

## THE TAXATION LAWS (AMENDMENT) BILL, 1978

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Mr. Deputy Chairman, I beg to move:—

“That the Bill further to amend the Income-tax Act, 1961 and the Wealth-tax Act, 1957, as passed by the Lok Sabha, be taken into consideration.”

This short and simple Bill has limited objectives. These objectives are to exempt certain categories of income derived by political parties from income-tax and to exempt the value of their assets from the wealth-tax. The Bill also provides for the disallowance in the computation of taxable profits of the expenditure incurred by tax-payers on advertisements in souvenirs, brochures and the like published by political parties. Political parties are necessary in any democratic set-up. It is also an accepted fact of life that political parties have to spend considerable sums of money for carrying on their political activities. Taxation of political parties, however, reduces their disposable funds thereby adversely affecting their capacity to finance. In keeping with our commitment to help and strengthen democratic traditions, it is proposed to exempt income derived by political parties from certain legitimate sources, namely, income by way of voluntary contributions, income chargeable under the head ‘interest on securities’, income from house property and income from other sources. The effect of these provisions will be that besides income by way of voluntary contributions income derived by political parties from their investment in movable and immovable properties will be exempt from income tax.

THE VICE-CHAIRMAN (SHRI NIZAM-UD-DIN) in the Chair.

Political parties are not expected to engage themselves in business of commercial activities. Income derived by political parties from such activities, therefore, stands on a different footing.

The Bill, therefore, does not provide any exemption in respect of commercial venture and such income will continue to be chargeable to income tax Act. With a view to ensuring that political parties keep a proper account of their income and expenditure, the Bill provides that the exemptions from income tax under the new provisions will not be allowed unless the political parties maintain proper books of account, records the name and address of every person who has made a voluntary contribution of more than Rs. 10,000/- at a time and the accounts of the political parties are audited by a Chartered Accountant or other qualified auditor. Every political party will be required to furnish a return of income if the total income of the party as computed, taking into account the exemption under the new provision, exceeds the maximum amount not chargeable to income tax. One of the main objectives of wealth tax is to reduce disparity in personal incomes and wealth. As this consideration does not apply to political parties, the Bill also seeks to exempt political parties from wealth tax. In order to ensure that the proposed exemption from the income tax, and wealth tax is allowed only in the case of genuine political parties, the Bill provides that this provision will apply only in the case of political parties which are registered or deemed to be registered with the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968. The contributions for advertisements in souvenirs published by political parties are generally not made on considerations of business expediency. They are really in the nature of disguised donations made with the objective of circumventing the ban on company donations and also for obtaining the tax advantage by claiming deduction in respect of such expenditure in the computation of taxable profits. In order to remove this lacuna, the Bill provides that the expenditure incurred by the tax-payer for advertisement in any

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souvenir, brochure, pamphlet or any other publication of the similar nature published by political parties will not be deducted in computing taxable profits.

Sir, this is a simple and non-controversial Bill. I hope that it will receive the full support of the House.

*The question was proposed.*

SHRI N. K. P. SALVE (Maharashtra): Mr. Vice-Chairman, as I rise to speak on the Taxation Laws (Amendment) Bill, 1978, I must make it clear that I am not in agreement with the Finance Minister when he said either in this House or possibly in the other House that this is a non-controversial Bill. This is not, according to me, a very innocuous measure as the Finance Minister would want us to believe. Apart from the fact that several provisions are such as would be counter-productive to the very objects and reasons, the entire provisions of the Bill and the entire scheme, as I shall point out section after section, are upside down and topsyturvy and will not conduce to what he has made out in the objects of the Bill and what he has just now said. To start with, four types of incomes are allowed exemption from Income-Tax and Wealth Tax of those political parties which are registered with the Election Commission. Now, the four types of incomes, confining myself to Income-Tax law, are incomes received by such political parties by way of income from securities, income from house properties, income from other sources and income from voluntary contributions. There is no ceiling on them. If a political party has large properties, movable and immovable, and is making large amounts of income, then there is no ceiling on it. It can build massive houses and large shopping complexes; it can acquire any amount of shares it wants; and it can have large holdings of securities and all that income, without any ceiling thereon, is exempted. Voluntary contributions have also been exempted. I do not know

whoever told the Finance Minister, an able man that he is, that if he did not exempt voluntary contributions, they would be taxed. Voluntary contributions are, as it is, not with in the charge of the taxes. No-where in the world is any political party or any institution or any trust, except for the limited purpose of section 244(A)(2)(a) and section 12 under which voluntary contributions are considered as incomes of the trust under sections 11 and 13, is deemed to treat voluntary contributions as income and political parties are not covered by sections 11 and 13. No-where in the world are voluntary donations or voluntary contributions considered as income. How can a gift ever be considered as income? Be that as it may, you have put it here that voluntary contributions received by a political party are also to be exempted and, for this purpose, you have stated that the taxation of their income, however, reduces their disposable funds thereby adversely affecting their capacity to finance their activities from legitimate sources of income. Now, I ask the Finance Minister; What are the legitimate sources of income of a political party? Having large immovable property is a legitimate source of income? Acquiring a large number of shares is a legitimate source of income?

PROF. RAMLAL PARIKH (Gujarat): What is wrong in that?

SHRI N. K. P. SALVE: You have large assets, huge assets, and that is why you will not see anything in it. For a rich party, Sir, there is nothing wrong in it. There is nothing wrong in it if you have large assets. (*Interruption*). Please sit down and listen to me. Please listen to what I have to say on this. Please try to understand what I have to say. If there is nothing wrong in it, what is wrong in a political party taking out a brochure and taking business advertisements in it? And what is wrong in a person giving such business advertisements showing it as the business expenditure? When any institution or any other charitable

organisation or any other person takes out a brochure, who or which is entitled to take out such a brochure, to take out such a souvenir, any advertisement inserted in the souvenir, would be an allowable deduction and payments for such an advertisement would be allowed deduction. But the political party is discriminated against. Does that not constitute a legitimate income? Holding of large houses constitutes a legitimate income? Holding of movable and immovable properties is the source of legitimate income? Is it the legitimate source of income of a political party? I ask you this. Is holding of shares a legitimate activity of a political party? And, Sir, there is no ceiling also on that. You can have an income of twenty crores from dividend and that is entirely exempt. But if you have twenty thousand rupees by way of income from souvenirs, then, the man who pays this twenty thousand rupees is not going to get any deduction for it at all! The rationale behind this I cannot understand at all. That is why I say that the whole scheme is topsy-turvy. If the people who give their advertisements are not to be allowed deduction in incomes, then, Sir,—the Finance Minister would know better than all of us—no advertisements would be coming to the political parties and a very vital and important source would be lost. After all, a lot of litigation is there in the different High Courts and different High Courts have held that advertisements given in the souvenirs of the political parties constitute a legitimate business expense wholly and exclusively for purposes of business and if they are not wholly and exclusively for purposes of business, but motivated by considerations other than that of business, if they are motivated by considerations of a political interest, then under section 37 itself they will be disallowed. You need come to this at all. I put it through you, Sir, to the Finance Minister that an expenditure incurred, whether advertisement or any other expenditure, which is not motivated for business,

wholly or exclusively for business purpose, would be allowed straightway under the existing law. Why are you making this law itself? This will do only one thing: The richer will become more rich and those on the periphery who want to find out the avenues will be muzzled from finding out avenues. You are exempting something in their hands. Contributions are already exempt. Your magnanimity was not needed for voluntary contributions; as I have already said, they are already exempt. If you want authority, I have any number of authorities for that purpose. The point for consideration is that if you were indeed motivated in this Bill by making available in the hands of political parties larger funds by activities which were legitimate in their hands by sources, which sources were valid in their hands, then I am unable to understand why you are inserting this clause 2B. Sir, I have had the privilege of working with the Finance Minister when he was a private Member. He was one man I found who never wanted any provisions that would put other private morality or public morality to a test, which will just collapse under a pressure. This is a sort of provision, this sort of enactment, this sort of prohibition, you are bringing in, where you say that you are bringing these provisions because they are in the nature of disguised donations made with the twin object of circumventing ban on company donations and for securing deductions in the computation of taxable profit. May I know: Is there any ban on non-company assesseees from giving advertisements, because once upon a time the view was taken, utterly erroneous view, that an advertisement given in a souvenir taken by a political party was the same as contribution given by a company or by any assessee. These are naturally two different concepts. Advertisement is an expenditure wholly and exclusively for purposes of business. The Bombay High Court in a judgement clearly laid down that these advertisements and even contributions that

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have been laid down are absolutely valid, provided you disclose them in your profit and loss account. When my party banned company donations, I called it a measure of hypocrisy. When you bring forward this sort of measure specially by this Finance Minister, I would call it sanctimonious humbug, because this is opposed to his conscience and it is opposed to what he has preached all his life, and utterly untenable for all that he said all these days. My submission, Sir, is: Whatever may be your justification for exempting interest on securities, whatever may be your justification for exempting income from house property, whether or not without any ceiling, if you are really anxious to allow the sources remaining in the hands of political parties, for God's sake, consider whether you should insert this section—Section 2B. Your apprehensions are ill-founded. If advertisements are inserted for purposes other than business purposes, then there is sufficient power in the hands of the Income-tax Officer to disallow this expenditure. Why the insertion of this new section, which contemplates complete, total ban? This section contemplates complete ban. This section reads:

"Notwithstanding anything contained in sub-section(1), no allowance shall be made in respect of expenditure incurred by an assessee on advertisements in any souvenir..."

If it be an advertisement of Rs. 200, Rs. 100 or Rs. 500, it will be disallowed.

There is another aspect to which I must draw the attention of the House. It is this: I do not understand where was the necessity to bring this Bill at all? I do not know if any political party even in the much maligned emergency days was subjected to any harassment. Possibly it was the RSS against which assessment proceedings have been pending or quite some time. But it has not

been harassed. The RSS is the only organisation with such a tremendous number of people of that organisation working in the Department who never allow proper assessment to be made. The matter went in appeal.

THE LEADER OF THE OPPOSITION (SHRI KAMLAPATI TRIPATHI): They are supposed to be non-political.

SHRI N. K. P. SALVE: I want to ask the Finance Minister one question very clearly and categorically as to whether this Bill is going to have any effect on the assessments of the R.S.S. in any manner because a plea was raised at the Income-Tax Appellate Tribunal that if certain amounts received are to be treated as income by the R.S.S. organisation, then the amounts received are not likely to be taxed because it is a political party. That plea has been raised. Would it be open to this political party to say that we are a political party and we are an appendage of Jana Sangh and, therefore, our entire income should be exempted? Such a plea can be raised. What happens to such organisations? They would always claim that they are working as an ancillary to some other political organisation. My specific question is about the R.S.S. organisation because it has been held as a fact that the income of R.S.S. is not covered by Sections 11 and 13. It is such a powerful organisation that with all the might of the Finance Ministry and the entire power of the Government during the emergency, they could not assess that organisation. There is a large number of R.S.S. volunteers who have infiltrated into the Department. They scuttle the entire thing. I expect the Finance Minister to be just fair to his Department and to the revenue and to tell us whether as a result of this the R.S.S. is going to seek any relief of any nature whatsoever.

