

[श्री शिवनाथ सिंह]

है। जजमेंट के खिलाफ हम यहाँ एपेल्डमेंट ला रहे हैं। यह तो सुप्रीम कोर्ट के जजमेंट को आनर करने वाली बात नहीं है। सुप्रीम कोर्ट की जजमेंट को आनर करे, लेकिन उसको वही आनर किया जा सकता है, जहाँ कि वह हमारी भावना के अनुकूल हो। लेकिन इस बिल में जो एग्जेंप्शन रखा गया है, उसके बारे में मुझे डाउट है। और माननीय सदस्यों ने भी इस बारे में शंका प्रकट की है। सुप्रीम कोर्ट के दो जजमेंट हैं : एक तो ट्रांबकोर टिटैनियम प्राइवेट्स लिमिटेड के केस में और दूसरा इण्डियन एलुमिनियम के केस में। मेरे मन में शंका पैदा होती है कि ऐसे कितने केसिज हैं जो सुप्रीम कोर्ट के जजमेंट से कवर होंगे और इस प्रोवाइजो के तहत एग्जेंट हो जायेंगे। हो सकता है कि और भी बहुत से केसिज हों। सुप्रीम कोर्ट ने इण्डियन एलुमिनियम के केस में जो जजमेंट दिया है, वह पहले जजमेंट से भिन्न है। सवाल यह है कि कहीं मन्त्री महोदय इण्डियन एलुमिनियम के केस को एग्जेंट करने के लिए तो यह प्रोवाइजो नहीं रख रहे हैं। कहा गया है कि जो लोग सुप्रीम कोर्ट में गये और जिन्होंने खर्च किया, उन को राहत मिलनी चाहिए। मैं इस सिद्धान्त के खिलाफ हूँ। सुप्रीम कोर्ट में वे लोग जाते हैं, जिन के पास पैसा है और जो लास्को रूपसे खर्च कर सकते हैं। यह सिद्धान्त सही नहीं है कि जिनके पास पैसा है और जो लिटिगेशन माइंड के हैं, केवल उन्हीं को एग्जेंप्शन दिया जाये। मन्त्री महोदय को चाहिए कि इस पार्टिकुलर एसेसमेंट यीअर में जिस जिस का एसेसमेंट था, उन सब को एग्जेंट कर दिया जाये। लेकिन उन सब से वसूल किया जा रहा है और जिन्होंने सुप्रीम कोर्ट से अपने हक में डिफ्री हार्सिल कर ली, उनको एग्जेंट किया जा रहा है। मैं यह जानना चाहता हूँ कि इस बिल के तहत कितने कितने इंडिविडुअल केसिज को एग्जेंप्शन मिलेगा। कहीं इण्डियन एलुमिनियम को सेफगार्ड करने के लिए तो वह एग्जेंप्शन नहीं रखा जा रहा है ?

SHRI K. R. GANESH : There is no question of safeguarding the Indian Aluminium Co. or anybody else. I have given the reasons in the Statement of Objects and Reasons. We have explained why the ordinance was necessary. we have said that it would have involved a tremendous administrative problem and the loss of a tremendous amount of revenue. As I indicated, the sanctity of the decision of the Supreme Court had also to be preserved and taken into consideration. It was also the view of the Law Ministry that it should be done.

There are only two assesseees who will come under this exemption. One is Indian Aluminium and the other is the Standard Vacuum Oil Co. The total estimated revenue involved is Rs 3 lakhs to Rs 4 lakhs.

The further points that the hon. Member has raised have already been answered.

SHRI SHIVNATH SINGH : Only two companies are exempted. Why this exemption and discrimination ?

SHRI K. R. GANESH : I have replied to that. I may not have been able to convince him, but I have given him the Judgment to the high court, and it is the sanctity of the Supreme Court which is being preserved and which is being respected.

SHRI SHIVNATH SINGH : Only for two cases you are putting this proviso.

