

C O N T E N T S

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LOK SABHA DEBATES

LOK SABHA

Monday, May 11, 2015/Vaisakha 21, 1937 (Saka)

The Lok Sabha met at Eleven of the Clock

[HON. SPEAKER *in the Chair*]

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Madam, see the position of the Government... (*Interruptions*)

HON. SPEAKER: They are coming. आप तो आए हैं, आपका स्वागत है।

... (*Interruptions*)

HON. SPEAKER: Hon. Members, I have received notices of Adjournment Motion from Shri Deepender Singh Hooda, Shri P. Karunakaran and Shri K.C. Venugopal. The matters, though important enough, do not warrant interruption of the business of the day. The matters may be raised through other opportunities. I will give you an opportunity.

... (*Interruptions*)

HON. SPEAKER: Firstly, there is introduction of two Bills. After that, I will allow you. पांच मिनट रुकिए।

... (*Interruptions*)

HON. SPEAKER: Dr. Jitendra Singh may introduce the Bill.

11.01 hrs**GOVERNMENT BILLS - Introduced****(i) WHISTLE BLOWERS PROTECTION
(AMENDMENT) BILL, 2015***

THE MINISTER OF STATE OF THE MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION, MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE, MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY AND MINISTER OF STATE IN THE DEPARTMENT OF SPACE (DR. JITENDRA SINGH): I beg to move for leave to introduce a Bill further to amend the Whistle Blowers Protection Act, 2011.

HON. SPEAKER: The question is:

“That leave be granted to introduce a Bill further to amend the Whistle Blowers Protection Act, 2011.”

The motion was adopted.

DR. JITENDRA SINGH: I introduce the Bill.

* Published in the Gazette of India, Extraordinary, Part-II, Section-2, dated 11.05.2015.

11.02 hrs.**(ii) RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT (AMENDMENT) SECOND BILL, 2015***

THE MINISTER OF RURAL DEVELOPMENT, MINISTER OF PANCHAYATI RAJ AND MINISTER OF DRINKING WATER AND SANITATION (SHRI CHAUDHARY BIRENDER SINGH): I beg to move for leave to introduce a Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. ... (*Interruptions*)

HON. SPEAKER: Motion moved:

“That leave be granted to introduce a Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

... (*Interruptions*)

HON. SPEAKER: Shri Raju Shetty may speak first. There are objections for the introduction of this Bill. Then the Minister will reply at the end.. After Shri Raju Shetty speaks, I will allow you.

... (*Interruptions*)

श्री राजू शेट्टी (हातकणंगले) : अध्यक्ष महोदया, मंत्री जी जो भूमि अर्जन विधेयक सदन में पेश कर रहे हैं, मैं उसका विरोध करने के लिए खड़ा हुआ हूँ। इस बिल को लेकर किसानों में भारी आक्रोश है।

HON. SPEAKER: You tell as to why you are against the introduction of the Bill.

... (*Interruptions*)

श्री राजू शेट्टी: मैं इसका विरोध करता हूँ और कहना चाहता हूँ कि जब तक सरकार किसानों की सहमति नहीं लेती, तब तक किसान अपनी एक इंच भूमि भी नहीं देंगे। इसलिए मैं इस बिल का विरोध कर रहा हूँ, यह किसान विरोधी बिल है और उनका गला घोटने वाला बिल है। ... (*Interruptions*)

PROF. SAUGATA ROY (DUM DUM): Madam, under Rule 72(1) of the Rules of Procedure, I oppose the introduction of the Right to Fair Compensation and

* Published in the Gazette of India, Extraordinary, Part-II, Section-2, dated 11.05.2015.

Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015. The Bill takes away the Chapter II on social impact assessment and Chapter III on food security in case of certain land acquisition. This Bill is against the interest of the farmers and has been opposed by all Opposition Political Parties and farmers' organizations. Hence, it should be opposed tooth and nail by everybody who has the farmers interest at heart. The Bill also takes away the right of consent of farmers where consent of 80 per cent of the farmers were needed for land acquisition for a private party. That has also been removed in the case of certain land acquisitions. This Bill shows how a Bill should not be put forward because a unanimous Bill was passed in Parliament in 2013. Even the BJP had supported that Bill at that time. The Government suddenly brings forward a Second Amendment Bill. Because of the majority, the Government passes it in the Lok Sabha. The Lok Sabha passes it. It is not even taken up in the Rajya Sabha. After the Session is adjourned briefly, the Government issues an Ordinance. Then, it has again brought forward the Bill to replace the Ordinance. This tortuous process of legislation is something that should not be happening. ...

(Interruptions)

It is a good news! Congratulations!! We congratulate you. ...

(Interruptions) Madam, they are very happy. It is very good. While our AIADMK friends have reasons to cheer themselves up with the news from Bengaluru, we feel unhappy that steps are being taken by the Government against the farmers. Steps are being taken by the Government to run the country through an Ordinance Raj. This is the second time that an Ordinance has been introduced. Hence, with all the force at my command, I oppose the introduction of this anti-farmers Bill which takes away from the farmers their own right to give consent for their land acquisition, which takes away from farmers the right to have a social impact assessment on their land acquisition as also the minimum provisions for ensuring food security.

We opposed the Bill even in 2013 when the Government introduced the 80 per cent consent clause. The Trinamool Congress said that we wanted 100 per cent consent of farmers for land acquisition for private parties as was demanded during the Singur agitation. So, it has been a matter of principle and a matter of faith for our Party. We shall continue to oppose any attempt to tweak the Land Acquisition Bill in favour of the big business which this Government is trying to cater to.

SHRI M.B. RAJESH (PALAKKAD): I rise to oppose the introduction of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Second Bill, 2015.

I am opposing the introduction mainly on two grounds. Number one, this Bill has got provisions which will lead to land grab and the farmers, cutting across political affiliations throughout the country, are opposing this Bill. There is widespread resentment, protest and serious concern among the farmers throughout the country. The provisions for consent, social impact assessment, all these have been taken away from this Bill. Also, the Bill favours the interest of the big business and the corporates. This will lead to corporate land grab. ...
(Interruptions)

I will be briefly explaining these things. I am opposing it on two grounds. The Government is saying that it is acting in the interest of the nation. According to the Government, the national interest is the interest of the Corporates. To us, it is not the national interest. The national interest is the interest of millions of farmers and poor people of this country.

Number two, the entire process of promulgation of the Ordinance, re-promulgation of it, and the introduction of the Bill is against the basic scheme of Article 123 of the Constitution. Article 123 of the Constitution says that only in exceptional and extraordinary situation, this Ordinance can be promulgated. The Government has created an extraordinary situation artificially by proroguing the other House, and again re-promulgating this Ordinance. This is an extraordinary

situation as far as constitutional history of our Constitution is concerned. So, I am vehemently opposing the introducing of this Bill.

HON. SPEAKER: Now, Mr. Premechandran. Please be brief and please don't repeat.

SHRI N.K. PREMACHANDRAN (KOLLAM): I will be very brief and my points will be confined to the Constitution and the Rules of Procedures, not on the merits of the Bill.

I strongly oppose the introduction of the Bill on three grounds. For saving time, I would read Article 107 and Article 123. Firstly, I would like to ask the Government, and I am also seeking a ruling from the hon. Speaker. Will the promulgation of an Ordinance make the Bill infructuous? That is the first question or the first Point of Order I would like to make. Why is that so? It is because there is a process; and a similar Bill which has been passed by the Lok Sabha, and the same has been sent to the Rajya Sabha, which is pending there. Subsequently, an Ordinance has been promulgated. When a Bill is passed by this House and sent to the other House, what is the procedure? The Bill has to be considered by the other House. At the same time, the Government cannot introduce a Bill in this House. It is fallacious to argue that the Bill which was passed by Lok Sabha, and is now pending in the Rajya Sabha, has become infructuous with the promulgation of the Ordinance. An Ordinance is an independent legislative measure exercised by the Executive; it is not a product of the Legislature.

An Ordinance lapses after the expiry of six weeks from the date of reassembly of the House. The pertinent point which I would like to make is that a Bill never lapses. An Ordinance lapses but a Bill never lapses unless and until the House is dissolved. Once again, I would like to stress on the point that a Bill will only lapse when the House is dissolved. There is no other situation in the Constitution or in the Rules of Procedure that a Bill lapses. The hon. Finance Minister has made an observation. It has come out in the Press as well as in the

other House. That is why, I am not quoting. He has said that the Bill has become infructuous. I am only up to the point.

The Bill has become infructuous due to the promulgation of the Ordinance. There is no word 'infructuous' either in the Constitution or in the Rules of Procedures and that the Bill will become infructuous. But the word used is 'lapses'. I may be allowed to quote Article 107, Clause 3 which stipulates that a Bill pending in Parliament shall not lapse by reason of the prorogation of the House. By proroguing the other House, definitely, the Bill never lapses. That is as per the Article 107 of the Constitution. My point is that the pending Bill does not lapse when the Ordinance is promulgated. So, this Bill cannot be introduced in this House because it is pending in the Rajya Sabha. The Rajya Sabha has to either pass or amend. If it is amended, then, we will get the opportunity to agitate on the Bill. This is the first point based on the Constitution.

Secondly, Rule 112, Clause 2 of the Rules of Procedure stipulates in respect of the removal of Bills from the House. Yes, I do agree that it is concerning the removal of the Bills. Rule 112, Clause 2 says that a Bill pending before the House shall also be removed from the Register of Bills, pending in the House in case the Bill substantially identical is passed by the House or the Bill is withdrawn under Rule 110. Once again I would like to read it for your kind attention. It says: "Bill pending before the House shall also be removed from the Register of Bills, pending in the House in case the Bill substantially identical is passed by the House."

Madam, coming to the explanation, a Bill pending before the House shall include a Bill introduced in the House. According to Rule 112 (2) of the Rules of Procedure and Conduct of Business in Lok Sabha, if the House agrees for the introduction of the Bill, what would be the consequences? According to Rule 112 (2), the Bill has to be removed because it says that if an identical Bill, which has already been passed by this House and sent to the other House, comes to the House, that Bill has to be removed. So, if the Bill is introduced as per the direction

of the hon. Speaker or if the leave is being granted to introduce the Bill, definitely this Rule 112 (2) will be applicable and the Bill has to be removed. Such a situation will never arise. Also this is a mandatory provision. The term 'shall' is used in the provision. So, definitely Rule 112 (2) is applicable. Since an identical Bill has already been passed by this House and pending in the other House, this Bill cannot be introduced under Rule 112 (2).

Coming to Rule 67, last time also I had raised the same issue, this is regarding identical Bill. Rule 67 says:

“When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be, unless the Speaker otherwise directs.”

In this case, the hon. Speaker is having absolute authority to direct that the Bill can be introduced. So, I am not sticking to this Rule 67.

But, Madam, under Rule 112 (2) of the Rules of Procedure and Conduct of Business in Lok Sabha and Articles 107 and 123 of the Constitution of India, my strong point is that this Bill cannot be introduced. If this is introduced, that will violate the provisions of the Constitution as well as the Rules of Procedure and Conduct of Business in Lok Sabha. Hence I am seeking a ruling from the hon. Speaker and also I would like to oppose the introduction of this Bill on these grounds.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, I stand here to oppose the introduction of the Bill. We need to understand why this Bill that was passed by this House – though we had walked out and many Members from the Opposition also had walked out at the time of passing – is being introduced again and why an Ordinance was promulgated in the first week of April. That Ordinance also was introduced in the beginning of the Second Part of the Budget Session in the month of April.

Madam, an interesting incident has occurred in between and here I would like to refer to the period of Ramayana when during the Ikshvaku Dynasty because of tapasya Trishanku was raised by Viswamitra to go to Heaven in life. But he was not allowed to enter the Heaven. So he stayed in between and a new Swarga was created. Are we going to create another Swarga in between for this Bill? This Bill was passed by this House. It did not reach the Rajya Sabha though my colleague Mr. Premachandran was saying that it is a property of the Rajya Sabha. It is not a property of the Rajya Sabha because it did not reach the Rajya Sabha. It is somewhere in between. I was searching whether it can be found in the Central Hall or not. It is not there, anywhere. Where is that Bill? At least when this Bill is sought to be introduced in the House, the Minister should tell us as to what happened to that Bill. The Government has brought in an Ordinance. Now they are introducing a Bill. The Ordinance and this Bill are identical to the Bill that was passed by this House earlier. So, what forces the Government to bring this Bill again for our consideration?

Madam, I am not quoting any rules or any provisions of the Constitution.

PROF. SAUGATA ROY: This is making a mockery of the Constitution.

SHRI BHARTRUHARI MAHTAB: That is one thing. I am not going into the merit of the issue. But when we are referring to land acquisition, when you read through the title of the Bill, it is mouthful. But, shortly, it is Land Acquisition Bill. This Land Acquisition Bill was not unanimously passed. It was a consensus that was built by the then Government. Many political parties had their reservations. Even today, I would say that there is a need for correction of that Bill. It was only the Trinamool Congress since beginning which had the opinion that they do not want Land Acquisition Bill. Many Members also feel – they hold an opinion – that ‘Land’ is a State Subject. Let the respective States formulate their own Bill. Why should we have a Bill made by the Centre?

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Madam Speaker, I would like to clarify for a minute.

HON. SPEAKER: No.

... (*Interruptions*)

SHRI BHARTRUHARI MAHTAB : But, here I would like to mention that we have serious objection to the present formulation of the Bill that is being introduced. We will be also moving our amendments. We are opposed to the introduction of the Bill *per se*.

HON. SPEAKER: Yes, Mr. Minister.

... (*Interruptions*)

SHRI JYOTIRADITYA M. SCINDIA (GUNA): Madam, we want to say something... (*Interruptions*)

HON. SPEAKER: No, you have not given any notice. All of them had given notices. We have to follow the Rules.

... (*Interruptions*)

HON. SPEAKER: I know, you are the main Opposition Party but you must also go through the Rules of Procedure.

... (*Interruptions*)

HON. SPEAKER: All of them have given notices. He also asked for permission but I did not give him.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam, we are seeking your permission. This is very important. We also want to say something.... (*Interruptions*)

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): That is not the system.... (*Interruptions*)

HON. SPEAKER: Why do they not follow the procedure?

... (*Interruptions*)

HON. SPEAKER: Okay. They are requesting, that is why I am permitting him. But it is not according to the rule. I am permitting you but it should not be like that.

... (Interruptions)

श्री मल्लिकार्जुन खड़गे: मैडम स्पीकर, प्रेमचन्द्रन जी ने अभी आर्टिकल 123 और 107 के बारे में कहा और उसके बाद जो रूल्स ऑफ प्रोसीजर बताया, उसकी डिटेल्स मैं दोहराना नहीं चाहता हूँ। आपको यह मालूम है और सदन को भी मालूम है। महताब जी ने भी अपने विचार रखे हैं। जो बिल यहां पर आकर गया था, वह राज्य सभा में अभी पेंडिंग है। वह इंट्रोड्यूस भी नहीं हुआ, वह कहां है, इसका पता नहीं है। ... (व्यवधान) वह कहीं भी नहीं है। त्रिशंकु में है या कहां है, मालूम नहीं है। क्या विश्वामित्र की अभी सृष्टि हो रही है, वहां है, मालूम नहीं। ऐसी स्थिति में जो बिल अभी जीवित है, उसे मारने की कोशिश क्यों हो रही है? यह बात मुझे समझ में नहीं आ रही है। उसे वहां पास होना चाहिए या रिजेक्ट होना चाहिए। इसके बाद अगर वह बिल यहां लाया गया, फिर उसके बाद हम यहां उस पर चर्चा कर सकते हैं। एक तो यह बिल पेंडिंग है, जीवित है, जीवित रहने के बावजूद भी अगर आप फिर एक आर्डिनंस लाकर, यहां पर इंट्रोड्यूस करके हम पर थोपना चाहते हैं और इस देश की जनता के ऊपर थोपना चाहते हैं, तो इसे हम कभी बर्दाश्त नहीं करेंगे।

यह ऐसा बिल है जो किसानों के हित में नहीं है। वर्ष 2013 का जो बिल था, वह सभी की सहमति से बना हुआ बिल था। यह बिल सिर्फ पूंजीपतियों के, कारपोरेट के लिए, इंडस्ट्रियलिस्ट के लिए, उनके लिए, उनकी हिफाजत के लिए, उनको जो पेमेंट करनी थी, उस पेमेंट के लिए लाया गया है। ... (व्यवधान) आज वही चल रहा है। ... (व्यवधान) इस बिल पर एक बार चर्चा होकर जाने के बाद फिर आर्डिनंस के रूप में यह कैसे आ गया? रूल्स में ऐसा नहीं है, संविधान में नहीं है, फिर भी इसे थोपने की कोशिश हो रही है, क्योंकि आपको डिस्क्रीशन है। इसको हम चैलेंज नहीं करते हैं। ... (व्यवधान) जो भी डिस्क्रीशन है, वह जुडिशियसली यूज करना चाहिए। ... (व्यवधान) आप किसानों के हित में रहने वाली, सोचने वाली स्पीकर हैं। ... (व्यवधान) ऐसे वक्त में अगर यह बिल लाया गया, तो हम इसका पूरा विरोध करेंगे और इस सदन को हम चलने भी नहीं देंगे। ... (व्यवधान)

श्री एम. वैकैया नायडू : अध्यक्ष महोदया, यह गंभीर मामला है, इसलिए आप भी इसको थोड़ा ध्यान से सुनिए। बिल के ऑब्जेक्ट और प्रोसिजर परे ऑब्जेक्ट करने के लिए हर एक सदस्य को अधिकार है, इसमें मेरा कोई ऐतराज नहीं है। मगर, उस नाम पर सरकार के ऊपर आरोप लगाना, पूंजीपतियों की सरकार कहना, यह-वह कहना, यह अनुचित है। ... (व्यवधान) इस देश में किसने 50 सालों में पूंजीपतियों को सपोर्ट किया, ... (व्यवधान) उनको बढ़ाया है। ... (व्यवधान) यह सबको मालूम है। ... (व्यवधान) मेरा कहना है कि

...(व्यवधान) यह बिल...(व्यवधान) Under Article 123, the Ordinance power is given to the Government by the Constitution of India. Article 123 is very clear that the Government can issue an Ordinance. Once an Ordinance is issued under this Article that Ordinance has the same force and effect as an Act of Parliament. Then, it has to be ratified by Parliament. The very purpose or why the Government has brought this is that the Government wanted Parliament to be taken into confidence because we made changes subsequently. How can it be undemocratic and anti-people when the House has overwhelmingly supported it?...
(Interruptions)

It is a pro-farmer legislation.... (Interruptions) The entire country and the majority in Parliament have decided it. All parties including Congress wanted changes and that is why, these changes have been made. This is in the interest of the country. Otherwise, the growth of the country will be affected. This is what the Minister at that time had also said. They have written letters. If the hon. Members want those documents, those also can be given to them who are opposing it. ... (Interruptions)

माननीय अध्यक्ष : आपकी पार्टी की तरफ से बोला गया है।

...(व्यवधान)

SHRI SUDIP BANDYOPADHYAY : I should categorically mention it that it was not a unanimous decision. It was a consensus. I moved an amendment from our party's side, the Trinamool Congress, and that was voted in August, 2013. The result of the voting was - Ayes '268' possibly and Noes '19'. That was the difference. So, Trinamool Congress is not against the introduction of any type of Bill as such, but that should be a pro-farmers' Bill. When we opposed it, this Bill said: "That 80 per cent of the total land will have to be taken by the owner concerned and 20 per cent will have to be taken by the Central Government interference.".... (Interruptions)

HON. SPEAKER: We are not discussing it now.

... (*Interruptions*)

HON. SPEAKER: Whatever you are saying has already been spoken. Please sit down. Now, the hon. Minister.

... (*Interruptions*)

श्री मल्लिकार्जुन खड़गे : मैडम, रूलिंग होनी चाहिए।

श्री ज्योतिरादित्य माधवराव सिंधिया : अध्यक्ष महोदय, किसानों के मुद्दे पर...(व्यवधान)

माननीय अध्यक्ष : रूलिंग मिलेगी let him speak first.

... (*Interruptions*)

HON. SPEAKER: He also has his right. He can also say something.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: We are objecting for its introduction itself....

(*Interruptions*)

श्री ज्योतिरादित्य माधवराव सिंधिया: मैडम, इस समय रूलिंग की जरूरत है।...(व्यवधान)

माननीय अध्यक्ष : जब वह उत्तर दे देंगे, फिर मैं रूलिंग दूंगी।

... (व्यवधान)

श्री चौधरी बीरेन्द्र सिंह : अध्यक्ष महोदय, मैंने सदन से लैंड एक्वीजिशन बिल पेश करने की आज्ञा मांगी थी। वह इसलिए कि हम जो एक नया ऑर्डिनेंस ले कर आये, उसके तहत यह जरूरी था कि हम सत्र के पहले दिन उस ऑर्डिनेंस को हाउस में रखें और मेरे साथी मंत्री रूडी जी ने उस दिन ऑर्डिनेंस को हाउस में रखा और इसी हाउस को इस बिल पर चर्चा करनी है और आज मैंने आपसे यह अनुरोध किया है कि इस पर चर्चा करने के लिए मुझे बिल को इंट्रोड्यूस करने के लिए समय दिया जाये। The first thing, which comes from Mahtabji, is that where the Bill is. I am the in-charge of this Department, the first and the second Bill are with me.... (*Interruptions*) There is no in between... (*Interruptions*)

Madam, what I want is that I am seeking the leave of the House and I want that I should be granted leave to introduce this Bil. If they want to discuss it, they can discuss it when the discussion takes places... (*Interruptions*) But this is not the proper way... (*Interruptions*)

श्री ज्योतिरादित्य माधवराव सिंधिया : महोदया, मंत्री जी कह रहे हैं कि दो बिल इनके पास हैं। पहला बिल भी इनके पास है और दूसरा बिल भी इनके पास है।... (व्यवधान)

HON. SPEAKER: Hon. Members, now, I am giving my ruling.

... (Interruptions)

HON. SPEAKER: Hon. Members, please sit down.

... (Interruptions)

HON. SPEAKER: Hon. Members, no identical Bill to one being proposed to be introduced, is pending in the Lok Sabha.

... (Interruptions)

HON. SPEAKER: There is no such Bill pending.

... (Interruptions)

HON. SPEAKER: Therefore, I am saying it.

... (Interruptions)

SHRI M. VENKAIAH NAIDU: It is a new Bill. He said it... (Interruptions)

HON. SPEAKER: That is what I am also saying.

... (Interruptions)

HON. SPEAKER: Yes, Mahtabji

... (Interruptions)

माननीय अध्यक्ष : उन्होंने क्या कहा है? What he said?

... (व्यवधान)

श्री ज्योतिरादित्य माधवराव सिंधिया: उन्होंने कहा है कि पहला बिल भी उनके पास है और दूसरा बिल भी उनके पास है।... (व्यवधान) अध्यक्ष महोदया, आप स्पष्टीकरण करवा लीजिए। उन्होंने कहा है कि उनके पास दो बिल हैं।... (व्यवधान)

माननीय अध्यक्ष : अगर सब चिल्लाएंगे तो मुझे कुछ समझ में नहीं आएगा।

... (व्यवधान)

SHRI BHARTRUHARI MAHTAB : Madam, I am asking, what was the extraordinary situation, which forced the Minister to bring out an Ordinance. He

is still repeating that he has two Bills with him... (*Interruptions*) Of course, it is not in the Lok Sabha, but it is with him; and so, he has to explain before you take up for consideration and passing... (*Interruptions*)

SHRI CHAUDHARY BIRENDER SINGH: That is your saying that there are two heaven. Where is the second heaven?

HON. SPEAKER: Mahtabji, please sit down.

... (*Interruptions*)

HON. SPEAKER: Hon. Members, no Bill identical to one being proposed to be introduced is pending in the Lok Sabha. Therefore, as contended by Shri Premachandranji, Rule 67 and Rule 112 are not applicable here. There is no Rule, which bars introduction of a Bill while a Bill on the same subject passed by the Lok Sabha is pending in the Rajya Sabha.

That is why, hon. Members, as per the established practice, the Speaker does not decide whether a Bill is within the legislative competence of a House or not; and the House also does not take a decision on this.

I shall, therefore, put the motion to the vote of the House.

... (*Interruptions*)

SHRI MALLIKARJUN KHARGE: Madam, we object to it; and we walk out, in protest.

11.34 hrs

At this stage, Shri Mallikarjun Kharge, Shri N.K. Premachandran and some other hon. Members left the House.

HON. SPEAKER: The question is:

“That leave be granted to introduce a Bill further to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.”

The motion was adopted.

SHRI CHAUDHARY BIRENDER SINGH: Madam, I introduce the Bill.

11.35 hrs.

**STATEMENT RE: RIGHT TO FAIR COMPENSATION
AND TRANSPARENCY IN LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT
(AMENDMENT) ORDINANCE, 2015***

HON. SPEAKER: Item No.3 Statement regarding Ordinance.

THE MINISTER OF RURAL DEVELOPMENT, MINISTER OF PANCHAYATI RAJ AND MINISTER OF DRINKING WATER AND SANITATION (SHRI CHAUDHARY BIRENDER SINGH): Madam Speaker, I beg to lay on the Table an explanatory Statement (Hindi and English versions) showing reasons for immediate legislation by promulgation of the right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2015 (No. 4 of 2015).

HON. SPEAKER: Now, Statement to be made by Minister. I would like to say that let us wait till they can come inside the House.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAI AH NAIDU) : My suggestion is that we were only taking it for introduction. Once it is taken for consideration, Members could have spoken whatever they wanted to speak. Before that, they are making their speeches.

HON. SPEAKER: I know it. But their objection was for introduction itself. That is why, I have given my ruling. Now, the Minister has introduced it.

SHRI M. VENKAI AH NAIDU: It is good that you have given your ruling. The Leader of the Opposition said earlier that nothing will change. The law will

* Laid on the Table and also placed in Library, See No. LT 2655/16/15.

continue. You can have the second Ordinance immediately after 20th March, 2015. That is what the Leader of the Opposition or the Congress Party has said earlier. Forgetting what they have said, what they have done all those years and how many Ordinances they have passed? If they go on making political comments, Madam, the Government cannot simply sit silent and then accept whatever they are saying. It is the prerogative of the House. The House can discuss and decide this way or that way. The House has passed it in an overwhelming manner. They are saying that we are bulldozing. What is bulldozing? Is majority approval a bulldozing? What is the new definition that they wanted to give? My suggestion is that let them raise their objections. The Government also has a plan about this Bill. I want to take the House into confidence. We have some suggestions about this Bill. I am discussing with others also. Without even hearing that at the introduction Stage, the Bill which was overwhelmingly approved, that should not be done. It is very unfair. They are doing it for political sake.

I would request Madam Speaker to take note of the fact that the placards were brought into the House and what should be done with regard to such thing should also be discussed and decided once for all. Otherwise, everybody will follow the same suit.

HON. SPEAKER: Mr. Minister, do you want to make a statement or do you wait till they come back?

11.38 hrs.

STATEMENT BY MINISTER

Clarification on Unstarred Question No. 6331 dated 5th May, 2015 in Lok Sabha regarding 'Extradition of Terrorist'

गृह मंत्री (श्री राजनाथ सिंह) : अध्यक्ष महोदया, एक्स्ट्राडिशन ऑफ़ टेररिस्ट के बारे में लोक सभा में दिनांक 5 मई, 2015 को एक अतारंकित प्रश्न 633(1) के उत्तर का स्पष्टीकरण देने के लिए सदन में खड़ा हुआ हूँ। ... (व्यवधान)

महोदया, प्रतिपक्ष का सम्मान होना चाहिए। कांग्रेस दल के नेता के बैठने के बाद ही मैं अपना स्टेटमेंट शुरू करूंगा। दाऊद इब्राहिम वर्ष 1993 में मुम्बई में हुए सीरियल बम ब्लास्ट के मामलों में वांछित है। दाऊद इब्राहिम मुम्बई में वर्ष 1993 में हुए श्रृंखलाबद्ध बम विस्फोट के मामलों में वांछित है और उसके खिलाफ एक रेड कॉर्नर नोटिस नं. ए-135, 134/4-1993 मौजूद है। संयुक्त राष्ट्र सुरक्षा परिषद ने भी उसके खिलाफ एक विशेष नोटिस नं. यू-65, 64/4-2006 जारी किया हुआ है। भारत के पास उसके पाकिस्तान में मौजूद होने के बारे में विश्वसनीय सूचनाएं हैं। दाऊद इब्राहिम के पाकिस्तानी पासपोर्टों और पाकिस्तान में उसके कथित पतों सहित उससे संबंधित अन्य ब्योरा समय-समय पर पाकिस्तान को इस अनुरोध के साथ मुहैया कराया जाता रहा है कि वे उसका पता लगाएं और उसे भारत को सौंप दे क्योंकि इंटरपोल से उसके खिलाफ रेड कॉर्नर नोटिस जारी करवाने वाला देश भारत है।

पाकिस्तान ऐसे व्यक्ति का पता लगाने के लिए बाध्य है जिसके बारे में रेड कॉर्नर नोटिस जारी किया गया है ताकि नोटिस जारी करवाने वाला देश उस व्यक्ति के संबंध में प्रत्यर्पण/निर्वासन या कोई अन्य कानूनी प्रक्रिया आरंभ कर सके। पाकिस्तान को पर्याप्त दस्तावेज और अन्य साक्ष्य सौंपे जाने के बावजूद पाकिस्तान दाऊद इब्राहिम का पता लगाने तथा कानूनी प्रक्रिया आरंभ करने में पूरी तरह से विफल रहा है। भारत पाकिस्तान पर अंतर्राष्ट्रीय बाध्यताओं को पूरा करने, दाऊद इब्राहिम तथा अन्य आतंकवादियों का पता लगाने और उन्हें भारत को सौंपे जाने के बारे में सभी स्तरों पर लगातार दबाव बनाए हुए है।

अध्यक्ष महोदया, मैं बहुत विनम्रता के साथ यह भी कहना चाहूंगा कि हमें चाहे पाकिस्तान को परसू करना हो या पाकिस्तान पर प्रैशर बिल्ड-अप करना हो, हम दाऊद को लाकर ही रहेंगे, यह बात मैं विश्वास के साथ कहना चाहता हूँ।... (व्यवधान)

HON. SPEAKER: He has given a statement. That is all.

11.41 hrs.

SUBMISSION BY MEMBER

**Re : Reported comments made by a former Minister and sitting Member of
Rajya Sabha on 9th May, 2015 on Hon. Speaker, Lok Sabha**

HON. SPEAKER: Now Shri Arjun Ram Meghwal.

... (Interruptions)

HON. SPEAKER: I will see. I will allow you.

... (Interruptions)

माननीय अध्यक्ष : आप बैठ जाइये।

... (व्यवधान)

श्री अर्जुन राम मेघवाल (बीकानेर): मेरा भी नोटिस है, इसलिए बोल रहा हूं। ... (व्यवधान)

मैडम, आपने मुझे बोलने के लिए कहा है। ... (व्यवधान) आपने मेरा नाम पुकारा है। ... (व्यवधान)

अध्यक्ष महोदया, आपने मुझे बोलने का अवसर दिया, उसके लिए आपका बहुत-बहुत धन्यवाद। मैं आपका ध्यान इस ओर आकर्षित करना चाहता हूं कि हमारे पूर्व यूनियन कैबिनेट मिनिस्टर*
... (व्यवधान)

माननीय अध्यक्ष : आप यहां किसी का नाम मत लीजिए।

... (व्यवधान) *

श्री अर्जुन राम मेघवाल : उन्होंने स्पीकर की, यानी आपकी कार्य प्रणाली पर प्रश्न चिह्न लगाया है और कहा है कि स्पीकर निष्पक्ष नहीं है। ... (व्यवधान)

माननीय अध्यक्ष : मैं नाम निकालने के लिए कह रही हूं।

... (व्यवधान)

श्री अर्जुन राम मेघवाल : यह बेहद खतरनाक आरोप है, भयंकर आरोप है। ... (व्यवधान)

...* यह आरोप लगाने का कोई अधिकार नहीं है। ... (व्यवधान)

माननीय अध्यक्ष : मैंने नाम निकालने के लिए बोल दिया है।

... (व्यवधान)

* Not recorded.

श्री अर्जुन राम मेघवाल : स्पीकर की रूलिंग को कोई चैलेंज नहीं कर सकता। ... (व्यवधान)

Madam, it is not questionable. It is a well established practice. Nobody can question the ruling of the Speaker. यह बहुत ही बेहद चिन्ताजनक विषय है। ... (व्यवधान)

माननीय अध्यक्ष : आप यहां किसी का नाम नहीं लेंगे।

... (व्यवधान)

श्री अर्जुन राम मेघवाल : मैडम, यह बेहद चिन्ताजनक विषय है। ... (व्यवधान) मैं चाहता हूँ कि प्रिविलेज मोशन के माध्यम से इसे कमेटी में भेजा जाये और उन्हें चेतावनी दी जाये कि वह दोबारा स्पीकर के लिए ऐसा नहीं बोल सकते। ... (व्यवधान) यह वेल-ऐस्टेब्लिश्ड प्रैक्टिस है। ... (व्यवधान) मैं इसलिए कह रहा हूँ ... (व्यवधान) हम हाउस में भी चर्चा नहीं कर सकते। मैं लोक सभा में बीजेपी का मुख्य सचेतक हूँ। ... (व्यवधान) मुझे बहुत से लोग कहते हैं ... (व्यवधान) आप विपक्ष को वैसे ही ज्यादा सुनती हो, लेकिन उसके बावजूद पूर्व यूनियन मिनिस्टर ने आप पर आरोप लगाया है। मेरा कहना है कि यह बहुत ही चिन्ताजनक विषय है। हमारी संसदीय प्रणाली पर प्रश्न चिह्न है। ... (व्यवधान) चेयर पर, पीठासीन पर यह प्रश्न चिह्न है, इसलिए हमें इसकी निंदा करनी चाहिए। ... (व्यवधान) इसकी जितनी निंदा हो, हाउस के माध्यम से, चर्चा करके हाउस के माध्यम से निंदा की जानी चाहिए, ताकि फ्यूचर में वह प्रेस में ऐसा कोई स्टेटमेंट न दे सकें। बहुत-बहुत धन्यवाद।

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र, डॉ. वीरेन्द्र कुमार, श्री निशिकान्त दुबे, श्री पी.पी. चौधरी, श्री प्रहलाद सिंह पटेल और डॉ. किरिट पी. सोलंकी को श्री अर्जुन राम मेघवाल द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Madam, I would like to make a small reference because a reference has been made to you. I would just like to make a small reference to Kaul and Shakhder on reflections on Speaker in discharge of his duties.

“Office of the Speaker, Lok Sabha is a Constitutional office and enjoys exalted status in our democratic setup. Though it is not necessary for Speaker under the Constitution of the Rules of Procedure to sever his connections or her connections with the political Party to which he belongs, once he is elected to the office, he, while conducting the House, nevertheless acts in totally impartial manner. Impartiality is, therefore, an integral attribute vis-à-vis the office of the Speaker. Hence, reflection on the character or impartiality of the Speaker in discharge of his duties as the Speaker of the House has been held to constitute a breach of privilege and contempt of the House.”

SHRI ARJUN RAM MEGHWAL : Yes, it is a contempt of the House.

HON. SPEAKER: It is all right.

Shri E.T. Mohammad Basheer.

... (*Interruptions*)

HON. SPEAKER: It is under my consideration. I will allow. Please sit down.

... (*Interruptions*)

HON. SPEAKER: What notice is it? Do you want to raise the matter? Yes, I will allow you.

THE MINISTER OF URBAN DEVELOPMENT, MINISTER OF HOUSING AND URBAN POVERTY ALLEVIATION AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI M. VENKAIAH NAIDU): Madam Speaker, I have an appeal to Kharge Ji and to my other friends also. This is not a partisan matter. Let us not politicise it. Let us go into the facts. If it is a fact, let us apply our mind. Let the Opposition and the Government and all sides of the House also go through this matter. As of now, I am not saying anything without authenticity. A news item has appeared in the paper where the Speaker's conduct has been questioned. That being a matter concerning the entire House, I appeal to the Opposition also to please go through this. Let us study it and then come to some meaningful conclusion so that this sort of trend is not allowed in future.

This is not an issue of this party or that party; he may belong to any party. I am not talking about that. But this is a very serious matter. Speaker's conduct should never be questioned in the House. Otherwise, parliamentary system will not be able to function effectively. This is my appeal to the hon. House. ...
(Interruptions)

माननीय अध्यक्ष : इस पर चर्चा नहीं करेंगे।

श्री ई.टी. मोहम्मद बशीर।

...(व्यवधान)

माननीय अध्यक्ष : आप बैठ जाइए। इस पर चर्चा नहीं होगी।

...(व्यवधान)

HON. SPEAKER: He has given a notice. Please let him raise his issue.

... (Interruptions)

SHRI K.C. VENUGOPAL (ALAPPUZHA): We have also given a notice....
(Interruptions)

HON. SPEAKER: I will allow you to raise your issue as well. Please sit down.

... (Interruptions)

HON. SPEAKER: Whatever you have submitted is under my consideration. The direction will be given accordingly.

... (Interruptions)

SHRI E.T. MOHAMMAD BASHEER (PONNANI): Madam, I am raising a very important issue of national importance. ... (Interruptions) I may be allowed to speak.... (Interruptions) This is not fair. ... (Interruptions)

My demand is regarding repealing of Unlawful Activities (Prevention) Act. It has been widely misused. It is against SCs, STs, adivasis and minorities. This law was enacted with a very high objective, that is, to curb all the activities against the integrity and sovereignty of the nation. Unfortunately, this law has been misused in a highly condemnable manner. Thousands of youths are languishing in

Indian jails without trial. That is nothing but denial of justice. It is a very important issue as far as this nation is concerned.

In recent judgment in Hubli case, out of 17 accused, four were Malayalees. The court acquitted them after seven years and held that prosecution has miserably failed in proving the charges. Madam, after seven years the Court says that they are innocent. Their life has gone; their future has gone and their career has gone. Who is going to compensate all these things?

Madam, not only that, but similar cases are appearing in every part of the country. Youths are arrested. Without filing chargesheets, they are kept in jails. It is a denial of their rights. Hence, I urge upon the Government to repeal the Unlawful Activities (Prevention) Act. ... (*Interruptions*)

HON. SPEAKER: S/Shri M.B. Rajesh, Dr. A. Sampath and Md. Badaruddoza Khan are permitted to associate with the issue raised by Shri E.T. Mohammad Basheer.

श्री श्यामा चरण गुप्त (इलाहाबाद) : माननीय अध्यक्ष जी, मेरे संसदीय क्षेत्र इलाहाबाद में यमुना पार एरिया में टोंस नदी पर संचालित कोहलारघाट, देवघाट और धनवाल पेयजल योजना उत्तर प्रदेश शासन की नाकामी के कारण अपने उद्देश्य को पूर्ण करने में असफल रही है। सैंकड़ों गांव पानी की किल्लत से जूझ रहे हैं। अनियमित विद्युत आपूर्ति, पाइपलाइन लीकेज और हैंडपंप के जलस्तर के नीचे गिरने से पेयजल समस्या और गंभीर हो गई है। पाइपलाइन्स काफी पुरानी होने के कारण एवं बहुत ही जीर्ण-शीर्ण होने के कारण अधिकांश गांव पेयजल आपूर्ति से वंचित हो गये हैं जबकि शासन की यह जिम्मेदारी है कि इन पाइपलाइनों को समय समय पर ठीक कराया जाए और हैंड पंप्स की गहराई बढ़ाई जाए जिससे उपलब्ध संसाधनों को समुचित रूप से इस्तेमाल किया जा सके। अतः मेरा सरकार से निवेदन है कि शासन इसमें अविलम्ब कार्रवाई करने की कृपा करे।

श्री गणेश सिंह (सतना) : माननीय अध्यक्ष जी, मैं आपको बहुत बहुत धन्यवाद देता हूँ कि आपने मुझे यहां एक अति महत्वपूर्ण विषय उठाने की अनुमति दी है। मैं एक बहुत ही महत्वपूर्ण विषय केन्द्र सरकार के ध्यान में लाना चाहता हूँ। भगवान श्रीराम का जीवन चरित्र जिसका वर्णन रामायण महाकाव्य में लिपिबद्ध है, त्रेता युग में भगवान श्रीराम की कथा का पूरा जीवन दर्शन बताया गया है तथा पूरी दुनिया को पता है कि भगवान श्रीराम ने अपने चौदह वर्ष के वनवास के समय में से साढ़े ग्यारह वर्ष चित्रकूट में बिताये थे। आज भी वहां उनकी महिमा कण-कण में विराजमान है। लाखों लोग वहां आते-जाते हैं। भगवान श्रीराम का जीवन-दर्शन लोग बहुत ही नजदीक से देखना चाहते हैं। श्रीराम को सिर्फ भगवान के रूप में न देखते हुए, उनके आदर्श जीवन का अनुपालन करना हर मानव के लिए आज जरूरी है। उन सभी घटनाक्रमों को रामायण महाकाव्य की चौपाइयों के साथ, उनकी आकृति-चिन्हों सहित, एक रामायणम परिसर बनाये जाने की मांग काफी लम्बे समय से की जा रही है। कुरुक्षेत्र में महाभारत तथा चित्रकूट में रामायण दोनों का ऐतिहासिक परिसर वहां बनाना अत्यंत आवश्यक है। पर्यटन एवं सांस्कृतिक दृष्टिकोण से यह अत्यंत उपयोगी होगा। मैं आपके माध्यम से पर्यटन मंत्रालय से मांग करता हूँ कि वह अविलम्ब इस प्रोजेक्ट की स्वीकृति दे ताकि वहां पर एक नया रामायणम परिसर विकसित हो सके।

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र और डॉ. किरिट पी. सोलंकी को श्री गणेश सिंह द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री ताम्रध्वज साहू (दुर्ग) : माननीय अध्यक्ष जी, पूरे देश में विशेषकर छत्तीसगढ़ में सब्जियों के दाम साल में बहुत अधिक रहते हैं। बड़े कृषि फार्मों में सब्जी उत्पादक खुद ही साधन बना लेते हैं लेकिन ग्रामीण अंचलों में निवासरत सब्जी उत्पादक जिन्हें मरार पटेल कहा जाता है जिसे बाड़ी कहते हैं, उनके पास सिंचाई का कोई साधन नहीं होता। जो अत्यंत गरीब होते हैं और अपनी सब्जियां सिर पर रखकर गांव-गांव घूमकर बेचते हैं। पहले ये कुंआ खोदकर सिंचाई करते थे जिसके लिए शाकम्बरी योजना के तहत छत्तीसगढ़ शासन द्वारा कुछ अनुदान दिया जाता है परंतु अब जल स्तर काफी नीचे जा चुका है। इनको काफी कठिनाइयों का सामना करना पड़ रहा है। वर्तमान परिस्थितियों में बोर व पंप के अलावा कोई अन्य साधन इनकी सिंचाई के लिए नहीं हो सकते। अतः केन्द्र शासन व राज्य शासन द्वारा ट्यूब वेल खनन व सबमर्सिबल पंप के लिए शत प्रतिशत अनुदान ऐसे सब्जी उत्पादक कृषकों को तत्काल प्रदान करने की कृपा करे।

SHRI R. DHYUVANARAYANA (CHAMARAJANAGAR): Madam, I want to raise an important issue regarding the delay in release of compensation to Karnataka State by the Union Government for the damage caused in the State due

to hailstorm and intense rainfall in the month of April. In the month of April, Karnataka received heavy high-intensity rains and hailstorm. Due to this reason, eight districts of Karnataka State got severely and badly affected. As a result, the standing crops in 64,462 hectares of land got completely destroyed.