Sir, the wealth tax is sought to be exempted. I do not understand this. You allow the political parties to amass wealth which is unrelated

to their political objects and you exempt them from wealth tax. May I know what is the rationale behind it? I can understand if you use movable or immovable properties for the purposes of your political objectives in carrying out your political movement and in aggrandising whatever are your political ideals. One can understand this. But what is the rationale in exempting properties, movable or immovable, which are unrelated to your political objects and ideals? These are some of the aspects which have struck me. These are the inconsistencies which have struck me. The Finance Minister fought with us for years for this sort of unrealistic provisions which he himself is making today. I would warn him not to be a victim of sentiments and of political pressure and more than anything else not to be a victim of any fraud on him to bring about this sort of provision which is only a premium on hypocrisy and a premium on dishonesty.

There is one more thing which I want to ask him. You have provided that in case there is a voluntary contribution beyond Rs. 10,000/-, the name must be disclosed. Unless the name is disclosed, the exemption would not be given. I cannot understand what sort of provision is this. If you are serious about it, I would tell you that what would happen is that they would show the donation received as Rs. 9999/- and it is the end of the matter. If you are serious about it, then you should provide that if there are anonymous donations beyond Rs. 10,000/-, they will not be exempt unless you disclose the name. This sort of provision only makes a mockery of the law. If one person gives more than Rs. 10,000/-, then anyone will mention two or three names instead of writing Rs. 20,000/- from one person. That will be the end of the matter. This provision will malign the statute. My submission is that we should not encumber our laws with provision which will be observed only in their breach and which will have no meaning. I hope

that the Finance Minister will give us satisfactory replies before he really wants us to believe that the Bill is so innocuous.

**SHRI SUJAN SINGH (Haryana):** May I know from the hon. Minister why these political parties like the Muslim League, the Akali Dal, etc. which have not opened their doors to other communities are being exempted from wealth tax.

**श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश):**  
श्रीमन्, मैं इस बिल का स्वागत करता हूँ और अपने फाइनेंस मिनिस्टर महोदय को बधाई देना चाहता हूँ कि आज तक जो राजनैतिक दल के नाम पर भ्रष्टाचार चल रहा था...

**श्री कल्पनाथ राय (उत्तर प्रदेश):**  
यह कहा से आया ?

**श्री जगदीश प्रसाद माथुर :** आपके यहां से आया होगा ।

**THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN):** Do not interrupt please.

**श्री जगदीश प्रसाद माथुर :** कल्पनाथ देवता आप से हाथ जोड़कर प्रार्थना करता हूँ कि आप मेरी बात सुनें । (Interruptions) मैं देवता को प्रणाम कर रहा हूँ कि जरा चुप रहें ।

मैं बड़े ध्यान से साल्वे माहव का भावण सुन रहा था । मुझे लगा कि सही बात को भी गलत किस खूबी के साथ बयान किया जा सकता है । उनके बयान की मैं तारीफ करता हूँ कि उन्होंने एक बड़े ही गलत केस को बड़े ही अच्छे शब्दों में रखने का यत्न किया है । उनका सबसे बड़ा हमला इस बात पर था कि विज्ञापन देने वालों को सरकार ने छूट क्यों नहीं दी है । जो काला धंधा पिछले 25 सालों से चलता रहा था और जिसकी पराकाष्ठा 1971 में हुई ।

[श्री जगदीश प्रसाद माथुर]

अब कोई भी राजनैतिक दल दह धंधा कर नहीं सकेगा। मुझे याद है कि 1969 में जब कांग्रेस टूटी और 1971 के अन्दर चुनाव हुआ तो एक गुप्त सरकुलर प्रधानमंत्री के आदेश पर इनकम टैक्स विभाग की तरफ से निकाला गया कि 2 हजार रुपये या उससे कम के विज्ञापन यदि राजनैतिक दलों को दिया जाये तो उसमें छूट दी जाय और उसको जांचा न जाय। इसका नतीजा यह हुआ कि हजारों की संख्या में सोदिनिधर छापे गये और लाखों करोड़ों रुपये जमा किया गया। मैं आज भी इनकम टैक्स वालों से और जिन कम्पनियों ने कांग्रेस को 1971 में इस प्रकार चन्दा दिया था दिनती करना चाहता हूँ कि वे उन सोदिनिधर्स के वाउचर कापी दिखा दें।

They were never published. I know for a fact that they were never published.

इसी तरह से उत्तर प्रदेश में 1974 में जब चुनाव हुए यही धंधा किया गया। अब कुछ लोगों के पैर में जूँ चुभ रहे हैं। क्यों? चुभ रहे हैं इसलिए कि इससे चोरबाजारी का धंधा अब बंद हो जायेगा। इससे कोई नुकसान नहीं होगा। अगर नुकसान है तो जितनी आज पार्टियाँ हैं उनका, या जो नई बनेंगी उन सभी का होगा। मैं अपने दोस्तों की इस हिम्मत की दाद देता हूँ कि किस प्रकार से वे कालाबाजारी करते हैं और आज भी सीने का पूरा जोर लगाकर कर रहे हैं, हमको कालाबाजारी करने की दुबारा इजाजत दीजिये। मैं बधाई देता हूँ अपने फाइनेंस मिनिस्टर महोदय को जिन्होंने हिम्मत के साथ यह प्रावधान किया है। यह पहले ही किया जाना चाहिये था।

श्री कल्पनाथ राय : माथुर साहब की पार्टी कालाबाजारी के पेट से पैदा हुई है।

श्री जगदीश प्रसाद माथुर : यह आप का कहना है। लेकिन पेट किसका बड़ा है यह सबको मालूम है।

इसलिये विज्ञापनों पर जो रोक लगाई गई है वह बिल्कुल सही कदम है। यदि ऐसे विज्ञापन पोलिटिकल पार्टियों को धन के एक प्रपोरशन में दिये गये होते तो एक अलग बात थी। मैं याद दिलाना चाहता हूँ सदन के सदस्यों को कि जब 1977 का चुनाव शुरू हुआ तो कैसे कांग्रेस पार्टी के दफतर से वाउचर मिले थे। सब लोगों ने देखा था कि ऐसे सरकुलर मिले थे कि एक-एक पेज के विज्ञापन के 25 हजार, 30 हजार रुपये दिये गये थे। इसको कोई चंदा क्या नहीं कह सकता? अगर कोई इसे दबी आवाज में चोरबाजारी भी कहे तो यह कोई गुनाह नहीं है। हमने अब इस चोरबाजारी को बन्द किया है। मैं एक बार फिर मंत्री महोदय का स्वागत करता हूँ। सात्वें साहब ने एक बात और कही है। आर० एस० एस० का नाम लिया है उन्होंने दोनों बातें कहीं हैं कि वालेंटरी डोनेशंस आय कर से मुक्त होते हैं और यह बात बिल्कुल सही है। शायद वह इनकम टैक्स प्रेविटस करते हैं, मुझे मालूम नहीं है। लेकिन वालेंटरी आर्गेनाइजेशंस का कंटीव्यूशन हमेशा अलाउड रहा है। पोलिटिकल पार्टियों का ऐसा चन्दा भी मुक्त रहा है। मैं जानता हूँ कि राजनीतिक आधार पर पिछली सरकार ने क्या क्या नहीं किया। मैं जनसंघ का मंत्री था। सरकारी मंत्री नहीं था। मैंने देखा है...

श्री कल्पनाथ राय : आल इंडिया के ?

श्री जगदीश प्रसाद माथुर : जी हाँ। आल इंडिया का। आप चुप रहिए। मैंने आल इंडिया दफतर भी देखा है। मुझे मालूम है कि किस प्रकार झूठे सच्चे इनकम टैक्स के नोटिस हमारे पास आते रहे। एक

भी असेसमेंट में गलती नहीं पाई गई। मुझे यह भी मालूम है कि दिल्ली प्रदेश कांग्रेस कमेटी पर कैसे नोटिस गए और कैसे असेसमेंट हुए। मुझे यह भी मालूम है कि मोटर-गाड़ियां, कार्यालय की आमदनी पर कैसे झूठे आवरण चढ़ा कर दिल्ली प्रदेश कांग्रेस कमेटी ने अपनी जान बचाई। यदि आप मुझे इजाजत दे तो घंटा-आधा घंटा मैं बोलूंगा और एक एक बात खोलता चला जाऊंगा। लेकिन मैं खोलना नहीं चाहता हूं। जो यह चोर-बाजारी कर रहे थे और आयकर वालों को भी (Interruptions) मालूम होना चाहिए कि आर० एस० एस० वालंटरी आर्गेंनाइजेशन है। वह पब्लिक से चंदा नहीं लेती।

श्री कल्पनाथ राय : : महाराष्ट्र में जो चार-चार लाख रुपये इनकी पार्टी के लोग दे रहे हैं वह कहां से आ रहा है। चोर बाजारी से आया और कहां से आया है ?

श्री जगदीश प्रसाद माथुर : आपकी इंदिरा कांग्रेस वाले जो आ रहे हैं वे ला रहे हैं। आर० एस० एस० वालंटरी आर्गेंनाइजेशन है। पब्लिक से चंदा नहीं लेती। उनके मैम्बर्स वालंटरी तौर से साल भर में एक बार पैसा देते हैं। उसकी अपनी एक पद्धति है। जिस ध्वज को वे गुरु मानते हैं उसके सामने जो जितना दे दें वह पैसा संघ का होता है। उससे ही काम चलता है। जैसे आर० एस० एस० की पद्धति है ऐसी पद्धति दुनिया में अन्यत्र नहीं है इससे ज्यादा वालंटरी कंट्रीब्यूशन दुनिया में कोई नहीं हो सकता। इसलिए उसके असेसमेंट का सवाल ही नहीं है। एक तरफ तो साहब साहब कहते हैं आर० एस० एस० एक पॉलिटीकल आर्गेंनाइजेशन है। मान लीजिए पॉलिटीकल आर्गेंनाइजेशन है...

श्री एन० के० पी० साहब : मैंने ऐसा नहीं कहा। यह उनका प्ली था डिपार्टमेंट वालों का...

श्री जगदीश प्रसाद माथुर : नहीं। आर० एस० एस० ने कभी अपने आप को राजनैतिक दल नहीं माना।

श्री कल्पनाथ राय : वह पॉलिटीकल है। उपसभाध्यक्ष महोदय आर० एस० एस० के सर संघ चालक बाला साहब देवरस मोरारजी देसाई से मिले, चौधरी चरण सिंह से मिले और जयप्रकाश नारायण से मिलने जा रहे हैं... यह क्या तरीका है।

श्री जगदीश प्रसाद माथुर : कल्पनाथ राय जी अगर बाला साहब देवरस मोरारजी देसाई आदि से मिले हैं। लेकिन आपकी हस्ती अभी उतनी नहीं है। अगर हस्ती नहीं भी है तो भी अगर आप मिलना चाहें तो मैं जिम्मेदारों लेता हूं मैं आपको भी मिला दूंगा... (Interruptions)

श्री कल्पनाथ राय : भाई मैं तो सुरत भी नहीं देखना चाहता मिलने की तो बात ही क्या है।

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Please do not argue that way. You carry on with your speech on the Bill.

