका टिप्पणी की-एक तो बर्डन माफ तुरु में र 50 हजार की सिक्यो-रिटी जो कि ग्रोरिजनल बिल में थी। ग्रब उसमें धोड़ा सा परिवर्तन हुम्रा है कि 'जितना टैक्सिग एमाउन्ट होगा उतनी ही सिक्योरिटी ले सकते हैं। ग्रभी यदि गवर्नमैन्ट को रजिस्ट्रेशन करना है, कोई व्यापारी लाइसेंस चाहता है व्यापार करने के लिए तो शुरूम्रात में रजिस्ट्रेशन ग्राफिसर ग्रन्दाज करेगा कि यह 50 हजार का विजन सकरेगा इसलिए उससे 50 हजार की सिक्योरिटी ली जाये लेकिन मैं समझता हूं यह गलत है। स्टे्स में इस प्रकार की सिक्योरिटी का कोई प्राविजन नहीं है। कुछ स्थान पर है लेकिन 5 हजार से ऊपर कहीं नहीं है ग्रापने ग्रमेन्डमट के बाद में लिखा है कि जितना टैक्स होगा उतना ही सिक्योरिटी में देना पडेगा। ग्रब सिलेक्ट कमेंटी ने बाद भें किया है।

इसी तरह से ग्रगर कोई कम्पनी लिक्वी-डेशन में ग्राती है तो जो उसके डाइरेक्टर्स हैं वे पर्सनली लायबिल होंगे । लिक्वीडेशन में जाने पर किसी कम्पनी के जो ग्रसेट्स होते हैं उससे पहले जो रिसीवर होता है वह गर्वनमैन्ट डयूज पे करता है ग्रीर फिर दूसरों को डिस्ट्रीब्यूट करता है । लेकिन यहां पर यह है कि जो डायरेक्टर्स होंगे, जो उसके मालिक होंगे वह पर्सनल लायबिल होंगे । इसलिए मैं ने नोट झाफ डिसेंट दिया है झौर यह सजेस्ट किया है :

"Provided that nothing contained in this sub-section shall debar the liquidation from parting with such assets, etc."

मंत्री महोदय ने कहा है कि 1969 में जो कुछ हुआ है वह मैसूर स्टेट को छोड़ कर और कहीं नहीं होगा। तो मैसूर स्टेट को भी क्यों रखना चाहिए । एक डाक्टर जो होता है वह अगर गलती करता है तो उससे पेगेंन्ट के प्राण चले जाते हैं लेकिन उससे भी केवल एंक व्यक्ति को ही नुकसान पहुंचता है । जेनरेशन टू जनरेशन उसका कोई असर नहीं होता है । लेकिन यहां पर दूसरी स्टेट को भी ऐसा करना पड़ेगा) लेकिन मंत्री महोदय को यह मंजूर नहीं हुआ तो भी कहते हैं कि मैसूर के अलावा कहीं इफेक्ट नहीं होता है । अतः मैने एक प्राविजों ऐड किया है ।

"Provided that this sub-section shall not in any way affect the operation of the provisions of the Central Sales Tax (Amendment) Act of 1969."

एक बात मुझे ग्रीर कहनी है कि जो पूंजी-पति जो हैं वे तीन चार जगह पर श्रपने सब ग्राफिसेज खोलते हैं। जैसे कि दिल्ली में किसी चीज का प्रोडक्शन होता है तो मध्य प्रदेश में म्रौर महाराष्ट्र में भी वे ग्रपने ग्राफिसिज खोलते ŧ ग्रीर **ग्र**पने कन्साइनमैन्ट वहां भेजते हैं ग्रौर फिर चोरी करते हैं लेकिन मेरा कहना यह है कि म्राप चाहे जितने ही कानून बनाऐं, जबतक धापके टैक्सिंग झाफिसर भ्रन्टाचारी हैं तब तक सारे कानून केवल किताब में ही रहेगे भौर भष्टाचार होता रहेगा । आपके कानून से कोई फायदा नहीं होगा। ग्रापके टैक्सिंग आफसर को सतर्क रहना चाहिए । भ्रगर इस प्रकार का सेल होता है तो उस पर जरूर टैक्स लेना चाहिए । लेकिन फिर उन्होंने कहा है कि He should obtain the certificate in 'C" form.