MR CHAIRMAN : Order, order. I shall put the motion to the vote. The question is—

“That the Bill be passed.”

*The motion was adopted*

16.04 hrs.

#### PUBLIC DEBT (AMENDMENT) BILL

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

“That the Bill further to amend the Public Debt Act, 1944, be taken into consideration.”

The Public Debt Act was enacted in 1944 to regulate the administration of public Debt of the Central Government and the securities issued by them. The Act was amended in 1949 to be applied to the administration of the public debt of the governments of the erstwhile provinces of India and the securities issued by them. It was further amended in 1956 so as to apply it to the public debt of the erstwhile Part B States except Jammu and Kashmir. Section 1 (s) of the Act, as amended, provided that the Act applies to Government securities issued, whether before or after the commencement of the Act, by the Central Government or the State Governments other than the Government of Jammu and Kashmir.

The Reserve Bank is statutorily responsible for the management of the public debt of the Central Government and the State Governments. The Government of Jammu and Kashmir, which had not raised any public loan in the past, proposes to enter the market from this year for augmenting resources for financing its development outlays. As a uniform law for the administration of government securities is both essential and convenient, the State Government have requested that the provisions of the Public Debt Act be made applicable to the Public debt of the Jammu and Kashmir Government and the securities to be raised by it. The Public debt of the State falls under the State list. The Jammu and Kashmir Legislative Council and the Jammu and Kashmir Legislative Assembly have passed resolutions in pursuance of article 252 (1) of the Constitution empowering Parliament to amend the public Debt Act with a view to make its provisions applicable to the securities issued by the Government of Jammu and Kashmir and to its public debt.

The Bill seeks to amend the Public Debt Act of 1944 for this purpose.

This is a very small and non-controversial measure. There are only five clauses. Of these four are intended to provide for the application of the Public Debt Act to the securities to be issued by the Government of Jammu and Kashmir.

Opportunity has also been taken to substitute sub-clause (3) of section 28 of the

Public Debt Act relating to laying of copies of rules made under the Act on the Table of both Houses of Parliament on the lines approved by the Committee on subordinate legislation of both Houses of Parliament. Sir, I move.

MR. CHAIRMAN : Motion moved :

"That the Bill further to amend the Public Debt Act, 1944, be taken into consideration."

SHRI DASARATHA DEB (Tripura East): The aim of the Bill is to extend the Public Debt Act of 1944 to the State of Jammu and Kashmir. So far this Act did not operate in Jammu and Kashmir. This Bill seeks to set this position right. A political decision to that effect has been taken. Kashmir had been treated on a separate footing and was free from the operation of certain clauses of the Constitution. Now this Act is sought to be extended to that State and a political decision has been taken to that effect. This Bill is a commendable one and I support it.

At the same time I want to point out that it is time to put a moratorium on foreign debt, particularly American debts. Americans have in the recent past showed sufficient hostility towards India. American funds, especially Ford Foundation funds are creating havoc in our cultural life. They have been influencing our educational institutions. Our cultural and political life would be polluted if that was allowed to continue. That is why while supporting this Bill I request the Government to take certain measures and to declare a moratorium on foreign debts, particularly American debts.

श्री कमल सिंह मजुकर (केसरिया): सभापति महोदय, इस बिल के लिए मंत्री महोदय ने कहा है कि यह बिना विवाद का है। हम भी समझते हैं कि यह एक ऐसा बिल है जिस में विवाद की जरूरत नहीं है और इस लिहाज से हम इस क समर्थन करते हैं। इस बिल को ला कर मंत्री महोदय ने एक बहुत छोटा सा काम किया है जो बहुत ओवर-ड्यू था। काश्मीर भारत का अविभाज्य अंग है और उस को भी वे 'तमाम सुविधाएँ मिलनी चाहिए' जो और राज्यों को देते हैं। इस लिहाज से यह बिल प्रशंसनीय है

[श्री कमल सिंघ मधुकर]