श्री कल्पनाथ राय : राष्ट्रीय स्वयं सेवक संघ एक राजनैतिक संगठन है।

श्री जगदीश प्रसाद माथुर : यदि सज्जनता से बात नहीं सुनना चाहते और उदण्डता पर उतरे हैं तो मैं उदण्डता का आदी न होते हुए भी मजबूर होकर उनके बराबर उदण्डता कर सकता हूं...

(Interruptions)

I will retort and I am capable of shouting as loud as he can.

संघ को कुछ लोग राजनैतिक मानते हैं और आज की सरकार की परिभाषा में भी आर० एस० एस०

[श्री जगदीश प्रसाद माथुर]

राजनैतिक दल है। एक तरफ तो उसे राजनैतिक मानना और दूसरी ओर राजनैतिक दल को जो सुविधाये मिलनी चाहिए वह भी इस बिल में न देना, यह अति विरोधाभास और अन्धाय होंगा। लेकिन आर० एम० एम० ने अपने को वर्षों राजनैतिक नहीं माना इसलिए इस बिल का उनके द्वारा सहारा लेने का कदापि सवाल नहीं उठता। उनका वालेंटरी कोष है। उसके आधार पर यदि इन्कम टैक्स लगता हो तो क्या और न लगता हो न लगेगा या (Interruptions) लेकिन सवाल क्या है? सवाल यह है कि पिछली सरकार ने जैसे जनसंघ को और अन्य दलों को जो उसके विरोध में थे इन्कम टैक्स का सहारा लेकर दबाना चाहा उसी प्रकार की हरकत आर० एम० एम० के साथ की गयी दवाने की कौशिश की गयी। लेकिन सांच को आंच नहीं होती। इसलिए आर० एम० एम० उसकी धमकी में आया नहीं और, by all legal means they have fought and are fighting। यह तो हमारे मन्त्री महेन्द्र बताने सकते हैं कि अब मुकदमा किस स्टेज पर है अब मैं दुबारा बिल की तरफ आता हूँ। जो चीजे एकजमेट की गयी है...

श्री कल्पनाथ राय : आर० एम० एम० को जो सी० आई० ए० से पैसा मिलता है उसका क्या होता है?

श्री जगदीश प्रसाद माथुर : वह आपके पेट में जाता है, आप जो तगड़े हो रहे हैं उसी से। मुझे थोड़ी सी लुटि इस बिल के अन्दर लगी है वह मैं आपके सामने रखना चाहता हूँ। हो सकता है कि मेरी जल्ती हो। इसमें पोलिटिकल पार्टिज की जो व्याख्या की गयी है, उसमें कहा गया कि :

Under paragraph 3 of Election Symbols (Reservation and Allotment) Order, 1968. इलेक्शन कमीशन एक स्वतन्त्र निकाय है, उसके आर्डर बदल सकते हैं 1968 का आर्डर स्थायी आर्डर नहीं कहा जा सकता है। किसी अस्थायी आर्डर के आधार पर एकट के अन्दर कोई व्याख्या करना उचित नहीं दिखता। यदि यहाँ पर शब्दावली ऐसी होती कि 1968 का आदेश अथवा उसके बाद के आदेश जो कि उसकी व्याख्या करते हों तो बिल की स्थायी आवश्यकता पूर्ति हो सकती थी। आज जसी शब्दावली मुझे लगता है यह अपूर्ण है। It can be brought into difficulty any time. इलेक्शन कमीशन ने निर्णय देने का यदि तरीका 1978 में था, 1979 में बदल दिया और दूसरा तरीका कर दिया तो कठिनाई आ जायेगी।

श्री कल्पनाथ राय : वह जो पाते हैं सी० आई० ए० वाला उसके बारे में बतायें।

श्री जगदीश प्रसाद माथुर : दूसरी बात कह कर मैं खतम करूँगा।

श्री कल्पनाथ राय : तीन दिन का तैयार किया है फिर भी खतम नहीं कर पाते?

श्री जगदीश प्रसाद माथुर : जहाँ तक इसका सवाल है ... (Interruptions)

श्री कल्पनाथ राय : किसका?

श्री जगदीश प्रसाद माथुर : कल्पनाथ जी का, जहाँ तक कल्पनाथ जी का सवाल है वे खुश मिजाज आदमी दिखते हैं लेकिन गड़बड़ी करते हैं...

श्री कल्प नाथ राय : पांचजन्य है . . .

श्री जगदीश प्रताप सायनुर : पांचजन्य नहीं, भैया, आता आगेनाइजर पढ़ रहा हूँ। आखिर में मैं एक बात कह कर खत्म करूंगा। वैश्य टैकन को धाराओं भी स्वागत योग्य है। इन बिज को जैसे का तैसा स्वीकार किया जाना चाहिए, यद्यपि कल्प नाथ जी बहुत नाराज हैं।

SHRI ARVIND GANESH KULKARNI (Maharashtra): Mr. Vice-Chairman, Sir, the Bill which has been brought today by the Finance Minister is an *ad hoc* arrangement to meet certain lacunae which have been observed during the working of our democracy and the financial gifts which are given by various industrial houses to such political parties. Really, I would have liked the Government to go much deeper and remove the lacunae if the Janata Government or any political party and its responsible leaders desire that a healthy and resurgent democracy should be nourished and nursed in this country to attain the maximum benefits for the poorer classes of our society.

Sir, I have gone through the Bill. What the Bill now provides is that whatever income is derived from the assets owned by the political parties of gifted to them is not taxable. But at the same time, in regard to the second provision as regards advertisements, I do not agree that this provision should have been here in this Bill. What I feel, Sir, is that, in the world, the democratic forces are under pressure from the capitalists on the one side and from the Communists on the other. Take, for example, the Allendoregime in Chile. We saw how money power or the CIA crushed the democratic forces in that part of the world. Similarly, we see the U.S.S.R. and China Meddling with... Sir, may I request that there should be no disturbance?

SHRI KALP NATH RAI: I am listening to you.

SHRI ARVIND GANESH KULKARNI: Similarly, the U.S.S.R. and China are threatening the democratic countries with their brute power. For this purpose, my submission is that, in this country, we should develop certain procedures and take certain measures which will ultimately give strength to the democratic forces and to the political parties. Here, all the moral attitudes taken either by the Janata Party or the Congress Party or the Communist Party are out of tune. Sir, after the Janata Government came to power, various Commissions have been appointed. I think, very recently, a case has been filed as regards the use of jeeps. But after the advent of the Janata Government, many elections have taken place and it is on record in the Calcutta Press—this might have appeared in the Delhi Press also—that the same gentleman who hired jeeps for the Congress Party has hired jeeps for the Janata Party also. Sir, I would say that the problem of supplying jeeps or hiring jeeps is a very nominal problem. I am interested in a more deeper thinking by the Janata Government, particularly, by the Finance Minister, in regard to this problem. Now, the Janata Party is having its own organisation. Similarly, the Congress Party is having its own organisation. The Communist Party is also having its own organisation. Now, in West Bengal, the CPI(M) Government, headed by Mr. Jyoti Basu, is ruling. This party is considered to be the radical and the most progressive of the forces in the country. They have also their cars. Their cars are not running on water. Everywhere, petrol or diesel is required. Every second, money is required to be spent to have the political work done. This is a reality. I agree with Mr. Salve when he said that this Bill is really a fraud. Now, everybody would agree that what we are talking and what we are doing in the political set-up or what is being

[Shri Arvind Ganesh Kulkarni] said by the different political parties, which are being called progressive, reactionary, capitalist and so on, has no meaning to the common man in the street. Actually, the question before him is: Democracy for whom? This question will be asked in this country within a period of five or ten years: Democracy for whom? Is it for those capitalists who have money and who use the politicians like *nartakis* or like puppets, just as people control the dolls with their strings? Is it for them I think the Janata Government which came to power with so much fanfare and after taking oath before Gandhiji's samadhi should be fair to themselves. Similarly, we should also be fair to ourselves. I think, this question, democracy for whom, is a real problem, and if this problem is to be solved. Mr. Patel has to go more deeper into this. Now take the case of the Birlas. I do not want to take those names because it is really a headache to take the names of capitalists, but we are just like dolls or puppets in their harems. Sometimes the Congress party was in their harem, sometimes the Janata Party is in their harem. The Communists are also in their harem.

SHRI LAKSHMANA MAHA-PATRO (Orissa). No, no.

AN HON. MEMBER: What is the source?

SHRI ARVIND GANESH KULKARNI: I will tell you how. I will quote from a newspaper. The Birla factory in Calcutta is having no strike at all while many factories in Bombay, Thana and Poona region are having strikes. We went deep into it. As a political party in Maharashtra we went deep into it and we are told that this was the strategy adopted by the political party in West Bengal, that their State should be very quiet, safe for investment not only by the Birlas, the Tatas, the Mafatlals, the

Singhanias, the Goenkas, etc. but even the multinational concerns. That is their strategy. Whom are you telling? For Heaven's sake, do not argue. I am talking on a very firm ground.

AN HON. MEMBER: What does show?

SHRI ARVIND GANESH KULKARNI: Take the example of this Modi. He has supplied the funds to the Congress Party and he is supplying through another brother funds to the Janata Party. I am requesting all the political parties to apply their mind, the time has come when not only the capitalists of this country but of foreign countries also are going to play a dominant role in the democratic set-up of this country. That is why I say that if the democracy has to be really protected, the capitalists' onslaught has not only to be met with equal force, but there must be a frontal attack by all the political parties to demolish that capitalists' onslaught.

There are very many other examples. I just cite one example. It was reported that in Azamgarh elections jeeps were used by various parties. My party has no resources now. My party is really a pauper party, but at least a party on my right has used them. But your party has also used them. Wherefrom did you get the jeeps? Please tell us. So, preaching of high moral principles, giving sermons to other political parties, have no meaning. Every political party knows what game is going on. Whether we know it or not, the man in the street knows it very well, even a rikshaw puller and a tongawallah knows what you are doing. Again I am submitting through you, Sir, to the Government and to the Finance Minister that such preachings will not root out the corruption in the body politics of the country. Now instances are not lacking. Various Commissions have been set up. Various enquiries are going on. You will appoint many other

Commissions. But every item and every issue is politicalised through money power. Can you say no to it? Money power is politicalising every legal issue, thereby the faith in the legality and the legal standards of this country are being eroded. Therefore, what I say is that if the Government really wants to apply their mind to this problem, they should follow the example followed in West Germany, in Italy, now in the U.K. and in France. This I say because you have to provide for money, we know a Lok Sabha election costs between Rs. 3 lakhs to Rs. 6 lakhs. Giving fraudulent returns to the Election Commission is not going to deceive anybody. One has to be very careful. Rs. 5 lakhs to 6 lakhs are spent per person. Where the money is coming from? How many crores of rupees are spent on elections to Parliament, leave aside the Assembly elections. Take a dedicated man like my friend, Shri Madhu Dandavate, a professor and a long-standing patriot. When he fights the election, where is the money? He got elected; he is getting elected. Right from the time Shri Nath Pai was there, this seat is going to the Praja Samajwadi party.

AN HON. MEMBER: He is an exception in the Janata Party.