सार्टीफिकेट मिलने के बाद यह समग्रा जायेगा कि सैल नहीं है, सिर्फ कंसाइनमैन्ट भेजागया है। यह जो कहा जाता है कि सी फार्म भी भरना चाहिए. उसके बारे में मेरा निवेदन यह कि वह प्रवेलेबल भी होना चाहिए। बैंक से चैक मिल जाता है लेकिन सी फार्म मिलना मण्किल हो जाता है। ग्रापने ग्रोरिजन-नल बिल में कहा था कि जो डिक्लेरेशन है उसको प्रेसकाइब्ड टाइम में किया जाना चाहिए । स्रब सवाल पैदा होता है कि यह जो बर्डन है इसको डिस्चार्ज कैसे किया जाये। इसके बारे में जो प्रोसीजर है वह लेडाउन नही किया गया है । इसको ग्राफिसर्स की स्वीटतिल पर छोड दिया गया है। सी फार्म जब तक फाइनलाइजेशन श्राफ एकाउंट नहीं होता है तब तक पेश करने का उसको ग्रधिकार होना चाहिए । इसके बारे में मैंने प्रोसोजर ले डाउन किया है ग्रौर एमैं उनें : भी दो है। जब क्लाज बाई क्लाज कसोई गन मरू होगा तब में इस पर बोलगा। मापने कहा है कि म्राप इन एतडमैंटस को लुपहोल्ज को प्लग करने के लिए लाये हैं। मैं समझता हूं कि ला बना लेने से कुछ नहीं होगा, कुछ भी प्लग नहीं होगा। प्लग तब होगा जब आपके जो भ्रफसर है वे आनेस्ट होंगे । गब्दों में कुछ कह देने से कुछ फर्क पहने वाला नहीं है ।

सैल्ज टैक्स के बारे में जो बर्डन झाफ प्रुफ है उसके बारे में भी झापने मिनट ग्राफ डाइसैट में कहा है कि यह हमेशा टैक्सिग धाथोरिटी पर होना चाहिए । इसके बारे में मैंने कहा है कि इसको डिस्चार्ज समझा आयेगा ध्रगर एक डिक्से रेझन कानून के मुताबिक भर कर प्रेसकाइवड द्रायोरिटी के पास दाखिल कर दिया जाये ।

सी फार्म के बारे में कहां कहां हम् गये व्यापारियों ने शिकायत की । उन्होंने कहा कि बैंक से चैक मिल जाता है

लेकिन सी फार्म नहीं मिलता है। बम्बई में यही उन्होंने शिकायत की । दूसरी जगह भी यही उन्होंने शिकायत की । सब जगह माफ्ने प्रेसकाश्व्ड माथोरिटी का जिक किया है। दिस बिल इज वेरीफोंड माफ दि वडजे प्रेसकाइबड ग्राथोरिटी । ये शब्द पच्चीस तीस बार इस बिल में आए हैं। इसका मतलब है ? ग्रापको डैफीनिट होना चाहिए । तीन महीने, चार महीने या छः महीने जो भी चाहें इस में रख सकते हैं। लेकिन म्रापने इसको ग्रपने हाथ में रखा है कि जब उचित मालुम पडेगा तब ग्राप इसको करेंगे। उचित मापको तभी मालम पडता है जब बडे पंजीपति म्रापके पास म्राते हैं टाइम का भ्रार्थ ग्रीर तब प्रेसकाइव्ह उसी प्रकार से लगा लिया जाता है। ग्राप क्यों नहीं कह देते हैं कि टिल दी फाइन-लाइजेशन श्राफ दी श्रकाउंट्स ? जब तक अकाउंटस फाइनाइज नहीं हो जाते हैं तब तक वह सी फाम ले सकते हैं । एपेलेट ग्राथोरिटी का भी फाइनलाइजेशन ग्राफ एकाउंट्स तक का होना चाहिए । हाई कोट्स से ने भी झलग झलग निर्णय दिये हैं। एक ने कहा है कि फाइन लाइजोशन भाफ भ्रकाउंटस तक सी फार्म होना चाहिए । दसरी ने यह निर्णय दिया है कि ईवन अपील इस म्रालसो इन कंटीनुएगन भ्राफ दी सूट । इसलिए वह एम्लीकेशन दे सकता है। दी काज ही हैज शौन इज सैटिसफैक्ट्री, ऐसा उन्होंने कहा है और कहा है कि सी फार्म ले माये ।