In this connection, Karnataka State's Revenue Minister and Agriculture Minister, 15 days back, had taken an appointment with the Union Agriculture Minister and given a memorandum. Till today, the Central Government has not sent a team to analyse the crop loss. The total loss estimated in the State is about Rs. 422.36 crore because heavy damage has been caused there.

Since the Central Team is still awaited, I would urge upon the Union Government to release compensation as well as send a Central Team to analyse the situation.

Thank you very much.

माननीय अध्यक्ष : श्री एस.पी. मुद्दाहनुमे गौड़ा को श्री आर. धुवनारायण द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

SHRI S.P. MUDDAHANUME GOWDA (TUMKUR): Madam, this is a very important subject. We all associate with him.

SHRI M. VEERAPPA MOILY (CHIKKABALLAPUR): Madam Speaker, thank you very much for allowing me to raise an important issue with regard to sericulture farmers.

In fact, even during the UPA regime, it was once reduced from 30 per cent to five per cent. Then the matter was agitated before this House, and all the sericulture farmers -- not only in Karnataka, but even in the rest of the places --- agitated over the matter, and I think that one or two sericulture farmers also committed suicide. So, having considered this issue, the then Finance Minister again, in fact, increased the Import Duty from five per cent to 15 per cent. Thereafter, the matter was also taken up by the hon. Chief Minister of Karnataka with the Textile Minister and also the Finance Minister.

In fact, the hon. Minister of Textile wrote a letter even to Shri Venkaiah Naidu, the hon. Minister for Urban Development in which he stated that : “It seems proper to keep customs duty on import of raw silk at the present level of 15 per cent as a balanced approach to protect interest of sericulture farmers, reelers, weavers and various stakeholders of the silk textile industry.” In fact, the balance was maintained between the weavers and the sericulturists, but all of a sudden the Finance Minister, in his Finance Bill of 2015, again reversed the process and he said that : “In order to promote ‘Make in India’, I propose to reduce the basic customs duty on raw silk from 15 per cent to 10 per cent.” This has really shocked the sericulture farmers.

How can such a decision be taken at the cost of the farmers as against ‘Make in India’? ... (*Interruptions*) Madam, I will just conclude. When we say that they are working for the corporate world, then they say that we are accusing them. It is so manifest. In fact, ... (*Interruptions*)

HON. SPEAKER: In ‘Zero Hour’, no speech is allowed.

... (*Interruptions*)

SHRI M. VEERAPPA MOILY: Yes, Madam. I am concluding. ... (*Interruptions*)

SHRI S.P. MUDDAHANUME GOWDA: Madam, it is a very important matter concerning the sericulture farmers in Karnataka. ... (*Interruptions*)

SHRI R. DHYUVANARAYANA: Madam, it is an important matter concerning the State of Karnataka. ... (*Interruptions*)

HON. SPEAKER: Yes, I know it. I am allowing it.

... (*Interruptions*)

SHRI M. VEERAPPA MOILY : In fact, there is a sharp fall in prices of raw silk; sharp fall in prices of cocoons in the cocoon markets; reduction in prices of cocoons and raw silk, which directly resulted in large-scale uprooting of mulberry gardens; and loss of capital invested by reelers and sericulturists, which has affected all the sericulture farmers and they are on the streets. I think that the Government has to reduce it. I do not know what provoked them suddenly to

reduce it from 15 per cent to 10 per cent. My appeal to the Government is that it can be restored to 15 per cent if not 30 per cent.

HON. SPEAKER : Shri S.P. Muddahanume Gowda and Shri R. Dhruvanarayana are permitted to associate with the issue raised by Shri M. Veerappa Moily.

श्री सुखबीर सिंह जौनापुरिया (टोंक -सवाई माधोपुर): महोदया, जिस तरह से क्राइम करने वाले नाबालिगों की उम्र को 18 वर्ष से घटाकर 16 वर्ष करने जा रहे हैं, उसी के संदर्भ में मैं कहना चाहता हूँ कि आज कल घरों में "स्कूटी" का बहुत ज्यादा चलन हो गया है। हमारी बच्चियां कालेज जाती हैं तो स्कूटी का प्रयोग करती हैं। 18 वर्ष से कम आयु होने की वजह से पुलिस वाले उनका चालान करते हैं या अरेस्ट करते हैं। उसके बाद हमारे पास उनके अभिभावकों के फोन आते हैं और हम उन्हें छुड़वाते हैं।

मेरा आपसे अनुरोध है कि लाइसेंस बनवाने की उम्र 18 वर्ष से घटाकर 16 वर्ष कर दी जाए, जिससे कि बच्चियां स्कूल तक आराम से जा सकें। इसके साथ-साथ घरों का सामान लेने के लिए महिलाएं भी स्कूटी का बहुत प्रयोग करती हैं। चूंकि उनके पास लाइसेंस नहीं होता है, इस कारण पुलिस वाले उन्हें परेशान करते हैं। मैं चाहता हूँ कि ड्राइविंग लाइसेंस के लिए 18 वर्ष की आयु की जगह 16 वर्ष का प्रावधान किया जाए, चाहे तो उसमें कुछ अलग से लिख दिया जाए कि सिर्फ लोकल एरिया में ही उसे चलाने की इजाजत हो।

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र और श्री अजय मिश्रा टेनी को श्री सुखबीर सिंह जौनापुरिया द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

SHRI R.K. SINGH (ARRAH): Thank you, Madam, for giving me the opportunity to speak.

Madam, we heard on TV yesterday the news that India is going to play a Test and One-day Cricket Series with Pakistan. In Pakistan, Pakistan has allowed the mastermind of the Mumbai terror attacks, Hafeez Saeed, to roam freely. Pakistan has just now released Lakhvi on bail. They have said that they have appealed against that bail, but that appeal is not going anywhere. The mastermind and chief facilitator of the 1993 Mumbai bomb blast, Dawood Ibrahim, is in Pakistan, as the Home Minister has just stated.

12.00 hrs.

What is the point of playing Cricket with a country which is giving shelter to terrorists who have attacked you and who have carried out bomb blasts against you? I just do not understand it. You do not have friendly, normal relations with a country, which sends terrorists across the Line of Control every day, which is what they are doing.

So, I would request the Government to very seriously reconsider the decision in this regard. ... (*Interruptions*)

SHRI K.C. VENUGOPAL: As per rules, I have given a notice, but you have not allowed me, Madam.

HON. SPEAKER: I will allow you.

... (*Interruptions*)

HON. SPEAKER: Shri Nishikant Dubey, Shri Arvind Sawant and Shri P.P. Chaudhary are permitted to associate with the issue raised by Shri R.K. Singh.

श्री रामा किशोर सिंह (वैशाली) : अध्यक्ष महोदया, आपने मुझे एक महत्वपूर्ण विषय सदन में उठाने का मौका दिया, इसके लिए मैं आपके प्रति आभारी हूँ।

महोदया, अभी हाल में माननीय प्रधानमंत्री जी का छत्तीसगढ़ के दांतेवाड़ा में जाना, वहां एक रैली को सम्बोधित करना और 24,000 करोड़ रुपये के एमओयू करना आदि सराहनीय पहल हैं। दूसरी ओर प्रधानमंत्री जी के दौरे से पूर्व नक्सलियों द्वारा 1200 से अधिक ग्रामीणों को अगवा करना और प्रधानमंत्री जी के जाने के बाद उनमें से एक की हत्या करना देश के लिए एक दुखद त्रासदी है, क्योंकि एक ओर हम विकास की ओर अग्रसर हो रहे हैं तो दूसरी ओर कुछ मुट्ठी भर लोग विनाश की ओर अग्रसर हो रहे हैं। घटना के बाद ग्रामीणों ने रात में ही पुलिस को सूचना दी, लेकिन विवश पुलिस द्वारा कोई सहायता न की गयी। दौरे के पूर्व रेल पटरी उखाड़ना, पुल निर्माण स्थल पर कंस्ट्रक्शन कंपनी की मशीनों में आग लगाने की घटना और कार्यस्थल पर तैनात 17 कर्मचारियों का अपहरण आदि घटनाएं काफी गंभीर विषय हैं। हमारा संसदीय क्षेत्र वैशाली भी उग्रवाद प्रभावित है। मैं आपके माध्यम से सरकार से निवेदन करता हूँ कि जिन लोगों ने हथियार उठा लिए हैं, उन लोगों को राष्ट्र की मुख्यधारा से जोड़ने की दिशा में प्रभावी कदम उठाए जाएं और वहां पर विकास के कार्यों में तेजी लाई जाए। हमारे क्षेत्र के उग्रवाद प्रभावित क्षेत्रों में विकास कार्यों के सम्पादन के लिए सरकार द्वारा विशेष आर्थिक सहायता प्रदान की जाए।

श्री भानु प्रताप सिंह वर्मा (जालौन) : धन्यवाद अध्यक्ष महोदया। मेरे संसदीय क्षेत्र में वर्ष 2015 में बेमौसम वर्षा की वजह से किसानों की स्थिति बहुत खराब है। साथ ही, वहां पर जो बैंक्स हैं, उन्होंने किसानों के किसान क्रेडिट कार्ड्स से छः प्रतिशत के हिसाब से पैसा निकाल लिया है। वहां पर इलाहाबाद बैंक लीड बैंक है। स्टेट बैंक ऑफ इंडिया, सेंट्रल बैंक, पंजाब नेशनल बैंक, इलाहाबाद ग्रामीण बैंक आदि अन्य बैंकों ने किसानों के केसीसी कार्ड से पैसा निकालने के बाद प्रीमियम का सारा पैसा आईसीआईसीआई बैंक के साथ लोम्बार्ड जनरल इंश्योरेंस कंपनी में भेजा गया है। किसानों के खातों में अभी भी पैसा नहीं आया है और उस कंपनी का कहना है समय से इन बैंकों ने पैसा नहीं दिया है, इसलिए यह पैसा किसानों के खाते में नहीं भेजा जा सकता है।

इसलिए मेरी केन्द्र सरकार से मांग है कि जो बैंकों ने समय से प्रीमियम लेने के बाद समय से बीमा कंपनियों को पैसा नहीं भेजा है, उसकी जांच कराई जाए। जांच कराने पर जो दोषी पाया जाए, चाहे कंपनी दोषी हो या बैंक हो, उनके खिलाफ सख्त से सख्त कार्रवाई की जाए। किसानों को जो बीमा का पैसा मिलना चाहिए, वह दिलाया जाए। ऐसी 160 ग्रामसभाएं हैं, जिनमें लगभग 12000 किसान हैं, उनको इसका लाभ मिले।... (व्यवधान)

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र और श्री पी.पी.चौधरी को श्री भानु प्रताप सिंह वर्मा द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री रवनीत सिंह (लुधियाना) : मैडम, मैं आपके माध्यम से, देश की आजादी की लड़ाई में सिर्फ 19 साल की छोटी उम्र में फांसी का फन्दा चूमने वाले पंजाब के बहादुर कौमी सपूत शहीद करतार सिंह सराभा, जिन्होंने 16 नवम्बर, 1915 को लाहौर जेल में फांसी का फन्दा चूमा, उनकी कुर्बानी की तरफ ध्यान दिलाना चाहता हूं। वर्ष 1896 में लुधियाना जिले के गांव सराभा में करतार सिंह ने जन्म लिया और देश को अंग्रेजों से आजाद कराने के लिए अमेरिका में अपनी बहुत ही छोटी उम्र में, 15 सितम्बर, 1914 में पढ़ाई छोड़कर गदर लहर में कूदे। यहां आकर उन्होंने गदर पार्टी के क्रान्तिकारी अखबार की प्रिंटिंग की जिम्मेदारी संभाली। उन्होंने अपनी पोयट्री और आर्टिकल्स के माध्यम से देशवासियों को जागृत करना शुरू किया और विदेशी हुकूमत के खिलाफ संघर्ष शुरू करने के लिए प्रेरित करना शुरू किया। इस दौरान वह अपने अलग-अलग साथियों के साथ अलग-अलग कैंटोनमेंट में जाकर सैनिकों को विदेशी हुकूमत के खिलाफ हथियार उठाने के लिए प्रेरित करते रहे। उन्हें लाहौर में 13 सितम्बर, 1915 को फांसी की सजा सुनाई गई। बड़ी बात यह है कि शहीद करतार सिंह सराभा, जिन्होंने बहुत बड़ी देशभक्ति की मिसाल पेश की, जब भगत सिंह जी को फांसी पर लटकाने के लिए ले जाया जा रहा था तो उनकी जेब में शहीद करतार सिंह सराभा

की फोटो थी। भगत सिंह जी ने कहा था कि मैं करतार सिंह सराबा जी को अपना गुरु मानता हूँ। इतनी बड़ी करतार सिंह जी की देशभक्ति के प्रति भावना थी। मेरी सरकार से गुजारिश है और मांग है कि करतार सिंह सराबा जी को शहीद हुए 100 साल हो रहे हैं, अतः सरकार उनकी याद में एक डाक टिकट जारी करे। इसके साथ ही उनकी फोटो वाला एक सिक्का भी जारी करे। उन्होंने देश की खातिर शहादत की है इसलिए उनकी याद में एक ब्रेवरी एवार्ड उनकी तस्वीर के साथ घोषित करे।

माननीय अध्यक्ष: श्री निशिकांत दुबे, श्री शशि थरूर, श्री भगवंत मान, डॉ.ए. सम्पत, श्री बदरुद्दीन अजमल, श्री गजेन्द्र सिंह शेखावत को श्री रवनीत सिंह द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री निशिकान्त दुबे (गोड्डा) : अध्यक्ष महोदया, इस सदन में हमेशा किसानों के बारे में बात होती है। किसान समस्या में हैं और उनकी आत्महत्या लगातार बढ़ रही है। हम उन्हें सिंचाई का साधन उपलब्ध नहीं करा पा रहे हैं। लगातार क्लाइमेट चेंज के कारण जो परेशानी हो रही है, कभी ओलावृष्टि होती है, कभी बेमौसम बारिश होती है, जिसकी वजह से उनकी फसल क्षतिग्रस्त होती है। इस सदन में हमेशा चर्चा होती है कि स्वामीनाथन कमेटी की रिपोर्ट लागू की जाए। लेकिन किसान का लागत मूल्य निर्धारित नहीं हो पाता है। कई किसान नहर से पानी ले रहे हैं, तो कई ट्यूबवैल्स द्वारा पानी ले रहे हैं और बिजली तथा डीजल से पानी की व्यवस्था कर रहे हैं। जब-जब इस देश में अकाल आया, सन् 1901 में एक इरीगेशन कमीशन बना था। उसके बाद सन् 1967-1968 में जब पूरा किसान परेशान था, तो इरीगेशन कमीशन बनाने की प्रक्रिया शुरू हुई। लेकिन राज्यों के बीच काफी समस्याएं थीं कि किसके पास कौन सा पानी जाएगा, कौन सा नहीं जाएगा। आज क्लाइमेट चेंज के कारण और किसानों द्वारा आत्महत्या के मामले बढ़ते जा रहे हैं। इसके अलावा राज्यों के बीच डिस्प्यूट चल रहे हैं कि कहां डैम बनाना है कहां नहीं बनाना है। इस वजह से आज़ादी के इतने सालों के बावजूद भी हम किसानों को सिंचाई के साधन उपलब्ध नहीं करा पा रहे हैं। मेरी सरकार से मांग है कि जिस तरह 1901 में और फिर 1969 में इरीगेशन कमीशन बने, आज फिर से 45-50 साल बाद उसकी आवश्यकता महसूस होनी चाहिए और सरकार को एक नया इरीगेशन कमीशन बनाना चाहिए, जिससे हम सभी किसानों के खेतों में पानी मुहैया करा सकें।

माननीय अध्यक्ष: श्री पी.पी. चौधरी, श्री भैरों प्रसाद मिश्र, श्री गजेन्द्र सिंह शेखावत को श्री निशिकान्त दुबे द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

SHRI M.B. RAJESH (PALAKKAD): Madam, I would like to draw the attention of this Government and the House to a very grave matter of financial

misappropriation in a Central Public Sector Unit in our country. Indian Telephone Industries is a major CPSU. ITI is a member of a consortium which is meant for the implementation of the two major projects of the Government of India – the National Population Register by the Home Ministry and the Socio-Economic and Caste Census by the Ministry of Rural Development. So, ITI is one of the members of the consortium entrusted with the task of implementing these projects.

Between 2010 and 2015, the Government of India had sanctioned and released an amount of Rs.1,160 crore for the purpose of implementing these two projects. Out of this Rs.1,160 crore, Rs.539.83 crore was diverted for other purposes than utilizing for these two projects. This is an important issue. This has adversely affected and stalled the implementation of these two projects – NPR and Socio-Economic and Caste Census. The ITI Unit of Palakkad in my constituency is entrusted with the task of these two projects. Hence the Government of India, Ministry of Rural Development, Home Ministry and even the UP Government have all issued notices to the ITI Unit, Palakkad. They are seeking explanation from the ITI, Palakkad. The Chief Vigilance Officer (CVO) has already initiated an inquiry into this diversion and misappropriation of funds. What is more shocking is that people who are responsible, including the CMD, for this misappropriation and diversion of funds are continuing in their office despite CVO investigation and despite other serious allegations against them including helping out of turn the private vendors.

Madam, I have got documentary evidence to show how they have helped some private vendors and how money has been released to them in violation of all rules. It is surprising that the Government is allowing them to continue in office despite completion of their tenure, and they are getting extension month after month. This Government is talking about good governance. Is this the example of good governance, giving extension to corrupt officers, corrupt CMD of Indian Telephone Industries?

Madam, I demand immediate removal of the CMD and a comprehensive investigation, comprehensive inquiry into this whole affair of Indian Telephone Industries.

HON. SPEAKER: Dr. A. Sampath, Shri Md. Badaruddoza Khan and Shri P.K. Biju are permitted to associate with the issue raised by Shri M.B. Rajesh.

SHRI K.C. VENUGOPAL (ALAPPUZHA): Thank you, Hon. Speaker, for giving me this opportunity to raise a matter of very urgent public importance relating to the fishermen community in the country.

Madam, trawling ban has been extended by this Government from 47 days to 61 days and from 12 nautical miles to 200 nautical miles of the Indian sea. It created a lot of apprehension among the fishermen community in India. The Government's position is that this action has been taken as per the recommendation of Syda Rao-Gopalakrishnan Committee. After Syda Rao retired, Gopalakrishnan headed the Committee.

I have the reports of Syda Rao Committee. Dr. Syda Rao, who was Chairman of the Experts Committee which studied the pros and cons of a uniform fishing ban, has dissociated with the controversial recommendation of the Committee. In the meanwhile, Dr. A. Gopalakrishnan, who headed the Committee after Rao's retirement, wrote to the Central Government seeking permission to rework and resubmit the report on which the ban was based. The development has challenged the very scientific basis of a uniform fishing ban, vindicating the stand of the fisher folk.

In response to the recent controversy, Dr. Syda Rao, who is former Director of Central Marine Fisheries Research Institute clarified that he retired as the Head of the Institute in July 2013, and eventually ceased to be the Chairman of the Experts Committee that assessed the scientific basis of the fishing ban. He had convened only a single meeting of the Experts Committee which was later chaired by the present Director. "Afterwards, I had nothing to do with the preparation of

the report, nor did they ever consult me on any aspect. I am hearing that my name is attributed to the said report and is frequently appearing in the press.” said Rao.

He further noted that earlier he had held the view that trawling ban should not be based on the spawning season. He said, “In 2010, a Committee headed by me had clearly indicated that the main spawning seasons of marine fish in India were March-April and September-October, not June-July. Hence it should not be considered for determining the trawling ban period. I had taken the same stand even in the first meeting of the Committee in July 2013”.

Even as the fishermen organizations sharply criticized the Experts Committee report, Committee Chairman Gopalakrishnan wrote to Secretary to the Department of Animal Husbandry, Dairying and Fisheries admitting that the report had serious omissions. The Chairman himself reported that there were serious omissions and that the Committee needed to rework and resubmit its recommendations. In an apologetic letter he admitted that the Committee overlooked the fact that peak breeding period of pelagic fish was April-May and that of demersal fish was October-November. The report did not take cognizance of the Kerala Monsoon Fishery (Pelagic) Protection Act. It is against the Kerala Act also.

Madam, this situation has now been created by the Central Government. After farmers, fishermen are agitating against this Government. My submission is that this order should be withdrawn. The Government is saying that as per the Committee report this order has been issued. But Committee’s Chairmen, former as well as present, are saying that this was not their opinion. Therefore, my request is that the order should be withdrawn. I need an assurance from the Government.

When Prof. K.V. Thomas, myself and Shri Premachandran raised this issue last time, the hon. Minister said that he was going to convene a meeting. However, no meeting has been convened so far. My simple request to you, Madam, is to direct the Government to take immediate action and withdraw the ban. Otherwise, the entire coastal belt of India will agitate against this Government.

HON. SPEAKER: Shri Shashi Tharoor and Shri P.K. Biju are permitted to associate with the issue raised by Shri K.C. Venugopal.

... (*Interruptions*)

SHRI K.C. VENUGOPAL: Madam, the Government should respond. ... (*Interruptions*)

SHRI N.K. PREMACHANDRAN (KOLLAM): The Government had given an assurance. ... (*Interruptions*)

HON. SPEAKER: You can only associate.

... (*Interruptions*)

SHRI K.C. VENUGOPAL: This is a serious matter. We want a response from the Government. ... (*Interruptions*)

SHRI N.K. PREMACHANDRAN: The Government has to respond. ... (*Interruptions*)

HON. SPEAKER: You cannot expect like this.

... (*Interruptions*)

SHRI N.K. PREMACHANDRAN: Kindly get a response from the Government. ... (*Interruptions*)

HON. SPEAKER: Is Shri Anshul Verma there? No.

... (*Interruptions*)

HON. SPEAKER: Is Shri Ram Mohan Naidu there? No.

... (*Interruptions*)

HON. SPEAKER: Yes, Shri Santok Singh.

... (*Interruptions*)

HON. SPEAKER: Nothing will go on record.

... (*Interruptions*)... *

HON. SPEAKER: No, I cannot force the Government.

... (*Interruptions*)

* Not recorded.

श्री संतोख सिंह चौधरी (जालंधर) : मैडम, मैं आपका ध्यान एक बड़े ही महत्वपूर्ण विषय पर दिलाना चाहता हूँ। ... (व्यवधान) मैडम स्पीकर, दोआबा रीजन पंजाब प्रांत का एक बहुत महत्वपूर्ण रीजन है और जालंधर जो कि मेरा संसदीय क्षेत्र है, ... (व्यवधान)

HON. SPEAKER: This is not fair.

... (*Interruptions*)

HON. SPEAKER: Your Party Member is disturbing you.

... (*Interruptions*)

HON. SPEAKER: I cannot force the Government. Nothing will go on record.

... (*Interruptions*)... *

HON. SPEAKER: Only what Shri Santok Singh says will go on record.

... (*Interruptions*)... *

HON. SPEAKER: You are not allowing your own Member. It cannot be done like that.

... (*Interruptions*)

श्री संतोख सिंह चौधरी: महोदय, जालंधर जो कि मेरा संसदीय क्षेत्र है, वह दोआबा रीजन का एक महत्वपूर्ण इलाका है। ... (व्यवधान) मैडम हाउस आर्डर में करें। ... (व्यवधान) यह महत्वपूर्ण स्थान दोआबा रीजन का सैन्टर है और पंजाब का सैन्टर है। लेकिन यह रीजन हमेशा ही स्वास्थ्य सुविधाओं से वंचित रहा है। इस स्थिति को देखते हुए 1994 में हमारी कांग्रेस की गवर्नमेंट थी और सरदार बेअंत सिंह की गवर्नमेंट थी। उस वक्त उस सरकार ने फैसला किया कि ... (व्यवधान) मैडम, कृपया हाउस आर्डर में लाइए।

HON. SPEAKER: Please sit down. I cannot force the Government in 'Zero Hour'.

... (*Interruptions*)

श्री संतोख सिंह चौधरी : मैडम, कृपया हाउस आर्डर में लाइए।

HON. SPEAKER: Nothing will go on record.

... (*Interruptions*)... *

HON. SPEAKER: Only Shri Santok Singh's speech will go on record.

... (*Interruptions*)... *

* Not recorded.

श्री संतोख सिंह चौधरी : मैडम, कृपया हाउस आर्डर में लाइए, यह बड़ा महत्वपूर्ण इश्यू मैं आपके ध्यान में लाना चाहता हूँ लेकिन वह रिकार्ड में नहीं जा रहा है।

HON. SPEAKER: Is Shri Harinarayan Rajbhar there? No.

... (*Interruptions*)

श्री संतोख सिंह चौधरी: मैडम, जैसे मैंने पहले कहा कि दोआबा रीजन पंजाब का एक महत्वपूर्ण रीजन है।
...(व्यवधान) मुझे बोलने दीजिए। ...(व्यवधान)

HON. SPEAKER: Shri Bharat Singh – not present. Shri Arvind Sawant.

... (*Interruptions*)

श्री संतोख सिंह चौधरी : मैडम, अभी तो बात भी पूरी नहीं की। ...(व्यवधान)

माननीय अध्यक्ष : आप सभी बैठिये।

...(व्यवधान)

श्री अरविंद सावंत (मुम्बई दक्षिण) : बिधूड़ी जी, आप बैठिये।

माननीय अध्यक्ष : बिधूड़ी जी, आपका क्या किसी इश्यू से कोई संबंध है? आप बैठिये।

HON. SPEAKER: Nothing will go on record.

... (*Interruptions*)... *

HON. SPEAKER: Yes, Shri Arvind Sawant.

... (*Interruptions*)

श्री अरविंद सावंत : मैडम स्पीकर, बहुत बहुत धन्यवाद। सहयोगी माननीय सदस्यों से मेरी विनती है कि कृपया बैठ जाएँ। ...(व्यवधान) बिधूड़ी जी, आप बैठ जाएँ। ...(व्यवधान) मुझे तो बोलने दो। ...(व्यवधान)

माननीय अध्यक्ष : मुझे किसी की बात नहीं सुननी है। अरविंद सावंत जी, आप बोलिए।

...(व्यवधान)

HON. SPEAKER: What is this? यह क्या हो रहा है?

... (*Interruptions*)

HON. SPEAKER: Mr. Minister, please ask him what is happening?

... (*Interruptions*)

* Not recorded.

HON. SPEAKER: Why is he saying something?

... (*Interruptions*)

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Madam, I would like to say something if you permit for just a second. ... (*Interruptions*)

HON. SPEAKER: I can understand but this is not the way. I am sorry.

... (*Interruptions*)

श्री अरविंद सावंत (मुम्बई दक्षिण) : माननीय अध्यक्ष जी, आपका बहुत बहुत धन्यवाद। ... (व्यवधान)

HON. SPEAKER: Nothing will go on record. I am sorry.

... (*Interruptions*)... *

श्री अरविंद सावंत : मेरी विनती है आपसे। यह ज़ीरो आवर है । ... (व्यवधान) हमारे बाद आप बोलिये। अभी इनका भी हुआ नहीं। ... (व्यवधान)

He says he could not speak. ... (*Interruptions*)

HON. SPEAKER: I will allow you after him. Please sit down.

... (*Interruptions*)

SHRI ARVIND SAWANT: She is allowing you. ... (*Interruptions*)

माननीय अध्यक्ष महोदया जी, आपका बहुत-बहुत धन्यवाद।... (व्यवधान)

श्री राजीव प्रताप रूडी: स्पीकर मैडम, हम सब चाहते हैं कि सभी सदस्य बोलें। अभी संतोख सिंह चौधरी जी बोल रहे थे, आप उनकी बात सुन रही थीं। के.सी. वेणुगोपाल साहब ने अपनी बात रख ली। अब स्वयं वेणुगोपाल साहब ने कांग्रेस के सदस्यों को बोलने से रोका और उसमें डिस्टर्बेंस पैदा किया।... (व्यवधान) अगर इस प्रकार से ये सदस्य आपस में करते रहेंगे तो फिर मैं बिधूड़ी जी को कैसे रोक सकता हूँ?... (व्यवधान) जब ये लोग बोलना चाहें तो वे चीख-चीख कर बोलेंगे और जब हमारी पार्टी के माननीय सदस्य कोई विषय उठाना चाहें तो आप उन्हें बोलने न दें।... (व्यवधान) फिर हम इन्हें कैसे रोक सकते हैं?... (व्यवधान)

महोदय, इसमें बैलेंस आपको करना होगा।... (व्यवधान) संतोख सिंह चौधरी जी बोल रहे थे और वेणुगोपाल जी उन्हें डिस्टर्ब कर रहे थे।... (व्यवधान) When Congress Members have to unite,

* Not recorded.

they unite but why Shri Venugopal is disturbing Shri Chaudhary? Why Shri Chaudhary from the Congress Party was not being allowed to speak?...
(*Interruptions*) Why did you disturb him? This is happening again and again.
This is the situation. Madam, we cannot stop our Members unless and until they start behaving. We cannot stop them.... (*Interruptions*)

माननीय अध्यक्ष : बैठिए।

... (व्यवधान)

माननीय अध्यक्ष : मेरी बात सुनिए।

... (व्यवधान)

श्री ज्योतिरादित्य माधवराव सिंधिया (गुना) : यह इनका मुद्दा था, इसलिए वे बोल रहे थे। उनका क्या मुद्दा था?... (व्यवधान)

माननीय अध्यक्ष : ज्योतिरादित्य जी, बैठिए।

... (व्यवधान)

HON. SPEAKER: All this will not go on record.

... (*Interruptions*)... *

HON. SPEAKER: The House stands adjourned to meet again at 1230 hours.

12.21 hrs

*The Lok Sabha then adjourned till Thirty Minutes past
Twelve of the Clock.*

* Not recorded.

12.30 hrs

*The Lok Sabha re-assembled at Thirty Minutes past
Twelve of the Clock.*

(Hon. Speaker in the Chair)

... (Interruptions)

HON. SPEAKER: 'Zero Hour' will be taken up later on.

... (Interruptions)

HON. SPEAKER: I am sorry to say that your own Members are disturbing. I had said that I will allow you. We cannot have 'Zero Hour' like this. Now we will take up legislative business.

... (Interruptions)

HON. SPEAKER: Now I will not allow. I was even allowing you. But this is not the way. I had promised you to allow. But I will not allow you now.

... (Interruptions)

HON. SPEAKER: Now you can speak in the evening.

... (Interruptions)

12.31 hrs**APPROPRIATION ACTS (REPEAL) BILL, 2015- Contd...**

HON. SPEAKER: Now, we will take up Item No. 4 – further consideration of The Appropriation Acts (Repeal) Bill, 2015. Now, the hon. Minister to continue.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Madam, this is an exercise of repealing the Acts which are obsolete and redundant. After a lapse of 14 years, this exercise has been taken up by this Government. Earlier, it was brought up in 2001... (*Interruptions*).

12.32 hrs

At this stage, Shri Deepender Singh Hooda and some other hon. Members came and stood on the floor near the Table.

SHRI D.V. SADANANDA GOWDA: So, this is a great exercise by this Government to clean the statute book which is burdened with some redundant and obsolete laws.

The Union Government under the leadership of hon. Prime Minister, Shri Narendra Modiji has committed to bring reforms in the legal system so that it is more accessible to the common man.... (*Interruptions*). The Government has taken several initiatives to simplify the complex registration, to convert the overlapping registrations, to repeal the redundant laws, etc.... (*Interruptions*)

In this connection, several committee reports are there before the Government. Even the hon. Prime Minister had constituted a two-member committee on 1st September, 2014 to review the repeal of obsolete laws... (*Interruptions*)

HON. SPEAKER: We will take up 'Zero Hour' in the evening and not now. Only the statement of the Minister will go on record.

... (*Interruptions*)... *

* Not recorded.

SHRI D.V. SADANANDA GOWDA: Even the Law Commission had given four reports for repealing these laws in 2000 numbering 248th, 249th, 250th and 251st.... (*Interruptions*). So far we have identified nearly 1741 such laws which have become redundant and obsolete. Even in 1998, the PC Commission in its report had identified that more than 700 Appropriation Acts passed by Parliament have either become irrelevant or dysfunctional. So, the Law Commission also has clearly said that there is no meaning in keeping these statutes on the statute book. So, they have to be repealed... (*Interruptions*)

HON. SPEAKER: Please go back to your seats. He had also given a notice for adjournment motion. I had promised him to allow.

... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: Therefore, our Government has initiated the present proposal to repeal the Appropriation Acts up to 2012. We have consulted the Ministry of Finance as also the Ministry of Railways with regard to repealing the Appropriation Acts right from 1950 to 2012.

Recently, a Select Committee of the Rajya Sabha while examining the Repealing and (Amending) Bill, 2014, as passed by the Lok Sabha, had supported repealing of these Appropriation Acts. These Acts continue to pile up and are unnecessarily remaining on the statute book... (*Interruptions*)

HON. SPEAKER: You have to control your Members.

... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: The Select Committee had also recommended repealing of these obsolete and redundant Acts. The Select Committee has recommended exploring the possibility of having an idea for inclusion of an automatic repeal clause. Accordingly, we have examined it and from next year onwards in all the Appropriation Acts, we would be bringing a repealing clause as per the procedures which have been followed by the UK.

HON. SPEAKER: Please go to your seats.

... (*Interruptions*)

SHRI D.V. SADANANDA GOWDA: Now the total number of such Appropriate Acts has been identified. In this Bill, I have brought about 750 Acts which includes 111 State Appropriate Acts enacted by the Parliament during 1952-1976 in terms of clause 2 of article 357 of the Constitution. ...
(Interruptions)

HON. SPEAKER: I am sorry. Please go to your seats first.

12.35 hrs

At this stage, Shri Deepender Singh Hooda and some other hon. Members went back to their seats.

HON. SPEAKER: All of you may please understand me. मैंने कहा था कि मैं वर्ड देती हूँ तो मैं वर्ड का पालन भी कर रही हूँ और इसीलिए आपका भी एडजर्नमेन्ट मोशन था, मैंने उनको मौका दिया था, मगर आप भी जानते हो कि शून्य काल में अगर कोई व्यक्ति कुछ बात उठाता है, I cannot force the Minister to reply. You know it better than me because for the last many years, आप सब लोग ही सदन चला रह हो, आप इस बात को जानते हो। इसलिए मैंने आपको बार-बार मौका दिया था। मैंने आपको कहा था और मैं आपको मौका दे भी रही थी। मैंने सबको कहा था। मुझे सबके प्रश्न मालूम हैं। मैंने सबको कहा था कि एक-एक करके, जिन लोगों के मैटर आज जीरो आवर में लगे थे। In between also, I have been allowing you. ऐसा नहीं है कि मैं सब होने बाद मैं आपको एलाऊ कर रही हूँ। मैं बीच-बीच में एडजस्टमेन्ट कर रही हूँ और एडजस्ट करके सभी को मौका देने का कोशिश करती हूँ। मगर इसका अर्थ यह नहीं है कि हम हाउस में इस तरीके से करें। आपका फीशरमैन का इश्यू पहले भी उठ चुका था, फिर भी फिशरमैन के विषय के लिए मैं पहले मौका देती हूँ। I have given that opportunity. अब ऐसा नहीं होता है। मैंने दीपेन्द्र जी आपको भी कहा था कि मैं आपको मौका दूंगी।

...(व्यवधान)

माननीय अध्यक्ष : मैं आप सभी को बोलने के लिए मौका दे रही हूँ। But that does not mean that you do anything taking things for granted. I am allowing you. I am trying to accommodate you. मैं हर समय बोलने का मौका दे रही हूँ। मैं अभी आपको बोलने के लिए उचित मौका पा कर समय दे दूंगी and I am giving you an opportunity but not now. This is not the way. I am sorry.

... (*Interruptions*)

माननीय अध्यक्ष : फिर वही बात हो रही है।

... (व्यवधान)

SHRI MALLIKARJUN KHARGE (GULBARGA): In parliamentary democracy, such things happen always. Shri Deepender Singh Hooda has given notice for Adjournment Motion.

HON. SPEAKER: Shri K.C. Venugopal has also given notice for Adjournment Motion.

SHRI MALLIKARJUN KHARGE : Then you told that it will be taken up. As it is a very important issue, naturally you should allow him. That is one point. Secondly, as per our own Directions of the Speaker and Rule 115,...

माननीय अध्यक्ष : अभी उसकी बात नहीं हो रही है।

... (व्यवधान)

SHRI MALLIKARJUN KHARGE: That is on the clarification of the Home Minister as to what he said in the other House and what he has said in this House. Everything is done as per the rules of the House. But I am unable to understand as to why we are not allowed to speak. ... (*Interruptions*) Madam, you told that it should be taken up as per the rules. Only as per the rules, notice for Adjournment Motion has been given. Only as per rules, he has raised the point. But still we are not getting an opportunity to speak. I request you to allow us to speak. This is a very important matter. Adjournment Motion is very important. You may kindly allow us in whatever form – maybe ‘Zero Hour’ or something like that because we are cooperating with you. We have agreed for extending the Session for three days.

माननीय अध्यक्ष : हमने लैजिसलेटिव बिजनस शुरू किया है।

... (व्यवधान)

श्री मल्लिकार्जुन खड़गे: हम सदन में तीन दिन बैठने को तैयार हैं।

माननीय अध्यक्ष : मैं आप सभी को बोलने के लिए मौका द रही थी।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : हम सब बातें आपकी मान रहे हैं।...(व्यवधान)

माननीय अध्यक्ष : आप यह नहीं बोलिए कि मैं आप को बोलने के लिए मौका नहीं देती हूँ।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : जो नोटिस आया है, आपको उसे मान्यता देनी चाहिए।...(व्यवधान)

माननीय अध्यक्ष : शाम को उसके लिए अवसर दिया जायेगा।

...(व्यवधान)

HON. SPEAKER: Yes, Mr. Minister.

... (*Interruptions*)

SHRI DEEPENDER SINGH HOODA (ROHTAK): Madam, please do not go back on your words.... (*Interruptions*)

HON. SPEAKER: I am not going back on my words. I will allow you in the evening.

... (*Interruptions*)

माननीय अध्यक्ष : मैं शाम को बोलने के लिए ऐलाऊ करूंगी।

...(व्यवधान)

HON. SPEAKER: The matter will be raised but not now. I am sorry. I am not going back on my words.

... (*Interruptions*)

HON. SPEAKER: Only the hon. Minister's Statement will go on record.

... (*Interruptions*)... *

SHRI D.V. SADANANDA GOWDA: Hence, the Government has decided to repeal the Appropriation Acts from the year 1950 onwards up to 2012. ... (*Interruptions*) The total number of Appropriation Acts comes to nearly 758 which include 111 State Appropriation Acts enacted by the Parliament during 1950 to 1976 in terms of Clause 2 of Article 357 of the Constitution. After the 42nd

* Not recorded.

Amendment to the Constitution, the Appropriation Acts passed by Parliament during the President's Rule have to be repealed only by the State Governments concerned. Till 1976, we have got a right. So, we are repealing them. Therefore, we are taking up 758 Acts which have become irrelevant. They have become dysfunctional. Since the Appropriation Acts themselves are meant for spending money after the Finance Bill is passed, a saving clause is also made in this Bill to save the past transactions because certain transaction will come into scrutiny afterwards. For that reason, a specific saving clause is also made. So, after the gap of about 14 years, the Bill has been brought forward. Almost all the Reports of the Commissions and even the Committee Reports have said that these Appropriation Acts need to be scrapped from the Statute Book. The Appropriation Acts lose their importance as soon as the money drawn is spent. So, there is no meaning in continuously keeping these Acts in the Statute Book. This is a Bill which really removes so many Appropriation Acts from the Statute Book.

I enthusiastically hope that the whole House will wholeheartedly and fully support this Bill.

HON. SPEAKER: Now, Shri Abhijit Mukherjee.

... (*Interruptions*)

PROF. K.V. THOMAS (ERNAKULAM): Madam, I just take one minute.

HON. SPEAKER: Your Party Member is speaking on this Bill. Are you speaking on this Bill only?

PROF. K.V. THOMAS : When the Government decided to extend the Session for three days, all of us suggested that Members have already planned programmes for the coming days. This is the Budget Session. Since the Parliamentary Affairs Minister insisted, the House was extended. Important Bills are coming up for discussion. How many Members from the Ruling Party are there? What is the attendance of the House? I am not asking questions. If the Government is serious, it has to ensure attendance and maintain the dignity of the House. ... (*Interruptions*) Please look at the Agenda. All these subjects are listed for discussion. How are they going to run the House?

HON. SPEAKER: This is not the issue.

PROF. K.V. THOMAS : This may be an issue.

HON. SPEAKER: Now, Shri Abhijit Mukherjee to speak.

SHRI ABHIJIT MUKHERJEE (JANGIPUR): Madam, I am thankful to you as also to our leader also for allowing me to speak on the subject. I am just making four points or observations.

This is basically on black money, social sector spending, subsidy, petrol and diesel prices and fertilizer subsidy.

HON. SPEAKER: Are you speaking on the Appropriation Acts (Repeal) Bill? What is it?

SHRI ABHIJIT MUKHERJEE : Yes.

HON. SPEAKER: This is about the Appropriation Acts (Repeal) Bill. Your name has come here.

Do you want to speak on this Bill?

... (*Interruptions*)

HON. SPEAKER: Rudy *ji*, this is not the way. No.