SHRI ARVIND GANESH KULKARNI: I feel there are many exceptions. It is not only Prof. Madhu Dandavate. What I feel is that such people have no chance of getting elected in this country if this type of half-hearted measures are brought.

You can have another suggestion. Sir, I make bold to suggest that Government should provide funds and there should be no, what you call, fraudulent business. You can put down a minimum number of votes to be obtained by a candidate if the money is to be reimbursed by the State machinery. You can do that. You can say that unless you poll 30 per cent or 40 per cent—whatever you may like—of the total votes polled,

you will not get reimbursement from the Government. This is the minimum that can be done.

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): In West Germany, it exists.

SHRI ARVIND GANESH KULKARNI: Yes, Government must apply its mind to this. I know it is not only the Government's job. There should be cooperation from all our political parties to the Janata Government to make the elections clean, or at least to make the system a little foolproof thereby the merited deserving and your candidates can find a place. Then only the body politics will be healthier and more healthier and all these attempts of the industrialists who are really playing on us will be stopped. I have nothing more to add.

SHRI LAKSHMANA MAHAPATRO: Sir, while introducing this Bill, the hon. Finance Minister pleaded that it was a very non-controversial Bill. He gave the impression that it was an innocuous Bill, needing not much of a discussion. He further said that in a democratic set-up, the political parties should have such a set-up and it was in their own interest that such a measure was being brought. If their incomes were drained by taxation, then nothing would be left for them for their own use.

Sir, on the face of it, one cannot have any quarrel with this type of a provision that is being sought to be made in the Income Tax Act and the Wealth Tax Act. But, Sir, is it really with the honesty and sincerity of making all the political parties in this country have enough money for themselves and to carry on their political work that this Bill is being introduced here? Somehow, I have my own doubts. These doubts are born out by the fact that our experience during the past few decades, after we got independence, has been something

[Shri Lakshmana Mahapatro]

which is not only bitter but which prompts us to take a different view of this particular statement of the Minister.

Sir, because of some events that came about, the whole system of administration by the Congress Party, whose monopoly it was to rule this country all these years, was reversed. And possibly the Janata Party feels that with all the big five, or sometimes it is becoming the leading two—Shri Madhu Limaye and Shri Biju Patnaik—they will be able to sink their differences and carry on as a united party. And, therefore, like the Congress they will, also have a spell of rule lasting over if not thirty years, at least a few years. That is how they feel. And to secure that it is necessary that it should be there as a political party with all exemptions from income tax and wealth tax. Therefore, they think that a law is necessary. Therefore, a law to serve the interest of the Janata Party should be passed. The efforts are to see that they remain united and try to rule for as long a period as is possible. That appears to be the driving force for such a Bill. It was not for parties like the C.P.I. or the C.P.M. or parties who have to run to people for one rupee or two rupees for making up their funds and run their political work that this Bill was ever brought.

Sir, you find one provision here to which reference is being made by different friends, provision about donations of Rs. 10,000 and above. If the name, address, details are not given in the returns they will not be allowed exemption on that score. You will have to give details if the amount exceeds Rs. 10,000 in a lump sum. Whose good fortune would it be except that of the ruling party?

Sir, you remember the President's Address that was delivered immediately after the Janata Government

was formed. This has paved the way for a two-party rule. Therefore, it is either the Janata Party rule or the Congress Party rule. Who else is likely to benefit from such a provision? The Janata Party is ruling at the moment. Or if such a bad luck comes to them as it came to the Congress party it will be the Congress party ruling again. That is how they feel. That is why they put it in the President's Address delivered in their first joint session. This has paved the way for this situation. That being the position they are interested to exempt all these donations which they expect will be there in a very big number for them. Therefore, they should be exempted. They have to give the names only. Therefore, somehow it smacks fishy. This particular Bill in spite of the fact that allowing an exemption for parties like ours is something which is a welcome thing, was inexpedient. They are saying they are watching everybody's interest. It is really their own interest. Nobody ever is interested to do something which is not for their own interest. However, much he may plead that this is something of a uniform measure that they are bringing and everybody will be benefited—there is no point in anybody rising up and quarrelling over this—I am yet to be convinced about this. I believe that this is only intended for the Janata Party and, if good luck favours, the Congress Party. They are the persons who are having the most of these donations.

Sir, I do not go by speculations or by imagination. Here in the morning Comrade Bhupesh Gupta as referring to the Government statistics that they have been supplied to us by the Government. It was my question dated 14-1-77, Starred Question No. 7. And since the Government had given some assurances they have given us the list. If you see the list—it is a big list, no doubt; this was for the period 1975-76 and 1976-77—you will find big amounts paid by com-

panies to the Congress Party and various organisations towards advertisement in their souvenir etc. during the period 1.1.74 to 31.3.74. It is a very big list. There you find amounts which go up to Rs. 35,000, Rs. 40,000 in one payment. There, you will find amounts which go up to 5 P.M. Rs. 30,000, Rs. 45,000 in one payment; and I have also been able to see that there are amounts which have been given to the Jana Sangh when it was put in power. There also, it is Rs. 3,000, Rs. 4,000, Rs. 5,000; in one place, it is even Rs. 11,000. These are the figures. If that could be the situation, in between 1.1.74 and 31.3.77, how could it be that after 31.3.77 when these people came? And who knows about it? Certainly, they must have been able to perform very well on that score. They have been able to get possibly record donations. That is why there is a speed in bringing about such a law. Otherwise, I do not see any reason for it when there are very serious and important things pending and deserve the notice of the Finance Minister—inflation, price rise, and so on—but nothing is being done though everybody is shouting about them. He tries to say thing this way or that way. Even about income-tax, I shall shortly be presenting to you figures from the material that has been given to us in this House, tax, I shall shortly be presenting to find that he does not get even one minute's time to bestow attention upon these matters, but he is serious about exemption of income-tax and wealth tax on donations to political parties. Which are the parties except for these two parties which want to rule, which can have wealth accessible to them and where this exemption is necessary from the assessment of those particular political parties. These two exemptions, i.e. exemptions in income-tax and wealth tax, no doubt, will also do some good to other parties like ours, but the real benefit to be derived is by these two parties.

As I was telling you, I will be placing before you that it is only today that we had a question. Question No. 1037, as to how the income-tax matters are being handled by the Finance Minister. This is the question of hon. Shri Mulka Govinda Reddy. It says: "the amount of arrears of income-tax outstanding at present against the first twenty large industrial houses; the amount of arrears of income-tax outstanding against each concern of the Tatas and Birlas, and what steps are being taken to realise these arrears?" If you see the answer, you will find that not only is it said that much of the material has not yet been collected, but also that, on the basis of whatever information they have been able to collect in respect of the 20 large houses—Tatas, Birlas, Mafatlals, Singhanias—as on 1-12-1977, the gross outstanding income-tax against these first 20 houses is Rs. 1733.70 lakhs. (Time bell rings). What? The time-bell: Or, was it inadvertent?

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): I want you to conclude.

SHRI LAKSHMANA MAHAPATRO: I thought it was accidental. I just started . . .

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): There is a list of speakers. They all have to participate and only one hour and thirty minutes are available for this.

SHRI LAKSHMANA MAHAPATRO: I know that because I am a member of the Business Advisory Committee. It was announced in the House and it has come in the Bulletin also. But I happen to be the fourth person. I should get, if not more time, at least nearly that much time as was allotted to some other Members. That is what I plead for.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): You are getting that much time.

SHRI LAKSHMANA MAHAPATRO: So, this is what he said. It is an amount of Rs. 1733.70 lakhs as the arrear outstanding against them. And what are the measures that they have taken? Very unhappy and unsatisfactory measures. As far as the measures are concerned, there is also a question put by Mr. Kalyan Roy, who pointed out that there are many, many cases of these people being able to dodge and yet the Government feels—I would not say, impotent—ineffective in not being able to realise that money. The result is that all these amounts which are against them as arrears for many years, from five to seven years also in some cases, they are able to keep with them. They exploit the workers they employ, they exploit the consumers by charging at exorbitant prices over which the Government has no power to control and also the country because they do not give the money that is due to the exchequer. That is how it is going on.

Then, Sir, going through some of the questions of the 25th, this is the question which we put, and the reply is very interesting. This is again on income-tax, regarding the arrears of income-tax due from Dr. Jayanti Dharma Teja, a very good name: it has come many times before the House in the past decade. Since he happened to be my senior in the same college where I studied, I feel that I should also take his name now. The question is regarding the details of the arrears of income-tax due from Dr. Dharma Teja and the steps taken to realise the arrears. According to the reply that the Hon. Finance Minister gave us on the 25th of July—the question No. is 637—the income-tax arrears due from Dr. Teja as on 31.3.1977 were 4.87 crores. It could not be collected, and he could manage to go. Regarding the steps taken to collect the money, the reply that was given was that they had some compensation to be given to that gentleman, and the compensation

with interest etc. etc. comes to Rs. 3. something crores, and that the Shipping Corporation of India has also to realise certain dues from him, but that the Income-Tax Department and the Shipping Corporation of India have agreed to divide that compensation in between them. Will it make up the heavy arrears that are there against him? What steps were taken during all these years? He was in jail; he was with you all this period, and, therefore, he could escape without paying you a pie.

Similarly, this is another question, No. 646 of the same date, regarding the number of cases relating to income-tax pertaining to companies belonging to the Mafatlal Group. If you take group by group, it would be an interesting study. Therefore, we wanted the Mafatlal Group. He says that the Mafatlal Group alone has the total income-tax arrears of 23.81 lakhs as on 31-3-1978.

Sir, again going to the Birlas, I was telling you how they are interested, and I am naming these people because they are the best donors and that is why they are relevant to the Bill. As rightly pointed by Shri Kulkarni, I have enough information that while one brother of the Birlas speaks to the Congress people and gives them help for fighting the elections and for other needs, another brother speaks to the Janata people and helps them. The same is the case with the Mafatlals and so many others. I cannot give you the names. Similarly, the big houses, you will find, divide among themselves the parties. Sometimes it so happens that the younger brother leaves one party and goes to the other party, while the elder brother does the opposite of it. It has been correctly said that they are the donors. They are paying. They are able to manipulate in such a way. They were having the administration of the country in their hands, all these days. They are not showing their accounts. Nor is it necessary that they should give

return showing their names for getting exemption. Yet things could be managed. Therefore, Sir, again the Birlas . . .

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Please conclude now.

SHRI LAKSHMANA MAHAPATRO: I am just closing. Then again there was a question on the 18th July this year, Q. No. 168.

"the total amount on account of taxes outstanding against all the industries of the Birla group at present and the various heads under which they are outstanding;

the names of the family members of the Birlas against whom income-tax arrears are outstanding, the amount thereof in each case, etc., etc."

The answer is:

"The requisite information is not readily available."

This will be always there. Mafatlal group—information not readily available, but as far as practicable, that was the figure. Birla group—information not readily available. Sir, nothing will be readily available as far as the Tatas are concerned, as far as the 20 houses are concerned. That is the relationship of this party and the earlier ruling party with this set of people. Therefore, whenever Parliament wants some figures in relation to these people, the Government does not get the figure. But here they have said:

"However, as on 31-3-78, gross income-tax arrears aggregated to Rs. 6.35 crores."