और इस बिल का स्वागत होना चाहिए। लेकिन साथ ही हम बात पर भी आप का ध्यान होना चाहिए जब कि आप समाजवाद की बात लगातार दिन और रात करते हैं तो ध्यान धीजिये यहाँ पर ऐसी बहुत सी एजेंसीज हिन्दुस्तान में हैं जो विदेशी पैसों का विभिन्न तरीकों से इस्तेमाल करके आप के जीवन को, आप की समाज रचना को और आप की राजनीति को भी प्रभावित करती हैं, यह आप जानते हैं और सारे देश के बातावरण को जो सही ढंग से आ जाना चाहिए उस में वह बाधक होती हैं। इस लिए मैं चाहूँगा कि जैसे यह बिल आप लाए हैं वैसे ही ऐसे बिल और लाएँ जिन के जरिए फारेन मनी या ब्रिटिश साम्राज्यवादी और दूसरी साम्राज्यवादी शक्तियों के जरिए जो पैसा यहाँ हिन्दुस्तान में इस्तेमाल होता है जिस के जरिए समूचे देश की राजनीति पर असर डाला जाता है, वह खत्म किया जाय। ऐसा बिल भी अगर आप लाते तो ज्यादा अच्छा होता। इसलिए जैसे यह एक अच्छा काम आप ने किया है वैसे ही उसे भी कीजिए और भाषासन दीजिए इस हाउस में कि हम ऐसे कदम उठाने जा रहे हैं जिन से विदेशी शक्तियाँ जो हिन्दुस्तान की राजनीति में काम कर रही हैं उन के वह हथकण्डे नाकामया कर दिए जाएँ। यह कदम आप को अवश्य उठाना चाहिए। इन्हीं शब्दों के साथ मैं यह समझता हूँ कि यह बिल निविवाद है और मैं इस का समर्थन करता हूँ।

**SHRI K. NARAYANA RAO (Bobilli) :** Sir, this is a simple, non-controversial Bill. Regarding the issue of debts by States, I submit a liberal attitude should be taken. We have been hearing that the States owe a lot of debts to the Reserve Bank with the result that their creditworthiness has been very much curtailed. In this context, I submit that the financial position of the States is very inelastic. So far as the Central Government is concerned, though the Constitution lays down that Parliament may prescribe a maximum limit to its borrowing, I do not think any maximum limit has been prescribed by Parliament. The Central

Government has borrowed a lot of money from outside at a marginal rate of interest. But the rate at which Reserve Bank gives money to the State Governments is much more than the interest at which the Centre borrows money from outside, I suggest that the State Governments should be given loans at the same interest and not at higher rate of interest.

With these words, I support the Bill.

**SHRI C. T. DHANDAPANI (Dharampuram) :** Sir, I support this Bill and I want to say a few words about the financial resources of State Governments. Last year, the Central Government raised loans to the tune of Rs. 600 crores. But the State Governments including Electricity Boards have raised only Rs. 400 crores. This shows that the State Governments have to raise funds for their own programmes according to their own needs. In the case of Jammu and Kashmir, it is very late. If this Bill has been introduced long back, the subsidy we are giving to that State could have been reduced. So, this Bill is long overdue and is affecting the public exchequer also. I request the Government to extend other facilities to the State of Jammu and Kashmir.

With these words, I support the Bill.

**SHRI K.R. GANESH :** Sir, I am thankful to hon. members for the support they have given to this Bill. As I said, this is a non-controversial Bill. Members have raised questions about moratorium and other matters, with which this particular Bill is not concerned. These problems have been discussed in this House often and various steps are being taken so that internal resources are mobilised and self-sufficiency attained.

The hon. member of the DMK said this Bill has come very late. Probably he is not aware that it was for the Jammu and Kashmir Government to decide. Under the Constitution, it is the State legislature which has to pass a resolution to come under the Public Debt Act. The Kashmir Government only recently decided to come under this, and we have taken the first opportunity to see that this Bill is placed before the House.