Nothing will go on record.

... (*Interruptions*)... *

HON. SPEAKER: Shri P.P. Chaudhary

* Not recorded.

SHRI P.P. CHAUDHARY (PALI): Madam Speaker, thank you very much for affording me an opportunity to speak on the Appropriation Acts (Repeal) Bill. I rise to support the said Bill. Since 1950 or even before that, we have been enacting two types of Acts which have limited life. One is Appropriation Act, and the other is Amendment Act. So far as the Appropriation Act is concerned, it has a life of one financial year. As far as the Amendment Act is concerned, it has a life of only a few seconds.

In the case of the Amendment Act, once the amendment is carried out, on account of the notification of that Act, then, the amendment is carried out in the principal Act forthwith. On account of carrying out of that amendment, the significance and the sanctity of that Amendment Act is lost. Basically, it dies a natural death.

In the case of the Appropriation Act, which is before this august House, and once that financial year is over, the Appropriation Act cease to be in force, and it becomes obsolete. The retention of that Act as separate, independent, and distinct is unnecessary. Basically, the object of the repeal is to remove superfluities and to remove redundant law. If these Appropriation Acts are not taken out from the Statute Book or from the library, then, unnecessarily it would pile up and create confusion. Since 1950, there are many Appropriation Acts. Since 1950, this is the first time that this exercise is being undertaken. Hence, I extend my thanks to the hon. Law Minister for undertaking this Herculean task for identifying all the Appropriation Acts, and bringing a composite Repeal Bill.

Basically, the Appropriation Act is for a period of one year. It serves its purpose, once the financial year is over. It loses its utility once the life of the Appropriation Act of one year is over. It is high time that we should bring such type of Bill for repeal.

Apart from it, in Clause 3, of Bill, no doubt the savings Clause has been provided to the effect that the repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied,

incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing.

“nor shall this affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, liability, right, title, privilege, restriction, exemption, practice, procedure or other matter or thing not now existing or in force;

nor shall the repeal of the enactments by this Act affect the audit, examination, accounting, investigation, inquiry or any other action taken or to be taken in relation thereto by any authority and such audit, examination, accounting, investigation, inquiry or action could be taken, and, or continued as if the said enactments are not repealed by this Act.”

My humble suggestion to the hon. Minister is that we have the General Clauses Act and Section 6 (a) of the General Clauses Act takes care of this situation, whether it is an Appropriation Act or it is an Amendment Act. Once an amendment is carried out in the principal Act and once the purpose for which it is enacted is served or ceases to be in existence, then it shall be deemed to be inoperative. So, providing such a long clause is not required, in my humble opinion. Apart from that, a fear has been expressed time and again whether the repeal will repeal the amendment made in the principal Act. It will not because in Section 6 (a) of the General Clauses Act we have taken sufficient precaution and once an amendment is carried out in the principal Act, it will not repeal whatever

amendment is carried out. So also, in the Appropriation Act, once the financial year is over, then it loses its sanctity and ceases to be in existence.

On the question of repeal of Amendment Acts as well as Appropriation Acts, the Commission on Review of Administrative Law suggested in 1998 that a large number of Appropriation Acts are there in the Statute Book, they are in the library since 1950 and they are creating a lot of confusion, but no action has been taken so far. This is the first time that such an attempt has been made by our hon. Law Minister because these Appropriation Acts are lying in the Statute Book since 1950 and they are irrelevant and dysfunctional. Besides this, the Law Commission of India also, in its 248th Report, has opined that obsolete laws warranting immediate repeal should be repealed. For that purpose, the hon. Law Minister brought a Bill for the repeal of the Amendment Acts and now he has come forward with the Appropriation Acts (Repeal) Bill. In 2014, while examining the Repealing and Amending Bill, 2014, the Select Committee of the Rajya Sabha made a recommendation for providing a sunset clause. For the first time, to my knowledge, I have suggested that instead of bringing a Repeal Bill every time before this august House and taking the valuable time of the House, we must have a sunset clause in the Amendment Act itself or in the Appropriation Act itself that once the purpose for which they are enacted is over, they shall automatically repeal themselves. This is because the entire matter is before the hon. House and we can examine whether we can provide a sunset clause and in what manner we can enact this particular law. But if we take all these laws, about 1,200 together, we are required to examine one by one. Then it will be a Herculean task and there is a chance that we may commit a mistake. So, for that purpose, the recommendation was made by the Select Committee that the Government should examine it and they should provide a sunset clause for automatic repeal. On the basis of that recommendation, I am happy that the Government has examined the issue and the Government has taken a decision that in future whenever they will

bring the Appropriation Act, 2016, then a sunset clause for automatic repeal of that Act will be provided.

Again, we are not required to pile up all the statutes in our law library. This is not a solitary example in our country. But in UK and Australia, this exercise is being done. The sunset clause for automatic repeal is provided. In the United Kingdom, all Appropriation Acts usually contain a repealing provision which specifically repeal older Appropriation Acts. So far as Australia is concerned, the Legislation Act, 2001 is there. There, 302 sections have been provided and care has been taken for automatic repeal of such type of legislation.

So, I extend my thanks again to the hon. Minister, through you, Madam, that for taking a decision that in future we are not required to go for this exercise. The automatic repeal clause will be enshrined in the Amendment Act or in the Appropriation Act. Thank you very much.

PROF. SAUGATA ROY (DUM DUM): Madam, I support the Appropriation Acts (Repeal) Bill, 2015. I thank the Minister for making this effort. This is an example of how Government work piles up and multiplies. Every Act that we pass in Parliament, it has to be printed in the Central Law Book. Not only the Government publishes the Central Laws passed, but also the private law books publish them. Uselessly these Appropriation Acts are included.

As we know, no Government can spend money out of the Consolidated Fund of India unless it is appropriated by a proper Appropriation Act. But the validity of an Appropriation Act is only for one year. At the end of the Financial Year, the meaning and validity of the Appropriation Act ends. What has been happening is that over the year, there are four appropriations taken in the House. If you recollect, one is the vote-on-account appropriation. The second is the actual appropriation. Then there is Railway vote-on-account appropriation and then Railway Appropriation Bill. So, four appropriations are being done per year. From 1950, all these Appropriation Bills are there in the Statute Book, the Central Laws thick book that is published. Nobody cared to repeal them before.

In 1998, there was a Committee to study Government functioning. They recommended that all these should be abolished or repealed. Then the Law Commission also said, yes, the repeal should be done. A Standing Committee of the Rajya Sabha went into the matter. They recommended that there should be an automatic repeal clause in the Appropriation Act that at the end of the Appropriation Act there will be a clause that this Act will stand repealed at the end of 31st March, such and such year.

In the Statement of Objects and Reasons – we have studied – the Minister has mentioned Australia and UK. Australia has an automatic repeal clause; it is a Commonwealth country. UK repealed them in parts, from time to time. We are following the UK method in which we shall repeal clauses. Now, because many States go under the President's Rule, so, up to 1976, before the 42nd Amendment, the budgets of the States under the President's Rule had also to be appropriated in

the Parliament. As a result of this, those also were acted. So, altogether there are 758 such Appropriation Acts out of which 111 relate to State Appropriation Acts. Now we are going to repeal all these Acts in one go. The Minister has earlier also taken some initiatives in repealing antiquated laws. You see, the Indian Penal Code is of 1860. All our laws are from British time. There are Police Acts, hundreds of Acts which have become redundant. A study should be made or the Law Commission Report should be sought for and these useless Acts should be deleted, be repealed from our Statute Book.

13.00 hrs.

So, nobody can take exception to the Government lightning its own paper work. Ultimately, the laws have to go online. If you go to a lawyer's chamber, he asks you fees depending on how many AIRs and how many law books are there in his chamber. There is no necessity. All the laws can go online. Anybody can have access without buying these costly law books because if the bare Act costs Rs. 200, there will be annotated versions costing Rs. 1000. So, to study any law becomes very difficult.

I would like the Minister to simplify our laws. Simplify the law making procedure and the whole system so that the common man need not interact with the legal system through lawyers only. For simple laws, the common man should know his rights. It is possible to simplify them. I am glad that the Law Minister has started the initiative. I think, in the coming days, this archaic language of the laws will be done away with, modern language should be brought in and all useless laws would be repealed from the Statute Book.

With that, I support the Bill.

SHRI BHARTRUHARI MAHTAB (CUTTACK) : Madam, I stand here to participate in the discussion relating to the Appropriation Act (Repealed) Bill, 2015.

As has been already mentioned by my predecessors Mr. Chaudhary and Mr. Roy, the principal object of such repealing Act and also by the Minister is to exercise dead matter, prune of superfluities and remove such redundant laws from the Statute Book to bring in clarity. This idea has been put forth for the last 20 or 25 years and the first attempt was made in 2001 when a large number of such redundant laws were pruned and removed from the Statute Book.

As has been mentioned, antiquated laws need to be removed. Our system of law making is more than 100 years old. A number of laws are there which are, actually, become redundant; they have become antiquated; and they need to be removed. The Law Commission has also repeatedly mentioned that which are those laws which need to be removed. Accordingly, I would expect the same from the Law Minister who will also be moving some amendment to that effect.

This Bill practically, while one goes through it, is confined to Clause 2 only which says:

“The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.”

This is the sum total of the Bill. But the Bill itself is only 22 lines and, I think, within 22 minutes we will also be passing this Bill. But the question here is that it encompasses 65 years or 62 years to be precise of appropriation burden which is going to be off-loaded. That is the main concern of this Bill. Two Committee Reports have also been mentioned here. The Select Committee of Rajya Sabha have specifically mentioned and gone into the details as to why it should be removed. They have gone into the functioning of two countries, one is the United Kingdom and another is Australia. In Australia, rather it is more comprehensive in nature. But as was mentioned by Saugata da, in United

Kingdom, it goes in stages. In this Bill the provision that has been put forth is that we are going to adopt the United Kingdom's method.

My question to the hon. Minister is that why are we not accepting the Australian method, as was being mentioned, with the sunset clause which will automatically get it removed? Why are we adopting this United Kingdom's method which will allow the appropriation to continue to be in the Statute for two years and only after that it will be deleted? The Committee was of the considered view that a lot of time could be saved and utilized on urgent public interest issues that are pending with the legislature.

But here, the Australian provision, which is a comprehensive law – the Legislation Act, 2001, contains 302 sections and other annexures, which deal with lifecycle of legislation, that means, the financial year, improving its structure and content and simplifying its provisions where practicable. Section 89 of the said Act deals with 'automatic repeal' of certain laws and provisions. Its Sub-section 2 says that 'Appropriation Act is automatically repealed on the last day of the financial year.'

Why are we not accepting that? If there is any genuine reason of accepting the United Kingdom's version, which systemically repeals Appropriation Act, and which is usually two sessions in arrears, why are we adopting the United Kingdom's System and not the Australian System? This needs to be explained.

The other point, which I would like to mention here is that the Appropriation is not only our concern – not the concern of the Lok Sabha or the Parliament, Appropriation Bills are also being moved in the State Assemblies. Can we not move a Bill as per the Constitution's Article 252, which becomes a model? So, about the Appropriation Bill, the respective State Governments also mount. So, once we move in Article 252, the respective State Governments burden also will follow this as a model Bill. They will also do the same thing in their respective States. So, by this, every State will be unburdened of this load, which is actually something antiquated and needs to be changed

With these few words, I support the Bill.

HON. SPEAKER: Now, the House stands adjourned to meet again at 1410 hours.

13.17 hrs

*The Lok Sabha then adjourned till Ten Minutes past
Fourteen of the Clock.*

14.13 hrs.

The Lok Sabha reassembled at Thirteen Minutes past

Fourteen of the Clock

(Hon. Speaker in the Chair)

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : देख तेरे संसार की हालत क्या हो गयी भगवान। सदन को देखिए।

माननीय अध्यक्ष : आ जाएंगे, खाना खा रहे हैं। आ जाएंगे।

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे : सत्तापक्ष का काम है हाउस को चलाना।...(व्यवधान)

14.14 hrs**APPROPRIATION ACTS (REPEAL) BILL, 2015-Contd...**

HON. SPEAKER: The House shall take up further consideration of the Appropriation Acts (Repeal) Bill.

SHRI ABHIJIT MUKHERJEE (JANGIPUR): Thank you Madam, I sincerely apologize for the fiasco happened earlier. I am sorry for that and I apologize for that.

I am also thankful to my bosses and to you also for giving me this chance.

Madam, a number of speakers have already spoken on the same Bill. There are some Acts which are 65 years old and have become redundant. They have outlived their purpose. So, it should be removed or discarded. So, I agree with the Law Minister and the Government.

Although the Bill looks simple, it is not so. I have no doubt that the Law Ministry has put in lots of efforts to put in various Acts that are listed in this Bill. Valuable time of the bureaucracy and the Government has been put in, which can be avoided by incorporating a clause which will automatically make any law, which is redundant, to lapse. This has been pointed out by the Commission on Review of Administrative Law in its Report in 1998. Further, the Law Commission of India in its 248th Report on Obsolete Laws Warranting Immediate Repeal observed that 'Appropriation Acts' must be repealed to clear the Statute Book.

The Members, who spoke earlier, have pointed out the practices followed by other countries like UK and Australia. In Australia, the Bills, which are outlived or served its purpose, will get lapsed automatically. In UK it gets piled up and removed periodically, obvious, through the Parliament. I feel that those laws which are very old and not in use, should automatically lapse.

Just as it is the primary duty of the Parliament to legislate, equally it is for the Government to reduce the burden of the Parliament. Every minute of functioning of the House is a cost to the public exchequer. It is the taxpayers' money which bears the cost of running this House. Therefore, if we follow a similar system as in Australia, we, as policy makers, will reduce the burden on the public exchequer.

Madam, we have seen a huge reduction by this Government in the spending on social sectors and the hon. PM is also asking people to give up gas subsidy. While this Government has sacrificed social sector, I see no reason why it is not acting quickly to follow a more efficient system to repeal obsolete laws to save the burden on the exchequer.

With this, I conclude and thank you very much, Madam.

SHRI S.R. VIJAYA KUMAR (CHENNAI CENTRAL): Hon. Speaker Madam, at the outset I express my immense pleasure on the repeal of the earlier judgement and the comeback staged by our revered leader, *Maanbumigu Makkalin Mudalvar Amma*.

I thank the people of Tamil Nadu for their fervent prayer appealing before the Almighty for justice.

I thank the Chair for giving me an opportunity to speak on this Bill which is justified.

This is the year of 2015. We are now repealing 758 Appropriation Acts remaining in the law books from 1950. Of these, most of them are related to Appropriation for Railways between 1950 and 2012. Madam, 111 Appropriation Acts are related to various States under the President's Rule from 1950 to 1976. Appropriation Acts are financial allocations for a particular Ministry or a State. Such Acts spend themselves after a particular financial year.

The 248th Report of the Law Commission of India referred to a large number of Appropriation Acts and said that they have lost meaning and are still shown on the Statute Books. Ensuring that they may not have any negative impact on actions that were taken validly under these Acts, these 758 Acts are now repealed.

Even in delay we get good relief at times. Now we have got our beloved leader Amma relieved after a long delay. Likewise, our law books will be relieved of these Appropriation Acts lying there for many years. They continue to pile up and remain effective till repealed. This may give rise to petty litigations lingering for long.

The Select Committee of the other House expressed its considered view that the repeal of these Acts will help us to save a lot of time and can be utilized on urgent public interest issues.

One may wonder why there is no automatic repeal clause when such Appropriation Acts are meant for one financial year. The 'life cycle' of such legislations goes beyond one year to enable the stakeholders to make use of the provisions of such Acts. But still care should have been taken by either the Railway Ministry or the Union Law Ministry or the Union Finance Ministry to avoid a vast accumulation.

'Old order changes yielding place to new' is the order of our world. Every year new Railway and Finance Appropriation Acts are introduced. Unless repealed, the previous years' Appropriation Acts remain effective. It is also necessary to explore the introduction of identical clauses in other Bills. So, a way out has been found now to repeal the old laws that are irrelevant after a financial year.

In countries like the United Kingdom and Australia, there are automatic repealing practices. In UK, the moment a new Appropriation Act is introduced, the older Act is automatically repealed. In Australia, on the last day of the financial year, the Appropriation Act automatically comes to an end. This Bill proposes to adopt the United Kingdom model to repeal old Appropriation Acts.

On this occasion, I would like to urge upon the Government to identify certain laws which have been amended many a times. Such Bills causes delay in interpretation of law before the courts of law. Even in the computer age, certain amendments and re-interpretations are not readily available. The only way out would be to bring out a comprehensive law reviewing every Act in the Statute Book.

I thank the Chair for giving me this opportunity and I also thank our revered leader *Maanbumigu Makkalin Muthalvar, Puratchi Thalaivi* Amma for enabling me to be here in this House, I conclude. Thank you.

SHRI THOTA NARASIMHAM (KAKINADA): Thank you, Madam, I completely support the Appropriation Acts (Repeal) Bill, 2015 and I would like to thank the decision of our Prime Minister, Narendra Modi to do away with archaic laws hindering efficient governance. I would also thank to hon. Law Minister, Shri Sadananda Gowda for bringing out this Appropriation Acts (Repeal) Bill, 2015, which will repeal around 758 Appropriation Acts, which have lost relevance and become obsolete, redundant or dysfunctional including certain Railways (Appropriation) Acts and Finance Appropriation Acts. Repealing the non-current laws is in consonance with the recommendations of P.C. Jain Commission. It will be a positive step and will help in bringing reforms in the country's legal system.

Out of a large number of Appropriation Acts passed in the past, several are confined only to Statute Books. The Appropriation Acts are intended to operate for a limited period of time, authorizing expenditures for the duration of one financial year, which are not usually included in any list of Central Acts.

The Bill also provides repeal of 111 State Appropriation Acts enacted by Parliament between 1950 and 1976. These Acts provide budgetary support to States. They were enacted when the States were under President's Rule. Certain Acts like the Andhra Appropriation Act, 1954, the Andhra Appropriation Act, 1955 and the Andhra Appropriation (Vote on Account) Act, 1955 have completely lost their relevance in the present political system.

After 1976, the right to repeal such Appropriation Acts was given to States. This initiative is also in consonance with the report of the 20th Law Commission of India headed by retired justice A. P. Shah and the recommendations of the Select Committee of Rajya Sabha to repeal outdated Acts. Around 1741 laws in the country have become redundant but still they are in existence.

I would also recommend the Government to put a repeal clause in the Appropriation Acts which will help in bringing new reforms in the present legal system and will put an end to the outdated Acts, which have outlived their utility.

Appropriation Acts are intended to operate for a limited period of time to authorize expenditure for one financial year or less.

It must be emphasized that repealing Appropriation Acts whose terms have ended will in no way cause any negative impact on actions that were validly taken under these Acts.

I thank you once again for giving me this opportunity to speak on the Appropriation Acts (Repeal) Bill, 2015.

SHRI P. KARUNAKARAN (KASARGOD): Thank you, Madam, Speaker. I am glad to support the Appropriation Acts (Repeal) Bill, 2015 presented by the hon. Law Minister, Shri Gowda ji. I think there is no opposition or contradiction on any part of the House because the Bill has become a need of the day. There are many unnecessary laws that have accumulated in the judicial arena. I appreciate the initiative taken by the Minister to have a rational stand on the issue.

Madam, some of the laws become outdated as the situation changes and some of them get defunct. So, we should take this issue into consideration very seriously. Madam, we should do a re-thinking of the law-making process itself that we are engaged now-a-days. This is my view. Though the Parliament discusses the legislation, we discuss only half of the portion while half of the portion is completed by the bureaucrats or by the Secretary level members of concerned Ministry regarding the rules, regulations, sub-rules etc. It is true that these rules and regulations are placed before this House, but at the same time, it is quite clear that even the Ministers or the Members are not going through these rules. Sometimes, these rules become really contradictory even to the principal Act itself. So, it becomes much difficult and brings hardship to the common people. If they want to get justice, they have to go to the High Court or the Supreme Court for further definition or clarification thereof. In such a case, getting justice through the law becomes an expensive affair. It is not possible for the common people to go to the High Court or the Supreme Court. As a result, what happens is that though the Minister himself or the Parliament itself thinks that some positive steps have to be taken, but due to defect in the rules, it really brings much hardship to the common people and it is not possible for them to get justice. So, this issue has to be taken into consideration as far as the law-making process is concerned.

At the time of Freedom Movement, we have had many experiences where many of the freedom fighters were in jail. It was also done in the name of the law.

Since they were fighting against the British Rule, as far as the British Government was concerned, it was against their interest. So, they were put behind the bars. It did not happen only during the time of the British Rule. Even after, we have had such experiences. The first Leader of the Opposition of this House, Shri A.K. Gopalan, was in jail for a long period, during the British Rule and even after that. He appeared before the court and argued for himself. I would like to say that in the first speech that he had made in his House, he said that 'I am not a single graduate, but I may not speak of broken rules, but I may speak in broken English.' That is the first sentence that he had made. He had argued in the Madras High Court for his case and that charter – A.K. Gopalan *versus* Madras High Court - has become a lesson for the law students to study. It is true in the case of Shri Sampath, who is a Member, also. His father, Shri Anirudhan, was also a Member of this House. He was also in jail for a long time. At last, it was said that there was no case against him. There are so many examples which we can give.

As far as law is concerned, it should be giving equal treatment to the people, whether they are big or the poor, but we see that in many cases, law is not implemented in such a way. There are many instances where we can see that law is implemented, as far as the Muslim youths as stated by Shri E.T. Mohammed Basheer earlier and backward people are concerned, differently because they are not able to argue for their cases in the High Court or the Supreme Court. Therefore, there is an impression, as far as the common people are concerned, that law is not giving equal treatment to the people, but it is in favour of the rich. Here, we have to think that there should be such vigilant exercise as far as law-making process is concerned.

It becomes more important when many Bills come in this House and we say that they have to be sent to the Standing Committee. It is not asked on the political basis. The Bills have to be screened in detail as far as possible. It should not be discussed just because we have the majority in the House or the minority in the House. We have the experience in respect of the other Bill. When we

submitted many of the amendments, they were defeated. When the Bill went to the Rajya Sabha, the amendments were accepted. It came back to this House and then, they were accepted here also. So, this House and the Parliament has to take a serious note of this, irrespective of whether we have the majority or the minority, and merit has to be considered as far as law-making process is concerned. Otherwise, again we have to go in for repeal of many of the laws that we have passed.

I really congratulate the Minister for having taken this effort to rationalise, at present, this, but at the same time, there should be a conscious effort as far as the law-making process is concerned. It should not be taken just because of the majority or the minority. At the same time, the sense of the law has to be taken consideration.

Thank you.

श्री एस.एस.अहलुवालिया (दार्जिलिंग): अध्यक्ष महोदया, मैं 'द एप्रोप्रिएशन एक्ट्स (रिपील) बिल, 2015' के समर्थन में बोलने के लिए खड़ा हुआ हूँ।

महोदया, वैसे देखा जाए तो यह रिपील बिल, जो लॉ कमीशन की 248वीं रिपोर्ट के तहत लाया गया है, इसमें हम उन एप्रोप्रिएशन बिल्स को रिपील कर रहे हैं, जो वर्ष 1950 से लेकर 2012 तक आम बजट और रेल बजट के लिए लाए गए थे। साथ ही साथ, उस वक्त जहां-जहां राष्ट्रपति शासन थे और राज्यों के लिए भी जो एप्रोप्रिएशन बिल्स लाए गए थे, उन्हें हम इस बिल के माध्यम से रिपील कर रहे हैं। अगर हम देखें तो लॉ कमीशन ने इसके पहले अपनी 18वीं, 21वीं, 81वीं, 96वीं, 148वीं और 159वीं रिपोर्टों में बहुत सारे कानूनों को रिपील करने के लिए कहा है।

महोदया, जब हमें आज़ादी मिली थी, उस वक्त वर्ष 1834 से लेकर वर्ष 1949 तक जो कानून इनैक्ट हुए थे, उनकी संख्या करीब 2,910 थी। उसमें से हम आज तक 2,530 सेंट्रल एक्ट को रिपील कर चुके हैं, क्योंकि उनमें बहुत सारे एक्ट्स ऑब्सॉलीट और रिडन्डेंट थे, जिसकी जरूरत ब्रिटिश साम्राज्यवाद या कोलोनियल रूल को चलाने के लिए थी। हमने उन कानूनों को समाप्त किया। हम वर्ष 1950 से लेकर अक्टूबर, 2014 तक 3,702 सेंट्रल एक्ट्स पास कर चुके हैं। उसमें भी करीब 1,301 कानूनों को हम रिपील कर चुके हैं। आज जो कानून स्टैट्यूट बुक पर हैं, उनकी संख्या 2,401 है। इसका मतलब करीब 6,612 सेन्ट्रल एक्ट्स हैं, जिनके माध्यम से हमारा देश चल रहा है।

महोदया, मैं आपके माध्यम से सरकार का ध्यान इस ओर आकर्षित करना चाहूंगा कि सातवीं अनुसूची के माध्यम से जब लिस्ट-I में केन्द्र सरकार अर्थात् पार्लियामेंट कानून बनाती है, उसमें सिर्फ 97 विषय हैं। लिस्ट-II के माध्यम से जब राज्य सरकारें, राज्य विधानसभाएं कानून बनाती हैं, उसमें 66 विषय हैं। लिस्ट-III में समवर्ती सूची में 47 विषय हैं। हमारे ऐसे बहुत सारे कानून हैं, जो राज्यों में भी चल रहे हैं और राज्यों के स्टेट लॉज़ की किताबें भी बहुत बढ़ गयीं हैं। वहां पर भी बहुत ज्यादा कानून हैं। जब तक हम उन कानूनों को भी रिपील नहीं करेंगे तब तक ज़मीनी हक़ीकत में बदलाव नहीं होगा। हम केवल लाइब्रेरी का आकार छोटा करने के लिए इसे नहीं कर रहे हैं। हमारे पास बहुत सारी अड़चनें आ रही हैं, जिन्हें समाप्त करने के लिए हम इस बिल को ला रहे हैं। जो लोग किसी को न्याय मिलने में कानूनी अड़चनें पैदा करते हैं, वे इन कानूनों का दुरुपयोग करते हैं। इसे ही रोकने के लिए हमने यह किया है। इसलिए वर्ष 1998 में पी. सी. जैन कमेटी बनाई गई थी। पी. सी. जैन कमेटी ने अपनी रिपोर्ट दी, जिसके आधार पर यह सब कुछ हुआ।

महोदया, हमारे संविधान में आज सौवां संशोधन हुआ है। इसमें भी कई संशोधन ऐसे हैं, जो सिर्फ किसी राज्य में राष्ट्रपति शासन को बढ़ाने के लिए किए गए थे। पर, जिन कानूनों के आधार पर जनता को न्याय मिलता है, वैसे कानूनों की संख्या 100 भी नहीं है, बल्कि उससे कम है। वैसे जो कानून हैं, उनके बारे में भी हमें सोचना चाहिए। जब हम एप्रोप्रिएशन बिल्स को रिपील कर लेते हैं या अमेंडमेंट एक्ट को रिपील कर देते हैं, इनको रिकॉर्ड में से निकालने की बात करते हैं तो हमें यह ध्यान रखना चाहिए कि हम इन्हें सर्वदा के लिए न जलाएं। जो डिजिटल इंडिया बन रहा है, उसमें आर्काइव में रखें कि आने वाली पुश्तें उसे देख सकें। मैं आज अगर एक शोध करने बैठूँ कि जिस वक्त इस देश में राष्ट्रीयकरण हुआ था, उसके पहले निजीकरण था। उस निजीकरण को समाप्त करके राष्ट्रीयकरण हुआ और आज राष्ट्रीयकरण को समाप्त करके फिर निजीकरण हो रहा है, तो क्या अवस्था उस वक्त थी और क्या अवस्था अब है? बीच में जो राष्ट्रीयकरण हुआ, तो उस समय कितना शोषण और दोहन हमारी भारतीय संपदाओं का हुआ है, उसका अगर उल्लेख करने के लिए, शोध करने के लिए कोई छात्र बैठेगा तो उसे ये सारे कागजात नहीं मिलेंगे।

महोदया, मैं एक और चीज की तरफ आपका ध्यान आकर्षित करना चाहता हूँ। आप रोज यहां विधेयक पास करती हैं। विधेयक पास करते वक्त आप किसी सदस्य का नाम पुकार आप कहती हैं कि आपने अमेंडमेंट नंबर 44 दिया है, तो वह उस अमेंडमेंट मूव करता है। आप उसे आइज और नोज बोलकर निगेटिव कर देती हैं। दूसरे दिन मैं अगर प्रोसीडिंग में दूँढना चाहूँ कि वह 44वां अमेंडमेंट क्या था, वह प्रोसीडिंग का हिस्सा है या नहीं, तो वह नहीं होता है। हमारी क्या मांग थी, किसको निगेटिव किया गया और किसको पॉजिटिव किया गया, वह लिखा नहीं होता है। अगर वह नहीं लिखा होता है तो वह आधार नहीं बनता है। कल जब संविधान के बारे में या कानून बनाने की पद्धति के बारे में पार्लियामेंट की प्रोसीडिंग को लेकर कोई शोध करने के लिए छात्र या छात्रायें बैठेंगी तो उनको ये सारी चीजें नहीं मिलेंगी। मेरा आपके माध्यम से कहना है कि इनको रिपील करते वक्त इनको आर्काइव में भी डालकर रखें।

दूसरा, मैं दार्जिलिंग क्षेत्र से आता हूँ, उसमें सिलीगुड़ी, नक्सलबाड़ी, फासीदेवा भी है। ब्रिटिश साम्राज्यवाद में एक दार्जिलिंग इंफ्रूवमेंट फंड नाम से एक रूल बनाया था। वह रूल आज भी विद्यमान है। सब जगह जमींदारी खत्म हो गई, किन्तु वहां जमींदारी अभी तक नहीं खत्म हो पाई है। उसका जो रेंट था, लीज पर जो बाजार दिए गए थे, हाट दिए गए थे, दुकानें दी गई थीं या मकान दिए गए थे, उसका आर्बिट्रेटली वहां के डिस्ट्रिक्ट मजिस्ट्रेट या राज्य का कानून उसका रेंट बढ़ा देते हैं। मेरा कहना है कि डी.आई. फंड को रिपील करके आज के हिसाब से लैंड रिफार्म्स के अनुसार नया कानून आना चाहिए। इसीलिए जब भी रिपील करने की बात होती है, तो जमीनी हकीकत को भी जानने की जरूरत है। सिर्फ क्रोनोलॉजिकल कोड ऑफ एक्ट्स से लिस्ट उठाकर उसे रिजेक्ट नहीं करना है। अगर यह समिति हर एक

जगह जाकर वहां के लोगों की बात सुनकर अगर कानूनों में संशोधन करेगी, रिपील करेगी तो बहुत सारे कानून ऐसे हैं, जिनको उठाने की जरूरत है। यही कहकर मैं आपसे निवेदन करूंगा कि सरकार इस पर ध्यान दे और अगर हो सके तो मंत्री जी इस पर जवाब दें।

SHRI N.K. PREMACHANDRAN (KOLLAM): Thank you very much, Madam, for affording me this opportunity to make my observations in respect of this Bill. I rise to support the Appropriation Acts (Repeal) Bill, 2015.

Madam, before entering into the contents of the Bill, I would like to say that we have to bow our head to the framers of our Indian Constitution as well as the makers of Rules of Procedure and Conduct of Business in Lok Sabha. It is the best written Constitution in the world. So far as the Rules of Lok Sabha are concerned, they are the best rules relating to parliamentary practices in the world. My first submission to the Government is that we have to abide by the provisions of the Constitution as well as abide by the Rules of Procedure and Conduct of Business in Lok Sabha. It is only because of the Constitution and the Rules that this parliamentary democratic system in our country is prevailing in a better way. From 1950 onwards, if we see, the biggest democracy in the world is India, definitely. Even the transformation of power from one Government to another Government – right from the 13 days of Vajpayee Government, followed by Shri Deve Gowda's Government and subsequently by another Government – it is a series in terms of continuation and the entire process being handled in a very democratic way. We are able to protect our parliamentary democratic system in the country only because of the Constitution. The parliamentary procedures are also moving in the right direction only because of the Rules of Procedure and Conduct of Business in Lok Sabha. So, my submission is that we have to abide by the provisions of the Constitution, whatever be the political situation which is prevailing in our country, and also one has to observe the Rules of Procedure of this House. Otherwise, the system will be diluted and that will result in the weakening of parliamentary democratic system of our country.

Coming to the point with respect to this Bill, I fully support the Bill moved by the hon. Minister because so many redundant Bills are pending in the Statute Book. We have to remove the redundant Bills from the Statute Book so that it will

be very easy to implement those Bills. I have gone through the provisions of our Constitution as well as the Bill. It is a wonderful thing. We have to vote for each and every paisa to be spent from the Consolidated Fund of India, by means of Demands for Grants. Not only that. Even though Demand is being voted by this House, yet the Government has no power to take the money. We have to pass an Appropriation Bill or a legislation to appropriate the money. That means, the Government is empowered to take even a single paisa only if we pass an Appropriation Bill. How *pucca* and strict is it being made, without any loophole? That is why, I am saying that we have to bow our heads to the Framers of the Constitution as well as the makers of the Rules of this House.

Coming to this Appropriation Bill, it is good thing to remove all these legislations. Another point which is to be discussed is about the automatic repeal clause. The Rajya Sabha Select Committee has made a specific recommendation. I think it is a good suggestion because instead of having this bundle of legislations of Appropriation Act, it is better to have automatic repeal clause along with the Appropriation Act. Definitely, it will be easier for the Government also and we can avoid unnecessary legislation also.

At the same time, when I support the automatic repeal clause, I would like to know from the hon. Minister whether the Government is thinking in terms of the Finance Bill also. We have passed so many Finance Bills. Those Finance Bills are also for a particular financial year. That is also pending. I would like to know whether the Government is thinking in that direction also. As far as the Finance Act is concerned, so many financial obligations are there; so many cases and consequential Act s are also there. So, it is difficult in respect of the Finance Act. But as far as the Appropriation Bill is concerned, it is only empowering the Government to withdraw money from the Consolidated Fund of India. So, it is better to have an automatic repeal clause along with the Appropriation Bill so that the time of this House can be saved.

With these suggestions, I would conclude and congratulate the Minister for bringing such a Bill.

THE MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA): Madam Speaker, at the very outset, I thank all the Members who have whole-heartedly supported this Bill. Supporting is one thing but whole-heartedly supporting is another thing. So, all the Members who spoke on this Bill, they have whole-heartedly supported this Bill with a few suggestions. It should be made much more clear. The law should be made clear so that it becomes accessible for the common man and to see that the stringent laws are taken out of the Statute Book which have become obsolete and redundant.

This is the vision of the hon. Prime Minister. We have taken up this initiative. Nearly, 1,741 Acts have been identified for repeal. Out of this, two Bills have already been tabled and passed. One is having 35 Acts and another one is having 90 Acts. Today, this Bill is having 758 Appropriation Acts. Another Bill with 187 Acts is ready. I am going to table it in the near future. Altogether, out of 1,741, nearly, 1,700 Acts which are obsolete and redundant and dysfunction, will be taken away from the Statute Book within a short span of one year of this new Government.

Earlier, this exercise was made last in the year 2001 during the regime of hon. Prime Minister Shri Atal Behari Vajpayee. Of course, about ten times these repealing and amendment Acts have been taken and about 1,291 obsolete laws have been repealed earlier.

Of course, our Members have sought a few clarifications. I will not take much of time. My friend hon. Shri P.P. Chaudhary was suggesting me to have an amendment to Section 6A of the General Clauses Act. Section 6A of the General Clauses Act is practically not applicable to Appropriation Acts. Section 6 is a general provision which deals with the effect of the repeal of the Acts. As far as 6A is concerned, it is not applicable to Appropriation Acts. So, that matter will not come into the purview of this.

Of course we have to follow a few legislative precedents. For that reason right from 1901 we were following the procedures which have been laid down by

the UK. Even certain repealing Acts have been done during 1901 and 1903 where a saving clause has been provided to see that certain clauses would be in force in the future days also. Similarly, here also we have made a saving clause to see that if, because it is an Appropriation Act wherein as rightly said by Shri Premachandran we are drawing money from the Consolidated Fund of India, something that needs to be looked into.

Hon. Members Saugata Roy and Bhartruhari Mahtab brought to my notice why we have not taken, of course we have included this automatic repeal clause, from next year onwards in all 2016 Appropriation Acts, a repeal clause will automatically be there. Automatic repeal clause of two years in arrears will be there. The 2013 Appropriation Act will be repealed in 2016 Appropriation Act. So, one year for spending, and if there is any money is left out it will be carried forward to the next year in the next Appropriation Bill. So, automatically from 2016 onwards continuously all the Appropriation Acts which will come into force from 2013 onwards will be automatically cleared. It will be just like a sunset clause.

Of course we examined the Australian Legislation Act 2001 and the UK procedure which is followed which is accepted by us. It is not only accepted by us even the Law Commission, even the Standing Committee also examined in detail and said that the UK model is the right model for us to take into consideration, so we have taken it. As far as the Australian legislation Act is concerned, it is a very comprehensive Act. Of course it contains about 302 sections and other annexures also. Of course one section 89 which provides for automatic repeal has about 12 sub-sections. It has to look into all the Acts which have to be repealed in detail. So, it is a very lengthy procedure. So, our Standing Committee as well as the Law Commission and our legal experts came to the conclusion that the UK model is the right model. So, we are opting for the UK model and that will be in force in future.

Hon. Member Bhartruhari Mahtab observed why Article 252 should not be amended so that even the States also have this. As far as Article 252 is concerned,

a resolution has to come from the State Government. Two or more State Governments have to send a resolution to the Central Government. Then only the Central Government can look into the matter. But I hope that hon. Member Bhartruhari Mahtab's suggestion will be complied with by this because after passing this Act, the same procedure will be followed by the State Governments in the coming future. I think it will be a model for the State Governments also. They can have a sunset clause in their Appropriation Acts in the coming days.

Of course up to 1950 to 1976, 111 State Appropriation Acts which were passed by the Parliament during the President's Rule were taken into consideration. After 42nd Amendment, the power was vested with the State Governments.

Some other suggestions have been given by our friends, which will be certainly taken care of. The Law Commission in its 248th Report has clearly said that repealing of Appropriation Acts whose terms have ended will in no way cause any negative impact on actions that will validly be taken under this Act. They further observed that the existence of the dead law with the living law creates confusion even in understanding. So, it is a matter of simplification of law and it should be made very clear that confusion should not be there with the living laws and certain laws which are really obsolete.

Finally, Madam Speaker, the Statutes, unlike human beings, do not die a natural death with possible exception of Statutes whose life is pre-determined by the legislation at the time of their enactment. So, this is a step where we are putting the natural death to the Acts which will become dysfunctional. As already all the Members have whole-heartedly supported this Bill, I commend that this Bill may be passed.

HON. SPEAKER: The question is:

“That the Appropriation Acts (Repeal) Bill, 2015 be taken into consideration.”

The motion was adopted.

HON. SPEAKER: The House shall now take up clause by clause consideration of the Bill.

Clauses 2 and 3

HON. SPEAKER: The question is:

“That Clauses 2 and 3 stand part of the Bill.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

The Schedule was added to the Bill.

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

HON. SPEAKER: The Minister may move that the Bill be passed.

SHRI D.V. SADANANDA GOWDA : I beg to move:

“That the Bill be passed.”

HON. SPEAKER: The question is:

“That the Bill be passed.”

The motion was adopted.

14.53 hrs.

**UNDISCLOSED FOREIGN INCOME AND ASSETS
(IMPOSITION OF TAX) BILL, 2015**

HON. SPEAKER: Now we take up Item No. 5 - The Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015.

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): Madam, I beg to move

“That the Bill to make provisions for undisclosed foreign income and assets, the procedure for dealing with such income and assets and to provide for imposition of tax on any undisclosed foreign income and asset held outside India and for matters connected therewith or incidental thereto, be taken into consideration. ”

HON. SPEAKER: Motion moved :

“That the Bill to make provisions for undisclosed foreign income and assets, the procedure for dealing with such income and assets and to provide for imposition of tax on any undisclosed foreign income and asset held outside India and for matters connected therewith or incidental thereto, be taken into consideration. ”

SHRI DEEPENDER SINGH HOODA (ROHTAK): Madam, we had given a notice on this Bill.... (*Interruptions*)

HON. SPEAKER: Yes, you have given your notice. Now, I will give the ruling.

SHRI DEEPENDER SINGH HOODA : Madam, the notice we have given is in relation to whether this Bill be treated as a Money Bill or a Finance Bill.... (*Interruptions*). We know that we do not have an authority to challenge you. Whatever ruling you give is final. But I think what the Government has done in this case is actually improper, if you look at the Statutes of the Constitution, if you look at the Articles of the Constitution where Money Bill and Finance Bill are defined.

As per Article 110 of the Constitution, a Bill is deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely imposition, abolition, remission, alteration or regulation of any tax. Whereas a Money Bill deals solely with the matters specified under Article 110(1) of the Constitution, a Finance Bill does not exclusively deal with all or any of the matters specified under the said Article. That is to say that it may contain some other provisions also.

A Money Bill contains only those provisions. The only way the Government can justify this Bill to be a Money Bill is to say that the penal course in the prosecution element that is included in the Bill is included in the definition of 'incidentals' along with the imposition of taxes because 'incidentals' is allowed. But otherwise there is no way that the Government can justify this Bill as a Money Bill. The Government has to concede that this Bill is a Financial Bill as defined under Article 117 (1) of the Constitution because that is what the Constitution says.

The Constitution-makers, when they made this provision in Article 117 (1) foresaw a situation in which a Bill which is very similar to a Money Bill but which has some other elements also. This is a huge penal element involved in it. There

are associated elements in the Money Laundering Act and the FEMA also which are going to be a part of this entire piece of legislation. That is why the Constitution provides for this particular Article, because under this Article this Bill can be sent to a Joint Committee for more legislative scrutiny. In this case, within the laws of criminal jurisprudence, it would have us send such a Bill with such heavy penal and prosecution impositions to be subjected to higher level of legislative scrutiny. That is why this Article is provided for a kind of Money Bill which has certain other elements also. So, I would like to urge upon you and through you the Government to reconsider treatment of this Bill as a Money Bill. This is a very important piece of legislation. You use Article 117 of the Constitution which will ensure that this Bill will be put to more legislative scrutiny by sending it to a Joint Committee. That is one request to you. ... (*Interruptions*)

HON. SPEAKER: Hon. Members, please sit down.

