

SHRI A. G. KULKARNI: You should pay something on this matter.

MR. DEPUTY CHAIRMAN: Why should I say?

SHRI A. G. KULKARNI: This is a very serious matter. You should advise the Government or assure us that this will be done.

THE LEADER OF THE OPPOSITION (SHRI M. S. GURUPADASWAMY): May I suggest that this situation can be met by making the legislation retrospectively?

MR. DEPUTY CHAIRMAN: I agree with the hon. Members that this is a very important question. I also appreciate the views expressed by the hon. Members. It seems they have great concern for the multitude of landless labourers who would be benefited if the legislation is passed. Unfortunately, Mr. Om Mehta or the Minister for Parliamentary Affairs is not present here today.

SHRI N. G. GORAY: Sir, when these Bills are there and when very important issues are referred to the Minister of Parliamentary Affairs just vanishes.

MR. DEPUTY CHAIRMAN: Perhaps he is busy in the other House. We should not blame him offhand. But I hope he will take note of the various views expressed by the hon. Members and try to inform his own Government and the Government of Maharashtra also that the members would like this land legislation to have retrospective effect.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT/

संसदीय कार्य विभाग तथा

नौवहन और परिवहन मंत्रालय में राज्य मंत्री
(SHRI OM MEHTA): I will inform, Sir.

THE INLAND AIR TRAVEL TAX BILL,
1971

THE DEPUTY MINISTER IN THE
MINISTRY OF FINANCE/ farf VSTm
में उप मंत्री (SHRIMATI SUSHILA
ROHATGI). Sir, with your permission I
move—>

"That the Bill to provide for the levy of a
tax on inland air travel,

as passed by Lok Sabha, be taken into
consideration."

As hon. Members are aware, following discussions with the Governors and Chief Ministers of States recently, Government have taken a number of steps to raise additional resources to meet the expenditure on the relief of Bangla Desh refugees. One such step is the levy of a tax on railway passenger fares. However, air travel being a more expensive means of individual travel than railway travel, it would have been inequitable to have left this type of travel out of the purview of the levy at the same time as the commencement of the levy on railway passenger fares. Accordingly, Government decided to impose a tax of 5 per cent, of the fares paid by passengers for inland air journeys also. In order to facilitate the collection of the tax and to avoid inconvenience to the travelling public a provision has been made in the Bill for collection of the tax by the carriers as an addition to the fares payable by passengers. The additional revenue expected from this tax is estimated at about Rs. 2.5 crores in a full year and about Rs. 94 lakhs in the current year.

Sir, it became necessary to impose this levy through an Ordinance as the levy had to be synchronised with the corresponding levy on railway passenger fares and administrative arrangements had to be made before it could be brought into effect because of the system of advance booking of tickets for air journeys.

The present Bill seeks to replace this Ordinance.

Considering the laudable object of the Bills, I am sure the House will wholeheartedly support this measure.

The question was proposed.

SHRI N. R. MUNISWAMY (Tamil Nadu): Mr. Deputy Chairman, Sir, I do not propose to inflict over and again the same argument that has been advanced with regard to the other Ordinances which have come here and remit it back to the Lok Sabha. The self same arguments may be made applicable to this Bill also. Let me add a few of my reasons why I am opposing this.

[Shri N. R. Muniswamy]

This Bill definitely says that the State of Jammu and Kashmir is excluded. The reason assigned by the hon. Minister, not in this House but in the other House, is that articles 370 of the Constitution stands in the way. It is said that the Home Ministry has taken adequate steps to get the concurrence of that State Government so that the provisions of this Bill are also made applicable to that part of the country. I would only draw your attention to article 370 of the Constitution which says:—

"(i) Notwithstanding anything in this Constitution,—

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir."

That has been attracted by the Constitution (Twenty-fifth Amendment) Bill. But as far as the other clauses are concerned, they are retained. Here they made a slight distinction and that distinction is that the power of Parliament is limited only to those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make such laws for that State and also in case the President wants, he can get concurrence from the State Government to make applicable all these things.

Sir, my request is that when a Conference is called, I am sure, the J&K Governor as well as the Chief Minister are present. If they are not invited I can understand. I believe that they have been invited. They should have persuaded him to make this provision of the Bill applicable to that State also.

Barring these two aspects, i.e. consulting to declare these provisions of the article to be applicable and also getting the concurrence in respect of the present Bill, these two provisions have been given a clean go-by by another provision, i.e. clause 3 of the same article 370 which says—

"Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify."

Thus, it clearly indicates that the President could have simply said that this article is not applicable and all the provisions that are found in this Bill can be made applicable to that State. This has not been done and I do not know for what reasons they have excluded J&K since it is an integral part of India. I wish this step should have been taken.