This is in respect of Birlas. Sir, I have umpteen number of instances. You are ringing the bell now and then and, therefore, I will not take up much of your time by quoting all the figures. But it is definitely certain from whatever I have stated—and I think you

will agree with me—that Birlas and Tatas do not need any exemption. They are persons who know that there is no law which can bind them. (*Time-bell rings*). Therefore, this is the grace that is being shown to them.

Lastly, there is one thing that is said in relation to this particular Bill and that is about advertisements. I began with it. Dr. Ramlal Parikh had put a question about this particular Bill earlier and whatever was said there was said by the Finance Minister when he introduced it. The main thing which attracted the attention of the Government was the souvenir, advertisements, etc. Sir, there is a law which says that if a particular amount is given for advertisement for promoting trade, then it is exempt from tax. Under cover of that, they had been carrying on all these years and they had been able to have political parties within their stranglehold. Sir, to assess the extent of their stranglehold on political parties, I will just give you the figures. From that you will be able to understand the position. I am mentioning it because we are interested in a democratic set-up, in the smooth functioning of all political parties. (*Interruption*) Of course, I mean "we all", including you. We want to be free from corruption, free from the machinations of these imperialists, the monopolists and also the MNCs. Therefore, the magnitude of the problem may best be realised if I place before you the figures. The amount given to the Congress Party alone in 1974 was 10590.4. The figures are in thousands of rupees. It rose to 14260.64 in 1975-76. In 1976-77, it was 75086.3. This is for the Congress alone. As far as the other political parties, including Jana Sangh, are concerned, it is 877.8 in 1974. Then it came down to 134.2 because it was the Emergency period and they were in jail. Therefore, nobody was collecting; they could not go and collect. But in the latter part of 1977, when they had come out, they could collect and the figure rose to 401.

[Shri Lakshmana Mahapatro]

All these figures are in thousands of rupees. Therefore, that is the extent to which these people have been donating—crores of rupees—in the name of souvenir and advertisements. It is good that a prohibition has been put on that and...

THE VICE-CHAIRMAN (SHRI NIZAM-UD-DIN): Please conclude.

SHRI LAKSHMANA MAHAPATRO: ...we should be careful to free ourselves from that so that we will be putting up a good image of political norms and political habits in the country. Otherwise, a democratic set-up in the stranglehold of these people with their habits, is not something which would be desirable. Thank you.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Mrs. Noorjehan Razack...

PROF. RAMLAL PARIKH (Gujarat): Just a moment, Mr. Vice-Chairman. A reference was made to me by the honourable Member. I never said...

SHRI LAKSHMANA MAHAPATRO: You have not said; you have put a question. I said a question has been put and a reply has been given about this law. That is all.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): That is all right, please sit down.

PROF. RAMLAL PARIKH: I have been asking for exemption from tax...

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): You both can discuss it outside.

PROF. RAMLAL PARIKH: No, no. I want to clarify one thing. I did not support companies giving advertisements to political parties. All that I said was there is nothing wrong in their investing in securities which are

approved or the other landed properties provided in the Bill. I did not support companies giving advertisements.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Now, Mrs. Noorjehan Razack.

SHRIMATI NOORJEHAN RAZACK (Tamil Nadu): Mr. Vice-Chairman, I welcome this Bill. I stand to support this Bill for the spirit behind it, the spirit of providing some assistance to political parties in the shape of tax exemptions for carrying on their political activities. *Prima facie* the Bill appears to be a reflection of the democratic spirit of the Government to ensure that political parties are not hampered by taxation measures in purposeful utilisation of their disposable funds.

It will be a truism to say that political parties play a vital part in the development of a country, economically, politically and socially. These functions do not begin or end with fighting elections and striving to send as large a number of their own men to Parliament and Legislatures as possible. Their role is much more. A party is a vigilant group of dedicated men who study intensively the various problems facing the country and engage themselves in constructive discussions with the affected people and arrive at the best method of projecting such problems and the solutions thereof in the councils of the country. Their role should not be one of capitalising discontent, not a cheap method of rabble-rousing, not one of manipulation according to changing winds, not one of capturing power for the sake of power. Their role is nobler not only as servants of the people but also as educators, guiding them to lift themselves out of the morass by using appropriate technology. They can also set an example how certain harsh situation can be turned to the good of the people, by themselves demonstrating in the field the virtues of hard and dedicated work. The party can

also render useful service by carrying on investigations into the activities of the profiteer and the smuggler and exposing their misdeeds. I am not sure how many parties in this country live up to this role. But few will deny that the performance of such a role demands considerable funds for the party for building up a vigorous and determined cadre of workers and also a useful research and development organisation. To parties having such objectives and methods of work flow of funds will not be a problem. Contributions will come aplenty and the value of the present Bill under such circumstances cannot be underestimated.

It will idle to deny that funds to political parties carry with them an aura of illegitimacy. While contributions by honest, hard working people are welcome, donations from unscrupulous tycoons and foreign agencies destroy the moral fibre of the party. It would have been eminently desirable if the whole issue of contributions to political parties were thrashed out in an all-party meet and a comprehensive legislation brought to regulate such contributions. With parties functioning according to the concepts which I have outlined, the political atmosphere of the country will become so much the cleaner. In such a case, the parties will not be mere political parties but bands of dedicated socio-economic cultural workers inspired by a common ideology of bringing in the greatest good to the greatest number. A spirit of healthy rivalry will develop and catalyse all actions with the supreme motivation of transforming the lives of the people, whom we swear by, into meaningful essays to lift themselves by the bootstraps. Sir, before concluding my speech, may I ask the hon. Minister for Finance the immediate necessity for this measure before thinking of a comprehensive legislation regulating funds to political parties. I hope the Minister will also tell the House which are the parties that are maintaining

correct accounts and paying their taxes upto date.

**श्री श्याम लाल यादव :** (उत्तर प्रदेश) :  
उपसभाध्यक्ष महोदय जो, यह कराधान विधियां संशोधन विधेयक लाये हैं, आयकर और धनकर अधिनियमों में संशोधन करने के लिए...

**श्री अरविन्द गणेश कुलकर्णी :** आप अंग्रेजी में नहीं बोल रहे हैं।

**श्री श्यामलाल यादव :** हिन्दी आप खुद भी समझते हैं।

मान्यवर, यह विधेयक मैं समझता हूँ कि जिस भावनाओं के साथ लाया गया है वे भावनाएं कोई बहुत अच्छी नहीं हैं। और हमारे देश का जो जनतान्त्रिक ढांचा है उसकी अभिवृद्धि के लिए उसमें स्थायित्व के लिए, अवाद गति प्रदान करने के लिए, यह विधेयक समुचित नहीं है। वैसे मैं समझता हूँ कि वित्त मन्त्री के हृदय में और जनता पार्टी के खास तौर से, मन में पिछले शासन के प्रति जो दुर्भावना है वह गयी नहीं है, अभी भी वित्त मन्त्री, जो वयोवृद्ध सेवा निवृत्त उच्च अधिकाारी रहे हैं लेकिन वह भी कदाचित् उन भावनाओं से ऊपर नहीं उठे हैं और इस विधेयक से यह बात स्पष्ट प्रतीत होती है कि इनके दिल में किस प्रकार की भावना है, कि यह किस प्रकार से पूर्व सरकार की राजनीतिक दल को अपमानित किया जाये, लांछित किया जाये और किस तरह से जनता के सामने इस बात को रखने का प्रयास किया जाये, कि यह जनता पार्टी दूध की धोयी हुई पार्टी है, बड़े हो सद्-उद्देश्य के साथ यह पार्टी काम करना चाहती है। मान्यवर बहुत दूर जाने की जरूरत नहीं है लोक सभा का जब चुनाव हुआ पिछला, तो जनता पार्टी

[श्री श्याम लाल यादव]

के उम्मीदवार ने कितना रुपया इकट्ठा किया, कितना खर्च किया उस बीच में वह किसी से छिपा नहीं है, हर व्यक्ति जानता है, सारा देश जानता है। उसके बाद विधान सभाओं के चुनाव हुए, उत्तर भारत की नमाम विधान सभाओं को एक कलम से और संविधान के विरुद्ध भंग करके चुनाव हुए, उसमें कितना रुपया खर्च किया जनता पार्टी ने, इसका लेखा जोखा जनता पार्टी के पास होगा। अनुमान इसके मेरे पास नहीं है। लेकिन चुनाव में कितना रुपया व्यय हुआ। जितनी जीप गाड़ियां चली, जिस प्रकार से जनता पार्टी के नेताओं ने दौरा किया, हवाई जहाजों से, गाड़ियों से, यह जनता की आंखों के सामने से छिपा हुआ नहीं है। इस देश की जनता अनपढ़ हो सकती है लेकिन जो सत्य है जो राजनीतिक नेता का कृत्य है वह उसके सामने रहता है उस पर पर्दा नहीं डाला जा सकता है और अभी हाल में चुनाव हुआ आजमगढ़ में। हमारे कुलकर्णी साहब ने कहा वह शायद गये नहीं वहां, देखा नहीं कि जनता पार्टी ने, मैं समझता हूं कि इतना धन उडैल इतने साधन लगाये, 50 लाख रुपया लगाया, सारे मन्त्री लोग हवाई जहाज से उतरने और सीधे कार से वहां पर जाते थे और आपके जो कांग्रेस के हैं, मेरे मित्र खड़े थे उन्होंने जनता पार्टी से कम रुपया खर्च नहीं किया और जबकि उस पार्टी की जमानत ही जप्त हो गयी। लेकिन हमारी पार्टी के पास साधन नहीं थे, हमारी नेता के पास... (Interruptions) लेकिन यह जनता के समर्थन ने उन्हें जिता दिया। मान्यवर, मैं यह कहना चाहता हूं कि इसलिए यह प्रश्न हमारे देश के सामने आया है कि यहां के राजनीतिक दल... (Interruptions)

श्री अरविन्द गणेश कुलकर्णी : यह पालिटिकल एसेसमेंट है, सही पालिटिकल ... (Interruptions)