SHRI DEEPENDER SINGH HOODA : Madam, I think the Minister wants to say something. ... (*Interruptions*)

HON. SPEAKER: In his speech, he will also explain the things.

... (*Interruptions*)

HON. SPEAKER: It is not necessary that everybody should speak. Do you have anything different to say?

SHRI BHARTRUHARI MAHTAB (CUTTACK): Yes, but it is related to it. ... (*Interruptions*)

HON. SPEAKER: I will give a ruling on this.

SHRI BHARTRUHARI MAHTAB : He is asking for sending it to the Standing Committee. ... (*Interruptions*)

HON. SPEAKER: He has that it is not a Money Bill.

SHRI E. AHAMED (MALAPPURAM): The matter raised by Shri Hooda is also a matter of concern for us. ... (*Interruptions*)

HON. SPEAKER: You will have to wait for only one minute.

SHRI BHARTRUHARI MAHTAB: This is a new Bill.

माननीय अध्यक्ष : महताब जी, मैं पहले उनकी बातों पर कुछ रूलिंग दे दूँ, फिर आप बोलें तो बेहतर होगा।

SHRI DEEPENDER SINGH HOODA: Madam, the Minister may reply. ...

(Interruptions)

HON. SPEAKER: Shri Deepender Singh Hooda has given a letter.

... *(Interruptions)*

HON. SPEAKER: While speaking, he can respond to whatever rest is there.

... *(Interruptions)*

HON. SPEAKER: Just now, for the Money Bill part only, whatever I am saying is this.

... *(Interruptions)*

SHRI DEEPENDER SINGH HOODA: On that point, let the Minister reply. ...

(Interruptions)

HON. SPEAKER: He has given the letter and now also he has argued that the Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015 is not a Money Bill. In this context, I may inform that the Bill seeks to make provisions for undisclosed foreign income and assets, the procedure for dealing with such income and assets and to provide for imposition of tax on any undisclosed foreign income and asset held outside India.

Clause 3 of the Bill provides for charge of tax on an assessee in respect of his total undisclosed foreign income and asset. Clause 60 provides that the undisclosed asset located outside India and declared under clause 59 within time specified therein shall be chargeable to tax at the rate of thirty per cent of value of such undisclosed asset on the date of commencement of the Bill. Chapters III, IV, V and VI of the Bill relate to tax management, penalties, offences and prosecutions and tax compliance respectively. Chapter VII contains general provisions relating to the implementation of the Bill.

Clause (1) of Article 110 provides that a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-clauses (a) to (g) thereof. While ruling on the exact significance of the scope of the word 'only' occurring in Article 110 (1), the then hon. Speaker, Shri Mavalankar observed:

15.00 hrs.

“I think, *prima facie*, that the word 'only' is not restrictive of the scope of the general terms. If a Bill substantially deals with the imposition, abolition, etc., of a tax, then the mere fact of the inclusion in the Bill of other provisions which may be necessary for the administration of that tax or, I may say, necessary for the achievement of the objective of the particular Bill, cannot take away the Bill from the category of Money Bills. One has to look to the objective of the Bill. Therefore, if the substantial provisions of the Bill aim at imposition, abolition, etc., of any tax then the other provisions would be incidental and their inclusion cannot be said to take it away from the category of a Money Bill.

SHRI DEEPENDER SINGH HOODA : That is the objection, Madam.

माननीय अध्यक्ष : जो रिमेनिंग बात है उसे बाद में मिनिस्टर एक्सपलेन करेंगे।

“Unless one construes the word ‘only’ in this way it might lead to make Article 110 a nullity. No tax can be imposed without making provisions for its assessment, collection, administration, reference to courts or tribunals, etc., one can visualise only one section in a Bill imposing the main tax and there may be fifty other Sections which may deal with the scope, method, manner etc., of that imposition.”

The provisions contained in Chapters III to VII are consequential upon levy of tax under Clauses 3 and 60. Hence, the provisions deal with imposition, regulation, etc., of tax on income and asset. The provisions of these Chapters as such attract the provisions of Article 110(1)(a) of the Constitution.

I have, therefore, categorized this Bill as a Money Bill within the meaning of Article 110 of the Constitution of India.

Now, Shri Mahtab, if you wish to make any point.

SHRI BHARTRUHARI MAHTAB : Madam, the Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015, that is listed today for consideration and passing, is a completely new Bill with 88 clauses and deals with undisclosed foreign income and assets issues. For very long time the black money, that has been stashed abroad, has been in public discourse and there is public demand to enact a new law.

But, it does not have that much of teeth to achieve any meaningful purpose. We have FEMA which allows a resident to hold foreign asset freely provided these were acquired when an Indian citizen was residing outside India. The Bill stipulates undisclosed income abroad will no longer be taxed under Income Tax Act. So, domestic black money holders can escape from the Income Tax Act. This goes against the basic purpose of the Bill. This Bill creates arbitrage opportunity with a lesser punishment if black moneys are transferred from off shore to on shore. This cannot be the intention of any legislation.

Finally, where is the power to bring back stashed away funds in the Bill? It is missing.

When this is the case of the Bill, I am of the opinion, Madam, that it should be sent to the Standing Committee of Finance for deliberation which can definitely improve the effectiveness of the intent of the Bill.

DR. P. VENUGOPAL (TIRUVALLUR): Madam, this is a new Bill. It also involves many judicial forums apart from foreign agencies. This requires creation of new statutory body overlapping the functions of the Enforcement Directorate. Hence, this Bill calls for a thorough study by a Standing Committee. So, Madam, you may refer this Bill to the Standing Committee to make this vital law flawless.

HON. SPEAKER: Hon. Members, I may inform the House that Shri Arun Jaitley, the Minister-in-charge of the Bill *vide* letter dated 25th April, 2015 had requested me for not referring the Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015 to the Standing Committee on Finance. While so requesting the hon. Minister had stated that the Bill has been introduced in Lok Sabha as a part of Government's effort to address the menace of black money. This new law needs to be enacted urgently so that deterrent action can be taken against offenders secreting their income and assets abroad. The Bill also provides for one time compliance opportunity for a limited period to persons who have any foreign assets which have hitherto not been disclosed for the purposes of Income Tax Act. A notification needs to be issued at the earliest to bring into effect the compliance provisions. This can be done only after the Bill has been enacted.

In view of the reasons stated by the hon. Minister, I did not refer the Bill to the Standing Committee.

Now, Hon. Minister.

SHRI ARUN JAITLEY: Madam, I am grateful to you for the opportunity to move this Bill. The Government had decided and as was announced in the course of the Budget itself that we intend to seek certain harsh measures against unlawful money which is stashed by people abroad. सरकार ने घोषणा की थी कि विदेशों में विदेशी बैंकों में या विदेश में जो व्यक्ति गैर कानूनी तरीके से सम्पत्ति रखते हैं, उसको देश में लाना और उसके खिलाफ कार्रवाई करने हेतु, सरकार इस पर जो उपयुक्त कार्रवाई हो सकेगी, करेगी। यह कानून उसके तहत बनाया गया है। यह कानून संविधान में परिभाषित है, धारा 110 के तहत मनी बिल है, क्योंकि कानून क्या है? सरल भाषा में अगर मैं समझाऊं तो यह ऐसा कानून है कि इस देश के इतिहास में पहली बार यह आया है कि जिस किसी ने कोई सम्पत्ति जिसकी घोषणा नहीं की है या कोई इंकम गैर-कानूनी तरीके से बिना घोषणा किए देश के बाहर रखी है, तो इस कानून के पारित होने के बाद उसके ऊपर टैक्स लगेगा। टैक्स की दर 30 प्रतिशत होगी और उसके साथ साथ 30 प्रतिशत पैनल्टी लगेगी। चूंकि यह टैक्स पहली बार उसके ऊपर लगाया जा रहा है तो स्वाभाविक है कि जिस व्यक्ति की सम्पत्ति बाहर है या जिसकी आमदनी बाहर है, ... (व्यवधान)

श्री दीपेन्द्र सिंह हुड्डा : मैडम, 30 प्रतिशत पहले प्रथम वर्ष में थी।... (व्यवधान)

श्री अरुण जेटली : मैं अभी एक्सप्लेन कर रहा हूं। Just give me two minutes. You will understand. You have to concede on the face of it that it is a money Bill. चूंकि यह केवल फॉरेन एसेट्स के लिए है, इस कानून का डॉमैस्टिक ब्लैक मनी से कोई संबंध नहीं है। डॉमैस्टिक ब्लैक मनी से जो संबंध है, उसके लिए अन्य कानून है जिसे हम अलग से देखेंगे। जो विदेशों में गैर कानूनी तरीके से बिना घोषणा किये, अनडिक्लेअर्ड है, यानी जिस व्यक्ति ने आरबीआई की अनुमति से डिक्लेअर करके सम्पत्ति रखी है, उसके लिए डरने का कोई कारण नहीं है। लेकिन जिसने अनलॉफुली, अनडिस्क्लोज्ड सम्पत्ति बाहर रखी है, उसके ऊपर पहली बार इस कानून के तहत टैक्स लगेगा। जो सैक्शन 3 है, वह चार्जिंग सैक्शन है। चार्जिंग सैक्शन में 30 प्रतिशत टैक्स लगेगा और 30 प्रतिशत के ऊपर पैनल्टी, हर्जाना लगेगा क्योंकि आपने संपत्ति गैर-कानूनी तरीके से रखी है। उसके लिए एक समय सीमा दी जाएगी और उस समय सीमा में जिसको कम्प्लायेंस विंडो कहते हैं, वह व्यक्ति घोषणा कर दे कि यह मेरी आमदनी या मेरी सम्पत्ति बाहर है और उस कम्प्लायेंस विंडो के तहत उस व्यक्ति को उसके ऊपर टैक्स और पैनल्टी देने का समय दिया जाएगा। वह टैक्स और पैनल्टी उसके ऊपर दे दे तो वह टैक्स देने के बाद अपने आपको अन्य किसी कार्रवाई से अलग कर सकता है। लेकिन एक बार रूल्स के तहत सरकार जो

नोटिफाइ करेगी, उसकी अवधि क्या रहेगी, मैं स्पष्ट नहीं कह रहा हूँ, लेकिन मैं उदाहरण के तौर पर कह रहा हूँ क्योंकि जो नियम बने हैं, यह उसके तहत होगा।

मान लीजिए आपको दो महीने का समय इसे डिक्लेयर करने का और कुल छह महीने का समय कम्प्लायेंस विंडो के तहत टैक्स और पैनल्टी देने के लिए मिलता है। आप टैक्स और पैनल्टी दीजिए। यदि एक बार कम्प्लायेंस विंडो बंद हो जाती है तो फिर आपको टैक्स या पैनल्टी देने का कानूनी अवसर जो आपको मिला था, वह अवसर समाप्त हो जाएगा। उसके बाद आपको तीस परसेंट टैक्स जो हर व्यक्ति को पहले ही देना पड़ता है और 120 परसेंट पैनल्टी आपको देनी पड़ेगी। तीस परसेंट प्लस तीस परसेंट अब बढ़कर तीस परसेंट प्लस 120 परसेंट हो जाएगा। 120 परसेंट का मतलब तीस परसेंट का चार गुना है। टैक्स के ऊपर आपको इतना देना पड़ेगा और उसके साथ-साथ आपके ऊपर क्रिमिनल प्रोसिक्यूशन चलेगा जिसमें तीन साल कम से कम और दस साल की सजा हो सकती है।

सरल भाषा में इस कानून का सार यह है। अगर यह कानून अलग से न बनता और केवल इनकम टैक्स एक्ट के तहत ही चैप्टर बना लेते तो इनकम टैक्स के अनुसार ऐसा होता है कि आपको टैक्स देने का समय दिया जाता है। अगर आप उस समय में टैक्स नहीं देंगे तो आपको पैनल्टी देनी पड़ेगी। आप पर प्रोसिक्यूशन भी चल सकता है। दीपेन्द्र जी ने कहा कि पीनल्स प्रोविजन्स हैं। इनकम टैक्स एक्ट में भी पीनल्स प्रोविजन्स हैं। हर साल फाइनेंस बिल के माध्यम से हम इनकम टैक्स के बीसियों प्रावधान बदलते हैं। वह मनी बिल होता है इसलिए जब हम उसे बदलते हैं तो उसे बदलने के बाद ही फाइनेंस बिल ही अपने आप में रहता है। आपने कहा कि मनी बिल की परिभाषा में नहीं आता है। *It is a Bill for imposition, abolition, remission, alteration and regulation of tax and any other purpose incidental thereto.* आप पर पहली बार टैक्स लगाया गया है। मैंने पहले फिगर्स बताई थीं। मैं उन्हें स्पष्ट करना चाहता हूँ। जो कम्प्लायेंस विंडो के तहत टैक्स देंगे, उन्हें 30 प्लस 30 प्रतिशत टैक्स देना पड़ेगा और जो कम्प्लायेंस विंडो के तहत टैक्स नहीं भरेंगे और बाद में पकड़े जाएंगे, उन्हें 30 प्लस 90 यानी टोटल 120 परसेंट टैक्स देना पड़ेगा, मैंने पहले 30 परसेंट प्लस 120 परसेंट कहा था, लेकिन 30 प्लस 90 यानी टोटल 120 परसेंट है और इसके साथ-साथ क्रिमिनल प्रोसिक्यूशन भी होगा। यह कानून केवल टैक्सेशन लॉ है। *A taxation law imposes tax on undisclosed income being kept outside India. For the first time, a tax is being imposed. Therefore, there is a compliance window and once the compliance window closes, penalty plus prosecution will be harsher.* बाकी जितने इसके प्रोविजन्स हैं, वे सारे इंसिडेंटल हैं। मैं आपको एक

बात और स्पष्ट करना चाहता हूँ, जैसा कि दीपेन्द्र जी ने कहा कि मनी बिल, फाइनेंशियल बिल। आप आर्टिकल 110 पढ़िए। आर्टिकल 109 में Special procedure with regard to Money Bill होता है कि वह लोक सभा में इंट्रोड्यूज होगा। लोक सभा में पारित होगा, उसके बाद राज्य सभा में जाएगा और राज्य सभा में वोटिंग नहीं होगी। Bill will be returned back to Lok Sabha with or without suggestions. So, the title is 'Money Bill'. आर्टिकल 110 में definition of Money Bill है. Article 111 is on Assent to Bills. जैसा कि दीपेन्द्र जी ने आर्टिकल 117 की बात कही है, Article 117 refers to special provisions with regard to Financial Bills. Probably, you are under the impression that - because the words used now is financial Bill - financial Bill as in contradiction to a Money Bill, the two becomes separate.

Now, read the substance. The marginal note or the title does not change that. It is interchangeable because the language says:

“A Bill or an amendment making any provision for any of the matters specified in sub-clauses (a) to (f) of clause 1 of article 110 shall not be introduced or moved except on the recommendations of the President and a Bill making such a provision shall not be introduced in the Council of States.”

आर्टिकल 110 में जो बिल है।...(व्यवधान)

श्री मुलायम सिंह यादव (आज़मगढ़) : माननीय वित्तमंत्री जी, आज सदन को केवल इतना पता चल जाए कि ब्लैक मनी हिन्दुस्तान में कितनी है और विदेश में कितनी है? कई बार इस पर बहस हो चुकी है, कई बात सवाल उठ चुके हैं। ... (व्यवधान) अभी तक आप इतने देशों में गए हैं... (व्यवधान)

माननीय अध्यक्ष : श्री मुलायम सिंह यादव जी, आप जब बोलेंगे, तब इसके बारे में कहिए।

... (व्यवधान)

श्री मुलायम सिंह यादव : इतना पता चल जाए कि हिन्दुस्तान में कितनी ब्लैक मनी है।... (व्यवधान)

माननीय अध्यक्ष : श्री मुलायम सिंह यादव जी, प्लीज बैठिए।

... (व्यवधान)

SHRI ARUN JAITLEY: Shri Deepender Singh Hooda, under Article 117, what is referred to as a Financial Bill, in the body of the Article, in fact, it refers to Article 110. So, that itself is a Money Bill. This only prescribes a procedure that before a

Money Bill is introduced, it will need the assent of the President before introduction. A normal Bill requires it after it is passed. इसमें पहले भी एसेन्ट चाहिए होगी और बाद में भी चाहिए होगी। दूसरी बात यह है कि, it will only be introduced in the Lok Sabha, not in the Rajya Sabha. Any other Bill can be introduced in both the Houses. Therefore, Article 117 is only a procedure with regard to Bills under Article 110 which are to be introduced only in the Lok Sabha. These are not two separate categories of Bills – Money Bills and the Financial Bills.

SHRI DEEPENDER SINGH HOODA: One more important issue is there....
(Interruptions)

HON. SPEAKER: He is yielding. आप लोग चुप रहिए, आपको रूल्स नहीं मालूम हैं।

SHRI DEEPENDER SINGH HOODA: Sir, there is one more important distinction. You are right that like Money Bill, Financial Bills can only be introduced in the Lok Sabha on the recommendation of the President. But, however, other restrictions in regard to a Money Bill do not apply to this category of Bills, that is to say, Financial Bills under Section 117 (1) of the Constitution can be referred to a Joint Committee of both the Houses. That is why, the Constitution-makers provided for this particular Article because in this Article they say that in the case of Finance Bills, just like Money Bills, they will have the provisions to deal with taxes. You are absolutely right. But, along with taxes, if there are certain substantial provisions along with the taxes, then that particular Bill has to be provided a higher degree of legislative scrutiny. That is why, this particular section was introduced in the Article. That is my contention. You can argue it is a Money Bill. You could be right because it is a Money Bill. But, a Financial Bill essentially is a sub-section of Money Bill in that sense. But it does not have the restriction or ability to sending it to a Joint Committee. So, that is the limited point that I am making.

SHRI ARUN JAITLEY: Once we are clear, this law is only a law for imposing taxes on undisclosed income kept outside India. Because it is a new tax, an

opportunity for compliance is being given. Those who miss the opportunity will have the penal provision and a prosecution. That, in a nutshell, is the Bill. Those who keep outside and do not avail of that and are eventually penalized जो श्री मुलायम सिंह यादव जी कह रहे थे कि उनके जो भारत में एसेट्स हैं, फिर वह रिकवरी उनके अगेन्स्ट भी हो सकती है, यह भी इसमें प्रावधान है। आर्टिकल 117 में केवल स्पेशल प्रॉविजन है कि राष्ट्रपति की अनुमति चाहिए। अब सवाल आया कि इसे स्टैंडिंग कमेटी में क्यों नहीं भेजना चाहिए।

Madam, there are three good reasons why it should not go to the Standing Committee. You have already ruled it. But let me specify that because Shri Mahtab has raised it. The flight of unlawful assets is very quick. Today, you do not have to physically carry money from one country to another. Merely sitting with your laptop or your palm-top, money within minutes can jump between 120 or 150 countries. Therefore, flight of capital takes place. It has been a big political issue in this country and we must take immediate steps to stop this flight.

Once we have introduced this Bill, then, if you are going to give months and years to people that such and such a law is coming, we are only going to facilitate the flight of the capital taking place, and flight taking place to unknown destinations.

Secondly, the danger of losing the taxation within the current year is also going to be there, and because taxes are always made applicable for that year, that is one of the reasons why you have a convention that on money bills, we normally don't send them to the Standing Committee. There is a third reason. Since all of us are speaking in one voice, and my friends on the other side have been very firm in even taunting us to say, what steps we have been taking; once we take steps, please don't develop cold feet. Then, you must stand up and support those steps. For the last 11 months, you have been very boldly saying, why don't you take steps? We have taken steps. Please now start walking the talk and support those steps rather than go into the technicalities of referring them to the Standing Committee.

With these observations, I will speak at the end, I commend this Bill for acceptance of the hon. House.

...(व्यवधान)

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : क्या मुझे बोलने का राइट नहीं है...(व्यवधान)

माननीय अध्यक्ष: आपकी साइड से दीपेन्द्र जी बोल रहे हैं, आप बाद में स्पष्टीकरण पूछ सकते हैं।

श्री मल्लिकार्जुन खड़गे : जेटली जी अगर थोड़ा ध्यान दें तो मैं उनका ध्यान अपनी ओर खींचना चाहूंगा। उन्होंने इस बिल के बारे में कहा कि हमारा कोई इंटेरेस्ट नहीं है, सिर्फ उन्हीं का है, क्योंकि वह लोगों के हित में इसे लाना चाहते हैं।

माननीय अध्यक्ष: ऐसा नहीं है।

श्री मल्लिकार्जुन खड़गे : यह असत्य बात है, सभी को इंटेरेस्ट है, सभी लोग इस बात से सहमत हैं। लेकिन जो प्रोसिजर आप एडॉप्ट कर रहे हैं इस बिल को पास कराने का, उस प्रोसिजर के बारे में चर्चा चल रही है, उसके मैरिट या डीमैरिट पर नहीं है। प्रोसिजर पर चर्चा इसलिए कर रहे हैं कि हमने इस बिल को स्टैंडिंग कमेटी में भेजने का जो मुद्दा उठाया था, उसके बारे में आपको कहना चाहिए। मैडम, इसके बावजूद भी आपको अधिकार है, आर्टिकल 110 (सी) में आपको पूरी पावर है कि इस बिल को मनी बिल कंवर्ट किया जाए या नहीं, आप खुद ही कह सकती हैं। इसमें इतनी बड़ी वकालत करने की जरूरत नहीं है।

माननीय अध्यक्ष: मैंने रूलिंग दे दी है। अभी श्री दीपेन्द्र सिंह हुड्डा जी बोलेंगे।

श्री दीपेन्द्र सिंह हुड्डा: धन्यवाद अध्यक्ष महोदया, हमने आग्र्यु किया कि यह बिल फाइनेंशियल बिल की केटेगरी में आ सकता था। सरकार की तरफ से जवाब आया और आपने उस पर अपनी तरफ से रूलिंग दी। हम पर वह रूलिंग बाध्य है और हम उसे स्वीकार करते हैं।

इस चर्चा में भाग लेते हुए मैं सबसे पहले अपनी पार्टी की तरफ से इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। समर्थन इसीलिए कि हम नहीं चाहते कि कल को सरकार यह कहे कि लोगों के 15 लाख कालेधन के और सरकार के बीच में विपक्ष खड़ा है। मगर हम समर्थन करने के साथ-साथ सरकार को जरूर सचेत करना चाहते हैं और इस बिल को लेकर हमारे कुछ संशय हैं।

First of all, we do not think that this Bill is going to be effective enough to get back substantial black money into the country as is promised. That is our first fear about this Bill. Secondly, it has no provision whatsoever to ensure that black money that we get back in our country is actually sent to the accounts of the citizens as was the poll promise of the Bharatiya Janata Party. Thirdly, we fear that this Bill will lead to a lot of hardships on many taxpaying, law-abiding innocent unsuspecting residents and citizens of our country. I will during the course of my deliberations talk about in detail each one of these points, the political background of it.

On November 6 , 2014, hon. Finance Minister in the Rajya Sabha said that, let us not make black money a NDA *versus* UPA issue. In fact, he carried on that speech in the House when we debated GST recently and at that time he beseeched upon the House to rise above party lines and support GST in union. Now, let me ask this. While he is asking us to rise above party lines, who is doing politicking? Which party opposed the GST when they were in the Opposition and now they are championing it? Which party opposed the Civil Nuclear Deal while they were in the Opposition and now they are championing it? Which party opposed FDI in insurance while they were in the Opposition and now they are championing it? In fact, one Bill that they supported while they were in the Opposition was the Land Acquisition Bill, our version of the Land Acquisition Bill and now they are bringing their own version and opposing our version. So, his argument seems to be

this that you rise above political lines, you rise above part lines and support our Bills while we will leave no opportunity to sink beneath political opportunism and score points. Who made it a NDA versus UPA issue? इसमें कोई संशय और संदेह नहीं होना चाहिए। पूरे देश में और पूरी दुनिया में काले धन को लेकर सब के दिमाग में बहुत चिंता है। यह एक बड़ा मुद्दा है। हम भी चाहते हैं और सारा देश चाहता है कि काला धन वापस आए। मगर इस इश्यू पर वित्त मंत्री जी से जब राज्य सभा में पूछा गया कि 15 लाख रुपये का क्या हुआ, तो इन्होंने कहा कि इसे यूपीए और एनडीए के विषय के रूप में न देखा जाए। मगर इस मुद्दे को राजनीतिक मुद्दे का रूप किसने दिया? लाल कृष्ण आडवाणी जी बैठे हुए हैं, हम इनकी बहुत इज्जत करते हैं, मार्च 31, 2009 को खारियार, ओडिशा में पिछले आम चुनाव के समय में कहा कि उनकी जानकारी के हिसाब से 25 लाख करोड़ रुपये का काला धन विदेशों में जमा है। अगर वह वापस आ गया तो चार करोड़ रुपये हर गांव के बांटे में आएगा। यह वर्ष 2009 के चुनावों से पहले कहा गया था। उसके बाद आडवाणी जी की 38 दिन की जनचेतना यात्रा हुई। वर्ष 2011 में इसी लोक सभा में एडजर्नमेंट मोशन भी आया। एडजर्नमेंट मोशन में आडवाणी जी की बात हमने सुनी और प्रणब मुखर्जी जी का भी जवाब हम लोगों ने उसमें सुना। बीजेपी ने एक टास्क फोर्स बनायी, जिसमें गुरुमूर्ति जी, अजित डोवल जी, जो आजकल हमारे एनएसए हैं, वे उसमें सदस्य थे और श्री महेश जेटमलानी ने काले धन का एस्टीमेट लगाया और कहा- Now the issue is settled. The amount of black money abroad is Rs. 30 lakh crore and it is a settled number. They said that 500 billion US dollars is the black money abroad and it is a settled issue. यह आखिरी फिगर है। मगर वह आखिरी फिगर नहीं थी। उसके बाद भी इसको बढ़ाया गया। राजनाथ सिंह जी ने 17 अप्रैल, 2013 में लखनऊ में कहा कि डेढ़ सौ दिन में काला धन वापस आएंगे। बाबा रामदेव जी ने अगस्त माह में कहा कि पांच सौ लाख करोड़ रुपये का काला धन है। आखिर में इन सब बातों का निष्कर्ष मोदी जी ने निकाला और मोदी जी ने कांग्रेस में 7 नवम्बर, 2013 को कहा कि इतना काला धन है कि अगर वापस आ गया तो हर एक के बांटे में 15 से लेकर 20 लाख रुपये आ जाएंगे। यह निष्कर्ष उन्होंने निकाला। मगर कितना काला धन है? पिछले एक साल से इनकी सरकार है। पिछले हफ्ते राज्य सभा में एक ओरल प्रश्न आया, जिसका जवाब वित्त मंत्रालय से मिला। लेकिन क्या जवाब मिला? आप लोगों ने अलग-अलग फिगर्स दिए कि इतने-इतने लाख करोड़ रुपये का काला धन है। लेकिन पिछले एक साल की सरकार की तरफ से जवाब आया- “There is no official estimation regarding the amount of black money generated in the country.” This is a written statement. पिछले हफ्ते 5 मई, 2015 को राज्य सभा में वित्त मंत्रालय की तरफ से यह स्टेटमेंट आया

कि अभी इसका कोई अनुमान नहीं है। उसके साथ-साथ तीन गवर्नमेंट की एजेंसीज नेशनल इंस्टीट्यूट ऑफ पब्लिक फाइनेंस एंड पॉलिसी, नेशनल काउंसिल ऑफ अप्लाइड इकोनॉमिक रिसर्च और नेशनल इंस्टीट्यूट ऑफ फाइनेंशियल मेनेजमेंट कि तरफ से रिपोर्ट आयी कि इन एजेंसीज को जो कि गवर्नमेंट के थिंग टैक्स हैं, उनको वर्ष 2012 से लगाया गया है यानी यूपीए ने लगाया था। यह जवाब आपकी सरकार ने दिया है कि वर्ष 2012 से तीन थिक टैक्स को काला धन का आकलन करने के लिए लगाया गया है। इनकी रिपोर्ट आ चुकी है और उस रिपोर्ट को सरकार दिखवा रही है। उसको दिखवाने की क्या जरूरत है? मैं अपने दल की तरफ से मांग करना चाहता हूं कि आप लोगों ने इतने वर्ष से कभी 25 लाख करोड़ रुपये कहा, कभी 30 लाख करोड़ रुपये कहा, कभी पांच सौ लाख करोड़ रुपये कहा, कभी 15 लाख रुपये हर आदमी के बांटे में आ जाएंगे, यह कहा, कभी यह कहा कि चार करोड़ रुपये हर गांव के बांटे में आ जाएंगे। आज आपके पास रिपोर्ट आ गयी है। जिस जानकारी को लेने की शुरुआत हमने की थी, वह सरकारी आंकड़ा आपके पास आ गया है। आप उस रिपोर्ट को सार्वजनिक कीजिए, उसको दिखवाने की क्या बात है। उसको सार्वजनिक करने की मांग आज हम आपसे करना चाहते हैं। As far as this Bill is concerned, let me spend a little bit of time in analysing in detail this particular Bill.

Let me go straight to the heart of the matter. The heart of this Bill is the stringent punitive action that it seeks to impose upon all those who have black money, all those who are unearthed as having black money. But, it begs a point as to how this is different from the Income Tax Act of 1961. The Finance Minister just explained that this is the first time how so many things are happening in this Bill. Is it so? If we look at this Bill clause by clause, actually it is not much different from the Income Tax Act in certain senses. If I am wrong anywhere, I may please be corrected. The Income Tax Act of 1961 already requires Indian residents to disclose their global incomes. They have to disclose their Indian income as well as foreign income – it is already there in the statute – and pay due tax on it. That is first point. The rate of tax is same for both the categories, domestic as well as foreign income; it is 30 per cent. This Bill also proposes 30 per cent tax; so there is no difference. Requirement of mandatory disclosure of foreign assets, as in foreign banks accounts etc., has been added to the Income Tax

Return from 2013. Already, in the Income Tax, for the last two-three years, under the UPA regime, this was added. You already have to disclose your foreign bank accounts. So, there is nothing new in that provision as well.

Now, what about the stringent penal action that this Bill? The media have been talking about it and hailing it as a new thing that has come up. Concealment of taxable income, if I may inform the House, including any foreign income, under our statutes is already punishable with a penalty of 300 per cent of the tax evaded, which the Finance Minister just said, and rigorous imprisonment of up to seven years if the tax evaded is more than Rs. 25 lakh. So, already it is there in the statutes. Already seven years' rigorous imprisonment is there. What this Bill seeks to do is to increase the rigorous imprisonment from seven years to ten years. I agree with that. It also provides to make the offences non-compoundable. I agree with that also. These are two minor things that the Bill seeks to do.

While the statutes have been in order since 1975 and still we are talking about the quantum of black money. If the seven year rigorous imprisonment has not been able to deter the black money holders in dealing with black money, how will ten year imprisonment deter them? It is a question that you should be asking.

The second provision of this Bill relates to the Prevention of Money Laundering Act and FEMA. There are two important changes, firstly, concealment of foreign incomes is going to be made a predicate offence under the Money Laundering Act and, secondly, FEMA will be amended. Basically, these two amendments in the Prevention of Money Laundering Act and FEMA would give powers to the tax authorities to attach the foreign assets as well as domestic assets. Again, I would say, the Income Tax Act also confers wide powers to attach Indian assets of a person. Now, what you will be able to do additionally is to attach the foreign assets. That power is being given in this Bill. But, overall what you have done is, you have taken the relevant portions of the Income Tax Act, which are already in the statutes, and the Money Laundering Act; you have put

them together and you are packing them as this brand new thing which you are going to come up with.

There is another aspect to this Bill which I want to point out which, I would say, is open to devious usage. That is regarding amnesty. That is the aspect about one year window. You are not calling it amnesty but it is a one year window period where the tax is 60 per cent. We all know the history of amnesty schemes in India. Since Independence, there have been 12 amnesty schemes starting from 1949 to the last one in 1997, Madam, which you would recall, when you were also in Lok Sabha, the Voluntary Disclosure of Income Scheme. It was hailed as the very last opportunity by the tax authorities and it also was incidentally the most successful one as claimed by the Income Tax Department. In that scheme, about 4,50,000 disclosures or declarations took place. Only 0.4 per cent of those were belonging to the category of Rs. 1 crore and above. So, what really happened? Later on the C&AG looked at it because BJP has beliefs that all the C&AG reports are absolutely sacrosanct. So, they must listen to it. The C&AG looked at the VIDS 1997 which was the last amnesty Scheme. The C&AG concluded that that Scheme was nothing but totally misused for making declarations in benamy names. I am quoting from the C&AG Report.

Now, you have taken out some statutes from the Income Tax Act and the Money Laundering Act, put them together in a law and asserted a clause of amnesty. How are you going to stop this? I would send out a warning to the Finance Ministry and they should provide adequate safeguards against any misuse of this provision.

There is one very grave concern, which I have shared with the hon. Finance Minister recently as well. That concern relates to the definition of 'assessee'. Now, what is going to happen is that you have defined the 'assessee' as all Indian residents minus the non-residents, as defined from Section 3, Clause 6 of the Income Tax Act. Basically, what that means is:

“[(6) A person is said to be "not ordinarily resident" in India in any previous year if such person is—
(a) an individual who has been a non-resident in India in nine out of the ten previous years...”

What really this means is that any person who is either Indian student studying abroad, who has gone abroad in the last eight years, or working professional – I know the Minister of State of Finance himself has lived abroad many years, so he would relate to some of those students – when they go abroad, they have to open their accounts. They acquire certain assets. Now, what will they require to do is that every year they will have to file their Income Tax Return in India. They have to declare those assets, maintain those tax papers, maintain the salary trail and everything and give the proper account to the tax authorities. Failing to do so, they are liable for heavy penal action including prosecution and imprisonment for ten years. My heart goes out to those people who were chanting Modi, Modi at Madison Square. Imagine, there was a person in Madison Square who was chanting Modi, Modi and he wants to come back to India or some NRI gets patriotic and wants to come back to India, now, the first thing that he will have to do, as per your law, is to declare all his assets and everything. Not only that, Section 2 (11) of the current Bill says that foreign asset, even if disclosed in Income Tax Return will be treated as undisclosed foreign asset by Tax Officer if he is not satisfied by the source of investment of that assessment provided by that assessee. Not only that, adding to this, if the Tax Officer imposes penalty, assessee has no provision to seek stay and has to pay the amount. So, basically, this gives unbridled powers to the tax authorities to harass those Indian students who have gone for study abroad and the Indian professional who are working abroad and have stayed there for the last eight years. If any NRI comes back, he has to provide a proper money trail of all the assets that he has acquired. If the paper trail is not properly verified by the tax authorities, imagine, what will happen to that NRI?

So, the Government should think about those people who were chanting Modi, Modi. I think, they are not going to take this Bill in the right spirit.

Apart from that, lessons can be learnt from FATCA. The hon. Finance Minister had talk about FATCA in one of his speeches. I was reading some of your speeches. FATCA is a similar law which was enacted by the United States two years back. But it is little more stringent in some of the statues like on financial institutions because it levies 30 per cent tax on them. We have not done that. I think, we should consider doing that. One of the biggest drawbacks of FATCA, which has come back to haunt USA last year, I must inform the august House, in the history of United States maximum number of US citizens, who were abroad, gave up the US passport because this FATCA was brought in.

Now, we have imported some of the same provisions. We have an extremely huge number of Indian Diaspora. I have also studies abroad; so, I can be at liberty to talk about them. Now, we do not want our students, who are studying abroad in the best Universities in the world to come back or we do not want to close the doors on the NRIs, who want to give up their lives there and come back and contribute towards India.

Madam, there are two things that were needed to be addressed most, if they are serious about getting the black money. These things relate to (1) getting the information from the different countries, as the Finance Minister knows; and (2) securing the evidence. Without getting the right information and securing the evidence, they would not be able to do much. Just increasing the deterrent and increasing the threat of 10 years imprisonment etc., would not work. First, they have to get the information.

Madam, a few years back, to get the information, the only principle that used to work was 'the Principle of Dual Criminality'. If the other country also thought that it was a criminal money – drug trafficking or terrorist money – and India also thought so, we could exchange the information. Recently in the last seven to eight years, on the concern for the black money, we have seen a new

regime developing the world over, which is Exchange of Tax Information based on Tax Treaties. Now, Tax Treaties have been amended. New Tax Treaties have come in. Even the Double Taxation Avoidance Agreements (DTAA) that we have with various countries, have been negotiated. A new clause has been added, known as clause 28, which allows for us to get information from these countries. The list that we got from Switzerland or the list that we got from Liechtenstein were the result of those new Double Taxation Avoidance Agreements containing that clause, which allows for us to get information. New Tax Information Exchange Agreements have also been formulated. This is the new protocol. It is based on request. If we make request and we provide certain evidence, they give us the information.

Let me inform the House, and I would urge the Finance Minister to tell the truth to the nation that out of 130 Tax Treaties, which provide for us to get information, 103 of these were negotiated during the UPA time. That was what we were doing. There are 130 Tax Treaties that India has today; 103 of these were negotiated by the UPA; seventeen had been negotiated or were the Tax Treaties, which had been prevalent even before the UPA.. I must ask the hon. Minister as to how many Tax Treaties they have been able to negotiate with the countries. We negotiated Tax Treaty with Switzerland and with Bahamas. We were able to do all the tax havens. But how many Tax Treaties around the world, have they been able to negotiate with? This is information we need to get.

Madam, now, looking in the future, the next stage of information is the Automatic Information Exchange. At the moment, we have to make a request and provide evidence. In future, starting from 2017, the world wants to see a regime in which automatically, the countries will be exchanging certain information. For this, let me also inform the House, India with the UPA Government at that point of time, played a significant role. We became one of the first signatories to the Multilateral Convention on Mutual Administrative Assistance in Tax Matters in 2012. This is a very important Convention, Madam. This Convention is being

championed by both the OECD and G20. We were the first country, who raised the voice in G20 back in 2010 at Cannes, when Dr. Manmohan Singh said:

“G20 countries should take a lead in agreeing to automatic exchange of tax-related information with each other, irrespective of artificial distinctions such as past or present, for tax evasion or tax fraud as the era of bank secrecy is over.”

That was what Dr. Manmohan Singh said. That was what our commitment was. That is where the world he headed; and we led the world at the time of the UPA. At the time of the UPA, India was leading the world; and it was recognised as leading the world in that direction.

What has the current Government done as far as getting the tax information, securing the evidence and investigation are concerned? We created the Directorate of Criminal Investigation in CBDT. It was done by the UPA-II in 2012. We created the Directorate. But what have they done? If I can have the attention of the hon. Finance Minister. What did the Director, Enforcement Directorate, ...* say, on May 1 in the presence of the hon. Finance Minister? Madam, May 1 is the Enforcement Day.

HON. SPEAKER: Do not take names of the persons, who are not here.

SHRI DEEPENDER SINGH HOODA : Madam, Enforcement Directorate said the single biggest challenge for this agency which will be responsible for dealing with this particular act and is dealing with black-money probe cases has a large number of vacancies and the steep decline in staff members during the last year.

So, on the one hand you are giving us the promise of bringing back the black money and on the other hand, the ED has a steep decline of staff members. The ED is pleading with you to give some staff members so that we can probe on cases.

* Not recorded.

In conclusion, BJP had no option but to bring this Bill. Why I say that? Now, they are championing this Bill as a signatory to the 2012 multi-lateral convention.

Madam, the multi-lateral convention was signed in 2012. It was signed during the UPA time. The multilateral convention basically entails, as the OECD official puts it, the effectiveness of automatic exchange of tax information will come only when standard is translated into domestic legislations. For that, all signatories will have to adhere and bring similar domestic legislations to stick to the 2017 timeframe. By signing multilateral convention, we gave a promise to the international community that we will be bringing about a domestic legislation. So, you have to bring this Bill. It was a Bill which was signed by the UPA. India signed it in 2012 and gave a promise to the international community. So, you had no option but to bring this Bill. But what did you do? It is a missed opportunity because what you did, you took some provisions out of the Income Tax Act, you took some provisions out of the prevention of money laundering Act and also from the FEMA. You packaged them together as a new Bill. You increased the sentence from seven years to ten years to stamp this Bill as if this is a new piece of legislation. We warn you that this Bill will not lead to any fruitful results for the country and this will not help us bring back the black money. It will only increase the hardships. What you have done is only going to increase hardships for unsuspecting, law-abiding, tax paying citizens of the world.

मैडम, आखिर में कांक्लूड करते समय मैं कहूंगा कि आज हम इस बिल के समर्थन में खड़े हुए हैं।
... * ने एक टी.वी. इंटरव्यू में कहा कि वह जुमला था।

माननीय अध्यक्ष : आप सबके नाम ले रहे हैं, यह ठीक नहीं है और वे लोग यहां पर प्रेजेंट नहीं हैं।

... (व्यवधान)

HON. SPEAKER: You should avoid the names.

* Not recorded

श्री दीपेन्द्र सिंह हुड्डा : मैडम, इसे एक्सपंज कर दीजिए। ... (व्यवधान) भारतीय जनता पार्टी के अध्यक्ष ने कहा कि जुमला था। ... (व्यवधान) मैडम, दिमाग तो कहता है कि वह ठीक कह रहे थे, मगर दिल कहता है कि मोदी जी ठीक कह रहे थे। वह जुमला नहीं था, वह मोदी जी की जुबान थी। 15 लाख आएंगे, ऐसा दिमाग कहता है, लेकिन दिल नहीं मान रहा है। दिमाग तो कह रहा है कि ... * ने जो कहा कि वह जुमला था, वही ठीक है। ... (व्यवधान)

HON. SPEAKER: Again you are taking the names. No names should go in record. If the person is not present and if the person is not a Member of the House, those names should not be on record.