जो भ्रफसर होते हैं वे अध्याचारी भौर वू खोर होते हैं । भ्रफसरों के भरों पर जनता की भीड़ लग जाती है । भापने कहा है कि भाप लूपहोल्स को ग्लग कर रहे हैं । लेकिन भापने इसमें बहुत बड़ा होल कर विया है जिसकी वजह से भ्रष्टाचार बहुत बढ़ जाएगा। मैंने प्रमेंसमेंट दिया है कि डिक्लेरेसन तब तक फाइल किया जा सकता है जब तक

[भी सार० वी० बडे]

फाइनलाइ बेशन ग्राफ एसे समेंट नहीं हो जाता है। इसके बारे में मैंने मिनट ग्राफ डाईंट भी दिया है। मैंने तीन प्वाइंट्स ग्रापके सामने रखे हैं। एक बर्डन ग्राफ प्रुफ के बारे में है, दूसरा सिक्योरिटी के बारे में है और तीसरा प्रेसकाइब्ब्स टाइम के बारे में है। तीसरे के बारे में मैंने यह कहा है कि टिल दी फाइन-लाइ जेशन ग्राफ दी ग्रकाउंट।

सेल्स टैक्स वसल इस लिए नहीं किया जाता है कि व्यापारी वर्ग को ग्रस्विधा में डाला जाए। उद्देश्य यह है कि उसको सुविधा हो, उसका व्यापार सनियोजित ढंग से झौर ठीक तरहसे चले। ऐसान हो कि उसके रास्ते में रोडे झटकाये जायें। लेकिन यहां रोड़ें ग्रटकाए जा रहे हैं। छोटे व्यापारी जब सेल्स टैक्स इंस्पैक्टर ग्रा जाता है तो घबरा जाते हैं ग्रौर बाहर जंगल में चले जाते हैं भीर जब तक वह चला नहीं जाता है दूकान में नहीं ग्राते हैं। छोटे व्यापारियों को बहत तकलीफ वे देते हैं। मैं बड़े व्यापारियों की बात नहीं करता हूं जिनका श्राघ हमारे सी पी झाई झौर सी पी एम वाले करते हैं। मैं छोटे व्यापारियों की. गांव में कार्य करने वाले व्यापारियों की बात करता है कि उसको सी फार्म मासानी से मिलना चाहिए ।

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): I am thankful to the hon. Members who have briefly taken part in the debate.

भी हकम चग्द कछवाध (मुरेना) : मैं मापकों व्यवस्था चाहता हूं। संविधान की धारा 100, उप धारा 3 के सन्तर्गत मैं निवेदन करता हूं कि सदन में गणपूर्ति नहीं है।

MR. DEPUTY-SPEAKER: You say there is no quorum. I am not contesting your constitutional right to raise it. Let the Bell be rung...... now there is quorum.

SHRI K. R. GANESH: In my introductory remarks I had given answers to some of the points which are contained in the minutes of dissent by Shri Bade. As explained earlier, this Bill is the result of very exhaustive discussions with the State Governments and within the regional councils, for removing the lacunae and difficulties in the principal Act, for better administration of the sales tax and for stopping evasion and avoidance of sales tax, this Bill was brought before the House. The Select Committee have exhaustively discussed this Bill. They heard a number of persons and associations and after through deliberations, they have given this report.

I do not propose to go into matters not relevant to the Bill; many points were raised about monopoly houses and their political character; I do not think it is necessary to go into them. I shall confine myself to answering some of the specific points that had been raised by some hon. Members.

It was said that this Bill was a correct step in the direction of plugging loopholes but the emphasis was that unless the administration of salestax was made more stringent, it would not be possible to implement the objectives and principles of the Bill. That is why some of the provisions have been made more stringent and penal clauses have been added and the onus of proof of some of these acts have been put on the persons who have the necessary knowledge of the facts. The whole purpose of the changes that have been made was to see that the earlier loopholes in the principal Act were removed.