श्री श्याम लाल यादव : मैंने जाकर देखा वहां अपनी आंखों से पोलिंग के दिन कि आपकी गाड़ियां वहां घूमती रहीं परन्तु उस पर कोई बैठने वाला नहीं था। इसलिए मान्यवर, इस बात पर सोचने की आवश्यकता है कि— मैं इस बात से सहमत हूं कि इस देश में राजनीतिक दल कैसे काम करें। यह जो मैं समझता हूं, मेरी निजी राय है। किस प्रकार से कम्पनी डोनेशन पर बैन लगाया गया, हमारे दण्डवते साहब तथा इस के पक्ष में और बहुत लोग थे, सरकार ने लगाया, हमारी पार्टी ने लगाया लेकिन उसका कोई वास्तविक मूल्य नहीं है, कोई वास्तविक प्रभाव नहीं पड़ता है। इसको पटेल जी बतायेंगे और जो प्रतिबन्ध रहता है उसका कोई लाभ नहीं रह पाता है, उस प्रतिबन्ध को अक्सर तोड़ा जाता है। तो कानून वह बनाइये जो चल सकता है जिसको इस देश की साधारण जनता मानने को तैयार हो। उस पर राजनीतिक दल आचरण करें, ऐसा कानून बनाना चाहिए। अब आप इसमें तो कुछ दान देने पर, चन्दा लेने पर रोक हटाने हैं, 10 हजार रुपये तक परन्तु यह बान समझ में नहीं आती है, हमारे साहब साहब ने बहुत अच्छे ढंग से कहा, मैं उसको दोहराना नहीं चाहता। कोई राजनीतिक दल अगर चन्दा लेना चाहेगा, किसी व्यक्ति से, दल विशेष से, संस्थान से या कम्पनी से तो अनेक प्रकार से सीमा के अन्दर लेने का प्रयास करेगा और ले सकता है, उस पर कोई प्रतिबन्ध नहीं हो सकता है। दूसरी तरफ यहां पर जो सोवियत और स्मारिकाओं के प्रकाशन पर प्रतिबन्ध लगाया गया है कि कोई चन्दा न लिया जाए, आज सत्ताह्व दल के बहुत से मन्त्री हैं, उस दल के बहुत से नेता हैं जो अपने-अपने अलग-अलग समाचार-पत्र निकालते हैं, अपनी-अपनी स्मारिकाएं निकालते हैं, प्रशस्ति-पत्र और पुस्तकें छपवाते हैं और उसके लिये धन एकत्र करते हैं विज्ञापनों के जरिए या दूसरे तरीके से। उसका कोई हिसाब किताब जनता के सामने नहीं आता कि किस

प्रकार से 10 पन्ने का समाचार-पत्र चल रहा है मन्त्री जी का जिसके पास बहुत अच्छा विभाग है। पांच पेज का विज्ञापन है और हरेक पन्ने के पीछे छपा हुआ है। मैं उनका नाम नहीं लेना चाहता। लेकिन तमाम समाचार-पत्र और स्मारिकाएँ जो विभिन्न राजनीतिज्ञ और मंत्री लोग निकालते हैं, उनमें विज्ञापन दिये जा रहे हैं। उन पर कैसे रोक लगाई जा सकती है जबकि आदेश है कि विज्ञापन करने की छूट कम्पनियों को है, उद्योगों को अपना प्रचार करने के लिये है। आल इण्डिया रेडियो विविध भारती से और रेडियो सीलोन से प्रचार होता रहता है। तो इस प्रकार से जो विज्ञापन रोकने की चेष्टा की गई है, मैं समझता हूँ कि उचित नहीं है और यह इसी कारण से किया जा रहा है कि हमारे दल के ऊपर जो सरकार ने कई प्रतिबन्ध और मुकद्दमे कायम कर रखे हैं, झूठे मुकद्दमे केवल जनता की दृष्टि में बदनामी करने के लिये और मनगढ़न्त किस्से करके झूठे मुकद्दमे रखे हुए हैं।

अगर जनमत चलाना है तो जो दल शासन करे, ठीक है उसे अधिकार है। लेकिन क्या तानाशाही तरीके से चलाया जायगा कि जो चुनाव में हारता है, उसे जीतने वाला हतोत्साहित करे, उसे अपमानित किया जायगा, उसे लांछित किया जायगा, उसके कार्यकर्ताओं को लांछित किया जायगा। जो आज मन्त्री हैं वह दूसरे दिन की जो पार्टी है, उस पर झूठे आरोप लगा कर सी० बी० आई० के सामने ला रही है।

खुद जनता सरकार ने जनता के सामने दिखलाया कि सी० बी० आई० के बड़े-बड़े अधिकारी, लैफ्टिनेन्ट गवर्नर इसमें थे, यहां तक कि लैफ्टिनेन्ट गवर्नर ने आत्म-हत्या कर ली। झूठे गवाहों को एकत्रित करते हैं। मगर जब गवाह अदालतों में जाते हैं तो वे कहते हैं कि हमने कोई ऐसा वयान नहीं दिया है। केवल सी० बी० आई० के डर के मारे यह बात कही थी उसके सामने। लेकिन यह सत्य

नहीं है, सत्य वह है जो कि अदालत में कहा जा रहा है। तो मान्यवर इस प्रकार का दुष्प्रयास किया जा रहा है, जो जनमत को समाप्त करने का षड्यन्त्र किया जा रहा है, इसके द्वारा प्रोत्साहन मिलेगा।

अगर जनता पार्टी यह समझती है कि निष्पक्ष तरीके से इस कानून का पालन करेगी, तो हम वित्त मन्त्री से जानना चाहते हैं कि जो सदन में उन्होंने जवाब दिया है आज के प्रधान मन्त्री के पुत्र के बारे में उन्होंने कह दिया कि उनकी इन्कम-टैक्स की फाइल मौजूद है। लेकिन यह बात बिल्ट्ज अखबार में 1 जुलाई, 1978 को छपी, फिर 29 जुलाई, 1978 को एक वृहद् रूप में छपी। मैं यह जानना चाहता हूँ कि वित्त मन्त्री से कि क्या यह बात सत्य से परे थी या नहीं थी कि कान्ति देसाई की फाइल गुम हो गई थी और बाद में पता नहीं कि कैसे उसे हासिल किया गया। यह बात समझ में नहीं आती कि दो-दो बार यह फाइल गायब हुई। जब वित्त मन्त्री प्रधान मन्त्री के पुत्र को बचाने के लिये झूठा बयान देते हैं तो हम कैसे विश्वास करें कि इस विधेयक के द्वारा देश की जनतान्त्रिक संस्था को सुदृढ़ करना चाहते हैं।

मैं इतना ही कहना चाहता हूँ कि इस सम्बन्ध में मैंने चेयरमैन साहब को प्रिविलेज मोशन भी दिया, लेकिन दुर्भाग्य से स्वीकार नहीं किया। लेकिन मैं आज जानना चाहता हूँ कि क्या यह बात सत्य नहीं है कि कान्ति देसाई की फाइल पर दो लैटर हैं जिसका मैंने हवाला अपने पत्र में दिया है। मैं अपने पत्र का एक अंश पढ़ देना चाहता हूँ जो मैंने 26 जुलाई को चेयरमैन को लिखा है —

I quote:

"I would, therefore, request you to obtain the consent of the Chairman to raise this matter... I would further request you to get the two letters and they will prove my con-

[श्री श्याम लाल यादव]

tention. This letter is dated 8-2-73 of VIII ITO, AIV Ward Bombay to his IAC intimating the loss of file and the second letter is dated 14-3-78 of IAC Range IV Bombay to CIT Bombay VII informing the loss of file.'

ये दो पत्र फाइल पर मौजूद थे फिर भी वित्त मंत्री ने कह दिया फाइल नहीं खोई और फिर सरकार ने इसको खास तौर से लिखा है। यह एक बहुत बड़ी साजिश हमारे वित्त मंत्री कर रहे हैं केवल प्रधान मंत्री को बचाने के लिए। यही नहीं, अब प्रधान मंत्री के पुत्र, जो बोर्ड आफ डाइरेक्ट टैक्सेज है उसके चुनाव में उन्होंने क्या किया कि उन्होंने श्री आई० पी० गुप्त और श्री कुर्विला को जो दो सीनीयर आफिसर थे, सुपरसीड करके एक तीसरे आदमी बदामी को नियुक्त किया है। कल परसों ही मुझे बताया गया कि यह रात साढ़े 9 बजे निर्णय हुआ (Interruptions) जैसा कि माननीय मित्र कहते हैं, बदामी को अमरीका से बुलाया गया, दो-दो आफिसर सुपरसीड करके और मुझे बताया गया तब बदल दिया जब कि श्री गुप्त और कुर्विल की चरित्र-पंजिका में कोई भी प्रतिकूल प्रविष्टि नहीं है सिवाए इसके कि कांति देसाई के प्रभाव में आकर हमारे वित्त मंत्री ने ऐसी असत्य और अनर्गल और परम्परा के विपरीत काम किया जिस कार्यवाही से सारे इनकम टैक्स डिपार्टमेंट में हाहाकार मच गया है और अब कांति देसाई को प्रश्रय देने के लिए प्रयास किया जा रहा है। जो विल्ट्ज अखबार में तमाम बयान छपा है उसका कोई जवाब वित्त मंत्री ने नहीं दिया। मैंने एक दिन जिक्र किया था कि सारे फाइनेंशियल इंस्टीट्यूशंस अब वित्त मंत्री अपने प्रदेश के लोगों से भरते जा रहे हैं, चेयरमैन और डाइरेक्टर्स बनाते चले जा रहे हैं। यह फाइनेंशियल इंस्टीट्यूशंस हमारे प्रधान मंत्री के जो पुत्र हैं उन के प्रभाव में काम

कर के एक तरफ तो स्टाक एक्सचेंज में फार्वर्ड ट्रेडिंग बैंक और दूसरी तरफ बम्बई और कलकत्ता के स्टाक एक्सचेंज में बदला सिस्टम पर यह फार्वर्ड ट्रेडिंग आज खले आम चल रहा है। वित्त मंत्री इस का प्रयास नहीं कर रहे हैं कि इसमें रोक लगे। इस बदला सिस्टम की फार्वर्ड ट्रेडिंग में यही नहीं कि प्राइवेट सेक्टर या हमारे पब्लिक इंस्टीट्यूशंस में तमाम जो चेयरमैन बनाते जा रहे हैं वित्त मंत्री कांति देसाई के प्रभाव में आकर बल्कि व इस तरह का काम कर रहे हैं और धन का दुरुपयोग कर रहे हैं।

मैं अन्त में एक बात कह कर समाप्त करता हूं। वित्त मंत्री ने जिन बड़ी भावनाओं का जिक्र अपने वक्तव्य में किया है, अगर उसके प्रति व अभी भी सत्य हैं, अभी भी निष्ठा रखते हैं तो मैं जानना चाहूंगा कि यह जो कांति देसाई की फाइलें गायब होने का जो मैंने जिक्र किया क्या यह बात सही है कि नहीं कि ये फाइलें गायब हुईं? जब जांच की गई तो ये फाइलें गायब कर दी गईं और वित्त मंत्री जान बूझ कर सत्य पर परदा डाल रहे हैं।

दूसरी बात वे यह बताएं कि क्यों सेन्ट्रल बोर्ड आफ डाइरेक्टर्स के चेयरमैन को दो-दो बार सुपरसीड करके तीसरे को किसी के दबाव में आकर ऐसा किया? यह समझ में नहीं आता ऐसा क्यों हुआ। यदि फाइनेंशियल इंस्टीट्यूशन दबाव में आकर चौपट करें तो इस देश के जनतंत्र को खतरा है। इस प्रकार से केवल विरोधी दल के लोगों को परेशान करने के लिए झूठे आरोप लगा कर, केवल बनावटी तौर—इस तरह जनता पार्टी के लिए रुपया इकट्ठा करें, जिस जनता पार्टी के 2 हेडक्वार्टर्स यहाँ हैं, जंतरमंतर में हैं, उनके तमाम पदाधिकारियों के उपर लाखों रुपये खर्च हो रहे हैं, यह कहां की उपज है जनता पार्टी की? तो यह तरीका इन्होंने अपनाया कि ब्लैक