... (*Interruptions*)

श्री दीपेन्द्र सिंह हुड्डा : मैडम, बहुत हो गई मन की बात, अब करिए कुछ धन की बात। ... (व्यवधान) यह कहते हुए, वित्त मंत्री जी को शुभकामनाएं देते हुए कि ये हमारे देश का काला धन वापस लेकर आएंगे। हम सबके खाते में, जो आपने 100 दिन की बात कही थी, हम आपको पांच साल भी देने के लिए तैयार हैं। पांच साल आपको जनता ने दिए हैं। ... (व्यवधान) काला धन वापस आए, यह कहते हुए हम इस बिल का समर्थन करते हैं। ... (व्यवधान)

* Not recorded

डॉ. किरीट सोमैया (मुम्बई उत्तर पूर्व) : अध्यक्ष महोदय, काले धन का स्वागत हो रहा है और हमारे मित्र दीपेन्द्र सिंह जी ने भी काले धन का स्वागत किया। ... (व्यवधान) कई सालों से करते रहे हैं। पहले ये काले धन का स्वागत करते थे, हम काले धन को वापस लाना प्रारम्भ कर रहे हैं। हमारे मित्र की कमिटमेंट के बारे में, कांग्रेस पार्टी के संबंध में उनके जो भाव हैं, उनके बारे में शंका किसी के मन में आ ही नहीं सकती, क्योंकि जितनी पुरानी यह पार्टी है, उतनी ही पुरानी काले धन की समस्या है। समस्या पुरानी है और भाषण भी पुराने हैं। मैं सिर्फ आपकी जानकारी के लिए बता रहा हूँ, आगे मैं और डिटेल्स में बताऊंगा। वर्ष 1946 में पहली बार इसी प्रकार के भाषण हुए थे। फिर वर्ष 1951 में भाषण हुए, फिर वर्ष 1965, 1975, 1985, और 1992 में भाषण हुए, यह चलते ही आ रहा है। यानी काले धन के बारे में और काले धन को वापस लाने के बारे में हर वक्त कांग्रेस के हमारे सहयोगी इसी प्रकार से भाषण करते हैं। वैसे इनका यह स्वभाव है, क्योंकि अभी मुझे याद आया कि 'गरीबी हटाओ' का नारा लगाया, आज भी सदन में और सदन के बाहर गरीबी की बातें की गयीं। पांच-सात दिनों से एक नयी पद्धति शुरू हुयी है कि कहीं जाना, फिर यहां आना, हाथ ऊपर करना, कभी किसान के बारे में, कभी फिशरमैन के बारे में, कभी अमेठी के बारे में, और कभी अमेठी के फूड पार्क के बारे में, नारा देना और चले जाना।

15.51 hrs

(Shri Pralhad Joshi *in the Chair*)

महोदय, अमेठी फूड पार्क के बारे में मैं एक और जानकारी कल सदन में देने वाला हूँ। ... (व्यवधान)

HON. CHAIRPERSON: No, let him continue.

डॉ. किरीट सोमैया : वर्ष 1971 से, मुझे याद है, उस समय मैं पढ़ता था तब भी यह नारा लगाया गया था - 'गरीबी हटाओ'। वर्ष 1971 में भी वही 'गरीबी हटाओ' का नारा था, आज भी वही 'गरीबी हटाओ' की बात चल रही है। ... (व्यवधान) फर्क यह है कि तब वरिष्ठ यह कर रहे थे, अब तीसरी पीढ़ी यही बात कर रही है। काला धन बुरा है, काला धन वापस लाओ, ये बातें बहुत सालों से चल रही हैं।

मुझे मार्क ट्वेन का वह किस्सा याद आया है। मार्क ट्वेन कहते थे कि सिगरेट पीना बहुत बुरी आदत है। मैंने अनेक बार सिगरेट पीना छोड़ दिया है। आप समझे। ... (व्यवधान) **Many times I have given up smoking.** कांग्रेस वाले लोगों के भाषण सुन कर, वह हर दो-चार साल में काला धन वापस लाओ की बात करते हैं और आगे चले जाते हैं। वापस नयी लोक सभा आती है, वापस वही भाषण होता है। अब वह अरुण जेटली जी से पूछ रहे हैं कि अभी तक पैसा क्यों नहीं आया है। मैं भी वित्त मंत्री जी से प्रार्थना करूंगा कि कभी चाय पिला कर उनसे पूछ लें कि काला धन कहां पर है? वह एक बार बता दें तो वह तुरंत पैसा वापस ले कर आयेंगे। ... (व्यवधान)

HON. CHAIRPERSON: No crosstalk please.

डॉ. किरीट सोमैया : महोदय, एक है नीति और दूसरी है रणनीति, यू.पी.ए. और एन.डी.ए. में सिर्फ इतना ही फर्क है कि यू.पी.ए. रणनीति में विश्वास करती है, वह वर्ष 1946-47 से काला धन की बात करती आयी है। अब हमारे कांग्रेस के मित्र यह कहते हैं कि आप इसे इसलिए लाये हैं कि हमने इसके लिए कमिटमेन्ट किया था। आप इसे अभी तक क्यों नहीं लाये? एक है रणनीति और दूसरी है नीति। आडवाणी जी ने इस विषय को सबसे पहले इतनी ऊंचाई दी और मोदी सरकार ने शपथ लेने के साथ पहली कैबिनेट की मीटिंग में काले धन पर एस.आई.टी. बैठाने का काम, यह काम भारतीय जनता पार्टी, नरेन्द्र मोदी सरकार ने किया है। एस.आई.टी. की बातें तो तीन सालों से चल रही थी, फिर आपने क्यों गठित नहीं की। मेरे मित्र अभी बहुत बड़ा भाषण दे रहे थे। वे अपने ही वित्त मंत्री जी से पूछते कि अब तक आपने क्या किया? हां यह हमें मंजूर है कि हम भारत को उस ऊंचाई तक ले जाना चाहते हैं और वर्ष 2017 तक हमें इंटरनैशनल ट्रांसपैरेन्सी लॉ एक्ट बनाने की आवश्यकता है। इसे बनाने का काम श्री अरुण जेटली ने किया। हमने काला धन देखा, काला रंग देखा और उस काले धन को जो सफेद करने की बात कर रहे थे, उनकी बातें भी सुनीं। मेरे मित्र जो बात कर रहे थे, मैं उनसे कहना चाहूंगा कि इस सदन में अनेक बार चर्चाएं हुईं। 14 दिसम्बर, 2011 को सदन ने एडजर्नमेंट मोशन पर चर्चा की। भारतीय जनता पार्टी के आडवाणी जी, सुषमा स्वराज जी ने यह विषय उठाया था। तब इस चर्चा में भाग लेने वाले हमारे वरिष्ठ सहयोगी कांग्रेस के एक नेता ने कहा --

“Experts say, the parallel economy is over Rs 1 trillion in India”

यह किरीट सोमैया ने नहीं कहा था। किसने कहा, अगर यह पता करना है तो लाइब्रेरी में जाकर लोक सभा का रिकार्ड देख लीजिए, पता चल जाएगा। वे 6 लाख करोड़ रुपये कह रहे थे। 6 लाख करोड़ रुपये का काला धन पैदा कैसे हुआ? उस समय श्री अरुण जेटली वित्त मंत्री नहीं थे, श्री नरेन्द्र मोदी प्रधान मंत्री नहीं थे। उस समय सरकार किसकी थी? काला धन पैदा कैसे हुआ, वास्तव में इसकी चर्चा करने की आवश्यकता है। हमने सबसे पहला काम यह किया कि नया काला धन पैदा न हो, उसका इंतजाम किया। मैं आज विश्वास और दावे के साथ कह सकता हूँ कि मुलायम सिंह जी से लेकर सबने इस सदन में यूपीए सरकार के कई घोटाले गिनाए। गत एक साल में मोदी सरकार का एक भी करप्शन का स्कैम हमें कोई बाहर निकाल कर दिखाए। हमारे दूसरे सहयोगी शरद यादव जी ने कहा --

“Black money is not only outside, it is inside also.”

हमारे एक और सहयोगी अभी सदन से बाहर गए हैं, उन्होंने कहा --

“This is an old problem, national problem and do not treat it as a party problem”

जब वे सत्ता में थे तब हमसे अपील करते थे कि यह देश की समस्या है। देश की समस्या का निर्माण आपने किया, हम इस देश की समस्या का समाधान ढूँढ रहे हैं। अगर आप इसमें कोई सुझाव देना चाहें तो वित्त मंत्री जी खुले मन से उसका स्वागत करेंगे। हमारा अनुभव जीरो है। हम सत्ता में 12 महीने से हैं। काला धन कैसे पैदा होता है, कैसे पैदा किया जाता है या कौन करता है, हमें क्या पता? आपको सब प्रकार का अनुभव है। काला धन कैसे पैदा करना है, कहां रखना है, कैसे छिपाना है, उसके बावजूद गरीबी हटाओ का नारा कैसे देना है, यह कोई आपसे सीखे। इसलिए आपके अनुभव का देश को फायदा होगा। पहले जमाने में बताते थे कि वहां चले जा, पहाड़ के उस पार, जंगल के अंदर 17 किलोमीटर जाना, क्या हरीश जी कभी गए थे, कभी पढ़ा था या नहीं, वहां एक नदी आएगी, नदी से राइट टर्न ले लेना, फिर वहां नीचे जरा खोदना। आप अरुण जेटली जी को बता दीजिए कि काला धन कहां छिपा है, हम कल तुरंत जाकर ले आएंगे।... (व्यवधान) काले धन के बारे में हमारे प्राध्यापक महोदय ज्यादा अधिक कह सकेंगे।

मैं एक बात और कहना चाहूंगा। वास्तव में काला धन कैसे पैदा होता है, काले धन का कारण क्या है।... (व्यवधान)

माननीय सभापति : मुलायम सिंह जी, कृपया बैठ जाइए। Let him continue his speech.

... (Interruptions)

श्री मुलायम सिंह यादव : हम कोई भाषण नहीं दे रहे हैं। न यह ब्लैक मनी ला पा रहे हैं और न ही आप ला रहे थे। इन्होंने भी वादा किया, आपने भी वादा किया। भाषणबाजी दोनों ने कर ली, दोनों ने लम्बे-लम्बे भाषण दे दिए। यह कोई नहीं बता रहा है कि कितनी ब्लैक मनी हिन्दुस्तान में है, कितनी विदेश में है और किस-किसकी है। इतना ही बता दीजिए। उससे काम चल जाएगा। अपने आप घबरा जाएंगे और ले आएंगे। सभापति जी, सरकार को लाने की जरूरत नहीं पड़ेगी, अपने आप आ जाएगी।

16.00 hrs.

आप उनके नाम बताइए, हिन्दुस्तान में ब्लैक मनी कितना है, विदेश में ब्लैक मनी कितना है और किस व्यक्ति का है? तब ब्लैक मनी अपने आप आ जाएगा, इसमें देर नहीं लगेगी। यह आप अच्छी तरह से जानते हैं। ब्लैक मनी के बारे में अगर किसी से राय-मशिवरा लेना है तो आप से लिया जाए, सबसे अच्छा और सबसे बढ़िया सुझाव आप ही दे सकते हैं। यह सच है, आप ब्लैक मनी ला भी सकते हैं।

डॉ. किरीट सोमैया: सभापति महोदय, मुलायम सिंह जी अनुमानित बात कर रहे हैं, कितना धन कहां है? मैं वर्ष 2011 की चर्चा को क्वोट करूंगा। यूपीए सरकार ने जवाब देते समय जो आंकड़े दिए, उसे मैं पढ़ता हूं। उस समय की सरकार ने कहा कि हमें इस बारे में कोई अंदाज नहीं है। लेकिन उसने सीबीडीटी का एक इंटरनल कोर ग्रुप बनाया था। सीबीडीटी की कोर ग्रुप ने इंटरनल ड्राफ्ट रिपोर्ट दिया, फिर वह ड्राफ्ट रिपोर्ट बाहर क्यों नहीं आया? आपने सदन में कहा कि *According to Global Financial Integrity, from 1948, one year after Independence, to 2008, 213 billion US dollars have been lost by India since Independence.* यह आंकड़ा मैंने नहीं दिया था। कांग्रेस पार्टी के वित्त मंत्री ने उस समय आंकड़े दिए थे। काला धन कितना है और कहां है? मैं आपका ध्यान दूसरी ओर आकर्षित करना चाहता हूं। वास्तव में काले धन की समस्या बहुत गंभीर है। इसके लिए हम यह कानून क्यों लेकर आए हैं? यह सिर्फ़ पैसे का सवाल नहीं है *One of the experts has written the factors leading to generation of black money. Black money arising from illegal activities such as crime and corruption has an underlying anti-social element. The criminal component of black money may include proceeds from a range of activities including racketeering, trafficking in counterfeit and contraband goods, smuggling, production and trade of narcotics, forgery, illegal mining, illegal felling of forests, illicit liquor trade, robbery, kidnapping, human trafficking, sexual exploitation and prostitution, cheating and financial fraud, embezzlement, drug money, bank frauds, and illegal trade in arms.* उस समय फारूख अब्दुल्ला जी मंत्री थे। उन्होंने आडवाणी जी से कहा कि आप ब्लैक मनी की बात करते हैं। उन्होंने कहा कि हवाल के जरिए जो पैसा आ रहा है उसने जम्मू-कश्मीर का बेड़ा गर्क कर दिया है। काले धन का उपयोग टेररिज्म और ड्रग ट्रेफिकिंग में भी होता है।

देश के सामने सबसे बड़ी समस्या ब्लैक मनी जेनरेशन को रोकने की है। ब्लैक मनी चाहे वह इंटरनल हो या एक्सटर्नल हो, दोनों को रोकने की आवश्यकता है। वोलेंटरी डिस्क्लोजर स्कीम इस देश में 18 बार लाने का प्रयास हुआ या लाई गई। उसमें से एक बार भी भारतीय जनता पार्टी ने नहीं लाई। एमनेस्टी स्कीम और वोलेंटरी डिस्क्लोजर स्कीम कांग्रेस की यूपीए सरकार लेकर आई। पहले काला धन जेनरेट करो, फिर काले धन वाले को माफी दो। अरुण जेटली जी ने जो बिल लाया है उसमें किसी तरह की अमनेस्टी की बात नहीं है मैं इसका स्वागत करता हूं। इसमें 30 परसेंट टैक्स देने के साथ ही 30 परसेंट पेनल्टी का भी प्रावधान है। काले धन की समस्या बहुत पुरानी है। लेकिन इलाज पहली बार होने जा रहा है।

उस समय के सिक्योरिटी एडवाइजर श्री एम.के. नारायण थे। उन्होंने इंटरनेशनल कांफ्रेंस में कहा था कि काला धन कैसे पैदा होता है और काला धन विदेश में कैसे रखा जाता है। अब विदेश में कैसे रखा जाता है, कैसे पार्क करते हैं, इसे हर कोई जानता है। ओवर बिलिंग करना, अंडर इनवाइसिंग करना, बोगस इम्पोर्ट, इनफ्लेटेड एक्सपोर्ट, वहां से लेकर मॉरिशिस में शैल कम्पनी शुरू करना और यहां से काला धन हवाला से भेजना। अब हवाला की बात आई, तो हसन अली का नाम सामने आता है। इस देश का सबसे बड़ा हवालेबाज हसन अली किसके राज में पैदा हुआ? उस हसन अली के पास वह पैसा कहां से आया और एयरइंडिया के कितने हवाई जहाज खरीदे गये? 64 हजार करोड़ हवाई जहाज खरीदे गये, उसमें में कितना किक्बैंक किसके बैंक एकाउंट में गया? आपने तो कुछ नहीं किया था। हसन अली को सुप्रीम कोर्ट की ऐक्टिविज़म के कारण अंदर किया गया। वह सबसे बड़ा हवालेबाज था। इसके लिए आप कम से कम हमारी इंटेंशन पर डाऊट मत कीजिए।

सभापति महोदय, यह वालंटियरी डिसक्लोजर स्कीम्स कितनी लेकर आये, उसके आंकड़े मैं आपके सामने रखना चाहूंगा। सबसे पहली स्कीम डिमोनिटाइजेशन ऑफ हाई डिनोमिनेशन करैसी नोट इन 1946 आयी। उसके बाद दूसरी स्कीम वालंटरी डिसक्लोजर स्कीम, 1951 आयी। हमारे नेताओं ने उसे नाम क्या दिया? कांग्रेस सरकार ने त्यागी स्कीम, यानी काला धन पैदा करो, फिर काला धन सफेद बनाओ। आप सफेद बना रहे हैं, इसलिए उस स्कीम को त्यागी स्कीम का नाम दिया। उसके पश्चात् वालंटरी डिसक्लोजर स्कीम, 1965, उसके पश्चात् वालंटरी डिसक्लोजर स्कीम-II, 1965, नैशनल डिफेंस गोल्ड बॉन्ड्स, 1965, वालंटरी डिसक्लोजर स्कीम, 1975, स्पेशल बेरर बॉन्ड्स, 1981, ऐम्नेस्टी स्कीम, 1985, फेरा ऐम्नेस्टी स्कीम, 1986 आदि। एक बार फिर कांग्रेस का राज आया और मनमोहन सिंह जी वित्त मंत्री बने और 1991 स्कीम्स--वालंटरी डिपोजिट स्कीम्स आ गयी। उसके बाद गोल्ड बॉन्ड्स स्कीम, 1993 आ गयी, यानी एक के बाद एक स्कीम्स आयीं। वर्ष 1997 में चिदम्बरम जी एक और वीडिएस स्कीम लेकर आये। ये स्कीम्स कौन लाये और इन्हें लाने की जरूरत क्यों पड़ी? भारतीय जनता पार्टी की सरकार अब यह कदम उठाने वाली है कि काला धन ही जनरेट न हो। इसके लिए हम पहला काम भ्रष्टाचार बंद करने जा रहे हैं। हमारा दूसरा यह कदम उठेगा कि आज तक भ्रष्टाचार के कारण जो पैसे विदेश में पड़े हुए हैं, उसे वापस लाने का काम करना।

माननीय सभापति महोदय, आखिर काला-काला है, ब्लैक-ब्लैक है। इसलिए हमारी सबसे प्रार्थना है कि यह जो बिल लाया गया है, उसे इंटरनेशनल लैवल या हिन्दुस्तान की इकोनॉमी में जो

पोजीटिव रिस्पॉन्स मिला है, उसे भी हम ध्यान दें। एक एडिटर ने लिखा है कि ब्लैक इज ब्लैक, पैनल्टीज एंड प्रिवेंशन और तीसरे ने लिखा है **it is a black-hedging**.

सभापति महोदय, मैं आखिरी में आपसे यह अपील करना चाहूंगा कि भारतीय जनता पार्टी की सरकार जो ब्लैकमनी बिल लेकर आयी है, उसका हम खुले मन से स्वागत करें। मैं आपके द्वारा मंत्री जी से यह भी कहना चाहूंगा कि आपने विदेशों से पैसा वापस लाना प्रारंभ किया है, लेकिन आप अगला कदम यह उठाइये कि यहां का काला धन भी बाहर लाया जाये, काले धन के जनरेशन को रोका जाये और हिन्दुस्तान की इकोनामी आने वाले दो साल में डबल डिजिट पर पहुंचे, उसके लिए इस पैसे का उपयोग हो।

माननीय सभापति महोदय, इन्हीं बातों के साथ मैं इस बिल का समर्थन करता हूं। धन्यवाद।

SHRI P. KUMAR (TIRUCHIRAPPALLI): Mr. Chairman, Sir, I thank you for giving me this opportunity to speak on this important Bill, that is, Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015.

Before I speak on the Bill, I would like to bow to my Party Leader, Hon. Puratchi Thalaivi Amma, for her great victory in the court of law today.

Mr. Chairman, Sir, the Bill provides for taxing foreign income of resident citizens of India. As such, it is a welcome piece of legislation.

The issue of black money has been a matter of serious political debate in India. It is no secret that black money has been flowing out of this country into Swiss Banks and other tax havens worldwide for many years now. It is a matter of shame to see a report which says that India has more money in Swiss Banks compared to all other countries. There could be no two opinions about bringing back this illegal and illicit wealth stashed abroad.

Bringing back black money stashed abroad was a 'key pitch' and the 'main slogan' of the ruling party during the election campaign last year. Now, nearly a year after assuming power, the Government has brought forward this Bill, to tax such money. Given the intent of the Bill and going by the opinion of the general public and the opinion of the judiciary in unearthing black money, this Bill deserves support.

During the election campaign, the Prime Minister of India said that the Government would bring back black money within 100 days of coming to power. He also said that Rs. 15 lakh would be deposited in the account of every poor Indian. People believed those promises and voted BJP to power and made him the Prime Minister of India.

After electing a Government based on those promises and after a lapse of nearly one year, the people are now eagerly waiting for this amount to be deposited in their bank accounts. Twelve crore people have opened bank accounts under Jan Dhan Yojana till January, 2015 in the belief that the Prime Minister will deposit Rs. 15 lakh in their accounts.

Whenever the Government decides to deposit this amount, my request is that priority may be given to Tamil Nadu because most of the black money which was deposited was by persons who indulged in 2G spectrum scam and Aircel-Maxis scam.

Sir, coming to the issue of recovery of black money, the Supreme Court constituted Special Investigation Team traced a peanut of Rs. 4,500 crore only. I request the Government to make an honest and serious attempt to recover the entire money from abroad.

Secondly, the provisions of the Bill show that it is not going to recover black money, but it is only going to collect revenue from those who have black money. This Bill is essentially an Income-Tax type Bill which is aiming at generation of revenue. The provision about how the Government is going to recover black money from abroad is missing in the Bill. If that money is recovered fully, farmers need not commit suicide and the problems of poor and downtrodden people could be solved.

Sir, the Bill provides that concealment of income will attract penalty equal to three times the amount of tax, that is, 90 per cent of the undisclosed income. The concealment of taxable income is to be made a criminal offence.

Now, I would like to flag some very important issues that could be addressed by the hon. Finance Minister. Firstly, the Bill does not spell out clearly the linkage with foreign exchange transactions which are permissible under the Foreign Exchange Management Act (FEMA), under which the RBI permits the resident Indians to make investments abroad. The manner in which income from such investments made abroad would become taxable and the reporting system for such earnings could be spelt out in greater detail.

Such outgoes are what are resorted to by the wealthy and could potentially lead to creation of black money. Further, the rules and regulations under FEMA may need some modification as well to ensure that only those who are compliant with the present legislation would be permitted to remit funds overseas.

Secondly, investments made abroad by India corporates earn profits and, sometimes, these profits are utilized to buy assets in the personal names of main shareholders of such corporates. Such transactions have not been dealt with adequately in the Bill. Greater clarity on the treatment of such transactions is also essential to ensure that these do not become routes to stash away income outside the country.

On the other hand, the Bill has created apprehension in the minds of middle class professionals who have worked for a few years abroad. Tamil Nadu has a large number of such professionals especially in the field of information technology, software and financial sectors, who have worked abroad for a few years. In those years, they earned incomes abroad and as they were not resident in India at that time, their incomes abroad would not have been taxable. On return to India, they may have some financial assets and bank balances which have been retained in foreign jurisdictions.

By oversight, it is possible that such assets may not have been reported in tax returns in India. There is a fear that such assets would now be taxable at 30 per cent and even attract a penalty. The assets would be relatively small from the perspective of unearthing black money, but could be quite large for an average middle class family. It is important that such fears are allayed. Such persons who have earned legitimate incomes abroad and suffered the tax due, in the appropriate jurisdictions should not be put to hardship or difficulty. This is particularly so, in the context of the very wide discretion given to the Assessing Officers to deem the explanation given by the individual regarding the source of income to finance the asset as unsatisfactory. It is important that the legislation targets the “Fat Cats” and does not needlessly harass the “small fry”.

It is presumed that the tax and penalty levied on the undisclosed foreign income and assets would be a 'Direct Tax' and the proceeds would be shareable with the States, as per the recommendations of the Finance Commission. I would request the hon. Finance Minister to clarify on this aspect as well.

The proposed law opens a limited and one-time compliance opportunity for resident Indians with undisclosed foreign income or asset to make the disclosure and pay tax with penalty. This will prevent such persons from criminal liability. At the same time, this is not an amnesty scheme because no immunity from penalty is being offered. This one-time opportunity is not extended to persons against whom the Government and the Income Tax Department had already initiated prosecution. So, effectively, this means that about 1,000 Indians on the HSBC list, who are alleged to have unaccounted money in HSBC's Geneva Branch, might not be able to avail of this facility.

We feel that many provisions of the Bill are harsh and so, utmost care should be taken to ensure that innocents are not booked and punished. The Government has the authority to make tough laws, but the rules and procedures should be simple and very easy to understand so that they are not misused.

Given the concerns surrounding some of the provisions of the Bill, there is a need to have a law which can truly unearth black money, without harassing those who have earned legitimate incomes overseas as workers and professionals. It may be appropriate to refer this Bill to the Standing Committee for detailed examination, where the experts could give their opinion with which the entire nation would be benefited by a comprehensive law.

With these words, I once again would request the Government to refer the Bill to the Standing Committee.

SHRI KALYAN BANERJEE (SREERAMPUR): Hon. Chairman, Sir, on behalf of my Party, I support this Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015.

There is no doubt that this type of enactment was needed long back. But I have some debatable questions in respect of the merits of this Bill.

The basic question is, whether this Bill has any in-built provision for establishing the charges at all. I would say that this Bill does not have any provision for bringing back black money from foreign countries. If I correctly remember, on several occasions the hon. Finance Minister stated in this House that the Government was going to bring a Bill in respect of undisclosed foreign income and assets for the purpose of bringing back the black money into the country. My humble question to the hon. Finance Minister is – the Minister of State for Finance is sitting here – can you show us a single provision in the Bill whereunder this Government is empowered to bring back black money into the country? I can understand the provisions relating to 30 per cent taxes, penalties, etc. They are all for a different purpose.

सभापति जी, बातों के जादू से कुछ नहीं होता है, काम करना होगा। बातों का जादू लोगों पर बहुत हो गया है। कहा था कि सौ दिनों के अंदर ब्लैक मनी देश में वापिस ले आएंगे और पन्द्रह लाख रुपए हर आदमी के एकाउंट में डाल देंगे। प्रधानमंत्री जी ने अपनी स्पीच में कहा था, वे मेरे सामने बोल रहे थे क्योंकि मेरे ऊपर विश्वास है, मैं कहना चाहता हूँ कि 125 करोड़ आदमियों ने प्रधानमंत्री जी पर एक साल पहले विश्वास किया था कि सौ दिनों के अंदर देश में ब्लैक मनी ले आएंगे। लोगों का भरोसा तो आपने तोड़ ही दिया है। लोगों के एकाउंट में एक पैसा भी नहीं आया। बातों के भरोसे से देश नहीं चलेगा।

It was said number of times that they were coming up with the enactment. Where is this provision that black money would be brought into the country? आंकड़े हमारे पास नहीं हैं, हम सभी में से किसी के पास आंकड़े नहीं है लेकिन आंकड़े एक ही आदमी के पास थे जिसने इलेक्शन से पहले कहा था कि देश के हर नागरिक के एकाउंट में 15 लाख रुपए दिए जाएंगे। आंकड़े केवल उसी आदमी के पास है और मैं कहना चाहता हूँ कि आप देश में पैसा लाइए। ऐसे कैसे होगा, ऐसे कैसे होगा, वह आदमी सो गया है। वे आंकड़े कहां हैं? Where is that black money? Where

is the promise of the hon. Prime Minister that the black money would be brought back within 100 days and Rs.15 lakh would be given to each and every citizen of the country? He has gone away from his promise. Sorry to say, Sir, with great respect to the hon. Prime Minister, उनकी बातों में जादू है, लेकिन काम में कुछ नहीं हैं। बातों-बातों में दिन गुजरते जा रहे हैं।

The hon. Finance Minister is not here, hon. Minister of State for Finance is here. I said that on behalf of my Party I support this Bill. Let me come to Section 8 of the Act. These provisions are quasi-judicial in character. If no one discloses, then charge has to be framed, proceedings have to be initiated, and it takes a quasi-judicial character. And when the penalty is imposed, it is criminal in character and, therefore, the charge which will be framed has to be established. Now, how can you establish the charges? Under Section 8(i)(b) you are saying, “Enforcing the attendance of any person including any officer of a banking company and examining him on oath”.

If that is so, if a person stashes away the black money and keeps it in foreign Bank, unless the officials of the foreign Bank come up with the documents and give the evidence, how will you prove the charges? How will one prove the charges? If this is the Section 8(1)(b), banking company has to be brought, officers have to be brought if someone has taken the money and deposited it in a foreign Bank. Information alone would not do. Because of the agreements, some information comes from the foreign countries but it would not do. Each and every transaction has to be proved. Do you think that in all cases foreign Bank officials would come and lead the evidence in the country?

It is an impracticable thinking for the purpose of proving the charges. All right, for the purpose of publicity and for the purpose of achieving political objective, it is good. But if you come to the substance, how will you prove the charges unless you have the evidence? If it is not legal evidence, it cannot be done and in the case of legal evidence, one has to be brought in the witness box and charges proved because right of examination of the affected person is there. How

will you do it? This is the point, so far as Section 8 is concerned. The whole charges under the scheme of the Act regarding the framing of charging have to be proved by Section 8 itself. How can it be done?

Shri Somaiyaji was also telling that earlier 12 times Voluntary Disclosure Schemes were brought in the country. This Voluntary Disclosure Scheme is not a new concept under the Act. This is an old one. In fact, the in-built provisions of the Act are akin to some of the provisions of the Income Tax Act. There is nothing new. Is that old wine in a new bottle with a new name only? Earlier, 12 Voluntary Disclosure Schemes were brought. We want to know how much money was recovered under those Voluntary Disclosure Schemes.

Black money is generated in the country itself, thereafter it is stashed away. If the black money is generated in the country itself, under this Act what preventive measures have been taken by you to stop the generation of this black money? You have to stop it at the threshold while it is being generated. This Act does not speak about that. Unless the generation of black money, whether it is domestic or foreign, is prohibited, no good result will come. If you come up with a mechanism, we will appreciate it. Please come up with a mechanism specified under the law for stopping all sorts of black money whether it is domestic or foreign. If it is stopped here, everything would go.

The next point is, nobody knows the estimate. Already it is said that black money is stashed away, but nobody knows how much the amount is. I have been informed, subject to correction that in 2010 the Standing Committee on Finance appointed three agencies to ascertain the amount of black money stashed away from the country.

Such a report has not been disclosed yet. ... (*Interruptions*) I do not know whether any agency has carried out such a study. That is why I said, 'subject to correction'. If any report has been submitted any agency, we can ascertain the quantum of black money stashed away from the country itself.

I most respectfully say that it is nothing new. It is just a show. This Act really does not have any teeth. If anybody discloses, that is all right, we will recover the 30 per cent tax; and if he does not disclose, you have do not have any teeth to catch him. You are purely relying upon all evidences which are in foreign countries, not on the basis of evidences here.

Today, in the morning the hon. Finance Minister has said it is being done within a minute by using the laptops and other devices. Do you think that the persons who really keep huge amounts of black money are fools? Will they keep it in nationalised banks and transfer it by the Internet? Are they fools to have Rs. 100 crore in black money and keep it in their bank accounts? ... (*Interruptions*)

DR. A. SAMPATH (ATTINGAL): I think that is unparliamentary. ... (*Interruptions*)

SHRI KALYAN BANERJEE : What is unparliamentary?

DR. A. SAMPATH : I think that four letter word is unparliamentary. ... (*Interruptions*)

SHRI KALYAN BANERJEE : Do you think they are fools? I will give an example. If a person is keeping Rs. 50 crore black money, do you think he will keep it in any bank in India in his account and transfer it? There are examples where in some transactions which are made here, 50 per cent is paid in the country and 50 per cent in the foreign country. How can you catch that? There is also the under-invoicing system. Therefore, I will just say that for your political commitment you want to establish yourself that you are doing many things. In effect, you are not doing anything; in substance, you are not doing anything.

We are giving full support to you. You bring more stringent provisions, we will support wholeheartedly. We will support you to prevent the generation of

black money in the country itself. If you speak five minutes, I will speak ten minutes in your support. But I am sorry, with great respect I have to say that this Bill has no teeth at all. This is only for achieving some political goal, nothing more than that.

Thank you.

SHRI BHARTRUHARI MAHTAB (CUTTACK): This Bill's title "Undisclosed Foreign Income and Assets (Imposition of Tax) Bill, 2015" demonstrates the purpose of the Bill.

The purpose is, how you are going to impose taxes on undisclosed foreign income and assets that are there outside the borders of this country. That is the limited purpose which is defined in the Long Title of the Bill. This Bill basically provides that undisclosed foreign income and assets will be taxed under this Act if it becomes an Act and not under the Income Tax Act by the income-tax authorities.

It provides for a flat rate of tax of 30 per cent on such undisclosed amount besides a penalty of 90 per cent of such amount. No deduction allowance or set off is permissible. Prosecution is also provided for, which cannot be compounded. It applies only to tax residents who are originally residents, not to Non Resident Indians, NRIs or residents who are not ordinarily residents, which is now termed as RNOR.

"Undisclosed asset located outside India" is defined in the Bill and that includes an asset including financial interest in any entity located outside India held in the name of the tax-payer of which he is the beneficial owner, of which he is unable to explain the source of investment satisfactorily.

A foreign asset, I would say, even if it is disclosed in the income tax return – and this is one of the major provisions of this Bill – may be treated as an undisclosed foreign asset if one is not in a position to prove the source of investment of that asset. Therefore, mere disclosure of the asset in the income tax return may not suffice to take it out of the clutches of the law. So, in that respect one would say this is a more stringent provision that has been built in into this Bill.

There are, however, many issues with this proposed law. One of the questions, Sir, is that when the value of an asset is taxed under this law on the current value after the law comes into force, can earlier years' income which also

form part of the current value, say a cumulative deposit, also be taxed in the earlier years under the Income Tax Act? I would like to understand this from the Government. If yes, then it would amount to double taxation of such income. There is no exemption for the 30 per cent tax and 90 per cent penalty even for small amounts.

Most importantly, Sir, given the aggressive stands of tax authorities in recent times, one wonders whether the safeguards of appeal and other such provisions provided are adequate.

Concealment of income and evasion of tax in relation to foreign assets will be prosecutable with punishment of rigorous imprisonment up to ten years and offenders will not be permitted to approach the Settlement Commission. Those got concealing income and assets will be penalised at 300 per cent of tax due and not filing returns or inadequately disclosing foreign assets could result in seven years rigorous imprisonment. These are the provisions. There is no provision for stay of recovery of the tax and penalty even though one may have filed an appeal against an incorrect demand which is quite prevalent in this country. This will definitely encourage rent seeking behaviour with threats of application of this law else one will be faced with a large demand. These are our apprehensions. I would be happy if these apprehensions are mitigated by the Government.

While the intention behind the law is good and this is a good beginning, the law needs to be further refined to build in sufficient safeguards. जैसा कि मुलायम सिंह जी बार-बार बता रहे हैं कि सतर्क रहना, सतर्क रहने के लिए कहना। That is our concern and that is why, before starting discussion on the Bill, I had repeatedly said and many of our Members have also said that you send it to the Standing Committee for consideration. It will come back to this House in a very improved manner.

श्री मुलायम सिंह यादव : मेरा यह कहना था कि बहस की बजाय 6-7 नेता चुप-चाप वित्त मंत्री और प्रधान मंत्री जी से बात करते और कहते कि इतनी ब्लैक मनी है। हमारी यह राय है, आप जांच कीजिए। जो बहस है, उस पर मैंने सावधान कर दिया और सावधान हो गए। अगर वित्त मंत्री और प्रधान मंत्री से हम लोग

मिलते, उधर के भी नेता और इधर के भी नेता मिलते और कहते कि इस ब्लैक मनी को निकालो, हम आपका सहयोग करेंगे। यह था तरीका। अब करा लो बहस, भाषण कर लो।

SHRI BHARTRUHARI MAHTAB : We are talking about black money but are we not aware that there is a grey economy in this country and in this world? There is no gain saying that crackdown on the grey economy has become long overdue.

The Government is right when it says that the time has come to hold it to account with a firm grip. What the Government should be worry of is handing out unbridled power to enforcement agencies under the proposed new laws. While the moves are well meaning, enough care should be taken to ensure that the new laws are not prone to misuse and applied as an instrument of political and administrative vendetta.

The subject of black money evokes a great deal of excitement. This year's budget did not disappoint at all. The Finance Minister laid out the grand design of the new dispensation to tackle the menace of black money both within India and money stashed abroad. India's past efforts to implement a *benami* transaction prohibition law came to naught.

India had in 1988 enacted a law to prohibit *benami* transactions but for mysterious reasons did not implement it. No rules were issued to implement this law. However, in 2011, the UPA Government under Mr. Pranab Mukherjee sought to make mends and introduced a Bill to amend the 1988 law. The Bill went to the Standing Committee and it gave its report in 2012 with some recommendations. However, nothing came of it. I would like to understand from the Government what happened to those recommendations.

Therefore, the question is whether we are really serious about black money. If we are, our focus should be on generation as Mr. Kalyan Banerjee was also mentioning. All good citizens are looking up to the Government to stamp out black money. One would be really impressed with it. But have we not enough draconian laws there to tackle enough problems? When are we going to learn that laws do not solve problems?

The Prime Minister has repeatedly said that bringing back black money to the country is an “article of faith”. When one reads through the Bill, the first title says: “Undisclosed Foreign Income and Assets”. Foreign income means dollars or any other convertible currency, not the rupee. No one can earn in rupee in a foreign country. So, when the Government imposes tax “on the dollar”, the tax must be paid in dollars alone. Or, how are we going to get back that money? How are you going to get that tax? Will that tax be in rupee or in dollars? That has not been explained. Permitting payment of tax and penalty etc. in rupee would induce generation of additional black money in the country. Should India be denied foreign exchange? Should we not say that the Bill is flawed fundamentally? These things have not been addressed.

People are saying that this piece of Bill is also very harsh and retrograde. Are extant laws not adequate? If not, should we not simply amend or fine tune those laws rather than enacting another set of laws for international black money? We have too many laws but very little sense of justice on the part of those administering this law.

FERA was operational from 1947 to 2000. In June, 2000, FERA was replaced with FEMA, 1999. Later, on 1st July, 2005, we had the Prevention of Money Laundering Act, 2002. Today, FEMA allows a resident to hold foreign assets freely. FEMA now permits residents to transfer abroad 250,000 US dollars per person per year. RBI has liberalised this. And the Anti Money Laundering legislation (PMLA) fails to exercise jurisdiction over either black money or foreign assets.

This Bill stipulates that undisclosed income abroad will no longer be taxed under Income Tax Act. Should we believe that domestic black money holders can escape from Income Tax Act by stashing away funds abroad? Conversely, foreign black money holders can escape from the rigours of the new law simply by converting foreign black money into Indian black money. Is this not curious? Does not this Bill create arbitrage opportunities with a lesser punishment if black

assets are transferred from offshore to on-shore? This can hardly be the intention of any legislation.

Finally, I would like to understand as to where is the power to bring back stashed away funds in the Bill? Is it not missing?

While trying to attempt to bring back the alleged stashed overseas black money, the Government would do well to keep in mind that it is far more important to address the issue of generation of black money today.

It is important that the law remains tough on tax offenders. In its present form, it prescribes action against offenders but it is necessary to identify the offenders first. This has to be done by the Government by other means. The laws deterrence value lies in effective enforcement.

Policy priority should be to stem further generation of black money. Attorney-General has reportedly given the go-ahead for the Government to ink confidentiality pacts with foreign governments. That is a welcome step.

India must sign the automatic information exchange pact. With effective information sharing, audit trails can be established.

India should take a page from the British Government and ask companies to identify their real owners and the registry should be made public. In that respect, one may say that Shri Narendra Modi can lead an international consensus on curbing the flow of illicit funds.

Surely, prevention is the right solution. This calls for an environment that fosters tax compliance and a regime that ushers in a friendly playing field. One needs a wiser head, more than a heavy hand, to tackle black money.

Lastly, there are too many wise-acres around. Be careful of them.