Some of the problems that are there in which avoidance of tax takes place are: work contracts, hire-purchase transactions, consignment transfers, controlled commodities, setting up of check posts, etc; these are some of the matters that have been disturbing the State Governments. They have been the subject of various judgments of the Supreme Court and High Courts. All these matters which are outside the purview of this Bill have been referred to the Law Ministry to be referred to the Law Commission, so that a comprehensive view could be taken on them. Some of these will require amendment of the Constitution. Regarding the specific complaint Mr. Prabodh Chandra made, we have referred it to the State Government, because they administer the State Sales Tax Act, for necessary examination and enquiry. About the basic question of consignment transfers, it will mean constitutional difficulties impinging on Parts III and XIII of the Constitution. That is why they have been referred to the Law Ministry to be referred to the Law Commission.

Reference has been made to tax on articles of mass consumption. Hon, members are aware that sales tax is a State subject. Sales tax is the largest revenue for State Governments and it is for them to take their own conditions into account and decide so far as articles of mass consumption are concerned. It is not possible for the Centre to intervene in this matter.

Mr. Gowder made a point about putting the onus on the directors of the company. All these matters about onus etc., connected with the administration) of sales tax and other direct taxes have been gone through by the Law Commission, which has given its view about the penal provisions to be made in regard to special crimes. In the Income-tax Act, Customs Act, etc., also the onus has been put on the parties, so that the administration as well as the authorities responsible for it may be in a position to check the arrears, evasion and other frauds which take place. Hon. members talked about arrears. We are also serious about arrears. We know that whether it is sales tax or any other direct tax, there are arrears, there is avoidance, concealment and fraud. То knock at these and frontally meet this problem, the very concept of our laws

has got to undergo a change. Here we have to make a distinction between social crimes and other crimes. It is as a result of the experience gained in the administration of these laws and on the basis of the recommendation of the Law Commission that most of the changes are being made. Since he is responsible for running the company, he has got to be penalised because he has got the facts at his disposal. If the burden of proof is placed on the authority administering it, it will be very difficult to check the source, which hon, members want us to check.

These are some of the specific points which the hon. Members have raised. As I indicated earlier, this amending Bill has been discussed very exhaustively with the State Governments and the Inter-State Regional Councils and it has come after the experience of the administration of the Central sales-tax law as well as the State laws. It has also gone through the exhaustive scrutiny of the Select Committee which has removed the lacunae and drawback in the Bill and improved it. With these words. I commend the Bill for the acceptance of the House.

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Central Sales Tax Act, 1956, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: We will take up clause by clause consideration. There are no amendments to clause 2. The question is:

[MR. DEPUTY SPEAKER]

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Insertion of new Section 6A.)

SHRI R. V. BADE: I beg to move: Page 3.-

after line 16, insert.-

"Provided that the purden of proof shall be deemed to have been discharged if a declaration duly filled in accordance with the provisions of this section is filed before the prescribed authority." (1) If my amendment is accepted, then he has only to file the declaration before the prescribed authority.

SHRI K. R. GANESH: I have already explained that this matter was discussed in the Select Committee. The apprehension of the hon. Member is not correct. If we have to make the law really effective, then the burden of proof has to be on him.

MR. DEPUTY SPEAKER: I will now put the amendment to the vote of the House.

Amendment No. 1 was put and negat ved.

MR. DEPUTY SPEAKER: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.-(Amendment of Section 7).

SHRI R. V. BADE: I beg to move.

After line 26. insert-

"Provided that the amount of security which is required from a dealer shall not be more than the amount of security prescribed by the law of the State in which he ordinarily resides or starts his business." (2).

सवाल यह है कि जो ट्रेडर नया काम मुरू करता है, वह इस बात का भ्रन्दाज कैसे करेगा कि उसका टर्न-भ्रोवर कितना होगा भौर उस पर कितना टैक्स लगेगा। इस लिए मैं चाहता हूं कि मध्य प्रदेश, महा-राष्ट्र या पंजाब जैसे राज्यों में सिक्यूरिटी नहीं ली जाती है, इस लिए वहां सिक्यूरिटी न ली जाए। मैं यह जानना चाहता हूं कि नये ट्रेडर्ज और डीलर्ज की क्या स्थिति होगी।

SHRI K. R. GANESH: This question of the monetary limit, which was there in the principal Act, was very thoroughly discussed in the Select Committee. After hearing several witnesses the Select Committee itself has proposed that instead of taking the monetary limit, the security shall not exceed the amount of tax payable on the estimated turnover of the dealer for which such security is to be furnished. Now, this amendment has already been made. About the point that Shri Bade has made, the answer has been given to that. This is not acceptable to me.