मनी को इकट्ठा करें, उस रुपये के जरिए ये अपनी पार्टी को चलाएं और दूसरे लोगों को बदनाम करें, इन सब कारणों से मैं इस विधेयक का विरोध करता हूं।

**श्री शिव चन्द्र झा (बिहार) :** उप-सभाध्यक्ष महोदय, मोटे तौर पर यह विधेयक ठीक ही था और काबिले तारीफ भी

**उपसभाध्यक्ष (श्री सैयद निजामुद्दीन) :** वक्त कम है, मुहतसर में कहें।

**श्री शिव चन्द्र झा :** हां, बिल्कुल मुहतसर। उपसभाध्यक्ष महोदय, जिस रूप में यह विधेयक लिखा गया है, जो इसकी लिखावट है—वर्डिंग के लिए कहता हूं—उनको देखने पर मुझे शक होता है कि कहां तक यह विधेयक अपनी मंजिल पर पहुंच पाएगा, सफलता हासिल कर पाएगा। उपसभाध्यक्ष महोदय, और बातों के अलावा एक बात जो इसमें है कि कंपनी डोनेशन के नाम पर कंपनी ला का इंडेड करने की कोशिश की जा रही है इस विधेयक के जरिए और जो टैक्स एग्जम्पशन उन को उस नाम पर मिलता है उस पर भी रोक लगायी जा रही है, और खास कर एडवर्टाइजमेंट वगैरह के नाम पर जो पार्टियों के अखबारों में, पार्टियों की सहायता के रूप में वे लोग देते हैं उसके जरिए एग्जम्पशन लेना चाहते हैं उस पर रोक लगायी जा रही है। आदर्श बहुत अच्छा है लेकिन जो बिल की वर्डिंग है, जो लिखावट है, उसको आपके सामने पढ़ कर बताना चाहता हूं।

सेक्शन 2 (बी) में है

“...in any souvenir, brochure, tract, pamphlet or the like”.

यानी सोवनियर, ब्रोचर, ट्रैक्ट, पैफ्लेट में अगर कोई एडवर्टाइजमेंट देगा और उस को अगर वह असेसमेंट में एक्जेंप्शन के लिए रखेगा तो उस को एक्जेंट नहीं किया जाएगा। यहाँ पर मैं माननीय मंत्री महोदय से पूछना चाहता हूं कि डेलीज और वीकलीज के बारे में उन को क्या कहना है। एण्ड दि लाइक जो आप

कहते हैं तो उसमें कई पार्टियाँ ऐसी हैं कि जो अपने डेली और साप्ताहिक अखबार निकालती हैं। उस में जो विज्ञापन देते हैं, जो कम्पनी उनमें विज्ञापन देगी और एक्जेंप्शन के लिए क्लेम करेगी तो उस को आप कैसे रोकेंगे? इस लिये उप-सभाध्यक्ष महोदय जो यह वर्डिंग है :

“...in any souvenir, brochure, tract, pamphlet or the like”.

यह ठीक नहीं है इस को जगह पर यदि माननीय मंत्री जी देते “पार्टी लिटरेचर और एनी पार्टी पब्लिकेशन आफ एनी काइंड” तब तो यह हो सकता था कि कंपनी के जरिए अगर पार्टियों वालों को एडवर्टाइजमेंट दिये जाते और फिर वे असेसमेंट से उसे हटाने की कोशिश करते तो उस पर रोक लगायी जा सकती थी। लेकिन इन शब्दों में तो काफी छूट है। आप जानते हैं कि भारत में अनेक पार्टियों के अपने अखबार चलते हैं। दैनिक अखबारों के विज्ञापनों से कितनी आमदनी होती है इसे सब जानते हैं। यह पार्टियों के अखबारों के बारे में नहीं है आम अखबार के बारे में है। सारे अखबार एडवर्टाइजमेंट की बदौलत चलते हैं। उन की बिक्री से तो उन के कागज का खर्च पूरा नहीं होता। उस का दाम भी नहीं निकलता लेकिन एडवर्टाइजमेंट की बदौलत अखबार चलते हैं। डेली और साप्ताहिक अखबार इसी तरह से चलते हैं। प्रेस का यह उद्योग है और आपके जो यह शब्द हैं उन में बहुत से लूपहोल्स रह जायेंगे और आपका जो मकसद है वह पूरा नहीं होगा। आप अपने मकसद को हासिल नहीं कर सकेंगे।

दूसरी बात इस बिल के ऐम्स एण्ड आब्जेक्ट्स में आप कहते हैं कि :

The disparities in personal incomes and wealth do not apply in the case of political parties. दैल्य की डिस्पैरिटी की बात है। सल्वे जी ने दुस्त बात उठायी। पार्टी की वेल्थ की सीलिंग की बात आप नहीं

[श्री शिव चन्द्र झा]

उठाते हैं और समाज में आप इक्वैलिटी की बात करते हैं। इन्कम की डिस्पैरिटी को खत्म करना चाहते हैं। तो क्या यह दोनों बातें कंट्रिडिक्टरी नहीं हो जाती हैं। फिर कोई कम्पनी एक दिन 9999 रुपये डोनेशन देती है और दूसरे दिन वह फिर 9999 रुपये डोनेशन देती है, तो आप उसे कैसे पकड़ेंगे? उसको कैसे इस विधेयक की परिधि में लायेंगे। बहुत से रास्ते निकल जाते हैं पैसा देने के लिये और ऐसा करके एक्जेंम्पशन वह क्लेम कर सकते हैं।

[The Vice Chairman (Shri Shayam Lal Yadav in the chair)]

इस विधेयक के शुरू में लिखा है कि पोलिटिकल पार्टीज जनतन्त्र के लिये बहुत जरूरी है। यह बिल्कुल दुरुस्त बात है, लेकिन क्या हम ऐसा नहीं सोच सकते कि पोलिटिकल पार्टीज डोनेशन की बदौलत नहीं बल्कि अपनी मेम्बरशिप की बदौलत चलें। चाहे हम हों या कोई और पार्टी हो, उसे किसी कम्पनी के डोनेशन के बल पर नहीं चलना चाहिए। हर पोलिटिकल पार्टी पर डोनेशन लेने के बैन लगाया जाना चाहिए। आप कहेंगे कि यह सम्भव नहीं होगा, लेकिन आप को जनतन्त्र को मजबूत करना है। आप देखें कि स्टेट्स में क्या होता है। वहां दो बड़ी पैसे वाली पार्टियां हैं—डेमोक्रेटिक और रिपब्लिकन। वे एक ही सिक्के के दो पहलू हैं। दोनों का एक ही मतलब होता है। कभी यह आ जाती है, कभी वह अन्य किसी पार्टी की सम्भावना नहीं है राज सत्ता में आने की। तो दौलतमन्दों के पार्टी में आने से क्या रूप होता है पार्टी का इसको आप विजुअलाइज कर सकते हैं। देश में जनतन्त्र को मजबूत करना है और पोलिटिकल पार्टीज को जैसा हमारा आदर्श है, शानदार आदर्श है, कम्पनीज के जरिये किसी तरह का डोनेशन आता है तो उन पर रोक लगानी चाहिए। इसीलिए

आदर्श हमारा यह होगा कि मैम्बरशिप के पैसे की बदौलत पार्टी चले। हम चन्दा बसूलेगे।

उपसभाध्यक्ष (श्री श्याम लाल यादव) : संक्षेप में कहिये।

श्री शिव चन्द्र झा : पिछले चुनावों में जनता पार्टी को किसी कम्पनी या किसी खजाने से, किसी रिजर्व बैंक से या स्टेट बैंक से कहीं से भी पैसा नहीं मिला। एक नोट एक वोट जनता का कंट्रीब्यूशन था। यह है डेमोक्रेटिक स्पिरिट। जनता के कंट्रीब्यूशन की बदौलत यह पार्टी सत्ता में आई और यह मोटा आदर्श है जनतन्त्र को सफल और मजबूत बनाने के लिए। इसीलिए उपसभाध्यक्ष महोदय, मैं कह रहा हूं कि यह जो विधेयक है उसे रिराइट करना चाहिए और पोलिटिकल पार्टी के नाम पर जो उनको मजबूत करने के लिए विधेयक लाया गया है उसके बजाय यदि कम्पनी ला में आप परिवर्तन करते तो अधिक अच्छा होता जिससे जो आपका मकसद है वह पूरा होता। . . . (Time bell rings) श्रीमन्, जो कम्पनीज डोनेशन देती हैं उन पर रोक लगाने और एक्जेंम्पशन के नाम पर विधेयक आप लाते तो इसका मकसद पूरा होता। लेकिन बावजूद इसके जो कहावत है कि उस रास्ते से नहीं इस रास्ते से, थोड़ा इसमें सफल हुए, हम कुछ आगे बढ़ें तो यह बड़ी बात होगी। इसीलिए आप समझते हैं कि हम आगे बढ़ेंगे, इसीलिए मैं इस विधेयक का समर्थन करता हूं।

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Shri Chakraborty. Please be brief.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Mr. Vice-Chairman, Sir, I had no mind to speak in the beginning but I am very much amused to hear the statement of Mr. Kulkarni on this side and I felt to express my views. Sir, they have forgotten what they have done in the last 30 years. He is accusing that so long as capitalism is there, whatever

these parties are doing, they will continue to do so and that it has no meaning at all so far as we are concerned. Let him abolish capitalism. Let all of us agree that there will not be capitalism in this country. Let socialism come in. There will be no question of taking money and no question of giving money. Sir, he was referring to Bengal. Sir, there are the words—"Atmovat sarva bhutheshu". In Bengal, there is a Left Government. There is no Communist Government. Sir, for the last 30 years, what the Congress has done? Nehru bluffed the people that socialism is coming. But, the rich have become richer and the poor have become poorer. And Mrs. Indira Gandhi hoodwinked the people by telling them about socialism. But, Sir, only 75 families are ruling this country. And out of 60 crores of people, 40 crores of people are living below the subsistence level. For the last 30 years, they exploited the people. (*Interruptions*) We were not in the Government. We are now in the Government. Sir, they say that there is more investment in Bengal. On the contrary, the capitalists are trying to make 50 per cent of the industries sick by taking money. They make the industries sick. They create the labour trouble. So long as there was no Left Government, there was no such action. When Shri Siddhartha Shankar Ray came... (*Interruptions*). Keep quiet. It is the people who have suffered for the last 30 years and you have taken lakhs and lakhs of rupees for advertisements. At least the Janata Party is putting a ceiling of Rs. 10,000 now. What have these people done with Shri Sanjay Gandhi, who was their leader? Now we are hearing all these things. Sir, are they not ashamed of these things? They have been hoodwinking the people. They have been bluffing the people. This is a shameless statement made by the Congress Party. (*Interruptions*). You keep quiet.

SHRI N. K. P. SALVE: Sir, I am on a point of order.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Just a moment. He is on a point of order, let us hear him.

SHRI AMARPROSAD CHAKRABORTY: I have every right to say anything on this Bill.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): He is on a point of order. Let us hear him. Kindly resume your seat.

SHRI AMARPROSAD CHAKRABORTY: It is nearing six o'clock and at six o'clock you will say that the discussion is now closed.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): No that will not happen. Let us hear his point of order. After that you can speak.

SHRI K. K. MADHAVAN (Kerala): Sir, you ask him that he should not speak nonsense.