श्री अरविंद सावंत (मुम्बई दक्षिण) : माननीय सभापति महोदय, आज इस सदन में ब्लैक मनी वापस लाने के बारे में जो बिल माननीय मंत्री महोदय आदरणीय अरुण जेटली जी ने प्रस्तावित किया है, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ।

पहली बात यह है कि जब बहुत चर्चा हो जाती है, कानून जब आता है तो उसमें क्या खामियाँ हैं, उसको बताने के लिए बहुत लोग आगे आ जाते हैं। हम भी सुन रहे थे। लेकिन स्वागत करने की बात यह है कि जैसे किसी ने बताया कि पहले यह कानून आया था। कानून पहले था, फिर भी अमल नहीं हो रहा था। 6 लाख करोड़ रुपये ब्लैक मनी आज भी है, ऐसा हम खुद कहते हैं और इस सदन में भी वह बात बोली जाती है। हम जब इसकी तरफ देखते हैं तो मन में बहुत चिन्तित हो जाते हैं। माननीय प्रधान मंत्री जी ने चुनाव के समय कहा था, सही कहा था, ज़रूर कहा था, लेकिन उस पैसे को वापस लाने की दिशा में हमारी सरकार काम कर रही है, उसका मुझे बहुत गर्व है।

महोदय, हमारे मराठी भाषा में एक कहावत है- 'पी हल्दी हो जा गोरी।' इसका मतलब यह है कि अगर कल कोई घर में लड़की देखने आने वाले होते हैं तो लड़की को बोलते हैं कि तुम हल्दी लगा लो और तुम गोरी हो जाओगी। इस तरह तो नहीं होगा कि सरकार आ गयी और दस महीने में ही सारा काला धन वापस आ गया। यह तो नहीं होगा। लेकिन, अगर सरकार उस दिशा में प्रयास कर रही है तो उसका स्वागत करना चाहिए।

महोदय, जब मैंने बिल को नज़दीक से देखा तो मुझे कुछ चीज़ें दिखी हैं। हम अपने बचपन में इस तरह के कुछ गाने सुनते थे। माननीय सदस्य परेश रावल जी हमारे साथ बैठे हैं। इनकी 'हेरा फेरी' एक फिल्म आई थी। एक फिल्म में एक गाना था -

न बीबी न बच्चा, न बाप बड़ा न भैया,
द होल थिंग इज डैट कि भैया सबसे बड़ा रुपैया।

यह 'सबसे बड़ा रुपैया' परदेस में है। उसे वापस लाने की कोशिश हो रही है। हालांकि, पिछले सत्र में माननीय मंत्री जी ने कहा था कि कुछ लोगों की लिस्ट आई है। 102 लोगों की लिस्ट पहले ही जारी हो चुकी थी। उनके नाम घोषित हैं। हम इस बात से क्यों डरते हैं, यह मुझे समझ में नहीं आता है। कभी-कभी मैं सोचता हूँ कि हम परदेस में पड़े काले धन की बात करते हैं तो फिर हम क्यों नहीं अपने देश में पड़े काले धन की बात करें? चुनाव के समय देखो तो देख कर ही इतना डर लगता है। हम लोग तो लोक सभा में चुन कर आए हैं। चुनाव के लिए पैसा कहां से आता है? चुनाव में एक-एक रैली करने में जो इतने पैसे खर्च होते हैं, कई जगहों पर वह भी तो काला धन ही होता है। इस ओर भी मैं सरकार का ध्यान आकर्षित

करना चाहता हूँ। कुछ इसके लिए भी होना चाहिए, क्योंकि अगर सही, अच्छे लोग लोक सभा में चुन कर आने हैं, तो इसकी ओर भी ध्यान दीजिए। क्या सब धनवान लोग ही चुनाव में खड़े हों? हमारे जैसे लोग कब चुनाव में खड़े होंगे और कैसे चुन कर आएंगे? यह तो हमारे वंदनीय बालासाहब का आशीर्वाद था, उद्धव साहब की प्रेरणा थी, जिसकी वजह से हम यहां चुन कर आए हैं। हमारे पास इतना धन नहीं है। न ही काला धन है और न ही गोरा धन है। जिन लोगों ने स्विस बैंक में पैसा रखा, उनमें हम बार-बार कितने राजनीतिक लोगों के नाम देखते आए हैं, हम बार-बार कितने कॉरपोरेट्स लोगों के नाम देखते आए हैं। अखबारों में बार-बार यह आता है कि दुनिया में कौन-कौन लोग रईस हैं। उसमें भारत के कितने लोग हैं? भारत के जो लोग हैं, उनमें कल तक जो लोग पापड़ बेच रहे थे, अचार बेच रहे थे, वे आज धनवान बन गए हैं। जो लोग कल तक डॉक्स में कुछ काम करते थे, वे आज धनवान हो गए हैं। इनके पास इतना पैसा कहां से आता है? अगर वे लोग थोड़ी-सी अक्ल हमें दे दें तो हम भी थोड़े धनवान बन जाएंगे, या हम से भी बहुत ज्यादा गरीब लोग हैं, उन्हें भी कुछ अक्ल मिल जाएगी। ये जो चीजें हैं, उसके ऊपर भी हमें ध्यान देना पड़ेगा।

महोदय, मैं इस बिल का स्वागत करते समय एक बात कहना चाहता हूँ कि आपने इसमें अधिकार दिए हैं, डिफिकल्टीज़ के बारे में उसमें क्लॉज़ है कि अगर कोई डिफिकल्टी हो तो उसे कैसे सॉल्व किया जाए। अगर कोई अधिकारी अपने अधिकार का दुरुपयोग करता है तो उसके लिए भी इसमें प्रावधान है। जैसे हमारे दीपेन्द्र सिंह हुड्डा जी ने ऐसे बच्चों के बारे में कहा था जो विदेशों में पढ़ रहे हैं और जो लोगों ने 'मैडिसन स्क्वायर' में 'मोदी-मोदी' कहा, उनके बारे में उन्होंने बात की थी। हुड्डा जी, मैं आपको बताता हूँ कि उन लोगों को इस बात का विश्वास है कि मोदी जी जो कुछ भी कह रहे हैं, वे उसे करेंगे। उन लोगों ने 'मैडिसन स्क्वायर' में अपना सपोर्ट दे दिया। वह खुद चाहता है कि उसका धन इस देश में आए और इस देश की प्रगति में काम आए। यही सोचकर ही तो वहां के लोगों ने 'मोदी-मोदी' की घोषणा की होगी। हम जानते हैं कि हम इसमें थोड़ा धीमा चल रहे हैं।

महोदय, इस बिल में कुछ क्लॉज़ेज हैं, जिसका इस्तेमाल अगर ठीक से न हो और अगर वे लॉ न हों तो कल इसे लोग 'ड्रैकॉनियन लॉ' कहेंगे। **Prevention has to be taken care of.** अगर इसके कानून का कोई गलत इस्तेमाल हो गया तो फिर कई लोग कहेंगे कि इसे किसने अधिकार दिए कि किसी के पास जाकर उसकी सारी जांच करे? एक तरफ तो कहते हैं कि वह कोर्ट में जा सकता है और दूसरी तरफ कहते हैं कि कुछ कोर्ट्स में जाने की मनाही है। माननीय राष्ट्रपति जी की कुछ अनुशंसाएं भी लिखी हुई हैं। माननीय मंत्री जी आज इस बिल को लेकर आए हैं। कल वह कानून बनेगा। आपकी तरफ लोग देख

रहे हैं। यह ठीक है कि जब लोग पूछते हैं कि हमारे बैंक अकाउंट में पन्द्रह लाख रुपये कब जमा होंगे, तो यह राजनीतिक भाषण हो गया। यह आप सभी लोग भी जानते हैं कि पन्द्रह लाख रुपये जमा नहीं हो सकते हैं और इस विषय में हम क्या कर सकते हैं, इसे देखेंगे। लेकिन इसके लिए हमें फिक्र है। अगर सच में इतने पैसे वापस आ जाते तो यह हो सकता था कि हम सभी लोग के बैंक अकाउंट में पन्द्रह लाख रुपये आ सकते थे। लेकिन, यह नहीं हुआ। यह नहीं होगा। इसलिए मैं कहता हूँ कि इसमें कम से कम ऐसे कदम उठाए जाएं कि अगले सत्र में यह सरकार यह निवेदन ले कर आए कि हमने इस कानून को लाया और इस कानून पर अमल भी शुरू हुआ है। जैसे हमने 3-जी के मामले में कह दिया कि उसके ऑक्शन में एक लाख करोड़ रुपये मिले। उसी तरह, इसमें भी आपको यह कहने की उपलब्धि मिलनी चाहिए कि आगे आने वाले सत्र में आप आकर कहें कि हमने यह कानून लाया और कानून पर अमल किया। हमारे पास पुराने कानून थे, लेकिन पिछली सरकार इसमें कुछ नहीं कर पाई, वे इसमें पैसा लेकर नहीं आ पाए। लेकिन, इस कानून को लाने के बाद पिछले तीन महीने में हमने एक लाख करोड़ रुपये जमा कर दिया - ऐसा कुछ अगर सरकार कदम उठाएगी और यह कहेगी तो हम इस बिल का बड़े दिल से स्वागत करते हैं।

महोदय, मैं इस बिल का समर्थन करते हुए यह भी अपेक्षा करता हूँ कि आगे आने वाले दिनों में इस कानून पर अमल और इसका प्रभाव देश को और जनता को दिखाई देगा।

SHRI JAYADEV GALLA (GUNTUR): I would like to compliment the hon. Finance Minister, Shri Arun Jaitley for the swiftness he has shown, as promised not only during the campaign of the hon. Prime Minister but also in the manifesto, in bringing this legislation which is the need of the hour. As he rightly mentioned in the Statement of Objects and Reasons, stashed black money in various forms including cash deposits, robs the country of financial resources for social inclusion, puts burden on the genuine taxpayers and also threatens the national security. So, I welcome the Bill wholeheartedly.

This Bill was to come in 2004 after the UN Convention Against Corruption; it did not come. It was to come after the judgement of the Supreme Court in 2011; it did not come then either. Why it didn't come in these two occasions is best left to be answered by the Government of the day?

The hon. Finance Minister also agreed that there are different figures with regard to black money illegally parked in safe havens abroad by different agencies and persons. The main petitioner of the black money case put the figure at 1,500 billion dollars, that is, Rs.90 lakh crore. As per the Global Financial Integrity Report, USA, India is the third largest country in 2012 with an outflow of black money to the tune of 94.76 billion or Rs.6 lakh crore. This figure of Rs.6 lakh crore is just for the year 2012 alone. The first would be China – 250 billion dollars; second is Russia; fourth is Mexico; and the fifth is Malaysia.

Out of the 991 billion dollars of capital gone out of all development countries in 2012, 10 per cent is from India alone. Illicit money gone out of India between 2003 and 2013 was 439 billion dollars – Rs.28 lakh crore. I would like to again repeat that between 2003 and 2012, the figure, as per the Global Financial Integrity Report, USA, from India, is 439 billion dollars – Rs.28 lakh crore. On an average, during this period Rs.2.8 lakh crore had been sent out of India every year between 2003 and 2012. Other agencies and individuals also gave other figures. So, nobody knows exactly how much black money is parked in those safe havens.

But everybody agrees that the scale of black money in India has attained huge dimensions.

Coming back to the earlier referred judgement of the Supreme Court, I wish to submit that the House is very well aware that the Supreme Court gave judgement in July, 2011, directing the then Finance Minister to set up a Special Investigation Team. But conspicuously, the UPA chose not to appoint. I also congratulate Shri Arun Jaitley and the hon. Prime Minister that they have appointed the SIT within a few days of entering into office and that too in the first Cabinet meeting itself. On 15th September, 2014, a team of officials led by the Revenue Secretary comprising of the Chairman, CBDT signed a Joint Statement with concerned authorities in Switzerland with regard to investigation into black money stashed in Swiss banks. Discussions are on for automatic exchange of information in the banking system and Swiss agreed to provide information on furnishing evidence from our side.

To address the issues of black money and to avoid scandalous international ramifications and to bring stability and security of the countries, the UN has approved UN Convention Against Corruption in 2004 vide its Resolution No.58/4 and asked its member-countries to ratify it. The Convention contains detailed articles regarding preventive measures and criminalization and law enforcement. Article 40, under Chapter III which deals with criminalization and law enforcement of the Convention expressly states that – each State Party shall ensure that, in case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.

17.00 hrs.

This Convention provides international cooperation in investigation and mandates banks to verify the identity of customers and directs them to provide necessary mechanism in the legal system to address and repatriate black money.

We have signed this Convention in 2005. In spite of pressure from various quarters, the UPA Government chose not to ratify it until 2011, that is, just a few weeks before the judgement of the Supreme Court on Black Money Case. The UPA misled the Apex Court by saying that it is serious in bringing back black money. It did not bring any legal mechanism, leave alone constituting SIT for this purpose. So, literally, the UPA has done nothing and the NDA is doing everything possible in this regard.

Sir, I have no doubt that this Government's approach on black money is doggedly persistent, not adventurist. The hon. Finance Minister will never try to take shelter under 'Confidentiality Clause' of DTAA. Rather, he is going to the sources of black money, because unless and until you stop it at source, it is next to impossible to stop black money from going out.

It was reported that as per the recent study by the National Institute of Public Finance and Policy, black money generated in the country is as much as 70 per cent of the GDP. The lowest figure could be 30 per cent to 40 per cent. Some agencies have even estimated to be 100 per cent of our GDP. But the likely figure seems to be 70 per cent more than our official GDP. It means, you have a parallel economy in the form of black money. So, I urge the hon. Finance Minister to crack his whip at the source of black money; only then we can succeed in our efforts for having a clean economy. Parallely, I would also suggest joining Paris-based Organisation of Economic Cooperation and Development (OECD) new protocol along with other countries which aim to fight black money. It will help free flow of financial and other information on accounts abroad by 2017.

Clause 73 of the Bill helps the Government to be a Member of the OECD and achieve its objectives.

The House is aware that concealment of taxable income is a civil offence. But this Bill, under Clause 88, makes the offence of concealment of income or evasion of tax in relation to foreign assets a predicate offence – a crime that leads to money laundering – under the Prevention of Money Laundering Act, 2002, and under FEMA, 1999. This helps the enforcement agencies such as IT Department, ED, CBDT, etc., to attach and confiscate unaccounted assets held abroad and prosecute the people laundering black money. It is a good provision.

Secondly, making it a criminal offence is equally important, because under DTAA you cannot get information if it is a civil offence.

HON. CHAIRPERSON : Please conclude.

SHRI JAYADEV GALLA : I will conclude.

I would like to give a suggestion. I brought this up under different occasions earlier. With the trinity of JAM namely, Jan Dhan Yojana, Adhaar and Mobile, I think the time has come now because if we bring down the usage of cash in India as a whole, definitely it will bring down black money and, I think that if we bring M-commerce legislation into place, allow pre-paid mobile sim cards to be Debit Cards and post-paid sim cards to be Credit Cards, it will bring down the usage of cash in a big way and definitely bring down the usage of black money also.

Sir, black money enables and funds corruption. So, the real issue is corruption; whether it is political corruption, economic corruption or social corruption, it leads to organized crime, crony capitalism, corporate fraud and terrorism. It is all pervasive and it is prevalent in all sections of the society. We

need a national mindset change in addition to laws like this, and we need cultural transformation because every section of civil society is infected with this disease. So, I would like the Government to go beyond a Bill like this and start a debate as to how we can change the mindset of our society against corruption. Thank you very much.

SHRI A.P. JITHENDER REDDY (MAHABUBNAGAR): Mr. Chairman, Sir, I thank you for the opportunity given to me for taking part in the valuable discussion on the Imposition of Tax on Undisclosed Income and Assets Bill, 2015. This is an important Bill that specifically deals with black money stashed abroad. While I welcome the provisions of this Bill, I also have some humble suggestions for the consideration of this House before this Bill is voted upon.

Firstly, any person having undisclosed foreign assets can, upon payment of 30 per cent tax and 30 per cent penalty on the black money can repatriate the money and use it in India. The most astonishing part of this Bill is that the person making the declaration will not be prosecuted under any law and he will not be required to pay any additional tax or penalty under any law like the FEMA, IT Act, Wealth Tax Act, Interest Act, etc. One who has stashed his illegal money abroad is not a patriot or a civil servant. The Amnesty Scheme would not act as a deterrent factor. There must also be some other mechanism to see that such offenders do not again get involved in stashing of black money abroad. Whatever name it may be given, this is likely to have a negative effect on the incentives of tax evaders. Such a scheme is likely to create a moral hazard and, therefore, should be avoided.

Secondly, it seems that this Bill will not help in bringing back the black money and can only assist in collecting the 'revenue' from those who have been caught out. There is no mechanism in the Bill that provides for asking the foreign countries to cooperate and declare the names of the Indians holding accounts in their banks. It appears essentially as an income tax type Bill with very harsh measures.

Thirdly, the Bill does not provide for immunity from the declaration being admissible as an evidence for the purpose of any proceedings relating to imposition of penalty or prosecution under the Prevention of Money Laundering Act 2002.

Fourthly, the 30 per cent rate of tax proposed under the Bill did not take into consideration certain factors such as in case where the assets have been acquired a few years back and the value of such an asset has substantially gone up. The person making the declaration would become liable to pay tax on such unrealised appreciated value which would be substantially higher than the amount which the declarant would have invested. It would be proper if the tax is levied on the amount invested or the fair value of the undeclared foreign assets in the year of acquisition of the assets.

Fifthly, in the proposed Bill, no time limit has been specified to issue a notice by an assessing officer. It could lead to situations where notice is sent to an individual with a time lag leading to confusion over the year in which the undisclosed foreign asset would get taxed.

Sixthly, if the asset is acquired partly out of income not chargeable to tax in India, part declaration of such assets should be allowed.

Seventhly, the quality of tax administration should be improved.

Besides, the Government's strategy for curbing black money also needs to go beyond and address the problem of black money generation, and strategies to check movement of black money across the borders.

The problem definitely is not insurmountable and there should be a willingness. Readiness is all that is required. Involve people and see that the target is easily met. Sir, 95 per cent of the population will definitely not have black money. Only a few are having it and it can be controlled over a period.

To conclude, while praising this initiative of the Government, I only wish that the Government takes into consideration the views of all the stakeholders in our country.

One more thing also, I would like to say. It says that the foreign income and the foreign assets acquired should be declared. Our learned Finance Minister, Shri Arun Jaitley should know that foreign income is earned and foreign assets are created if you really struggle and if you work hard. Those NRIs and citizens who

are abroad, they really struggle to earn their incomes and make a lot of assets there. When this Bill comes in and the evaluation is taking place, you should see that the NRIs and the citizens abroad should not come under its network. It should be only for those people who have earned black money in this country and stashed this amount abroad. You know the names. It has been said that \$ 1500 billion is already there in Switzerland. You know who holds those accounts. Such type of people should really be punished. But unnecessarily the NRIs and the citizens abroad, who have really slogged for their earnings and made assets and money, should be left away. So, this aspect should be properly looked into in this Bill.

With these words, I support the Bill.

DR. A. SAMPATH (ATTINGAL): Thank you, Chairman Sir. Even though I am a student of Economics, still I am a bit ignorant about some of the economic situations. Even though I am also a student of law, I would like to bow my head before our present Finance Minister Shri Arun Jaitleyji.

17.11 hrs

(DR. P. Venugopal *in the Chair*)

I would like to get some concrete replies from the Government of India. There are some issues that I would like to raise here. The hon. Minister has stated three reasons as to why this Bill should not be sent to the Standing Committee. I am not going into the statistics of the black money because I am not well-versed with the black money. It has become the practice of the Government or of the successive Governments maybe that the Bills are not being sent to the Standing Committees. Even the important Bills are not sent to the Standing Committees. During the last one year, more than 40 important Bills have been discussed and passed. There is simply introduction, consideration and passing. These three things have happened in the House without referring anything to the Standing Committees.

Even though I am very younger to you also and I am junior too to our hon. Finance Minister, still we should not bypass the Parliamentary system and the sanctity of the Parliamentary Standing Committees. The Standing Committees should be taken into confidence just like this House. Here, Sir, I may be permitted to disagree with the three reasons which the hon. Finance Minister has stated in the House. I support the Bill. That is a different thing. I support the Bill but with a *proviso* that this has to be considered by the Standing Committee first. There is an English song which we all have heard and sometimes our children may also be hearing it from the TV – Money, money, money, it is a rich man's world. Are the laws being made to protect the rich at the expense of the poor? How is this money generated? That is my humble question. Sorry for using such a terminology because I am also a bit black like you. It is generated illegally; it is unlawful

money; and that is why we can term it as 'black money'. It is the bad money. This money is being generated by violating the rules, norms and prevailing laws of the nation. This is being stashed outside the country. There is a flight of capital. Why this flight of capital happens? It is because there are ample loopholes in almost all the laws. But this flight can happen only with the unholy nexus of political class, the bureaucrats and the corporates.

Sir, here, I would like to invite your attention to one point, which some of my learned friends also mentioned. Mr. Hooda is present here, and in fact, he was the opening batsman. There have been various amnesty schemes. But whenever an amnesty scheme is being declared by the Government, be it your Government or be it their Government, I am not at all concerned about it; I am concerned about the money in my pocket because it is being devalued every day...

SHRI DEEPENDER SINGH HOODA : You were part of the last Government.

DR. A. SAMPATH : I was not part of your Government. Sorry for that. Do not invite me also. I am not going to be part of your Government. You may enjoy that... (*Interruptions*)

Sir, here, I may use the words, 'the arrogance, the affluence, the arrogance of the affluent'. We have experienced it during the last so many decades. Every time when the Government shows some "generosity", they think that there will be another bus after the last bus. Another bus will come after the last bus. So, this happens.

Sir, as stated in the Statement of Objects and Reasons of the Bill, which we are discussing now, evasion of tax has been depriving the country of the much needed financial resources and has been imposing disproportionate burden on the honest tax payers.

HON. CHAIRPERSON: Please conclude, now.

DR. A. SAMPATH : Sir, you love me very much. That is why whenever I am speaking, immediately your hand goes towards the bell... (*Interruptions*) Today, it

is a special day. Let us also enjoy some sweets, Sir. At least, give me some more minutes instead of the sweets... (*Interruptions*)

Nishikantji, show some love to me. We were neighbours in the VP House... (*Interruptions*)

HON. CHAIRPERSON: Mr. Nishikant Dubey, please do not disturb him

DR. A. SAMPATH : Sir, I am not going into the statistics. Various statistics are there. I have no disagreement with the statisticians. Let it be there. But one thing is there. First, the amount of black money is increasing day by day. Second, the amount of black money stashed outside India is also increasing day by day. The net result is that there is an ever-increasing parallel economy. Every day, it is expanding and expanding just like an octopus. We are becoming prey to it.

Sir, the hon. Supreme Court has also mentioned certain things. It has made some observations. Anyway, the hon. Finance Minister is well aware of those observations. The Government had made some arguments, which the hon. Supreme Court was not pleased to accept. Here, the Supreme Court mentioned about the Double Taxation Avoidance Agreement (DTAA). My party CPI(M) also reiterated that these types of Participatory Notes system should not be allowed in this nation. Whose money is it? Who is getting this money? Where from this money comes? Who is the recipient? Anyway, we are put in the dark. We have entered into the DTAAAs with several nations. Some Agreements had been made during the UPA regime; some Agreements had been made during the 1st NDA regime. So, now, the leaders of the NDA would say to the UPA: "It is because of you." And, it would happen vice-versa also.

HON. CHAIRPERSON: Please try to conclude. There are a large number of speakers yet to speak.

DR. A. SAMPATH: Sir, I am in the process of concluding.

Sir, all these Agreements are signed without any discussion in the Parliament. This Government can enter into any Agreement without any concurrence from the Parliament of India. It is a pity. It is just like allowing the

post boxes being opened in Mauritius with Mauritian address and allowing a rerouting of your black money into India in the white form. So, the black money that goes out, can come back in a white form.

While a discussion was initiated in this House and in the Rajya Sabha also, the Government of Mauritius has issued a statement that we do not tolerate black money and we are not a place where the money laundering can be done and we are in good relations with the Government of India etc. But why are there still tax havens? These tax havens are being used for stashing out the black money. Before concluding, may I ask one question because the hon. Minister may be willing to give the reply on that thing?

Every year, we are importing gold. We are importing tonnes and tonnes of gold. The Government of Switzerland gave a statement that such and such amount of gold has been exported to India. In India, the gold ornament and jewellery sector people say that we have imported only this much amount of gold. But there is a difference between the export from Switzerland and the import in India from Switzerland. So, what happens is that as some other hon. Members have stated that this is because of over-invoicing and under-invoicing.

A suggestion has come. The NRIs should not be harassed. We are having the largest number of migrant workers working in other nations who are from India. They are not only from my State but also from almost all the other States. They should not be harassed.

HON. CHAIRPERSON : Nothing will go in record.

... (*Interruptions*)... *

* Not recorded.

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): I thank the Chair for giving me this wonderful opportunity. I congratulate the Government for bringing out a legislation of this type which this country badly needs it for two reasons.

I am not going to speak on political aspect. Other than the political reasons, why we need the money is that the money which belongs to our country has been stashed elsewhere. We need that money for the development and for the inclusive growth and for the economic development.

We also need money because that money is being used for bad purposes like terrorism, drug trafficking and other activities. Therefore, for more than one reason, I congratulate the Government for bringing this Bill. I have suggestions here with regard to the voluntary declaration within six months. The tax should be thirty percent plus another equivalent amount. It may not be very big incentive to the people to declare. So, I am of the opinion that if we want to make it more successful and we want to get the money from outside the country, perhaps that sixty per cent could be brought down to forty five per cent or the fifty per cent.

Secondly, penalty on assets are quite high. Concealment of income will attract penalty up to ninety per cent but on the undisclosed assets, we do not have the mechanism to do that. The Government has to look into that aspect. There is a penalty of ten lakh rupees for non filing of returns. Do we have the mechanism to implement that non-filing of returns? Therefore, to make it successful, unless we have a proper mechanism and machinery, it would be very difficult to bring the money back.

Sir, many Members have mentioned that this Bill provides for the criminal liability with punishment from three years to ten years. Please ensure that small fishes are not caught in the process. So, the big fishes, who are really enjoying the benefit of black money, should be brought into the book.

Next is, the penalty for failure to furnish the income tax returns of foreign assets attracts six months to seven years imprisonment but it also covers banks and

financial institutions here. So, do you think or does the Government think that it is practically possible to get the assets of the banks and financial institutions? As of now the Government has entered into Double Taxation Avoidance Agreement with more than 85 countries. But we have more than 210 countries. So, there is every possibility that where this is not covered, these people always could go and stash their money in other countries. So, unless you make it foolproof to see that this agreement is done with maximum number of countries, we may not be successful in implementing this law.

The persons holding foreign account with less than Rs.5 lakh, that is, 10,000 dollars, are protected. My advice here is, unless the Government makes it specific like students' account or professional account, it may open the Pandora's box because each family can open different accounts in the name of their relatives and so on and so forth. So, that loophole needs to be plugged.

As earlier spoken by many speakers, unless black money is checked in the country, there is no point in going abroad. The reason is, the origin of black money starts in India and we have not taken any effective steps here in the country to stop the black money generation. Therefore, for political reason it may sound good but for other practical purposes, it would be extremely difficult to implement this legislation because, as earlier mentioned, as much as 71 per cent of our GDP is a parallel economy which is going on here. It means, presuming our GDP is two trillion dollars, approximately 1.4 trillion dollars worth parallel economy is running here.

With regard to the PIL where the Supreme Court has started the SIT, I do not think we have seen much impact of that SIT. So, unless at the country level we are not able to do much here, bringing a legislation of this type may not serve much purpose. So, whatever has to be done should also be done at the country level first. We have a big hope because in 2017, the OECD, Organization for Economic Cooperation and Development, is going to come with automatic exchange of information. Perhaps, that would be of some use to us.

This issue is extremely sensitive. It also involves the family members and others. So, it should be dealt with lot of sensitivities. The families of the resident Indians should not be embarrassed, and the expatriates, who become residents based on their physical stay in India, should be dealt in a different way. So, sensitivities are very much required. Adequate machinery is required.

All I suggest here is, if you are really serious here, we have to take care at the country level and, particularly the benami transactions could be arrested. Second is, cashless country could be slowly introduced here. With this kind of things only, we can stop the generation of black money.

Thank you very much for giving me this opportunity.

श्री तारिक अनवर (कटिहार): माननीय सभापति जी, मैं अपनी बात इस तरह से शुरू करना चाहता हूँ कि पिछले लोक सभा चुनाव में नरेन्द्र मोदी जी ने और भाजपा ने देशवासियों से एक बहुत बड़ा वादा किया था और वह वादा काले धन की वापसी का था। प्रधान मंत्री बनने के बाद भी नरेन्द्र मोदी जी बार बार कहते रहे कि इस छुपे हुए धन से देश के विकास की तस्वीर बदल सकती है, देश की अर्थ-व्यवस्था बदल सकती है और हम तेजी से आगे बढ़ सकते हैं। उन्होंने बार बार इस बात पर जोर दिया कि हर कीमत पर काला धन देश में वापस लाया जाएगा।

सत्ता सम्भालने के बाद एक वर्ष बीत जाने के बाद वित्त मंत्री देश के खोए हुए धन को वापस लाने के मकसद से आज " अनडिस्कलोज्ड फारेन इनकम एंड असेसट्स बिल, 2015 " ले कर आए हैं। दूसरी ओर, भाजपा के राष्ट्रीय अध्यक्ष ने काले धन की वापसी को लेकर सिरे से उस मसले को खारिज कर दिया। उन्होंने कहा कि यह तो सिर्फ एक चुनावी जुमला था और इसलिए उस पर उतनी संजीदगी से विचार करने की जरूरत नहीं है। जिस पार्टी के अध्यक्ष की ब्लैक मनी के बारे में यह भावना हो, उससे यह उम्मीद करना कि काला धन वापस आएगा, कभी-कभी शक होता है।

चुनाव के दौरान यह भी वायदा किया गया था कि 15 से 20 लाख रुपये हर व्यक्ति के खाते में जमा होंगे और लोगों ने उस बात पर यकीन भी कर लिया।..(व्यवधान) अब यह सरकार के गले की हड्डी बन चुकी है और उस को लेकर यह काफी परेशान भी है। चुनावी राजनीति में अक्सर ऐसा होता है कि हम बड़े-बड़े वायदे कर जाते हैं और लोगों को प्रभावित करने के लिए या अपने पक्ष में करने के लिए कुछ ऐसी बातें भी कह जाते हैं जो बाद में हमारे लिए मुसीबत भी बन जाती हैं। वही बात भारतीय जनता पार्टी के साथ हुई है। अगर सिर्फ कानून बना देने से इस का हल निकलता तो हम पहले भी कई बार बदलाव लाए हैं, लेकिन उसके परिणाम बहुत सुखदायक नहीं रहे हैं। टैक्स लेने की प्रथा में तब्दीली जरूरी है, क्योंकि जब तक हम सरल तौर पर टैक्स नहीं लेंगे, जिस तरह से हमने एक कानून बनाने का प्रयास किया है, जीएसटी द्वारा एक शुरूआत करने की कोशिश हो रही है, मैं समझता हूँ कि हर टैक्स में सरलता बरतने की आवश्यकता है ताकि लोगों को टैक्स देने में किसी प्रकार की परेशानी न हो।

हमें इस बात पर भी ध्यान देना होगा कि आखिर काले धन के पैदा होने का क्या स्रोत है। इसके पीछे एक मनोवैज्ञानिक कारण है। लोग सोचते हैं कि यह पैसा उनकी परिश्रम की कमाई है और सरकार उस कमाई को उनसे लेना चाहती है और इसलिए वे उस पैसे को बचाने की कोशिश करते हैं। इसके लिए वे हर वह तरीका अपनाते हैं जो गैर-कानूनी है। मैं आपको यह भी बताना चाहता हूँ कि टैक्स चोरी का रास्ता बताने वाले कोई और नहीं होते बल्कि इनकम टैक्स के पदाधिकारी या दूसरे पदाधिकारी जिन्हें टैक्स

वसूलने की जिम्मेदारी दी जाती है, वे ही बताते हैं कि कैसे टैक्स चोरी की जाए। इसके बाद विदेशों में काले धन को छिपाने के लिए बेनामी खाते खोले जाते हैं। हवाला के जरिए काले धन का ट्रांसफर विदेशी बैंकों में किया जाता है। टैक्स हैवन देशों में वह पैसा जमा किया जाता है और उस काले धन से और अधिक काला धन कमाने के लिए अलग-अलग उपाय किए जाते हैं। स्टॉक मार्केट से लेकर रीयल एस्टेट में काले धन का उपयोग जोर-शोर से होता है। सट्टा बाजार सबसे बड़ा उदाहरण है, जिसके सबसे अधिक काले धन का उपयोग होता है। हर चीज में सट्टा लगाया जाता है। क्रिकेट के मैचों के परिणाम से लेकर चुनावों के परिणाम में भी सट्टा लगता है। सट्टा बाजार में अरबों और खरबों रुपये लगाए जाते हैं। सट्टा बाजार से सरकार को एक पैसे की आमदनी नहीं होती है और पूरा सट्टा बाजार काला धन अर्जित करने के लिए होता है, जिसका जाल देश से लेकर विदेश तक फैला हुआ होता है। इन तमाम बातों को जानने के बाद भी सरकार लाचार है, सट्टा बाजार पर किसी प्रकार का अंकुश लगाने में असफल है। सट्टा बाजार का कारोबार सरकार की आंखों के सामने हो रहा है, परन्तु सरकार उस दिशा में कोई भी कदम उठाने में मजबूर और लाचार दिखती है। हमारे वित्त मंत्री जी क्यों नहीं ऐसा कोई उपाय करते हैं जिससे सट्टा बाजार की आमदनी से टैक्स वसूला जाए। इससे सरकार के खजाने में कुछ हिस्सा लाया जाए। कई देशों में इस संबंध में कानून में संशोधन किया गया है। हमारे प्रधानमंत्री जी का दावा है कि उनमें सूझ-बूझ की कोई कमी नहीं है, मैं चाहता हूँ कि वे अपनी सूझ-बूझ का इस्तेमाल काले धन को वापस लाने में भी करें। हमें यह बात स्वीकार करनी होगी कि काले धन का बड़े पैमाने पर उपयोग चुनावों में भी होता है, हमें अपने गिरेबान में भी झांकने की जरूरत है। इसके लिए भी हमें कोई ठोस नीति अपनानी होगी। हमारा चुनाव आयोग इस मामले को नियंत्रित करने में पूरी तरह सफल नहीं है। हर चुनाव में काले धन का इस्तेमाल बढ़ता जा रहा है, यह हम सबके लिए चिन्ता का विषय है। अगर सही मायने में हम काले धन के बढ़ते हुए प्रभाव को रोकना चाहते हैं तो चुनाव में इसका उपयोग कम से कम हो, इसके लिए विचार करना जरूरी है। काले धन या गलत ढंग से कमाए गए धन को अगर हम कम करना चाहते हैं तो सरकार को भी अपनी मानसिकता बदलनी होगी, सिर्फ कड़े कानून बनाने से काले धन पर अंकुश लगाना संभव नहीं है। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ और वित्त मंत्री जी द्वारा लाए गए इस बिल का समर्थन करता हूँ।

योगी आदित्यनाथ (गोरखपुर): सभापति महोदय, विदेशी बैंकों में रखे गए काले धन को वापस लाने से संबंधित इस विधेयक के समर्थन में मैं यहां खड़ा हुआ हूं। मैं अभिनंदन करना चाहूंगा माननीय वित्त मंत्री जी का, जिन्होंने भ्रष्टचार की रीढ़ पर प्रहार करने और देश के अंदर काले धन से होने वाली तमाम दुष्प्रवृत्तियों की रीढ़ को तोड़ने के लिए एक सख्त कानून को इस देश में लागू करने के लिए यह विधेयक प्रस्तुत किया है।

महोदय, काले धन संबंधी जो बातें देश के अंदर होती रही हैं, आजादी के बाद से ही लगातार यह विषय चर्चा और कौतुहल का विषय रहा है, साथ-साथ इस संबंध में तमाम प्रकार के जो वक्तव्य आते रहे हैं, उनमें भी आपस में काफी विरोधाभास रहा है। केवल नीति बनाने से काम नहीं चलेगा, उसके लिए नीयत भी होनी चाहिए। मैं विपक्ष के अपने साथियों से कहना चाहूंगा कि सरकार ने उस दृढ़ संकल्प और नेक नीयत का परिचय दिया है। इस सरकार का गठन होने पर सबसे पहली कैबिनेट की बैठक में यह संकल्प पारित हुआ था कि काले धन विदेशी बैंकों में रखे काले धन को वापस लाने के लिए एसआईटी का गठन हो। यह इसी सरकार का देन है, जिसको कांग्रेस कई वर्षों से लटकाने का कार्य कर रही थी।

महोदय, यह कौन नहीं जानता है कि इस देश में समानांतर अर्थव्यवस्था के रूप में काले धन ने इस देश की पूरी व्यवस्था को प्रभावित किया है। केवल अर्थव्यवस्था को ही नहीं, देश में समाज के लिए चलाई जाने वाली कल्याणकारी योजनाओं में, देश के अंदर भुखमरी समाप्त हो, गरीबी की समस्या का समाधान हो, आतंकवाद, नक्सलवाद, अलगाववाद की समस्याओं का समाधान हो, इसमें भी काले धन और समानांतर अर्थव्यवस्था ने कहीं न कहीं रोड़े अटकाए हैं।

खासतौर से जब हम गरीबी उन्मूलन की बात करते हैं तो इस देश में रीयल इस्टेट की क्या स्थिति है, यह भी देखें। जब से इस देश में 2008-2009 से कालाधन लाने की बात हो रही है, तो बातें साफ तौर पर दिखाई दे रही हैं। पहली तो यह है कि रीयल इस्टेट में बहुत सारा पैसा लगा हुआ है। अचानक जमीनों के दाम बढ़े और दूसरा यह कि गरीबों के लिए मकान लेना बहुत दुष्कर हो गया। क्या हम इन स्थितियों को देख नहीं पा रहे हैं, इसीलिए यह विधेयक आज के दिन अत्यंत आवश्यक है। जो लोग यह कहते थे कि सरकार केवल वादा करती है, मुझे लगता है कि यह उनके मुंह पर एक तमाचे के समान है। पहले एस.आई.टी. का गठन करना, फिर इस विधेयक द्वारा जितना मजबूत कानून हो सकता है, उतनी मजबूती प्रदान करने के लिए इसे पास कराने के लिए सदन में रखना, ये सब महत्वपूर्ण चीजें हैं। इतना महत्वपूर्ण और इतना सख्त कानून बनाने का पहले कभी प्रयास नहीं हुआ।

इस विधेयक में कई सख्त प्रावधान हैं। विदेश में आय या सम्पत्ति पर 30 प्रतिशत टैक्स देना होगा, अगर कोई सम्पत्ति छुपाता है तो उस पर टैक्स की तीन गुना पैनल्टी लगाने का प्रावधान भी है। इसके अतिरिक्त जर्मनी की राशि अघोषित सम्पत्ति के 90 प्रतिशत के बराबर होगी। आयकर रिटर्न में विदेशी सम्पत्ति का खुलासा न करने पर दस लाख रुपए की पैनल्टी, विदेश में आय छुपाने पर आपराधिक मामला चलेगा। जानबूझकर टैक्स चोरी करके विदेश में सम्पत्ति जमा करने वालों को तीन से दस वर्ष कारावास और जर्मनी का प्रावधान है। इसके अलावा रिटर्न में विदेशी सम्पत्ति के बारे में अधूरी या गलत जानकारी देने पर छः माह से सात साल की सजा का प्रावधान भी है। टैक्स चोरी में मदद करने वाले बैंक और वित्तीय संस्थानों पर भी प्रावधान लागू करने की व्यवस्था इस विधेयक में है। जानबूझकर टैक्स चोरी करने पर तीन से दस साल का कारावास और 25 लाख रुपए से 1 करोड़ रुपए तक के जर्मनी का भी प्रावधान है। ये तमाम प्रावधान इस विधेयक के वे महत्वपूर्ण पहलू हैं जिनकी इस देश के आज के परिप्रेक्ष्य में अत्यंत आवश्यकता थी।

महोदय, यह हमेशा विवाद का विषय रहा है कि कितना कालाधन है, चाहे वह विदेशी बैंकों में हो या देश में हो। यह इसलिए भी महत्वपूर्ण है क्योंकि आजादी के तत्काल बाद से पहले इस देश के अंदर जो बात चली, एन. कारडोर ने 1953-1954 में 600 करोड़ रुपए बताए थे। जबकि पाचू समिति ने 1961-1962 में 700 करोड़ रुपए और 1965-1966 में 1,000 करोड़ रुपए के कालेधन की बात कही थी। उसी समिति के एक माननीय सदस्य डी.के. रंगनेकर, इन्होंने 1961-1962 में 1150 करोड़ रुपए, 1969 से 1978 के बीच में 3,080 करोड़ रुपए की बात कही। इसी मामले में जब आगे बात चली तो आईआईएम के प्रोफेसर आर. वैद्यनाथन ने इस बात को कहा कि कुल कालाधन 72 लाख करोड़ रुपए से अधिक का है। इतनी बड़ी धनराशि और वह धनराशि किस रूप में अर्थव्यवस्था को प्रभावित कर रही है, संगठित अपराध के रूप में, आतंकवाद और नशीली पदार्थों की तस्करी के रूप में, रीयल इस्टेट में, फिल्म उद्योग में। यह आश्चर्यजनक है कि 22 वर्षों में दाऊद के प्रत्यारोपण की बात हो रही है, लेकिन दाऊद का पूरा का पूरा आर्थिक साम्राज्य चल रहा है और उस पर प्रहार करने के लिए इस प्रकार का कानून अत्यंत महत्वपूर्ण है। क्योंकि यह कालाधन केवल संगठित अपराध ही नहीं, इस देश के खिलाफ आतंकवाद को, अलगाववाद को भड़काने की कुत्सित चेष्टा है और इस प्रकार का सख्त कानून ही इस प्रकार की दुष्प्रवृत्तियों की रीढ़ पर जोरदार प्रहार करके उसे तोड़ने का कार्य करेगा। इसके अलावा देश की अर्थव्यवस्था में एक नई जान फूंकने का भी कार्य करेगा।

मैं मंत्री जी को धन्यवाद दूंगा कि इतना सख्त कानून उन्होंने यहां पर इस विधेयक के माध्यम से लाने का प्रयास किया है। हमें विश्वास है कि न केवल विदेशों में रखा गया कालाधन इस देश के अंदर आएगा, अपितु इस देश के अंदर रखा गया कालाधन भी इस देश की अर्थव्यवस्था में, गरीबी उन्मूलन में और देश की भुखमरी की समस्या को भी दूर करने में सहायक होगा।

श्री जय प्रकाश नारायण यादव (बाँका) : सभापति महोदय, आदरणीय वित्त मंत्री जेटली साहब ने अनडिसक्लोज्ड असेट्स के संबंध में जो बिल पेश किया है, इस बिल का हम लोग समर्थन करते हैं। जेटली साहब कलम के धनी हैं, विद्वान हैं और उनसे देश अपेक्षा रखता है और लाजिमी भी है कि देश में काला धन सभी के लिए अभिशाप बना हुआ है। काले धन की वापसी का संकल्प पूरे सदन का होना चाहिए। इसमें कोई दो राय नहीं है। आदरणीय मुलायम सिंह जी ने कहा था कि विदेशों में कितना काला धन है? इसके लिए क्या प्रयास किए गए हैं? किस-किस का काला धन है? इसका पता लगाना चाहिए और डिसक्लोज़ करना चाहिए, क्योंकि बहुत विलम्ब हो रहा है। देश और आवाम के सामने क्या वायदा किया गया था? देश के नौजवान और किसान के सामने यह वायदा किया गया था और बड़े ही डंके की चोट पर कहा गया था कि देश में हमारी सरकार को लाओ और विदेश से काला धन पाओ। लोगों को बड़ी खुशी हुई और चारों तरफ लोग होली और दीवाली मनाने लगे। यह भी कहा गया कि साढ़े 26 लाख करोड़ रुपये का काला धन सौ दिन में विदेश से देश में आएगा और प्रत्येक के खाते में 15 लाख रुपये आएंगे। ठीक है, बाद में उस पर जो भी चर्चा हो, शगुफा हो, लेकिन देश और देश का नौजवान जानना चाहता है कि 15 लाख रुपये देने का जो वायदा किया गया था, वह पूरा क्यों नहीं हो रहा है? आज यह कहा जाता है कि यह शगुफा है। वड़ोदरा से लेकर बनारस तक यह चर्चा हुई। हमें इसे भूलना नहीं चाहिए कि आज हर परिवार मुंह बाये खड़ा है। घोषणा की गई, लेकिन उससे यू-टर्न ले लिया गया। भावना को भड़काया गया कि सब के खाते में 15-15 लाख रुपये पहुंचाएंगे। इसलिए आपका चमक फीका है। हमें आज इन बातों पर गौर करना पड़ेगा कि विदेशों में जो काला धन जमा है, वह देश का पैसा है और जिन लोगों ने जमा किया है, उनके खिलाफ मजबूती से खड़ा होने की आवश्यकता है। आज काला धन देश में आना चाहिए, यह गरीबों का खून चूसकर बनायी गयी है। काला धन वापस लाओ, वायदे को पूरा करो। सत्ता से अन्यथा आपको जनता बेदखल कर देगी, इस बात का आपको ध्यान रखना चाहिए। आज छोटे-छोटे बच्चों से कहा जा रहा है कि उनके पास काला धन है। जिनका भी काला धन है, उसको साबित किया जाए। माननीय प्रधानमंत्री जी ने इस का वायदा किया है। इसलिए हमें इससे भागना नहीं चाहिए और इन बातों पर गौर करना चाहिए कि काला धन काला नाग है जो देश को डस रहा है और गरीबों को रुला रहा है।... (व्यवधान)

HON. CHAIRPERSON: Shri Sher Singh Ghubaya, you can speak now. Nothing else is going on record.