Then, so many Ordinances have been issued raising revenue and levying taxes and these taxes put together might possibly be a miniature budget. Each Ordinance and each Bill has a separate subject, one dealing with Railways, the other with Communications, and another one with the Home Ministry. The present Bill deals with Civil Aviation. In all such cases, when you are dealing with different subjects, it would have been good if the Minister concerned with the subject would have been present. For the present Bill, Minister of Civil Aviation must have been present. The reason is that when you advance arguments for comfort or for improvement or anything else, I know the reports go to the concerned Ministry. But we cannot get or expect a reply from the Finance Ministry because it deals with the raising of the resources and asking all the concerned parties for recovery. I agree that this revenue is meant for administration or for giving relief to the refugees. I do not grudge this; it must be done, but this discrimination from subject to subject must be avoided.

I want to bring to your kind notice one more thing about 'rates'. Whenever any rates are increased, we expect some extra comfort. Now the functioning of the Indian Airlines is so perfunctory that much has to be improved, the less it is said, the better it is for all of us. Sir, we all know very recently about Rs. 60 to Rs. 100 have been increased for each flight.

Barring that, we have to pay from our pockets as tax a sum of Rs. 40 to Rs. 50, and I do not know whether this extra tax is to be taken as a gift towards the relief of these refugees or it is being included in anything else. I was told about this; subject to correction, even our Parliamentary Secretary has taken steps to see that whenever we make interim journey whether these amounts have to be collected or not. I do not mind giving this money because it will go as a donation from all of us. I only want some sort of comfort to be given. Whenever they serve snacks, they usually give us biscuits, coffee and do away with it. When it is dinner time, they give us such things that most of the items are not acceptable to many people. They might be acceptable to some, but most of them are not good. The present Minister will not be able to answer. This is one question. This is to be looked into.

Then again, the security checks are creating a problem. In one case, I do not know whether it was an international passenger, somebody had boarded the aircraft and created some mischief. The result of this is that every one of us suffer as a result of the security check. When they open the box, they do not see whether he is a respectable person or an Indian national or an anti-social element. They simply put everything in disorder and it takes lot of time for us to put everything, in order. You may support everything because Mr. Deputy Chairman, you might have been allowed to go in a different way, some hon. Members are also allowed to go like that and also some Ministers. Why this distinction? I do not say that they should be put to difficulty, but I just say that the difficulties put to other passengers must be removed altogether. We are travelling in our own country, we are inland passengers, and I do not think any Indian national will do any mischief coming from Trivandrum to Delhi or from Madurai to Madras. It may be a short distance or a long distance. I am not blaming the staff because they carry out the instructions of the Government.

But the thing is to what extent you are creating, difficulties. Supposing there is rain, then there is no question of identification or anything like that before we board the plane. We just directly get into the plane. We are free to go in if the rain comes to our rescue but on days when there is no rain, when the sun shines, we will have this type of difficulty. I say this sort of thing is not at all right.

So far as service in the aircraft is concerned, what is the extra that we get? Recently there was an increase of some Rs. 57 for a trip from Madras to Delhi but there has been no significant improvement in the service or facilities that we get. Only the fare goes on increasing. What was Rs. 192 some years ago is now roughly Rs. 500 which is almost two and a half times. There must be some sort of comfort or satisfaction for the man who has to pay. He must get some utility for the money he pays. In this particular case for this increase of Rs. 47 he cannot expect any utility because that amount goes for the relief of the Bangla Desh people. To that extent I will not grudge. But otherwise I say there must be some improvement. People must be given good snacks, good lunches, dinners and things like that. So this aspect has to be looked into. Also as I said the security check should be done away with. There is no excuse for having it in internal flights. If we go beyond the territory of India we can understand such checks being made because one does not know who is a national and who is a non-national. In the case of internal flights there should be no difficulty. I would suggest they must have a separate set of intelligence section to give them information about the possible sources of mischief. Or they must have informants who could give them information. We do not mind giving some bakshesh or presents for giving such information. If we do not have an efficient intelligence section or a set of informers, people are put to unnecessary difficulties. Because somebody does some mistake, it does not mean all the people should be put to such trouble. I wish that the Government should take into consideration this aspect

and see that this security check is

[Shri N. R. Muniswamy.] done away. So far as this travel tax is concerned, we are willing to pay but so far as the north east area is concerned, in places like Manipur, Belonia etc. where there is neither jeepable road nor even walkable road—there is only pedestrian pathway to move about in those places—and where people necessarily have to take to air travel, whether by Dakota or Fokker Frienship or any other aircraft, we must reduce the fare.