MR. DEPUTY SPEAKER: Now, I put Amendment No. 2 to Clause 4 moved by Shri Bade to the vote of the House.

Amendment No. 2 was put and negatived

MR. DEPUTY SPEAKER: The question is:

"That Clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.-(Amendment of section 8).

SHRI R. V. BADE: I beg to move: Fige 6, line 16,---

for "within the prescribed time"

substitute "before the finalisation of assessment" (3)

This is a simple amendment. I insisted upon it in the Joint Committee and I am again insisting upon it in the House.

मसेसमेंट जब तक फाइनल न हो जांग तब तक उनको म्रधिकार हो कि वह प्रपना मी फार्म भर देवें ग्रीर नहीं तो ग्रगर उन्होंने उस को भेजा नहीं तो उन का ग्रसेसमेंट ज्यादा हो जायेगा। इसलिए ट्रेंडर्ज की दृष्टि से यह ग्रसेसमेंट जब तक फाइनाइलज नहीं होता है तब तक उन को ग्रधिकार होना चाहिए।

SHRI K. R. GANESH: That is a very wide term. It may include proceedings even upto the finalisation of the case by the Supreme Court. It is for this reason that it has not been found possible to accept it.

MR. DEPUTY SPEAKER: I put Amendment No. 3 to Clause 5 moved by Shri Bade to vote.

Amendment No. 3 was put and negatived

MR. DEPUTY SPEAKER: There are no amendments to Clauses 6 to 11. So, I put Clause 5 to 11 to the vote of the House.

The question is:

"That Clauses 5 to 11 stand part of the Bill".

The motion was adopted

Clause 5 to 11 were added to the Bill.

Clause 12—(Amendment of section 15)

SHRI R. V. BADE I beg to move*: Page 11,---

after line 3, insert-

"(2) Nothing contained in subclause (b) of sub-section (1) shall in any way affect the operation of the provisions of the Central Sales Tax (Amendment) Act, 1960." (4)

उस में 1969 में जो कुछ फायबा उसको हुमा है उसको रेट्रोस्पैक्टिव करके बाद में उसको निकाला जाएगा मौर माननीय मंत्री जी ने कहा कि 1969 के अमेंडमेंट से कुछ होने वाला नहीं है लेकिन मैं मापको बताता ह, विटनैस ने कहा था:

"It is incorrect to state that clause 12(a) does not touch upon Section 10 of the Central Sales Tax (Amendment) Act, 1969, Supposing there was no Section 10 in the Central Sales Tax (Amendment) Act 1969, will there be any necessity for retrospectively amonding Section 15(b)? The answer to this question will explode the theory that clause 12(b) does not touch upon Section 10. The whole argument in favour of retrospective amendment of Section 15(b) seems to proceed on an assumption that the judgement of the Mysore High Court in Munshi Abdul Rahman's case is under appeal to the Supreme Court which is contrary to facts."

1969 का ग्रमेंडमेंट नहीं होता तो फिर तेक्शन 12 का ज्रमेंडमेंट करने की जेरूरत बहीं थी। लेकिन 1969 का जमेंडमेंट इसी बारले लावा नया है कि जो कुछ उल को फायदा उस समय हुग्रा उस को निकाला जाये। इस में दिटनैस का यह कहना है कि 1969 का जो ऐडवांटेड हम को मिला हुग्रा है वह न हटाया जाय। उस के लिए मंती जी ने कहा कि हम ग्रलग प्राविजन करेंगे वह मैसूर स्टेट देख लेगो लेकिन यह तो इस में लिखा है कि 1969 के ऐक्ट के ग्रनुसार जो कुछ फायदा उन को हुजा है वह इस में से निकाल दिया जायेगा। इसी वास्ते मैं यह ग्रमेंडमेंट ले गाया।

*Amendment moved with the recom mendation of the President.

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SHRI K. R. GANESH: This has been examined earlier also. The present amendment does not in any way abridge the rights accruing under section 10 of 1969 Act.

MR. DEPUTY SPEAKER: I put Amendment No. 4 to Clause 12 moved by Shri Bade to the vote of the House.