... (Interruptions)... *

* Not recorded.

*SHRI SHER SINGH GHUBAYA (FEROZEPUR): I thank you Hon'ble Chairman Sir, for giving me the opportunity to speak on an important Bill – “The Undisclosed Foreign Income and Assets (Imposition of Tax) Bill,2015”. I rise to support this Bill which deals with Black Money lying in the foreign bank accounts.

Sir, Black money is a canker that is destroying our economy. We have discussed this menace in this august House several times. Demands have been vociferously made by all sections of society to bring back the Black money that has been stashed in foreign banks by unscrupulous elements. During the time of the erstwhile UPA, the proceedings of this House were also disturbed on this burning issue. However, the Congress-led regime never thought about bringing a specific law to deal with this issue.

Sir, I want to thank the Hon'ble Prime Minister Shri Modi and the Hon'ble Finance Minister Shri Jaitley who have brought a landmark and historic bill in this House. I do hope that we will be able to bring back the unaccounted Black money stashed abroad in foreign banks. Then, we will be able to judiciously utilize this whopping amount for development work for our farmers and poor sections of society.

Hon'ble Chairman Sir, what is the genesis of Black money? Some corrupt political leaders, businessmen, smugglers and other unscrupulous elements evade the paying of taxes by illegally stashing abroad the unaccounted money they have made by unfair means. They flout the laws with impunity. This Bill will bring to book such shady elements. Such elements are a threat to our national security because Black money is often used to foment trouble, to bolster terrorism and to pump in the country banned drugs and intoxicants. It weakens the country.

Sir, we have signed agreements with 80 countries to check this menace. We must coordinate closely with these countries to arrest the guilty. The canker of Black money is a common threat to all the countries. So, working in tandem

* English translation of the speech originally delivered in Punjabi.

with other countries is a must. A well-oiled system should be in place to stamp out this menace. Those guilty must be granted exemplary punishment which could act as a deterrent.

Sir, Jaitley ji is a learned person. He knows the nitty-gritties and nuances of this problem. However, let me add that we must relax a little the stringent laws that deal with offences relating to evasion of Income tax. Black money is also lying in our country. If we could get back this money too, it will go a long way in giving a fillip to the developmental activities.

Sir, rumours are rife that some sort of tax will be imposed on the farmers. The farmers in our country are in a pitiable condition. They are committing suicides due to various factors. So, no such tax should be imposed on the hapless farmers. Rather, the Black money lying in foreign banks should be brought to India and pumped into the agricultural sector. It will give the much-needed boost to this sector.

Sir, in the end, let me thank Hon'ble Minister for bringing this historic bill. It is a watershed event. It will surely rein in the menace of Black money and this money will definitely boost development and progress of various sectors once it is brought to India and utilized judiciously. Thank you.

श्री धर्म वीर गांधी (पटियाला) : सभापति महोदय, काले धन के मुद्दे पर हमारे देश में बहुत दिनों से चर्चा चल रही है। पिछले तकरीबन 10-12 सालों से सभी पार्टियां इस पर बात करती रही हैं। मेरे कुछ सुझाव हैं, मैं समझता हूँ कि जिन पर अगर अमल किया जाए तो इस मुद्दे पर अभी भी हम लोग काफी कुछ कर सकते हैं। यूपीए की तरफ से भी और एनडीए की तरफ से भी बड़े-बड़े वादे किए गए हैं, परंतु इसके जो असली उपाय हैं उनको कोई सुझा नहीं रहा है। मैं इसके बारे में कहना चाहता हूँ कि हिंदुस्तान में जो एफडीआई निवेश होता है, उसका जो सोर्स है, वह पैसा कहां से आता है, उसको बताने के लिए वे बाध्य नहीं हैं। **They are not compelled to tell that as per rules** कि कंपनियां वे पैसा कहां से इंवेस्ट कर रही हैं। मैं सरकार से विनती करता हूँ कि एफडीआई या जो विदेशी निवेशक हैं, जो यहां पैसा इंवेस्ट करते हैं, उनको उस पैसे का सोर्स बताने के लिए मज़बूर करना चाहिए और यह पक्का इंतजाम होना चाहिए कि वे बताएं कि हिंदुस्तान में जहां भी वे पैसा लगा रहे हैं, वे कहां से लगा रहे हैं, उसका सोर्स क्या है। यह सबसे बड़ी एक खामी हमारे सिस्टम में है जो इस कालेधन को बढ़ावा देती है।

दूसरी बात यह है कि जो मारीशस या दूसरे रूट हैं काले धन के, उन सब पर हमें बहुत चौकसी रखनी चाहिए, उनको बंद करना चाहिए। इसके साथ ही हमने जो पिछले समय में संधियाँ की हैं, उनका जो अब तक असर हुआ है, उन पर अमल करते हुए हमारा काला धन जो बाहर पड़ा है और जिसका बहुत हिस्सा निकाल लिया गया है, बहुत कुछ पैसा हमारा विदेशी बैंकों में पड़ा है - चाहे वह स्विट्ज़रलैंड के बैंक हों, चाहे वह जर्मनी के बैंक हों, उनमें बहुत कम पैसा रह गया है। मैं समझता हूँ कि अभी भी जितना बचा है, अगर उसको वापस लाना है तो उन संधियों पर अमल करते हुए जो हो चुकी हैं या होने के कगार पर हैं, जल्दी से जल्दी पैसा लाया जाए, उन लोगों के नाम बताए जाएँ, सुप्रीम कोर्ट को बताया जाए और देश के लोगों को बताया जाए कि फलां-फलां व्यक्ति चाहे वह राजनीति से संबंध रखता है या चाहे वह इंडस्ट्री से संबंध रखता है या चाहे वह दूसरी संस्थाएँ हैं, सबको उसके घेरे में लाकर सज़ा का प्रावधान किया जाना चाहिए।

तीसरी बात यह है कि आज भी काला धन जनरेट हो रहा है। एक तो काला धन बाहर पड़ा है, परंतु उस काले धन की चर्चा शुरू होने के बाद भी लगातार लाखों करोड़ रुपये का काला धन हर साल जनरेट होता है। उस पर बंदिश लगाने के लिए क्या कड़े हमारी सरकार द्वारा उठाए जा रहे हैं, हमारी सरकार को स्पष्ट करना चाहिए क्योंकि आज भी देश में लाखों करोड़ रुपये का काला धन प्रतिदिन जनरेट हो रहा है और काले धन की एक समानांतर व्यवस्था इस देश में चल रही है।

मैं एक बात कहकर अपनी बात खत्म करूँगा। सबसे ज्यादा काला धन एफडीआई के ज़रिये आता है। एफडीआई को मजबूर करिए कि वह हिन्दुस्तान में अपना पैसा लगाने से पहले अपना सोर्स बताए कि वह पैसा कहाँ से आ रहा है, उस पैसे का सोर्स क्या है। दूसरा, जो विदेशों से पैसा वापस आना है, जो संधियाँ हो चुकी हैं, उन पर अमल किया जाए और काला धन वापस लाया जाए। तीसरा, जो काला धन आज जनरेट हो रहा है, उस पर अंकुश लगाने के लिए सख्त से सख्त कदम उठाए जाने चाहिए।

18.00 hrs.

श्री कौशलेन्द्र कुमार (नालंदा) : माननीय सभापति महोदय, आपने मुझे अति महत्वपूर्ण अप्रकटित विदेशी आय और आस्ति कर अधिरोपण विधेयक, 2015 पर बोलने का मौका दिया, बहुत बहुत धन्यवाद। मान्यवर, इस विधेयक में सरकार द्वारा कानून के माध्यम से विदेशी आय पर चोरी रोकने और आय को छिपाने पर दंड का प्रावधान किया गया है। निश्चित रूप से यह सराहनीय कदम है। महोदय, देर से ही सही, मगर वित्त मंत्री जी ने काले धन को वापस लाने का जो प्रयास किया है, उसके लिए मैं उनका स्वागत करता हूँ।

सभापति महोदय, मैं दो-तीन मिनट में अपनी बात समाप्त करूँगा। माननीय वित्त मंत्री जी यहाँ बैठे हैं। आज्ञादी के 67 वर्ष हो गए लेकिन काले धन के बारे में आज भी गाँवों में एक चर्चा हो रही है कि विदेश से काला धन वापस आ रहा है। हमारे देश का जो पैसा विदेशों में पड़ा है, उसको लाने का प्रधान मंत्री जी ने पूरे देश में वायदा किया और उन्होंने जो बात कही है, उसकी सीडी खासकर बिहार के प्रत्येक जिले में चलाई जा रही है और लोगों को यह बताया जा रहा है कि हमको 15 लाख रुपया कब मिलेगा और जन-धन योजना के द्वारा जो खाते खुल गए और हम लोगों को पैसा कब तक आएगा। हम लोग इस बात को जब गाँवों में जाते हैं तो माननीय प्रधान मंत्री जी के बारे में बताते हैं और उन्होंने जो बात कही है, उस टैप को भी सुनाते हैं। उन्होंने वादा किया है कि विदेशों में काला धन इतना पड़ा है कि प्रत्येक परिवार को 15 से 20 लाख रुपये जाएँगे। यह बात कोई जुमला नहीं है। उन्होंने जो कहा है, उसकी सीडी हम लोगों के पास है और गाँवों में भी हम लोग इस बात को बताते हैं।

माननीय वित्त मंत्री जी से मैं अनुरोध करूँगा कि आपने जो प्रयास किया है यह सराहनीय है, लेकिन अपने जवाब में यह जरूर बताएँ कि विदेशों में जो काला धन पड़ा है, वह कब तक आएगा और जिनका भी काला धन पड़ा है, उनका नाम कब तक आएगा कि देश उसको जान सके। कितना काला धन पड़ा है, इसके बारे में भी बताने का प्रयास करेंगे। आपने यह भी प्रयास किया है कि अब जो काला धन है, उसको कैसे हम रोकें। ... (व्यवधान) महोदय, मैं एक मिनट में अपनी बात समाप्त करूँगा।

महोदय, अब हम काले धन को बाहर जाने से कैसे रोकें, इसके लिए मैं उनकी सराहना करता हूँ। लेकिन, एक चीज़ यह है कि काला धन कहां पैदा हो रहा है? काला धन अलग से तो पैदा नहीं हो रहा है। उसे रोकने का उपाय होना चाहिए।

HON. CHAIRPERSON : Hon. Members, it is six o' clock. I have a list of three more speakers to speak on this Bill. If the House agrees, the time for the discussion may be extended by one hour.

SEVERAL HON. MEMBERS: Yes Sir.

HON. CHAIRPERSON: So, the time of the House is extended by one hour.

SHRI N.K. PREMACHANDRAN (KOLLAM): Mr. Chairman Sir, I rise to support this Bill.

My first submission to the hon. Minister is to go through the nomenclature of the Bill. The nomenclature which the hon. Minister has suggested is the Undisclosed Foreign Income and Assets (Imposition of Tax) Bill. What is the message being given to the public at large? According to this nomenclature or the name of the Bill, the message is that taxation will be imposed on black money. Is this the spirit of the Bill? I think 'no', because there are stringent penal provisions in the Bill. So, my humble suggestion to the hon. Minister is to change the name of the Bill. I am suggesting a name. If it is acceptable, please accept it. It is Prevention of Black Money (Undisclosed Foreign Income and Assets and Imposition of Tax) Act 2015. Otherwise the message and the meaning will not be in accordance with the spirit of the Bill. That is the first submission which I would like to make.

Coming to black money, it is a menace not only to the Indian economy but the entire socio-political world. I am not going into the figures, but I quote from the report given by the Global Financial Integrity, a US based organization: "The cumulative illicit outflow of black money out of the country over a ten-year period from 2003 to 2012 has risen to Rs 28 lakh crore." This is the report. Also, you may kindly see when India ranks third in outflow of money, it is one of the poorest among ten countries in the world when compared to the per capita GDP of our citizen. Another study conducted by the National Institute of Public Finance and Policy goes to show that black money generated in India is 71 per cent of the total GDP. That means USD 1.4 trillion. Before liberalization that is before 1991, it was just 31 per cent of GDP. That means liberalization, had helped in generating black money. It had never helped in inclusive growth. That is the second point which I would like to make.

Thirdly, this issue has to be addressed in two ways. The first one is about bringing back the black money stashed in foreign countries, and the second is curbing the generation of black money in India. These are the two issues which we have to address. My point is, is this Bill is sufficient to address these two issues? To me, it is not so comprehensive because this is a compilation of most of the Acts which are prevailing in our country, especially the Income Tax Act of 1961, Prevention of Money Laundering Act as well as some other Acts like the Foreign Exchange Management Act. All these Acts are comprised to have a separate legislation. Even then, I would support it because a separate legislation is required. It is the need of the hour.

I am seeking three clarifications from the hon. Minister. Indian national wealth is being siphoned out of India and concealed in various forms in foreign Banks popularly known as tax havens. Corruption, evasion of tax and black money have become serious and scandalous and become an issue of international concern. For the first time in December 2004, the United Nations finalized the United Nations Convention against Corruption (UNCAC).

Article 40 of the UN Convention Against Corruption expressly provides and I quote:

“Each State party shall ensure that in criminal investigation related to corruption the domestic law of every State shall overcome all obstacles that may arise out of the application of the bank secrecy laws.”

What does it mean? This Convention had been approved or signed by India in the year 2005 and subsequently it was ratified in the year 2011. My question to the hon. Minister is whether India has taken any effort to realise the black money or to bring back money on the basis of this Convention.

My second point is regarding the amended Double Taxation Avoidance Treaties. There is also section 90 of the Income Tax Act. These amended DTATs are in compliance with Section 90 of the Income Tax Act. DTATs apply only to a

legitimate business which according to law pay taxes to more than one State on the same income. ... (*Interruptions*)

HON. CHAIRPERSON : You can wind up now. You can also speak on your amendments.

... (*Interruptions*)

SHRI N.K. PREMACHANDRAN : This is not on amendments. ... (*Interruptions*)

HON. CHAIRPERSON: You can speak while moving your amendments.

... (*Interruptions*)

SHRI N.K. PREMACHANDRAN : I will put my amendments later.

Further, the UNCAC is also there. When it comes to these amended Double Taxation Avoidance Treaties, the UN Convention will override these DTATs. I would like to know whether we have at any time applied this principle to bring back black money stashed in foreign countries.

I have one more last clarification to seek. In the year 2008, the German Government publicly offered that it was willing to share information at no cost if any country asked for it. This offer was made by them. Subsequently, a big bribery and corruption case was unearthed in Liechtenstein Bank in which 1,400 names had been released. The United States of America has availed of this opportunity and they have also penalised those involved when 300 names came out. I want to know whether the Indian Government has taken any steps to avail of this opportunity which was publicly offered by the German Government.

Since I have not taken much time, I may be allowed to speak on the amendments. With these clarifications sought, I support the Bill. Thank you very much.

श्री दुष्यंत चौटाला (हिसार) : महोदय, आपने मुझे अनडिस्कलोज्ड फॉरेन इंकम एंड एसेट्स बिल, 2015 पर बोलने का अवसर दिया, इसके लिए मैं आपको धन्यवाद देता हूँ। मैं इस बिल के समर्थन में बोलने के लिए खड़ा हुआ हूँ। हम निरंतर लंबे समय से काले धन की लड़ाई करते आए हैं। अगर हम बात करें तो 24 अगस्त, 1974 को इंदिरा गांधी जी ने अपने पत्र में लिखा था कि काला धन अगर गरीब के पास होगा, तो उसे पकड़कर जेल में डाल दिया जाएगा, मगर यदि वह अमीर के पास होगा, तो उससे फाइन लेकर उसे छोड़ने का काम हमारी सरकार करेगी। यह बिल बन जाएगा, लागू हो जाएगा, लेकिन चर्चाएँ और आज के इस डिस्कशन से रूपरेखा को हम तय नहीं कर पाएंगे। जब तक इसका फायदा गरीब आदमी तक नहीं पहुंचेगा, तब तक हम यह नहीं मानेंगे कि इस बिल को सदन ने पारित करके भेजा था। मैं यही अपील करूंगा कि जो दोषी, अपराधी पाए जाएं, उनका निपटारा सरकार 6 से 12 महीने के अंदर करने का काम करे। जो अधिकारी उस जांच इंक्वायरी में हो, उसकी सेन्सिटिविटी देखते हुए, उस अधिकारी का ट्रांसफर न हो। हम यूपीए के शासन के अंदर निरंतर देखते आए कि जब-जब कोई बड़ा घोटाला सामने आया तो तुरंत सरकारी अधिकारियों को तबादले के तौर पर कहीं और भेज दिया गया और उसके बाद जब स्कैम धरती पर आया, तो उसमें बड़े-बड़े लूप होल हमें देखने को मिले। मैं एक बात सदन को बताना चाहूंगा कि चौधरी देवीलाल जी ने इसी तरह बुढ़ापा पेंशन की बात की थी। उसको उन्होंने जमीन पर लाने का काम किया था, हर बुजुर्ग को पेंशन देने का काम किया था। आज अगर हम इस बिल पर चर्चा कर रहे हैं तो मैं माननीय मंत्री जी से आग्रह करूंगा कि काले धन की बात हम पिछले तीन-चार सालों से निरंतर सुनते आए हैं और दशकों से इस पर चर्चाएं होती आई हैं। जब तक काला धन हमारे देश में नहीं आएगा, हमारे लोगों तक नहीं पहुंचेगा, क्योंकि अब तो जन-धन एकाउंट हर एक के पास है, उनके खातों में यह नहीं पहुंचेगा, तो आज इस बिल को बनाने का हमारा कोई फायदा नहीं होगा।

मेरा यही आग्रह रहेगा कि इंक्वायरी तुरन्त प्रभाव से खत्म कर दी जाये और 6 माह, 10 माह या 12 माह का एक टाइम सेट कर दिया जाये कि कोई दोषी पकड़ा जाये, यह बहुत अच्छी बात है कि 30 प्रतिशत, नहीं तो उस पर 120 प्रतिशत फाइन लगा कर, उसको जेल में भी डाला जायेगा। मगर, उस पैसे को देश में ला कर देश की अर्थव्यवस्था को सुधारने में उसका उपयोग नहीं होगा तो मेरा मानना है कि यह बिल आधा-अधूरा रहेगा। माननीय सांसदों ने जो-जो अपील किए हैं, अगर उन पर भी कोई अमेंडमेन्ट सरकार को लाने पड़े तो जरूर लाने का काम करें। इंडियन नेशनल लोक दल की ओर से हम इस बिल का समर्थन करते हैं।

श्री गणेश सिंह (सतना) : सभापति महोदय, सबसे पहले मैं माननीय वित्त मंत्री जी को धन्यवाद देता हूँ कि उन्होंने अपने बजट भाषण में जो घोषणा की थी, उस घोषणा को पूरा करने के लिए आज सदन में एक नया कानून प्रस्तुत किया है। वाकई में, इस देश को इस कानून की बहुत जरूरत थी। काले धन को विदेशों से लाने के लिए बहुत राजनीति हुयी। कई राजनैतिक दलों ने तो इसे अपने एजेंडे में ले लिया था, लेकिन भारतीय जनता पार्टी एक ऐसा दल है जिसने पूरे ईमानदारी के साथ देशवासियों से कहा था कि यदि हमारी सरकार बनेगी तो हम विदेशों से काला धन अवश्य लाने के लिए कोई कठोर कानून बनायेंगे। उस दिशा में हमारे प्रधानमंत्री जी ने जो शुरुआत की, उन्होंने कहा कि हम इस देश से भ्रष्टाचार को समाप्त करना चाहते हैं। भ्रष्टाचार समाप्त करने के लिए, मैं समझता हूँ कि काला धन बनाने का जो रास्ता है, उस पर कहीं न कहीं रोक लगनी चाहिए। यह पहला कदम है कि सरकार ने इतना कठोर कानून बनाने का निर्णय लिया है।

देश के एक-एक नागरिक के जुबान पर यह बात है कि काले धन के कारण हमारे देश का विकास रुका, गरीबी आयी, लोगों को पीने का पानी नहीं मिला, हमारे गांवों में गरीबों के मकान नहीं बने, आज भी शौचालय नहीं बनें, आज भी बच्चों को पढ़ने के लिए ठीक से व्यवस्था नहीं हुयी है। अगर काला धन पहले से रुका हुआ होता तो देश की स्थिति आज से बेहतर हो गयी होती। हमारे प्रधानमंत्री नरेन्द्र मोदी जी ने तय किया है कि हमें इस देश से गरीबी और बेरोजगारी मिटानी है। हमें इस देश में हर किसी को पक्का मकान बना कर देना है। हमें घर-घर में शौचालय बनाने हैं। हमें स्किल्ड भारत बनाना है तो निश्चित तौर पर हमें भ्रष्टाचार को रोकना पड़ेगा। यह भ्रष्टाचार तभी रुकेगा, जब काले धन के रास्ते पर प्रतिबंध लगेगा। हमारे देश के एक पूर्व प्रधानमंत्री जी कहा करते थे कि गांवों और शहरों के विकास के लिए हमने यहां से जो एक रुपया भेजने का व्यवस्था किया लेकिन वहां गांवों में उसमें से 15 पैसे पहुंचता है। बीच में 85 पैसे गायब हो जाते थे। उनको मालूम था कि वे कौन लोग हैं, जो 85 पैसे गायब कर रहे हैं। मेरी अपनी मान्यता है कि वह जो 85 पैसा वर्षों-वर्षों तक गायब होता रहा है, यह वही काला धन है जो विदेशों में जा कर जमा हो गया। अगर वह चाहते तो वे उसे रोक कर वापस ला सकते थे, लेकिन उन्होंने ऐसा कुछ नहीं किया।

18.13 hrs.

(Hon. Speaker in the Chair)

सचमुच, आज यह कानून दो रास्ते तय कर रहा है। एक रास्ता वह तय होगा कि जो काला धन विदेशों में जमा है, जिनके नाम के बारे में एस.आई.टी. कमेटी के शाह ने जो रिपोर्ट दी है, उनमें जो नाम आये हैं, उनके लिए एक रास्ता खुला है कि वे आर्यें, टैक्स और पेनाल्टी जमा करें और उससे मुक्त हों। अगर उन्होंने ऐसा नहीं किया तो जो विन्डो सरकार की तरफ से खोली जायेगी, अगर वह समय अवधि पार हो जायेगी तो निश्चित तौर पर उनको दंड भी होगा और अगर वे चाहेंगे कि बच जायें तो वे बच नहीं सकते हैं। अब कालेधन वालों की सूची कहीं न कहीं से पहुंचने का रास्ता खुल गया। एस.आई.टी. पहली बार

बनी। उसके बारे में माननीय सुप्रीम कोर्ट को कहे सालों बीत गये थे, लेकिन यू.पी.ए. की पुरानी सरकार उसको बनाने की हिम्मत नहीं जुटा पायी। हमारी सरकार सत्ता में आयी तो हमारे प्रधानमंत्री जी ने कैबिनेट की पहली मीटिंग में निर्णय लिया कि हम एस.आई.टी. बनायेंगे। एस.आई.टी. को बना कर उन्होंने इस बात को साबित कर दिया कि हमने जो वायदा किया है, हम उन्हें पूरा करने का काम कर रहे हैं। निश्चित तौर पर देश की अर्थव्यवस्था मजबूत हुयी है। वित्त मंत्री जी इसके लिए बधाई के पात्र हैं। निश्चित तौर पर उन्होंने देश में एक नयी व्यवस्था शुरू की है। आज विदेशों में भी इस बात की चर्चा शुरू हो गयी है कि दुनिया में सबसे ताकतवर अर्थव्यवस्था कोई है तो वह भारत की अर्थव्यवस्था है।

आज भारत के गरीब आदमी को भी महसूस होने लगा है कि हम प्रधान मंत्री जन-धन योजना के माध्यम से कुछ सेविंग कर सकते हैं, बीमा योजना का लाभ उठाने के लिए सेविंग कर सकते हैं, अटल पेंशन योजना का लाभ उठाने के लिए भी कुछ न कुछ सेविंग कर सकते हैं। आज लोगों का ध्यान निश्चित तौर पर पैसे बचाने और बैंक में खाता खोलने की तरफ पहुंचा है। आज तक कभी ऐसा नहीं हुआ था, लेकिन हमारे देश में यह शुरुआत हुई है। मैं समझता हूं कि इससे देश की अर्थव्यवस्था मजबूत होगी, प्रति व्यक्ति आय बढ़ेगी, गरीबी खत्म होगी और देश के विकास के काम तेज गति से आगे बढ़ेंगे।

वित्त मंत्री जी, मैं आपको बहुत-बहुत धन्यवाद देना चाहता हूं। आपने सचमुच देश को एक नई दिशा दिखाई है। सभी राजनीतिक दलों के लोगों ने आज इसका समर्थन किया है। मैं सबको बहुत-बहुत धन्यवाद देता हूं और सबसे निवेदन करता हूं कि जहां कहीं भी आपने किन्तु और परन्तु की बात की है, यह बात सही है कि देश में काले धन की चर्चा बहुत लम्बे समय से है। कहीं ऐसा तो नहीं कि वे परिन्दे उड़ गए हों। वित्त मंत्री जी, आपको उन परिन्दों की तरफ भी ध्यान रखना पड़ेगा। ऐसा तो नहीं कि वे परिन्दे उड़ गए हों, सब माल गायब हो गया हो, हम कानून बना रहे हैं और इसमें हमें बहुत ज्यादा लाभ न हो पाए। उन परिन्दों की तरफ भी ध्यान देना पड़ेगा। फ्रांस सरकार ने जो लिस्ट सरकार को दी है, मैं समझता हूं कि उस लिस्ट के आधार पर हमें लोगों को प्रतिबंधित करना चाहिए, नजरबंद करना चाहिए, उनके खातों की नजरबंदी करनी चाहिए। एसआईटी में शाह कमेटी ने जो कहा है, जिन-जिन लोगों के नाम आए हैं, जिन राजनेताओं के नाम आए हैं, जिन कारपोरेट घरानों के नाम आए हैं, अन्य जिन लोगों के नाम आए हैं, आपकी दृष्टि उनकी तरफ भी जानी चाहिए, तब इस कानून का सही अर्थ निकलेगा। वैसे तो काला धन देश में भी बहुत है। जमीनों के नाम पर, हुंडी के नाम पर, हवाला के नाम पर देश में जितना काला धन है, उसे भी कहीं न कहीं एक नम्बर का पैसा बनाने के लिए कानून बनना चाहिए।

यदि किसी के पास आय से अधिक इनकम है, तो मध्य प्रदेश सरकार ने उस पर प्रतिबंध लगाने के लिए कानून बना दिया है। वहां आए दिन छापे पड़ रहे हैं, आए दिन आय से अधिक सम्पत्ति जब्त हो रही है

और वह पैसा सीधे गरीबों के हित में खर्च हो रहा है। यह पूरी तरह तय होना चाहिए कि जो पैसा आएगा, वह गरीबों के हित में खर्च होगा, गांवों में बुनियादी सुविधाएं देने में खर्च होगा, गरीबी मिटाने में खर्च होगा। ऐसा भी कुछ प्रावधान करने की जरूरत है। मैं आपका बहुत-बहुत धन्यवाद करता हूं और इस बिल का पुरजोर समर्थन करता हूं।

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): Thank you, Madam Speaker, none of us disagrees obviously that black money is a serious problem. My Party has made it very clear that we would support any serious effort by the Government to bring back black money to this country. But this Bill has four fatal flaws. I would like to briefly touch upon each of these because the Government should be conscious that we are not supporting them blindly. We understand that there are some real limitations we would have liked seen improved.

The first is that this Bill rests on the premise that foreign assets and foreign accounts are the principal problem in black money. They are not. We actually have no real idea of the scale of the problem. The Ministry of Finance says that there is no official estimate. They are right. We have all heard a number of figures advanced during this debate. The most objective source the US based Global Financial Integrity came up with a report saying that in the entire period from 1948 to 2008, there was 213 billion dollars lost, which in today's terms is about Rs.20 lakh crore. The hon. Member from Andhra Pradesh mentioned a more recent report of Rs.28 lakh crore. But you are still ending up not with Rs.15 lakh per Indian but under Rs.25,000 per Indian in black money outside. So, first of all the scale of the problem is much smaller than the people assume.

More importantly, the domestic black money is a much bigger figure and is a much larger problem. Yet domestic tax evasion remains a civilian offence whereas this Bill criminalizes foreign assets. Let us face it. This Bill is a pure political diversion by the BJP to distract the people from Government's failure to actually tackle black money generation in this country, within India.

In fact, even black money generated abroad, as has been pointed out by many speakers, is brought back to India as FDI and the so called round tripping, especially through investment havens like Mauritius. During the last financial year, 4.9 billion dollars came in that way from Mauritius. So, if this Bill is indeed as ambitious as the Minister says, the ambition seems to consist of scratching the tip of the iceberg while the real part of the iceberg remains in this country.

The second fatal flaw is that there is no mechanism to actually retrieve information on the defaulters. We are talking about the fact that we need to get agreements with Governments to do this. Are there any new Governments prepared to work with us for it? There are Governments which have concluded agreement with us. Are there any new Governments that have come on board to give us information? How many Governments are willing to cooperate?

We know that foreign countries are just not waiting to hand over information to us about Indians holding black money in their countries. The fact is that their domestic laws will come in and International Treaties will come in. Madam Speaker, for example, if you want information on Swiss Bank deposits, the Swiss Government will not reveal them, and cannot reveal them under their own laws, until we provide the names of individuals we are investigating, the names of the banks where they have their money and evidence of criminality in the acquisition of this money. The Swiss Government has said that they will not support any 'Fishing Expedition' by the Indian Government looking for Indian names in their banks. You have announced these harsh punitive measures in today's Bill but how will punitive measures alone promote compliance when you do not have any way of knowing, of getting information about inculcate people?

The fact is, our good Finance Minister once upon a time used to enjoy good South Indian food. He has given us a *medu vada* Bill – a Bill with a big hole in the middle of it. Like the *medu vada*, we are seeing a big hole -the lack of means of obtaining information about those whom we want to actually prosecute. That is the big hole in the middle of the Bill. You can announce jail, you can announce fine but you cannot fine or jail unknown people. Do you have the names of people or do you have the means of getting them?

The third flaw is, this Bill gives unbridled powers to the tax authorities, assessing officers, Enforcement Directorate, CBDT and others overlooking the great failures of tax administration in our country. The Bill is essentially recreating the Inspector Raj of the pre-liberalisation days.

The fact is, this is a Government that has disempowered most of its Ministers, that has bypassed those bureaucrats except the ones who are in the PMO. The only people who are getting new powers now in this Government are the taxmen. The fact is that they have been given judicial powers, powers to scrutinise files for 16 years, given the right to levy penalties, powers to make people criminally liable, etc. Essentially, we are going to drive people away from India. We will end up with more NRIs. But unlike the ones which my colleague, Shri Deependra Singh Hooda mentioned, these NRIs will not come back to this kind of tax tyranny.

My bigger worry is that this will drive away businesses if this law applies to businesses also. It does not square with the Government's vaunted determination to improve India's ease of doing business.

There are no safeguards for protecting the innocent people. Those who give inadequate information in good faith will still be punished. We are completely overlooking the very quality of tax administration in this country. There are real questions about the integrity of our tax process.

We have heard today that there are vacancies in the Enforcement Directorate. One concrete example is that the Government has missed its deadline of 31st March, 2015 for prosecuting black money holders abroad under the existing Income Tax Act, 1961. Out of 427 actionable cases in the HSBC list, SIT has prosecuted only 200 of them. So, do you have the capacity to prosecute people? If you do not have the capacity even to go after the names which you have got, what are you going to do with this new Bill?

The fourth and final flaw is an important flaw and that is, this is not part of an overall strategy. An overall strategy should be on control of generation of black money, which will need the Government to cooperate with the Opposition and work with the House for a comprehensive approach that includes serious tax reforms and rationalisation; that includes real estate practices (and there are a whole series of things which need to be done there); that includes improving the

quality of education so that black money does not come into the education system; that includes black money in politics, which we never talk about in this House, but the fact is that politics is a wash in black money; and of course, that includes action against hawala networks. No such large comprehensive strategy has been articulated by the Government.

What this Bill is doing for the Government is, instead, like modern dating. It offers short term gratification without long term commitment or long term consequences.

So, finally, let me beg the Government that - we will support the Bill - they should be honest with the citizens. This Bill is an attempt to look tough, seem to be taking decisive action but it is not anchored or integrated in such a sensible strategy.

I want to tell the Government that they should please fix these flaws in their future actions and come back to us with a comprehensive approach.

इस बिल के माध्यम से कालेधन का जो पैसा वापस आएगा, उसमें से गरीब किसानों के जन-धन योजना वाली जीरो अकाउंट बैलेंस में 15 लाख रुपये जमा करा दीजिए।

Thank you, Madam Speaker.

SHRI ARUN JAITLEY : Madam Speaker, I am extremely grateful to a large number of Members of this House who have all actively participated in this debate which was initiated by Shri Deepender Singh Hooda. Almost all the Members who have spoken have supported the Bill. Some appeared to have supported it wholeheartedly and some like Dr. Shashi Tharoor very grudgingly. I do not think Dr. Shashi's heart is into this Bill. Therefore, he started by saying that this Bill has four fatal flaws and it will not achieve anything and ended up by saying that it can become very draconian. It can be either of the two; it cannot be both. But then, he made a point that the real issue lies in getting information internationally and attacking the sources of black money. I think our home-grown friend from Rohtak, his experience was much more than your experience from Manhattan because he knew the history of evolution and he completely had the clue on what history is.

There was once a time – Shri Deepender Singh Hooda rightly mentioned it – when money crossed over geographical borders, the territorial jurisdiction of your laws and your investigating agencies almost came to an end. Therefore, to get evidence internationally which is outside the shores of India was extremely difficult. So, if a criminal crossed over into Bangladesh or Nepal or Pakistan or if the evidence of his crime was hidden in a Swiss Bank in Geneva or in the Isle of Man or in any other tax havens, it was almost next to impossible for the Government of India to get details of that information. So, the first stage – that is what Shri Deepender Singh Hooda rightly mentioned – is that we attempted to get this by relying on the principle of dual criminality. The principle of dual criminality was that if the offence was *per se* a taxation violation, the cooperating State would not give information. It had to be a criminal offence, an offence under investigation, it should be an offence in both the territories. It should be an offence in India and in the other territory. This procedure continued. A lot of our struggles to get details from Switzerland used to be that we had to first prove that it was not merely tax evasion money but these were profits of proceeds of crime and that crime itself was a crime both in India and internationally, in that country.

Thereafter, we enter the second stage that how can people who hide money in one country and keep it in another are dealt with. The civilized jurisprudence requires that the countries cooperate with each other. Therefore, information was being sent on the basis of various cooperation treaties like the Double Taxation Avoidance Treaty, Clause 28 that you spoke of. That is the stage we are now in. But this Stage is also not enough because we have information. For instance, take the HSBC accounts. The Information about the HSBC account in Geneva is stolen by somebody. It was taken to France. That stolen information is made available to various countries by the French Government. So, we have a list of hundreds of names from India, people who have account in the HSBC bank in Geneva. But the Swiss have said: "It is stolen information, we will not cooperate with you on the basis of stolen information." This stolen information came to us, and in the last 11 or 12 months we have assured this House and the country that we will proceed further.

Even though the number is 600 and odd, you must bear in mind that when you start investigating you will find that some of the account holders are either foreign passport holders or Non-Resident Indians who are legitimately entitled to maintain that account. So, they will be screened out. In some cases, there are multiple names, wife and husband jointly occupy the account. So, the offence is committed by them jointly. But then it is shown as two separate names to us. So, we assured this House that we would investigate each one of these cases. By 31st March, we have finished assessment proceeds in most of the cases. Madam, 121 criminal prosecutions against those account holders have been lodged. But we have to be very careful in following the terms under which we get that cooperation.

The Swiss for example have told us that they would not cooperate on the basis of stolen information. So, the Revenue Secretary led a team of officials and entered into an arrangement and they asked the Swiss, what if we are able to get independent evidence, independent of the stolen information against the same

people and the Swiss said that they would cooperate. So, there is a written arrangement: joint release was issued. They are now cooperating in a number of cases; some of them are very significant cases and we have got cooperation. When it went to attend the World Economic Forum at Davos, I met the Swiss Ministers concerned and we furthered that cooperation. But this is still a very slow process. Now, the world is moving towards what is the core of the whole issue.

G-20 has taken an initiative where the hon. Prime Minister made a commitment and we are active participants, that we will join the global effort for automatic exchange of information. Now, we had a difficulty in that. In the Supreme Court judgement appointing the SIT, the Supreme Court said: "Don't enter into arrangement which says, we would provide the secrecy clause." The secrecy clause is, you can make the disclosure of the names only when you complete the investigation and file the prosecution in court. Our understanding here is, you make a disclosure. The person may come up and say, my account is legitimate. We cannot allow him to be disgraced in that event. In fact, that proceeding which resulted in names being given to some persons by the court, and the names being made public, at least two countries have told us, you are in violation of treaty obligations by making the names public by a procedure which is not prescribed for. Therefore, we are now trying to persuade them to continue cooperation with us. So, we have to strictly comply with that.

Now, we are entering the third stage, which is automatic cooperation. The G-20 initiative will lead to a situation whereby about 2017, whoever are Indian citizens who transact internationally, their details are automatically conveyed and if we find that any of those details are unlawful, we are entitled to take action. Simultaneously, under the domestic law of the United States, FATCA, the United States is requesting other States to enter into a treaty obligation and there will be a bilateral automatic exchange.

The second stage will be countries which enter into the FATCA arrangement with the US *inter se* will also have the same arrangement and for

those countries which do not enter into this arrangement, there will be a Withholding Tax on all remittances going into those countries. So, there will be a disincentive for all your remittances if you do not cooperate in this automatic transmission of information.

Therefore, all those who keep monies unlawfully in their accounts and assets unlawfully outside, whether these are profits of crime or profits of tax evasion, the time is running out on them. Slowly the world is moving towards automatic exchange of information and once that automatic exchange of information is available, they will be liable for penal action.

What is the scheme or the architecture of our strategy? Now, the HSBC accounts were found out in 2008. Those evaders are much cleverer than us. So, in 2014 and 2015, by the time the NDA Government came to power, they were not going to keep monies in their accounts and monies would have travelled or would have been spent or would have moved dozens and hundreds of jurisdictions.

Similarly, in case of Liechtenstein also, we have found out the accounts, prosecutions have been filed and assessments have been completed in all cases. The NRIs may get the benefit, the others are being prosecuted.

So, the architecture is that on the one hand, you cooperate with the international community in the fight for automatic exchange of information and that is the direction.

The second strategy is that we must have a deterrent law in India, a law which acts as a deterrent if after the closure of the Compliance Window you keep monies outside, it is going to be a high penal penalty coupled with prosecution.

The third strategy, which is not delinked from this, is that as far as domestic money is concerned, we try and squeeze the amount of black money domestically. In India, there are businesses where people feel that transacting in black money is almost their right like in property transactions, buying luxury items and gold etc. So, we must squeeze the use of black money slowly. This cannot come in an overnight shock. This has to come slowly and we should squeeze the use of black

money domestically by various taxation steps, monetary steps and other steps and that is the road map which we are following. So, there is no fatal flaw in this strategy.

Now, how is this Bill different from normal taxation Bills? This Bill is different from normal taxation Bills because you can pay your income tax, you can pay your interest and penalty and get away. Here, there is a Compliance Window which will be open after this Bill becomes an Act and there will be a tax on undisclosed assets outside on which you have to pay 30 per cent plus 30 per cent tax. Once the Compliance Window is closed, you will be charged 30 per cent plus 90 per cent tax which means the value of the asset itself would be taken away because there will be a tax of 120 per cent. Now, if that 120 per cent tax claim is outside or it is disposed of, how do you bring it in?

So, in the Finance Bill which we have passed, we have quietly amended the Money Laundering Act and in this Bill also we are amending the Money Laundering Act. Thus, keeping unlawful assets outside has been made a predicate offence under the Money Laundering Act. So, the Money Laundering Act will be applicable if you are found to have an account or asset outside, after the Compliance Window is closed, and you will be liable for prosecution. Under the Money Laundering Act, for this 60 per cent or later on for this 120 per cent tax, along with the Finance Bill, we have made an amendment that this 120 per cent tax claim will be recovered out of your Indian assets. It will be done even if you have managed to dispose of or keep secret your foreign asset itself. This is the first time this basic change has been brought about. This asset will be liable for taxation both in the hands of the owner as also the beneficial owner. For instance, if you go *via* Cayman Islands and have a Trust, which is only the beneficial owner, and you can say: "Charge the Trust". No, the real owner behind the declared owner will also be liable.

Under the Income Tax Act, there are time limits. There will be no time limit here. So, in the year in which it will be found, the year in which there is a

discovery of your international asset, it will be treated as an income in that year itself. The face value will be taken. The real fair value will be taken as the real value. Now, will this be applicable, as Deepender ji said, for harassing people, let us say, innocent NRIs, students, professionals, the answer is: "No". The answer is "No" very clearly; that is not the intention at all. So, people at Madison Square, even after the next election will say: "Modi, Modi." They will continue to prosper. ... (*Interruptions*)

So, please do not follow a strategy that for the last few months we were taunting you: "What are you doing?" So, when we decide to bring a law, obviously you cannot say: "I do not support it." So, you are pushed into a corner where you have to support that law. While supporting that law, very grudgingly you say, let me now create a fear psychosis; innocent people are going to be harassed. Law is good.