Regarding expansion of air services, some time back this question was raised in the House that each district centre must have a small air strip. Now we must ask the manufacturers to see, instead of having to have a regular runway, if the aircraft could not be designed in such a way that it will be able to take off vertically and also get down vertically which will eliminate the need for having an elaborate runway. With all the modern technological advancement it should not be difficult for the manufacturers to produce such an aircraft that can fly off straightaway and drop down vertically on the ground without the necessity of having a runway. If this is possible, then it will be easy to have an air strip in every district centre in the country. Apart from main routes we must have feeder services; otherwise I do not think we will be able to do our work properly. I would therefore request the Government to take into consideration all these things.

About the other things as I have already said, instead of discussing and having correspondence with the Jammu and Kashmir Government through the Home Ministry it is better that the President exercises his right under sub-clause (3) of article 370.

With these words, I support this measure.

SHRI M. K. MOHTA (Rajasthan): Mr. Deputy Chairman, Sir the Bill before the House seeks to impose a tax of five per cent of the fare for all inland journeys after a certain date in the country. I beg to submit in this connection that inland air travel is already so expensive in the country that it is out of the reach of

most Indians. The aim of the Government and the target of the Government should have been to cheapen and popularise air travel to such an extent that more and more common people are in a position to undertake air travel in preference to other modes of travel. In this connection, I should like to mention that in America air travel has been cheapened to such an extent with the introduction of the so-called air buses that the air fare between New York and Chicago is no more than the bus fare between these two cities. Now, this is the way to popularise air travel and not the way that has been undertaken by the Government, namely increase the fare all the time and impose more levies on air fares. This is not the way to popularise travel by air in a country such as India which is poor by any standards. The reason given to impose this levy is the mounting Government expenditure which has to be met by fresh levies. I would like to submit that this is a very ill-advised and not a very well-thought out measure for collecting money for the exchequer. The agricultural sector of the economy, which has seen affluence in recent years, goes untouched year after year. It has been estimated by economists that even if one per cent of the agricultural incomes were mobilised for national purposes, it would yield as much as Rs. 150 crores per year. One particular step and a small step at that, which would impose a very small burden on the average agriculturist, can yield a huge sum of money, as much as Rs. 150 crores. Instead of taking any such step, which would be the right step, the Government is coming forward with these measures which are ineffective to say the least and iniquitous also. To start with, this will be a jugglery of figures because the tax that will be collected by a levy on air fares, a very substantial part of it, would be from the Government itself, because the number of persons who are travelling by air on Government account is *so huge that the tax would be collected on the one hand and it would be paid by the Government itself from another pocket*. So, this will be nothing but a sort of transfer entry, a book entry, a paper entry and the impression

that is being given to the public that this is a measure for collecting more revenue for the Government is only half true. The correct figures should be given by the Government immediately as to what would be the real effort, the net effect on the Central exchequer by this measure. If the IAC were to undertake plans to increase their efficiency, to reduce their expenditure, the internal profits of the IAC would themselves be sufficient to make a much greater contribution to the Central exchequer. Instead, inefficiency is continuing in the IAC. Not only that. By levying such taxes on air fares, tourism would be affected to a very great extent which would mean a great loss to the economy of the country in many indirect ways. It would be very interesting to know what the Ministry of Tourism thinks about this kind of measure.

The Indian Airlines have been silent on this so far as I know. But when a similar tax was levied on international air fares in the last Budget, the Chairman of Air India and other spokesman for Air India were fortnight enough to say that the loss to Air India by such a levy would be much more than the revenue that the Government expected to have by such a measure. Perhaps, in the Indian Airlines Corporation's experience, the *effect* would not be very different—which would mean that the country would lose much more indirectly because tourism could go down because the costs of air travel would have gone up, and the very small amount of money that the Government would collect would simply not be worth while. When very great sums of money are being spent in Indian rupees as well as foreign exchange for acquiring planes and other equipment to increase air traffic in our country, why is it that steps are not being taken simultaneously to see that the Indian Airlines Corporation is run much more efficiently and is made to contribute much more to the Central exchequer, instead of reverting to these measures which are ineffective, which will lead to loss of revenue to the country as a whole due to decline in tourism and which

would also hit the common man, air travel for whom will be completely outside his reach?

These are the objections to this Bill and therefore I would request the hon. Minister to reconsider it and bring forward measures which would really add to the Central exchequer's revenues and not to play with these paper entries which would not have the desired effect and which would have many injurious effects on the economy.