Amendment No. 4 was put and negatived

MR. DEPUTY SPEAKER: The question is:

"That Clause 12 stand part of the Bill"

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13—(Insertion of new Chapter V)

- SHRI R. V. BADE: I beg to move: Page 12, line 23,-
 - (i) for "he proves" substitute—
 "there are reasons to believe"
 - (ii) for "cannot be" substitute "was" (5)

This is about company in liquidation. Here it is said:

"Provided that nothing contained in this sub-section shall debar the liquidator from parting with such assets or properties in compliance with any order of a Court or for the purpose of the payment of the tax payable by the company under this Act or for making any payment to secured creditors...." etc. etc.

Regarding this Clause, my view is that the director of the private company should not be made personally liable. Under the Companies Act also, it is like that.

जब कोई कम्पनी लिक्विडेशन में आती है तो लिक्विडेटर सब से पहले गवर्नमेंट के ड्यूज ग्रदा करता है भौर फिर दूसरे लोगों को भुगतान करता है । तो इस में यह प्राविज्ञन डालने को जरूरत नहीं है । इस से कम्पनी के डाइरेक्टर लोग काम नहीं करेंगे और प्रोग्रेस मन्द हो जायेगी । इससे शासन का कोई फाइदा होने वाला नहीं है । कोई भी डायरेक्टर परसनली लायवल होने के लिए काम नहीं करेगा । इसलिए इसका वर्डन आफ प्रूक कम्पनी पर रखना चाहिए किसी परसन पर नहीं ।

SHRI K. R. GANESH: As I have explained earlier, this amendment of putting the burden of proof on the director is in consonance with the other Acts already passed like Income-tax Act, Customs Act and various other Acts. Therefore, the amendment moved by the hon. Member is not acceptable.

MR. DEPUTY SPEAKER: I shall now put Amendment No. 5 to Clause 13, moved by Shri Bade, to the vete of the House.

Amendment No. 5 was put and negatived.

MR. DEPUTY SPEAKER: There are no further amendments. I shall put the rest of the Clauses to the vote of the House.

The question is:

"That Clauses 13, 14 and 15 stand part of the Bill."

The motion was adopted.

Clauses 13, 14 and 15 were added to the Bill.

MR. DEPUTY SPEAKER: I now put the rest of the Bill to the vote.

The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI K. R. GANESH: I move:

"That the Bill, as reported by the Select Committee, be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill, as reported by the Select Committee, be passed."

The motion was adopted.

15.59 hrs.

KHADI AND OTHER HANDLOOM INDUSTRIES DEVELOPMENT (AD-DITIONAL EXCISE DUTY ON CLOTH) AMENDMENT BILL

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE): Mr. Deputy Speaker, Sir, I move:

"That the Bill further to amend the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953, be taken into consideration."

The Bill seeks to amend the provisions of section 3 and section 5(2)(e)of the present Act.

15.59-1 2 hrs.

. (SHRI K. N. TIWARY in the Chair)

Before I explain the precise objective and scope of the Amendment, may I, with your permission, take this opportunity to refer to the background in which the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act was enacted in 1953. In 1952 there was a serious crisis in the khadi and handloom industries. There was considerable accumulation of handloom

cloth in the country. The matter was considered by the Government and it was decided inter alia that these industries needed assistance for research, design, supply of yarn and marketing. In order to finance these programmes, it was decided to levy a cess of 3 ples per yard on all mill-made cloth and to utilise the proceeds of this cess for the above purpose of development of Khadi and handloom industries. It was against this background that the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 was enacted. The cess was collected by Government agencies and the proceeds were deposited in the Consolidated Fund of India. Assistance to the Khadi and other handloom industries is given out of the Consolidated Fund of India.

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16 hrs.

The Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 empowered the Government to levy additional excise on all varieties of fabrics produced byb the factories. Section 3 of the Act provides for the levy of additional duty of excise on cloth. According to this section there shall be levied and collected on all cloth manufacture or cloth lying in stock in any factory, a duty of excise at the rates specified therein. The proviso to this Section prohibits the imposition of any such duty on cloth which is exported out of India. In pursuance of the proviso, no duty was levied from the 10th January, 1957, in respect of cloth used in the manufacture of garments and wearing apparel. Doubts have been expressed about the validity of exempting garments and wearing apparel from the levy of duty as the proviso appeared to apply to cloth alone and not also to garments made therefrom. In these circumstances, it is proposed to amend Section 3 of the Act retrospectively from the