हिंदी भाषा में और राजनीति की भाषा में "लेकिन" शब्द हर प्रकार के अवसरवाद के लिए एक तंत्र आपके हाथ में दे देता है। जैसे कोई कहता है कि "मैं तो काले धन के खिलाफ हूँ, लेकिन।" इससे आम आदमी पर या एनआरआई पर कोई असर नहीं पड़ेगा, मगर आप "लेकिन" शब्द भूल जाएं। What does Section 2(1) say? It says, "assessee" means a person, being a resident and not ordinarily resident in India. जो आदमी इस देश में 182 दिन रहेगा, सैक्शन-6 इनकम टैक्स एक्ट में वहीं रेजिडेंट होगा। जो विद्यार्थी बाहर पढ़ता है, जो एनआरआई मेडीसिन स्केयर में मौजूद था, जो प्रोफेशनल्स बाहर हैं, वे वहां रहते हैं। If somebody lives casually and spends more than 182 days in India, he will be liable for taxation in India. He will be a resident here. But then, those who are residents here can today have an asset in England or Switzerland or America. But that should be with RBI permission. जैसे विद्यार्थी पढ़ने के लिए बाहर गया, और माता-पिता उसके लिए पैसा भेजते हैं। वह पढ़कर वापिस आ गया और जो एकाउंट उसने वहां खोला था उसमें थोड़े पैसे रह गए। Is he going to be liable? The answer is: "No". Kindly read Sections 42 and 43 of this Act, the proviso. जिस किसी के छोटे खाते में पांच लाख रुपए के इक्विवलेंट पैसे कम पड़े हैं, उसके खिलाफ कार्रवाई नहीं होगी। कोई बच्चा पढ़ने के लिए गया, वापिस आया और उसके एकाउंट में दो सौ डालर बचे हैं, क्या उसके खिलाफ केस चलेगा?

The answer is: “No”. The Act itself says, if it is less than Rs. 5 lakh, he is not going to moved under; we do not want to proceed against trivial violations. But then the big fish must not get away in the garb. Let us not fire from the shoulders of these innocent students in order to make sure that no harsh action is taken against the big fish itself.... (*Interruptions*)

SHRI DEEPENDER SINGH HOODA: I agree but you give them comprehensive protection.... (*Interruptions*)

SHRI ARUN JAITLEY: Your point is well taken. In addition to this protection under the Act, we will make sure that statutory guidelines are also issued. Clarificatory Circulars are issued by the CBDT. In the clarificatory Circulars, we will make sure that any innocent person who does a lot of international traveling should not be covered. These are not cases which are intended to be covered under this. It is for those residents who are assessed in India, who live here, those who hold legitimate assets abroad. We want Indians to hold legitimate assets abroad. They must buy companies abroad for which they may even have a house abroad. But if you hold it unlawfully then, you are liable for consequences. Clarifications will be issued in regard to professionals or NRIs. I cannot issue a Circular that whoever goes to Madison Square should not be prosecuted. But I will certainly make sure that innocents are not the targets, it is those people who are doing well there.

Now, reports have come with regard to various committees that we have appointed. But since I cannot give you an authentic data on the floor of the House of as to how much money is there. Therefore, it is different from what Integrity International says or some of the agencies say. These are all indicative figures. I cannot be too specific to give you the exact figures which you want to know. We are considering all those reports which have come out.

On the Benami Act, I can only tell you that the redrafted Act is at a very advance stage. It will be reaching the Cabinet any moment. I have already mentioned in the Budget Speech that the old Benamy Properties Act, which was

legislated, the notification for giving effect to it was not introduced for more than two decades. So, it has lapsed. Now, more modern Benami Act has been drafted. It will probably reach the Cabinet any day.

A question was raised, is it an amnesty scheme? The answer is 'no'. In an amnesty scheme, you just take the tax and give pardon to people. Here, we are imposing a fresh tax, therefore, giving a compliance window. Amnesty schemes have also a provision against name and shaming. There is no protection here. If you miss the compliance window, you will have to go in for prosecution. That is what this Act says. So, it is an Act, the architecture of which is designed in a manner that it is intended to impose a new tax and after the closer of the compliance window it will become a much harsher provision in terms of of both penalty and prosecution itself.

Besides this, there are other details which were asked for as to what steps we are taking with regard to domestic black money. I may reiterate even at the cost of repetition, that this law has nothing to do with domestic black money. We deal with domestic black money under the Income Tax Act and various policies that we frame under that Act. That is an exercise which we are going to do simultaneously. But the need to curb even domestic black money is extremely important. We need to bring slowly more and more of our economy into the declared economy itself. It has an ability to bring up tax collections; it has an ability to bring up our GDP; and it also helps the Government to bring down the taxation rates. If by bringing in parallel black money into the economy I can collect more taxes then the slab at which we charge taxes itself has to go down. Therefore, that itself helps the citizens as far as they are concerned. Now, the main battle, therefore, if I say, is going to be (a) automatic transmission of information which will be in real time, a machinery which is set up to be attuned to that (b) a deterrent punishment after the compliance window to those who keep assets illegally outside the country. There are some categories which are outside the compliance window. For instance, if this is money out of gun running, money out

of terrorism, money out of narcotics, then you cannot say: "I will now come in the compliance window and declare it. So, we have kept that out."

The battle (c), which is separate, is that we take steps. These are going to be not one-time steps, but continuous steps one after the other. Bringing down tax rates is a good step to curtail domestic black money so that people are incentivised.

Now, one example, which is repeatedly given is that 'very few people in India pay taxes. This is occasionally on television debates and in the pink paper. So, let us, therefore, expand the base. Now, there are 25 crore families in India. Sixty per cent are agriculturists. So, out of the balance, you have people who are living below poverty line and you have people who enjoy exemptions. We are almost reaching a figure of four crores, and each one of them including agriculturists and people like below poverty line are paying Indirect Taxes. So, this figure has to move up. So, we must analyse the problem adequately and move up so that more and more people can come into the tax net itself.

I am sure, with the kind of steps that we are taking both on domestic black money and foreign assets, this law will provide an opportunity. When the initial tax is imposed, it will then act as a deterrent and, therefore, it will help us in getting the assets back by people declaring them; if they do not declare them, attaching the equivalent properties in India; and for the future, deterring people from keeping such assets of the country outside.

With these few observations, Madam, I commend this Bill to this hon. House for its acceptance.

HON. SPEAKER: The question is:

“That the Bill to make provisions for undisclosed foreign income and assets, the procedure for dealing with such income and assets and to provide for imposition of tax on any undisclosed foreign income and asset held outside India and for matters connected therewith or incidental thereto, be taken into consideration.”

The motion was adopted.

Clause 2 **Definitions**

HON. SPEAKER: The question is:

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill

Clause 3 **Charge of tax**

HON. SPEAKER: Dr. A Sampath, are you moving your Amendment No. 26 to Clause 3?

DR. A. SAMPATH (ATTINGAL): No. Madam, I am satisfied and I am not moving it.

HON. SPEAKER: Thank you. The question is:

“That Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill

**Clause 5 Computation of total undisclosed
foreign income and asset**

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment No. 8 to Clause 5?

SHRI N.K. PREMACHANDRAN (KOLLAM): Yes, Madam, I am moving Amendment No. 8 to Clause 5. I could not speak earlier because of paucity of time. The point, which I would like to make and which Mr. Hooda also made, is that in computing the undisclosed assets, the satisfaction of the Assessing Officer is taken into consideration. The words ‘subject to the satisfaction of the Assessing Officer’ is giving arbitrary and unfettered power to the Assessing Officer.

I beg to move:

“Page 4, line 2,--

omit “to the satisfaction of the Assessing Officer”.” (8)

HON. SPEAKER: I shall now put the Amendment No. 8 to Clause 5, moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shrimati Kavitha Kalvakuntla to move Amendment No. 35 to Clause 5. Shrimati Kavitha Kalvakuntla – not present.

The question is:

“That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clauses 13 and 14 were added to the Bill.

Clause 15 Appeals to Commissioner (Appeals)

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment Nos. 14 and 15 to Clause 15?

SHRI N.K. PREMACHANDRAN: Madam, I am not moving.

HON. SPEAKER: The question is:

“That clause 15 stand part of the Bill.”

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 17 Powers of Commissioner (Appeals)

HON. SPEAKER: Shri N.K. Premachandran, are you moving Amendment Nos. 16 and 17 to Clause 17?

SHRI N.K. PREMACHANDRAN : Yes, Madam.

I beg to move:

“Page 8, line 23,-

after “or cancel”,

insert “or alter”.” (16)

“Page 8, line 28, -

after “Assessing Officer”.

insert “on the application of the appellant”.” (17)

Madam, it is ill-drafted. Instead of the word ‘cancel’, the word ‘alter’ has to be made. That is a better drafting. Also, in Amendment No. 17, after the term ‘assessing officer’, the words ‘on the application of the appellant’ are to be inserted.

HON. SPEAKER: I shall now put Amendment Nos. 16 and 17 to Clause 17 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: The question is:

“That clause 17 stand part of the Bill.”

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18 Appeals to Appellate Tribunal

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment No. 18 to clause 18?

SHRI N.K. PREMACHANDRAN : Madam, I am not moving.

HON. SPEAKER: The question is:

“That clause 18 stand part of the Bill.”

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19 Appeal to High Court

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment Nos. 19 to 23 to Clause 19?

SHRI N.K. PREMACHANDRAN: Yes, Madam, I am moving Amendment Nos. 20, 21, 22 and 23 to Clause 19.

I beg to move:

“Page 9, for lines 34 to 38,-

Substitute “(4) If the High Court is satisfied that a substantial question of law is involved in any case, the appeal shall be heard and the respondents shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question”.” (20)

“Page 9, line 40,-

omit “not formulated by it”.” (21)

“Page 9, line 42,-

omit “so formulated”.” (22)

“Page 10, line 7, -

omit “ on the basis of a certified copy of the judgment”.” (23)

Madam, I am not moving Amendment No. 19. Here, I would like to draw the attention of the hon. Minister. Regarding right to move an appeal before the Supreme Court, you have to get a certified copy of the High Court and also the High Court has to certify that this is a fit case for appeal. The High Court which pronounced the judgment has to give a certificate that yes, this is a fit case for appeal, then only the aggrieved appellant or the aggrieved person can file an appeal before the Supreme Court. I am talking about Amendment No. 24. Kindly verify the position because the same court which makes an order has to give a certificate.

HON. SPEAKER: I shall now put Amendment Nos. 20, 21, 22 and 23 to Clause 19 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. SPEAKER: The question is:

“That clause 19 stand part of the Bill.”

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20 was added to the Bill.

Clause 21 Appeal to Supreme Court

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment No. 24 to Clause 21?

SHRI N.K. PREMACHANDRAN : Yes, Madam, I am moving Amendment No. 24 to Clause 21.

I beg to move:

“Page 10, lines 16 and 17, -

omit “which the High Court certifies to be a fit case for appeal to the Supreme Court”.”

(24)

Madam, I am pressing for this Amendment. I have already stated that in order to file an appeal in the Supreme Court to get a certificate from the High Court that it is a fit case for appeal. It is not fair.

HON. SPEAKER: I shall now put Amendment No. 24 to Clause 21 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That clause 21 stand part of the Bill.”

The motion was adopted.

Clause 21 was added to the Bill.

Clauses 22 and 23 were added to the Bill.

Clause 24 Revision of other orders

HON. SPEAKER: Shri N.K. Premachandran, are you moving your Amendment No. 25 to Clause 24?

SHRI N.K. PREMACHANDRAN: I am not moving Madam.

HON. SPEAKER: The question is:

“That clause 24 stand part of the Bill.”

The motion was adopted.

Clause 24 was added to the Bill.

Clauses 25 to 32 were added to the Bill.

19.00 hrs.

Clause 33 Tax recovery officer by whom recovery of tax dues is to be effected

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No.27 to Clause 33?

DR. A. SAMPATH (ATTINGAL): I beg to move:

“Page 15, line 19,--

for “(i) the assessee carries on his business;”.

substitute “(i) the assessee normally carries on his business;”.” (27)

Madam, it is only adding a word because clause 33 (ia) says, “within whose jurisdiction the assessee carries on his business.” I hope the Minister may accept my amendment because I would like to add only one word ‘normally’. There will be some difference in this electronic era when business is being done. The assessee normally carries on his business. That is what my amendment is.

HON. SPEAKER: I shall now put Amendment No.27 to Clause 33 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That clause 33 stand part of the Bill.”

The motion was adopted.

Clause 33 was added to the Bill.

**Clause 34 Recovery of tax dues in case of
a company in liquidation**

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No.28 to Clause 34?

DR. A. SAMPATH : Madam, I am not moving. It is only relating to the days. Instead of three months, it should be more specific as ninety days. If the Minister is not willing what can I do?

HON. SPEAKER: The question is:

“That clause 34 stand part of the Bill.”

The motion was adopted.

Clause 34 was added to the Bill.

Clauses 35 to 48 were added to the Bill.

**Clause 49 Punishment for failure to furnish return in
relation to foreign income and asset**

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No.29 to Clause 49?

DR. A. SAMPATH : Yes, Madam. I beg to move:

“Page 20, line 19,--

for “with fine”,

Substitute “with fine which may extend to one crore rupees”. (29)

On page 20, line 19, it is stated, ‘with fine’. I want the quantum of fine because in penal law there will be a quantum of fine. So, if what would be the amount of fine is known, then that maximum amount of fine can be imposed. That is why, I have put Rs.1 crore.

माननीय अध्यक्ष : माननीय सदस्यों, सदन की कार्यवाही सात बजे तक बढ़ाई गई थी, अब हम आधा घंटा सदन की कार्यवाही को और बढ़ा लेते हैं।

... (ब्यवधान)

शहरी विकास मंत्री, आवास और शहरी गरीबी उपशमन मंत्री तथा संसदीय कार्य मंत्री (श्री एम. वैकैय्या नायडू) : मैडम, बिल की वोटिंग समाप्त होने तक कार्यवाही बढ़ाते हैं।... (ब्यवधान)

कुछ माननीय सदस्य: हाँ

माननीय अध्यक्ष : सदन की कार्यवाही आधा घंटा बढ़ाई जाती है।

I shall now put Amendment No.29 to Clause 49 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shrimati Kalvakuntla Kavitha to move Amendment No.37 to Clause 49 –Not present.

The question is:

“That clause 49 stand part of the Bill.”

The motion was adopted.

Clause 49 was added to the Bill.

**Clause 50 Punishment for failure to furnish return of income,
any information about an asset (including financial
interest in any entity located outside India)**

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No. 30 to Clause 50?

DR. A. SAMPATH : Yes, Madam. I beg to move:

“Page 20, line 31,--

for “with fine”,

Substitute “with fine which may extend to one crore rupees”.” (30)

Madam, this is also of the same nature because it is to fix the quantum of fine. Even for a petty case also, there is a quantum of fine. If one violates the Motor Vehicle Act, then also there is a quantum of fine.

HON. SPEAKER: I shall now put Amendment No. 30 to Clause 50 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shrimati Kalvakuntla Kavitha to move Amendment No.38 to Clause 50. She is not there.

The question is:

“That clause 50 stand part of the Bill.”

The motion was adopted.

Clause 50 was added to the Bill.

**Clause 51 Punishment for wilful
attempt to evade tax**

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No. 31 to Clause 51?

DR. A. SAMPATH : Yes, Madam. I beg to move:

“Page 20, line 36,--

for “with fine”,

Substitute “with fine which may extend to one crore rupees”.” (31)

The Minister is very much stubborn.

HON. SPEAKER: I shall now put Amendment No. 31 to Clause 51 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shrimati Kalvakuntla Kavitha to move Amendment No.39 to Clause 51. She is not there.

The question is:

“That clause 51 stand part of the Bill.”

The motion was adopted.

Clause 51 was added to the Bill.

**Clause 52 Punishment for false
statement in verification**

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No.32 to clause 52?

DR. A. SAMPATH : Yes, Madam, I beg to move:

“Page 21, line 12, -

for “with fine”,

Substitute “with fine which may extend to one crore rupees”.”

(32)

HON. SPEAKER: I shall now put Amendment No.32 to clause 52 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shrimati Kavitha Kalvakuntla to move Amendment No.40 to clause 52. She is not present.

The question is:

“That clause 52 stand part of the Bill.

The motion was adopted.

Clause 52 was added to the Bill.

Clause 53 Punishment for abetment

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No.33 to clause 53?

DR. A. SAMPATH : Yes, Madam, I beg to move:

“Page 21, line 18, -

for “fine”,

Substitute “fine which may extend to one crore rupees”.” (33)

HON. SPEAKER: I shall now put Amendment No.33 to clause 53 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: Shrimati Kavitha Kalvakuntla to move Amendment No.41 to clause 53. She is not present.

The question is:

“That clause 53 stand part of the Bill.

The motion was adopted.

Clause 53 was added to the Bill.

Clause 54 was added to the Bill.

Clause 55**Prosecution to be at instance of
Principal Chief Commissioner or Chief
Commissioner or Principal Commissioner
or Commissioner**

HON. SPEAKER: There is a Government Amendment No.3 to clause 55: Hon. Minister.

Amendment made:

“Page 21, line 37, -

for “of offences”,

Substitute “of proceedings of the offences”.” (3)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That clause 55, as amended, stand part of the Bill.”

The motion was adopted.

Clause 55, as amended, was added to the Bill.

Clauses 56 and 57 were added to the Bill.

Clause 58**Punishment for second and
subsequent offences**

HON. SPEAKER: Dr. A. Sampath, are you moving your Amendment No.34 to clause 58?

DR. A. SAMPATH : Yes, Madam, I beg to move:

“Page 22, line 32, -

for “once crore rupees”,

Substitute “ten crore rupees”.” (34)

HON. SPEAKER: I shall now put Amendment No.34 to clause 58 moved by Dr. A. Sampath to the vote of the House.

The amendment was put and negatived.

HON. SPEAKER: The question is:

“That clause 58 stand part of the Bill.

The motion was adopted.

Clause 58 was added to the Bill.

Clauses 59 to 72 were added to the Bill.

**Clause 73 Agreement with foreign countries
or specified territories**

HON. SPEAKER: There is a Government Amendment No.4 to clause 73: Hon. Minister.

Amendment made:

“Page 26, for lines 26 to 38, *substitute*, -

“(a) for exchange of information for the prevention of evasion or avoidance of tax on undisclosed foreign income chargeable under this Act or under the corresponding law in force in that country, or investigation of cases of such evasion or avoidance;

(b) for recovery of tax under this Act and under the corresponding law in force in that country.”.” (4)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That clause 73, as amended, stand part of the Bill.”

The motion was adopted.

Clause 73, as amended, was added to the Bill.

Clauses 74 to 83 were added to the Bill.

**Clause 84 Application of provision of
income tax Act**

HON. SPEAKER: There is a Government Amendment No.5 to clause 84: Hon. Minister.

Amendment made:

“Page 29, line 20, -

for “284 shall apply”,

Substitute “284 of the Income-tax Act shall apply”.” (5)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That clause 84, as amended, stand part of the Bill.”

The motion was adopted.

Clause 84, as amended, was added to the Bill.

Clauses 85 and 86 were added to the Bill.

Clause 87 Amendment of section 2of Act 54 of 1963

HON. SPEAKER: There is a Government Amendment No.6 to clause 87: Hon. Minister.

Amendment made:

“Page 30, line 30, -

for “the Undisclosed Foreign Income and Assets (Imposition of Tax)”,

Substitute “the Black Money (Undisclosed Foreign Income and Assets and Imposition of Tax”.” (6)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That clause 87, as amended, stand part of the Bill.”

The motion was adopted.

Clause 87, as amended, was added to the Bill.

Clause 88 Amendment of Act of 15 of 2003

HON. SPEAKER: There is a Government Amendment No. 7 to Clause 88 – Hon. Minister.

Amendment made:

“Page 30, line 36,--

for “the Undisclosed Foreign Income and Assets (Imposition of Tax)”

substitute “the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax”. ” (7)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That clause 88, as amended, stand part of the Bill.”

The motion was adopted.

Clause 88, as amended, was added to the Bill.

Clause 1 Short title, extent and commencement

HON. SPEAKER: There is a Government Amendment No. 2 to Clause 1 – Hon. Minister.

Amendment made:

“Page 1, lines 4 and 5, —

for “the Undisclosed Foreign Income and Assets (Imposition of Tax),”

substitute “the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax”. ” (2)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That clause 1, as amended, stand part of the Bill.”

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula was added to the Bill.

THE TITLE

HON. SPEAKER: There is a Government Amendment No. 1 to Long Title – Hon. Minister.

Amendment made:

“That in the Long Title,--

for “for undisclosed foreign income and assets”,

substitute “to deal with the problem of the Black money that is undisclosed foreign income and assets”.” (1)

(Shri Arun Jaitley)

HON. SPEAKER: The question is:

“That the Long Title, as amended, stand part of the Bill.”

The motion was adopted.

The Long Title, as amended, was added to the Bill.

SHRI ARUN JAITLEY: Madam, I beg to move:

“That the Bill, as amended, be passed.”

HON. SPEAKER: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

श्री अरविंद सावंत (मुम्बई दक्षिण) : माननीय अध्यक्ष महोदया, आप जानती हैं कि हाल ही में नेपाल में जो भूकम्प हुआ, उसमें साढ़े सात हजार से भी ज्यादा लोग मर गए। ऐसे भूकम्प पहले महाराष्ट्र में भी हुए हैं, गुजरात में भी हुए हैं। मैं इस शून्य काल में आपके सामने यह लाना चाहता हूँ कि हाल ही में माननीय प्रधान मंत्री जी ने फ्रांस में अरेवा कम्पनी के साथ एक करार किया है। ऐसी स्थिति में हमारे महाराष्ट्र के सिंधुदुर्ग-रत्नागिरी जिले में जैतापुर में अणुऊर्जा प्रकल्प लाने की कोशिश हो रही है। उसके लिए प्रयास भी शुरू हैं।

महोदया, मैं आपके माध्यम से सरकार से विनती करता हूँ कि इसके बारे में जियोलॉजिकल विभाग ने कहा कि यहां भूभ्रंश है। पिछले बीस सालों में यहां 93 भूकम्प हुए। इसके बाद ओशियॉनिक विभाग ने कहा कि अणु ऊर्जा निर्माण का जो संयंत्र है, उसमें पानी का उपयोग होने वाला है और वह पानी जब समुद्र में फेंका जाएगा, तो इससे समुद्र के पानी का तापमान बढ़ेगा। उससे वहां के मत्स्य पर भी बुरा असर पड़ने वाला है। अणु ऊर्जा संयंत्र की वज़ह से हमने देखा कि फुकुशिमा में पूरा शहर खाली किया गया। आज वहां जो चार लाख लीटर पानी बचा है, वह भी वहां अणु का उत्सर्जन कर रहा है। इसलिए मैं आपके माध्यम से सरकार से विनती करता हूँ कि जैतापुर के प्रकल्प के लिए आगे बढ़ने से पहले सरकार इन सारी रिपोर्टों की जांच करे और उसके बाद विचार कर के जैतापुर प्रकल्प को रद्द करे। यह मेरी प्रार्थना है।

श्रीमती ज्योति धुर्वे (बेतूल) : अध्यक्ष महोदया, मैं आपको धन्यवाद देती हूँ कि आपने मुझे शून्य काल में बोलने का अवसर दिया। इस सदन में बैठे हुए जो सदस्य हैं, वे लोकसभा का चुनाव जीतकर आते हैं और 545 सदस्य चुनकर यहां आते हैं। उन्हें प्रधानमंत्री जी के द्वारा कैंसर रोगियों के लिए, जो इससे पीड़ित होते हैं, एक महीने में तीन केस की सुविधा हर संसद सदस्य को प्राप्त होती है।

अध्यक्ष महोदया, मैं आपके माध्यम से प्रधानमंत्री जी का ध्यान आकर्षित करना चाहती हूँ कि मेरा संसदीय क्षेत्र अति पिछड़ा है, चाहे वह आर्थिक दृष्टि से हो या सामाजिक दृष्टि से हो। वहां पर रहने वाले 63 परसेंट ट्राइबल्स आर्थिक दृष्टिकोण से आज भी अत्यंत पिछड़े हुए हैं। आप सेंसस रिपोर्ट में देखेंगे तो आपको भी इस सत्यता की जानकारी होगी। मेरे क्षेत्र में रहने वाले इन आदिवासियों में आज भी शिक्षा की बहुत कमी है और उनकी आर्थिक स्थिति भी बहुत कमजोर है। कैंसर इलाज की जो सुविधा होती है, वह महीने में गिनती की केवल 3 और साल में 36 होती हैं। वर्ष 2014 में 6,009 लोग कैंसर से पीड़ित होकर कालग्रस्त हुए। मैं चाहती हूँ कि मेरे संसदीय क्षेत्र के इन पिछड़े हुए लोगों को एक महीने में 3 की जगह 10 की सुविधा दी जाए। इस सुविधा को बढ़ाने का निवेदन करते हुए आपका बहुत-बहुत धन्यवाद करती हूँ और अपनी वाणी को विराम देती हूँ।

माननीय अध्यक्ष : श्री निशिकान्त दुबे और श्री गजेन्द्र सिंह शेखावत को श्रीमती ज्योति धुर्वे द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

डॉ. अंशुल वर्मा (हरदोई) : अध्यक्ष महोदया, मैं आपके माध्यम से माननीय प्रधानमंत्री जी के संज्ञान में लाना चाहता हूँ कि मेरे लोक सभा क्षेत्र हरदोई के अंतर्गत उत्तर प्रदेश राज्य चीनी निगम लिमिटेड इकाई शाखा, हरदोई 15 वर्षों से बंद पड़ी है।

महोदया, मिल बंद होने के बाद से कर्मचारियों का भविष्य निधि खाता संख्या यू.पी. 176 सत्र 1984 के पूर्व तक का बकाया चालीस प्रतिशत वेतन ही प्राप्त कराया गया तथा साठ प्रतिशत भविष्य निधि वेतन व अन्य बकाया भुगतान आज तक राज्य सरकार द्वारा नहीं किया गया।

महोदया, कर्मचारियों का सत्र 1982-83 के 3ए एवं 6ए का भविष्य निधि कार्यालय में उपलब्ध न होना बताकर भुगतान नहीं किया गया एवं पेंशन गणना में 2 वर्ष छोड़ दिए गए, जबकि भविष्य निधि कार्यालय में पत्र संख्या 37,414 दिनांक 16.07.2003 के माध्यम से जमाधन अंकित है, यह सूचित किया गया।

महोदया, कर्मचारी भविष्य निधि संगठन क्षेत्रीय आयुक्त, लखनऊ के पत्र संख्या 51,709 दिनांक 16.07.2003 ने सदस्यों के वार्षिक लेखा विवरण के संबंध में वर्ष 1991-92 में त्रुटियां होने के कारण आगे के वार्षिक लेखा विवरण में सुधार कर प्रेषित किए जाने के बारे में बताया। इन्होंने अपने पत्र में यह भी स्वीकार किया कि भविष्य निधि धनराशि की प्रपत्र 3ए एवं 6ए के माध्यम से इस कार्यालय में जमा होना अंकित है।

महोदया, मैं आपके माध्यम से माननीय प्रधानमंत्री जी से आग्रह करता हूँ कि बंद पड़ी चीनी मिल के कर्मचारी बेरोजगारी की दशा में भुखमरी झेल रहे हैं। एक तरफ क्षेत्रीय आयुक्त, लखनऊ भविष्य निधि संगठन ने अपने पत्र से त्रुटियां होना स्वीकार किया है तथा भविष्य निधि धनराशि कार्यालय में जमा न होना भी स्वीकार किया है।

आपसे आग्रह है कि जनहित में बंद पड़ी चीनी मिल के कर्मचारियों के 60 प्रतिशत बकाया भविष्य निधि का भुगतान कराने की कृपा करें। धन्यवाद।

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र को डॉ. अंशुल वर्मा द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

SHRI RAM MOHAN NAIDU KINJARAPU (SRIKAKULAM): Thank you, Madam Speaker, for giving me the opportunity to speak during 'Zero Hour'.

I would like to use this time to put in the notice of the Government about the serious problem of unemployment that the youth of this country is facing. As a result of unemployment, we see that a lot of young people are facing emotional stress, and because of that they are trying to commit suicides; try drugs; and also finding different wrong ways to earn money, which is leading to health issues and increase in crime. This is not the thing that we expect from the youth of this country, and to use the youth of this country in the development of this country, every scheme that the Government is trying to bring up, it has to directly or indirectly come up with a scheme to generate more employment in this country.

I hope that the Government takes this problem seriously, and looks at it that way.

HON. SPEAKER : Shri C.R. Chaudhary and Shri P.P. Chaudhary are permitted to associate with the issue raised by Shri Ram Mohan Naidu Kinjarapu.

श्री संतोख सिंह चौधरी (जालंधर) : अध्यक्ष जी, मैं सुबह भी कह रहा था कि पंजाब दवाबा बहुत महत्वपूर्ण रीजन है। उसका क्षेत्र जालंधर है, जो मेरा संसदीय क्षेत्र है। यह एरिया हमेशा स्वास्थ्य सुविधाओं से वंचित रहा है। वर्ष 1994 में वहां कांग्रेस की सरकार थी और सरदार बेअंत सिंह वहां के मुख्यमंत्री थे। उस समय वहां एक सरकारी गन्ना फार्म था, उसमें से 56 एकड़ जमीन ले कर एक एम्स जैसा संस्थान बनाने का सरकार ने फैसला किया और उस पर 140 करोड़ रुपये खर्च हुए। उस पर भव्य इंफ्रास्ट्रक्चर बिल्ड हुआ है। उसमें मेडिकल कॉलेज बनना था और उसमें एम्स की तरह सारी सुविधायें दी जानी थी। उस वक्त की हमारी सरकार ने भी इसके लिए कोशिश की। हमने भारत सरकार को लिखा कि एम्स इसको टेक ओवर करे। पर आनफारचूनेटली, सरकार बदल गयी। अब उसकी वैल्यू 1500 करोड़ रुपये है। प्रांतीय सरकार ने अपने एक मौजूदा मंत्री को 131 करोड़ रुपये में उसकी एक सोसायटी को लीज पर दे दिया।

अब भारत सरकार ने यह एनाउंस किया है कि पंजाब को एक एम्स मिलना है। जिस सोसायटी को 131 करोड़ रुपये में लीज पर दी गयी है, वह उसे चला नहीं पा रही है और एम.सी.आई. उसको इजाजत नहीं दे रहे हैं। मेरा अनुरोध है कि जालंधर में पीम्स का बुनियादी ढांचा बना हुआ है, पंजाब को जालंधर में एक एम्स दिया जाये ताकि मेरे संसदीय क्षेत्र और आस-पास सारे एरिया के लोगों के स्वास्थ्य सुविधायें मिलें।

श्री हरिनारायण राजभर (घोसी) : माननीय अध्यक्ष जी, आपने मुझे कुछ किसानों के बारे में कहने का मौका दिया। उत्तर प्रदेश में किसानों की फसल का प्राकृतिक आपदा से जो नुकसान होता है, मात्र इने-गिने गांव के लोगों की ही क्षतिपूर्ति की जा रही है। उनको 100 रुपये और 200 रुपये का चेक दिया जा रहा है। मैं यह कहना चाहूंगा कि पूरे गांव के किसानों का नुकसान हुआ है और उस गांव में मात्र 10 आदमियों की क्षतिपूर्ति की जा रही है, जो एकदम अन्याय है। मैं आपसे मांग करता हूं कि आप यह निर्देश दें कि उस गांव के पूरे किसानों का सर्वे करा कर, सभी लोगों का जितना नुकसान हुआ है, उसकी क्षतिपूर्ति की जाये। मैं आपसे यही मांग करता हूं।

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र को श्री हरिनारायण राजभर द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री भरत सिंह (बलिया) : माननीय अध्यक्ष जी, मैं आपके माध्यम से अपने क्षेत्र बलिया के बसंतपुर ग्राम सभा में भारत सरकार द्वारा हजारों करोड़ों रुपये की लागत से बनकर, बंद पड़े बहुदेशीय योजना की ओर आकृष्ट करना चाहता हूं। मेरे संसदीय क्षेत्र के बसंतपुर ग्राम सभा में 215 एकड़ जमीन में भारत सरकार द्वारा हजारों करोड़ रुपये खर्च करके कृषि अनुसंधान केन्द्र, एशिया का सबसे बड़ा फव्वारा, वन विभाग का गेस्ट हाउस, पाठशाला, कैंटीन, भोजपुरी सांस्कृतिक केन्द्र, तारामंडल, हिस्ट्री म्यूजियम, वृद्धाश्रम, चिल्ड्रेन पार्क, आडिटोरियम, दूरसंचार विभाग का गेस्ट हाउस, कृत्रिम झील इत्यादि वर्षों से बंद पड़े हैं। पूर्व प्रधानमंत्री आदरणीय चन्द्रशेखर जी के प्रयासों से हजारों करोड़ रुपये खर्च करके यह योजना स्थापित हुयी थी। 'सुरहा ताल' हिन्दुस्तान का सबसे फेमस ताल है। उस ताल को अगर डेवेलप किया जाये तो 50,000 लोगों को रोजगार मिलेगा। मैं आपके माध्यम से कहना चाहता हूं कि ये सब बंद होने के कारण जंगल हो गये हैं।

मैं आपके माध्यम से भारत सरकार के पर्यटन मंत्री, संस्कृति मंत्री और वन विभाग के मंत्री का ध्यान आकर्षित करना चाहता हूं कि भारत सरकार के हजारों-करोड़ रुपये खर्च हुए हैं।...(व्यवधान)

श्रीमती मीनाक्षी लेखी (नई दिल्ली) : आदरणीय अध्यक्ष जी, मैं एक बहुत महत्वपूर्ण विषय आज सदन के समक्ष रख रही हूं। कुछ दिन पूर्व राज्य के एक मुख्य मंत्री जी ने ऐसा बयान दिया कि प्रेस का कोई भी व्यक्ति अगर उनके खिलाफ खबर छापता है तो उसके विरोध में एक परिपत्र जारी किया जाएगा और उस पर मानहानि के मुकदमे की मांग की जाएगी। उन्हीं व्यक्ति ने उसके एकदम पूर्व एक और बयान जारी किया कि जो भी उनकी नजरों में ईमानदार व्यक्ति होंगे और ईमानदार प्रेस के कार्यकर्ता होंगे, उन्हें उनकी सरकार प्रोत्साहित करेगी। ऐसा आज न केवल लोकतांत्रिक व्यवस्था बल्कि उसकी जितनी भी कार्यप्रणाली

है, उसके अपमान के क्षेत्र में आता है क्योंकि इस प्रकार का कार्य कि अपनी तारीफ में जो लिखा जाए, उसे प्रोत्साहित करने के लिए करदाताओं के पैसों का इस्तेमाल किया जाए, क्या यह आज की लोकतांत्रिक व्यवस्था में मुमकिन है? क्या ऐसा कोई भी सरकार कर सकती है? मैं कहना चाहती हूँ कि यह सत्य को कहीं न कहीं जनता से दूर रखने का एक प्रकरण है जिसकी भरसक निन्दा आज इस संसद के माध्यम से होनी चाहिए। विभिन्न मीडिया समूहों के कार्यक्षेत्र में धरातल की असमानता को भी सृजित करता है। प्रैस की स्वतंत्रता लोकतंत्र का अत्यंत महत्वपूर्ण स्तम्भ है तथा सरकार द्वारा जनता के पैसे से इस प्रकार का पक्षपात करना उसे कमजोर करता है यानी लोकतांत्रिक व्यवस्था को ही कमजोर करता है। यह राष्ट्र के लिए चिन्ता का विषय है क्योंकि यह हम सबको 70 के दशक की याद दिलाता है। उस दशक में आपातकाल के दौरान प्रैस का किस तरह दुरुपयोग हुआ, यह देश अच्छी तरह जानता है और दृढ़ता से उसका विरोध करता है। साथ ही पुनः ऐसा दोहराया न जाए, इसकी पूरी तैयारी है। अतः मैं इस सदन के माध्यम से अनुरोध करती हूँ कि न केवल इसकी निन्दा व भर्त्सना करना आवश्यक है अपितु इसे हतोत्साहित करने की भी आवश्यकता है। **Not only shunned but it has to be discouraged by this House.**

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र, श्री अजय मिश्रा टेनी, श्री गजेन्द्र सिंह शेखावत, डा. उदित राज, श्री जगदम्बिका पाल, श्रीमती अंजू बाला, श्री ददन मिश्रा, श्री प्रहलाद सिंह पटेल, डा. वीरेन्द्र कुमार, श्री पी.पी. चौधरी, डा. मनोज राजोरिया और श्रीमती रेखा वर्मा को श्रीमती मीनाक्षी लेखी द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री प्रेम सिंह चन्दूमाजरा (आनंदपुर साहिब) : अध्यक्ष महोदया, मीनाक्षी लेखी जी ने जो विषय उठाया है, ...(व्यवधान)

माननीय अध्यक्ष : क्या आप वही विषय उठा रहे हैं?

...(व्यवधान)

श्री प्रेम सिंह चन्दूमाजरा : मैं पहले अपने को उनके विषय से एसोसिएट करता हूँ और वादा भी करता हूँ।...(व्यवधान)

माननीय अध्यक्ष : आप अपनी बात बोलिए।

...(व्यवधान)

श्री प्रेम सिंह चन्दूमाजरा : वादा इस बात का है कि ऐसी ही बहुत शर्मनाक और निन्दनीय घटना पंजाब के लुधियाना में हुई। वहां एक महिला पत्रकार की पिटाई की गई। उसे कांग्रेस के एक विधायक ने मारा। मुझे

इस बात का दुख है कि वहां यूथ कांग्रेस के बहुत सारे वर्कर्स खड़े थे। उन्होंने लताड़ा।... (व्यवधान) मां दिवस पर एक मां को केवल इसलिए इतना पीटा गया कि वह उनके मर्जी की खबरें नहीं देती थी।... (व्यवधान) उसका अपमान किया गया। मैं आपके माध्यम से निवेदन करना चाहता हूं कि हाउस इसकी निन्दा करे और ऐसे लोगों को सबक सिखाए जो इमरजेंसी की याद दिला रहे हैं। वे प्रैस का गला घोटना चाहते हैं।... (व्यवधान)

माननीय अध्यक्ष : श्री भैरों प्रसाद मिश्र को श्री प्रेम सिंह चन्दूमाजरा द्वारा उठाए गए विषय के साथ संबद्ध करने की अनुमति प्रदान की जाती है।

श्री थुपस्तान छेवांग (लद्दाख) : अध्यक्ष महोदया, मैं आपके माध्यम से भारत सरकार का संज्ञान एक दुर्घटना की ओर कराना चाहता हूं। जैसा पिछले दिनों चर्चा में था कि लद्दाख के जंसकार क्षेत्र में फुटकल नदी के पानी का बहाव रुक जाने की वजह से वहां 20-30 किलोमीटर की एक आर्टिफिशियल लेक बन गई थी। 7 तारीख की सुबह तकरीबन आठ बजे वह बस्ट हूई जिसकी वजह से वहां बहुत त्रासदी हुई। अभी तक जो समाचार मिला है, उसके अनुसार कम से कम 9-10 फुट सस्पेंशन ब्रिजेस, 4 मेजर मोटरेबल ब्रिज बह गए हैं। खुशी की बात यह है कि किसी जान का नुकसान नहीं हुआ है। लेकिन एग्रीकल्चरल लैंड, एनिमल्स और स्कूल बिल्डिंग्स की क्षति हुई है। मैं आपके माध्यम से सरकार से अनुरोध करना चाहता हूं कि वहां एक सेंट्रल टीम भेजी जाए। सड़क टूट जाने की वजह से हजारों लोगों की कनेक्टिविटी खत्म हो गई है। ध्वस्त पुल का निर्माण अति आवश्यक है।

प्रधानमंत्री जी से अनुरोध करना चाहता हूं कि डिजास्टर रिलीफ फंड से या प्राइम मिनिस्टर फंड से क्षतिपूर्ति के लिए और असेन्शियल पब्लिक सर्विस को दुबारा निर्माण के लिए धन दिया जाए। एक सेंट्रल टीम को भी जल्द से जल्द भेजने की कृपा की जाए।

SHRI K.H. MUNIYAPPA (KOLAR): Madam Speaker, silk is one of the most important things Karnataka is producing and it is earning good foreign exchange. Duty imposed during the UPA government was more. Now as the Government is reducing the duty imposed, the sericulture farmers are facing problems. I urge upon the Government, the Finance Minister and the Textile Minister to have a relook at it in order to protect the silk farmers.

HON. SPEAKER: Shri Rajeev Satav is permitted to associate with the issue raised by Shri K.H. Muniyappa.

SHRI P. KARUNAKARAN (KASARGOD): Madam Speaker, I would like to place before the House some serious problems of MNREGA workers. We have raised this issue in the Question Hour also. It is true that payment of large amounts in wages is pending and that too for months together. Madam, as you know well, a large number of MNREGA workers are women workers. It is very difficult for those workers to work without getting any wages. It is against the provisions of this Act itself. In Kerala itself payments of wages amounting to Rs.75 crore are pending. Throughout India it comes to about Rs.2,000 to Rs.3,000 crore. It is very difficult for these workers to go on working. So, I urge upon the Government to release the amount as early as possible.

श्री गोपाल शेट्टी (मुम्बई उत्तर) : अध्यक्ष महोदय, महाराष्ट्र सरकार के सामाजिक न्याय एवं विशेष समाजिक सहायता विभाग के सचिव द्वारा केन्द्रीय सामाजिक न्याय और अधिकारिता मंत्रालय के सचिव को पिछड़े वर्ग के लिए केन्द्र सरकार की ओर से वर्ष 2001-2002 से 2013-2014 की अवधि का बकाया 1392.100 करोड़ की रिम्बर्समेंट राशि को जारी किए जाने हेतु प्रस्ताव भेजा गया है और उक्त राशि को जारी किए जाने हेतु 29 रिमाइंडर लेटर भी प्रेषित किए गए हैं, लेकिन केन्द्र सरकार की ओर अब तक वह बकाया राशि जारी नहीं की गई है। राज्य के पिछड़े वर्ग के योग्य छात्रों के लिए छात्रवृत्ति हेतु बकाया केन्द्रीय धन का आबंटन शीघ्र सुनिश्चित किया जाना चाहिए। अंत में, सदन के माध्यम से सामाजिक न्याय एवं अधिकारिता मंत्री जी से अनुरोध है कि वह महाराष्ट्र राज्य के पिछड़े वर्ग के योग्य छात्रों के लिए छात्रवृत्ति हेतु केन्द्रीय धन का आबंटन शीघ्र सुनिश्चित किए जाने हेतु आवश्यक निर्देश देने का कष्ट करें।

HON. SPEAKER: The House stands adjourned to meet again at 11 a.m. tomorrow.

19.33 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, May 12, 2015/Vaisakha 22, 1937 (Saka).