(*Interruptions*).

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Order please. Let us hear his point of order.

SHRI N. K. P. SALVE: Sir, my point of order is very simple. On an appropriate occasion a Member is entitled to talk as much political nonsense as he wishes to talk. We can do that, they can do that and everybody can do that. But we are debating . . .

(*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Just a moment. You will have your say.

SHRI N. K. P. SALVE...the Taxation Laws (Amendment) Bill. It is not the Finance Bill on which anything can be said. It is not the Budget discussion under which anything can be discussed. When we are discussing a Bill of this type, the debate must be confined to the provisions of the Bill. That is the rule. (*Interruptions*). Therefore, I seek your ruling on the question that whatever is being said outside the scope of the

[Shri N. K. P. Salve]

Bill, which is not germane to the provisions of the Bill, should not be allowed to go in this debate. When you are talking of this sort of a thing like the ex-Prime Minister, the son of the ex-Prime Minister, I seek your ruling on the question whether all this talk is at all germane to the Bill under discussion and, if it is not germane to this Bill whether it should be allowed to remain.

SHRI AMARPROSAD CHAKRABORTY: I do not require any lessons from anybody. I know this thing.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): I think there is no point of order in this. This is the debate on the Taxation Laws (Amendment) Bill and he can speak. Kindly be brief.

SHRI AMARPROSAD CHAKRABORTY: In the Calcutta High Court there was a case for taking Rs. 1.50 lakhs for advertisement for one of the souvenirs by the Congress Party. So, Sir, what are they telling us now? They are referring to West Bengal and they are telling that the car is not running on water but on petrol. Sir, they will not appreciate how we work. We all fought in the elections. Our workers were getting just a cup of tea. And, what did they do? They were paying their workers daily wages and they took money from the capitalists. Is that capitalism or socialism? (Interruptions). With these protests, Sir, I say let them place their palm on their chest and let them feel what they have done. They have hoodwinked the people. They have exploited the people. This is what they have done for the last 30 years. Coming to the point, I say that Janata Government at least providing for some ceiling. That is better. They were taking without any ceiling. They are providing for some ceiling now. Secondly, Sir, there must be some amendment in the Companies Act also as done in the Income Tax

Act and I would request the hon. Minister to kindly see to it; otherwise even by this change, there will be lacunae left in the Act.

With these words, Sir, I conclude.

AN HON. MEMBER: He is an agent of . . .

(Interruptions)

SHRI AMARPROSAD CHAKRABORTY: You are the agent of the capitalists . . .

(Interruptions)

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): I have called Dr. Zakaria. Order please. Dr. Zakaria, please be brief.

DR. RAFIQ ZAKARIA (Maharashtra): I will try to be brief and I assure my friend, Mr. Salve, that I will try to talk sense...

PROF. MADHU DANDAVATE: It need not be a concession to him only.

DR. RAFIQ ZAKARIA: Since he raised the point, I wanted to assure him.

Sir, this Bill raises a fundamental issue and that is, how to regularise political corruption on one side and secondly, how to finance the political parties. The fundamental issue that it raises is whether certain concessions, certain facilities and certain advantages be given to the capitalist sections and the vested interests which, in the final analysis—if the funds are the basis of the functioning of a political party—will be, to a great extent, in control of those political parties because, Sir, though the ostensible reason for bringing this Bill by the Finance Minister may be, as I said, to regularise some of these loopholes in the Income Tax law or to give some kind of a credit for those who had been financing political parties, I suspect that the main reason is to bring back the same issue of souvenirs and that has been very cleverly brought by saying that any advertisement for souvenirs will, henceforth, not be allowed. Now,

Sir, there is no objection to that. Advertisements in the souvenirs have been misused not only by the Congress Party; the Congress Party has become the target of all attacks because it was the ruling party, and tomorrow it will be the Janata Party. They have already been seeing that when they have been in power for hardly a little more than a year, for a year and a half, already there is the talk of political corruption. Therefore, no ruling party can escape from this stigma of political corruption. And by regularising the political corruption if we think that we have found the remedy, I am afraid, this remedy will be worse than the disease. I do not doubt the intention of the Finance Minister. He, perhaps, means well. He wants that whatever political donations are made, they should be properly accounted for and it is only then that they would receive exemption from the income tax so that these political parties are not subjected to the burden of taxation, and are able to go about with their activities in a proper manner. But what happens in reality? We have seen that political parties have been receiving funds from the individuals on the basis of the influence that they are able to exercise on the Governmental machinery. The Congress Party is blamed because it was in power. The Janata Party will be blamed because it is in power. I do not think that by means of this measure, that kind of attack we will be free from. Sir, in West Germany, they have found a solution to this dilemma. It is not a question of exempting only donations up to Rs. 10,000, and, beyond that, a proper record should be kept. Of course, the black donations that all parties receive cannot still be brought within the mischief of this Act or any other Act. As you know, Sir, that will go on. That will go on within the knowledge of all of us. That will go on despite the fact that every party protests that it never touches any such amount. That will go on despite the fact that every party claims that it is from popular donations, that from one

rupee from each poor peasant or worker they have been able to finance the functioning of their political machine. In reality, it does not happen. And it will not happen. There was a good point that my friend made that you have brought in only souvenirs, brochures, pamphlets and the like. Human ingenuity is such that many other methods will be found for permitting advertisements. He spoke about newspapers or weeklies. Every political party will now come forward with such kinds of weeklies and newspapers even if their circulation may be limited. How is that kind of mischief going to be prevented? There is no answer.

In West Germany, they have found a solution to this problem. There, it is the Government which gives funds as well as materials required for election purposes. This is done with an eye on the functioning of the political parties so that they are able to face the electorate. There, on the basis of its representation and on the basis of an analysis of its past performance, every political party receives a specific amount from the Government according to the number of candidates that each political party either has in Parliament or will put up for the elections. All the materials that are required for electioneering purpose like literature, vehicles, loudspeakers for public meetings, pamphlets and so on, are financed by the Government in accordance with the formula that has been agreed upon. If the Finance Minister really wants to bring forth a radical measure in order not only to check but also to control political corruption, then, I would say this is a very half-hearted measure. I am afraid, it will not serve the purpose. It may give again a facade or some kind of regularisation. It may satisfy us that what was being done in an unaccounted manner will now be, to some extent, brought to book. That will be confined only to the properties, to the investments and to the regular donations received from big industrial

[Dr. Rafiq Zakaria]

or business houses. If the real purpose is to see that there is elimination of all kinds of money influence in the conduct of political activity, that purpose, I am afraid, will not be achieved by this Bill.

THE VICE-CHAIRMAN<sup>-</sup> (SHRI SHYAM LAL YADAV): If the House agrees, we can finish this Bill in a few minutes and then take up the Half-an hour discussion.

SOME HON. MEMBERS: Yes.

SHRI H. M. PATEL: Mr. Vice-Chairman, Sir, it seems to me that this Bill has received general acceptance. And to the extent that 6 P.M. it has not received the acceptance it is due to complete misunderstanding of what it is meant for. As I have pointed out very clearly in my opening remarks, it is a very simple Bill, it has a limited objective. My hon. friend just now referred to the practice in West Germany. That kind of electoral reform is certainly under consideration and I think that is something which will have to be evolved in consultation with all the political parties. But while all those electoral reforms and other things are thought of or are agreed upon and action is taken, in the meantime it seems desirable that we do whatever we can, where it is necessary to do.

For instance, this Bill clearly bans donations to souvenirs, advertisements, etc. in souvenirs. That is really carrying out something which is already on our Statute book, namely, banning the companies' donations. That particular provision was being circumvented through this measure and that particular loophole is being sought to be plugged. When there is the question of maintaining accounts, if income-tax and other exemptions are to be given, it is desirable that the parties maintained accounts and that they are audited. We recognise that the donations, contributions will be received, rather than

burden the political parties having to maintain very detailed accounts, names of everybody, here we have said that only those who contribute large sums their names etc. should be recorded, their names must be there. Now this is all to try and do something which will be an improvement, which will prevent certain things, certain types of malpractices which ought not to exist in our law.

This is all that is sought to be done by this Bill. A reference was made to the wealth-tax exemption. The wealth-tax exemption was simply because a political party is not really a party where we need worry about equalisation of wealth. Wealth-tax is brought in order to bring about equality, gradual reduction of wealth. There such an issue does not arise and, therefore, we have said that the political parties need not be troubled with whatever wealth-tax they may have.

By the same token, in the income-tax again, their income from certain types of investments etc., would be free from income-tax. This was a very simple provision to prevent political parties from being troubled by income-tax authorities on the one hand and on the other hand to prevent certain malpractices or certain abuses that were taking place of our law, that are already there on the Statute.

These are the limited objectives of this simple Bill, and I use the word that it should be non-controversial. I do really think that it is non-controversial and to whatever extent it may not be it is in the interest of all political parties. The suggestion that this will only benefit the ruling party is something which is extremely difficult to understand. How can it benefit only the ruling party? In fact, the ruling party will be prevented from such an abuse of power if it wants to abuse that power. So, I think that this simple Bill should be accepted without any hesitation. Also, Sir, I am happy that you are occupying this Chair; because some of the observa-

tions you made, I do not want to controvert them. But I will answer them some other time because I do not think that they were in consonance with facts.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Now I will put the motion. The question is:

"That the Bill further to amend the Income-tax Act, 1961 and the Wealth-tax Act, 1957, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Now we shall take up clause by clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill.*

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

SHRI H. M. PATEL: Sir, I move:

"That the Bill be returned."

*The question was put and the motion was adopted*

# **RE MOTION FOR REFERENCE OF A BILL TO THE JOINT SELECT COMMITTEE**

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): If the House permits, there is a small Motion for referring a Bill to the Joint Committee. That will take only two or three minutes because there are no speakers on it.

SEVERAL HON. MEMBERS: No, Sir.

THE MINISTER OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI SIKANDAR BAKHT): I have just to make a Motion.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): The Bill has to go to the Joint Committee.

SHRI LAKSHMANA MAHAPATRO: No, Sir. It was not listed for today. There may be speakers who might like to speak on it.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): That is all right. Because the list was not here. If the House does not want . . .

DR. RAFIQ ZAKARIA: If it is on a technical ground, I don't agree. It is alright on a particular issue one can take this kind of stand. But on this issue, I do not agree.

SHRI LAKSHMANA MAHAPATRO: My friend does not know that one hour was allotted for that. No one is there because it was not listed. Speakers are there. Every party has speakers.

SHRI DEVENDRA NATH DWIVEDI: My submission is that there are speakers who may have to say something on the Bill which is being referred to the Joint Committee. Therefore, let it be taken up in the normal course and not today.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KRIPAL SINHA): The hon. Member is going to be on the Joint Committee. He can put his views there.

SHRI LAKSHMANA MAHAPATRO: Let me explain the position. The Business Advisory Committee, knowing full well that there is a Motion for having this particular Bill sent to the Joint Select Committee had allotted one hour's time for discussion and, accordingly, we in the different parties have requested Members to speak on this Bill. Today since the next Bill was not to come, our speakers have gone. One hour was there and you want to say that because there are no speakers, this should be taken up. Speakers' names