For the benefit of the hon. Member I may mention that Kashmir is a backward State to which the Central Government is giving its fullest support. The Fourth Plan of Jammu and Kashmir was fixed at Rs. 158.4 crores of which the Central assistance was Rs. 145 crores. Thus, over 90 per cent of the State Plan outlay is financed entirely by the Central assistance. The current year's Plan outlay is Rs. 36 crores out of which Central assistance is Rs. 32 crores. According to the budget estimates of this year, the revenue receipt of the State is Rs. 102.21 crores and revenue expenditure Rs. 107.52 crores, leaving a deficit on revenue account of Rs. 5.31 crores. The overall deficit is Rs. 2 crores which is expected to be covered by additional taxation and improvement in tax collection. With these words, I commend the Bill for the acceptance of the House.

MR CHAIRMAN : The question is :

"That the Bill further to amend the Public Debt Act, 1944, be taken into consideration "

*The motion was adopted.*

MR CHAIRMAN : Since there are no amendments, I will put all the clauses to the vote together. The question is :

"That clauses 2 to 5 stand part of the Bill "

*The motion was adopted*

*Clauses 2 to 5 were added to the Bill.*

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

SHRI K.R. GANESH : I beg to move :

"That the Bill be passed"

MR. CHAIRMAN : Motion moved .

"That the Bill be passed"

श्री कश्मीरारायण चावण (मदसौर) : सभा-पति महोदय, इस बिल के सम्बन्ध में कुछ विशेष नहीं कहना है। यद्यपि हमने अभी कुछ दिन पहले ही सर्वोच्च न्यायालय के अधिकार क्षेत्र को जम्मू काश्मीर तक बढ़ाया और दूसरे भी अधिनियम पारित किए हैं जहाँ पर प्रस्तुत हुए जिनके द्वारा

उनके अधिकार क्षेत्र को बढ़ाया जम्मू काश्मीर तक वहाँ की उन्नति और प्रगति की दृष्टि से। लोक श्रेष्ठ विधान के बारे में वहाँ की विधान सभा ने अपना संकल्प पारित कर इच्छा व्यक्त की और उसके अनुसार हमारी सरकार इन प्रावधानों को वहाँ लागू करने जा रही है। इन के सम्बन्ध में एक ही निवेदन करना चाहूँगा कि अच्छा हो यदि हम इस प्रकार अधिनियमों की सीमा बढ़ाकर वहाँ लागू करने की स्थिति लाने के बजाये प्रथम वहाँ के संकल्पों के बाद विधेयक लाकर विधानों में संशोधन करने के बजाये हमारे विधान में जो वर्तमान धारा 370 है उसको समाप्त कर दे तो समान रूप से सारे बिल और सारे अधिनियम जो भी प्रचलित हैं वहाँ भी लागू हो सकते हैं और उसमें किसी प्रकार की कोई कठिनाई नहीं होगी। इतना ही मुझे इस बिल के सम्बन्ध में कहना है।

जहाँ तक इस बिल का सम्बन्ध है यह उस राज्य की प्रगति की दृष्टि से और वहाँ की जनता की भलाई की दृष्टि से आवश्यक था, उपयोगी था और मैं इसका समर्थन करता हूँ।

SHRI K.R. GANESH : As the House is aware, and as has been discussed in this House many times, the special provisions of article 370 are there. Still, as the hon. Member knows, progressively many of the provisions of the Constitution have been extended to the State of Jammu and Kashmir. A new climate has emerged in that State, a new temper is there in the country, and it is with the co-operation of the people and Government of the State of Jammu and Kashmir and the people of India that this matter will finally be decided.

MR. CHAIRMAN : The question is :

"That the Bill be passed"

*The motion was adopted.*

16 20 hrs.

### TAXATION LAWS (AMENDMENT) BILL

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : Mr. Chairman Sir, I beg to move :