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमान्, अच्छा होता कि मंत्री जी इसके विषय में एक विशद विवेचन करते कि इससे बे कितना धन इकट्ठा कर सकेंगे, किन-किन छोटों से और कैसे-कैसे वह धन इकट्ठा होगा। अभी हमारे मित्रों ने जो संभाषण किये हैं। उनमें से कुछ से मैं इसलिए सहमत नहीं हूँ कि छोटे आदमियों पर कोई टैक्स लग जाय और उससे 1 अरब 50 करोड़ की आमदनी ही क्यों न हो, उसकी अपेक्षा अच्छा तो यह होगा कि जो बड़े आदमी हैं, जो हवाई जहाज से यात्रा कर सकते हैं, उन पर ही टैक्स लगाया जाए। लेकिन तब भी इस समय इस टैक्स को लगाने की कोई समुचित प्रोप्राइटी नहीं है और इसलिए नहीं है कि पिछले वर्ष एक कारखाने में एक बिल्डिंग बन रही थी और उसके पूरा बनने के पूर्व ही उसकी एक छत गिर गयी और उस से लाखों रुपयों का नुकसान हुआ। तो हम एक तरफ तो टैक्स लगा कर रुपया बसूल करते हैं और दूसरी तरफ से छतों के गिरने से क्षति होती है, तो इसमें सुधार करना चाहिए। यह भी कहा गया कि इसमें कंपटर्स का भी ध्यान रखा जाय। कंपटर्स के बारे में मुझे कहना है कि भले ही उनमें खाने पीने को कुछ कम मात्रा में मिले, हमें उससे कोई सरोकार नहीं है। लेकिन इतना अवश्य होना चाहिए कि हवाई जहाज की यात्रा में इस भय का निराकरण तो होना ही चाहिए कि कहीं वह पूरे के पूरे समुदाय को ही न ले बैठे। उदाहरण के लिए अपने यहां डाकोटा और फोकर फ्रेंडशिप विमान चल रहे हैं। यह विमान पश्चिमी देशों में अच्छे

[श्री निरंजन वर्मा]

नहीं माने जाते और उनके उतरने का स्थान भी बहुत अच्छा नहीं माना जाता और जहाँ फोकर विमान चलते हैं, अक्सर उनकी दुर्घटनायें मुनने को मिला करती हैं। इसलिए कम से कम उन विमानों को हटा कर दूसरे अच्छे प्रकार के विमान आपको देने चाहिए और उस दिशा में अगर फिर कर लगाया जाय तो कोई चिन्ता की बात नहीं है। इसके अतिरिक्त एक बात हमारे माननीय मित्र मुनिस्वामी जी ने कही और मैं भी माननीय मंत्री जी से पूछना चाहता हूँ कि क्या हिसाब से वे टैक्स लगाते हैं। कलकत्ता से लेकर श्रीनगर तक एक ही प्रकार से सब पर टैक्स लगता, लेकिन अमृतसर से श्रीनगर के बीच के मार्ग को उन्होंने टैक्स से रहित कर दिया। अगर वहाँ भी टैक्स रहता तो क्या बिगड़ जाता? या इसी प्रकार से श्रीनगर से बहुत दूरी तक भी जो एयर ट्रेविल करते हैं, उनके ऊपर भी अगर यह टैक्स लगाया जाता तो कोई कठिनाई नहीं होती। जानबूझ कर के ऐसे समय में काश्मीर-जम्मू को अलग सरीखा करने का भेदभाव बरता गया है। उदाहरण के लिये रूल 2 और रूल 3 जो कि चौथे पैराग्राफ के अंश हैं उनको सुनाता हूँ। श्रीमन्, आपकी आज्ञा से उनको पढ़ कर सुनाता हूँ:—

Rule 2.—In the case of a journey by a passenger from a place in the territories to which this Act extends to a place in the State of Jammu and Kashmir the tax leviable shall be computed as if such journey were up to Amritsar.

Rule 3.—In the case of a journey by a passenger from a place in the State of Jammu and Kashmir to a place in the territories to which this Act extends, the tax leviable be computed as if such journey were from Amritsar."

अमृतसर से और जम्मू-काश्मीर में एक दो स्थान हैं, तो अगर श्रीनगर वगैरह के ऊपर भी यह टैक्स लगाया जाता तो क्या कठिनाई थी और क्या यह सम्भव नहीं है कि काश्मीर के यात्री ही, काश्मीर

के निवासी ही, यात्रा नहीं करते हैं बल्कि दूसरे लोग भी यात्रा करते हैं।

श्री महावीर त्यागी (उत्तर प्रदेश) : श्रीमन्, इस सिलसिले में आपकी इजाजत से एक बात में मिनिस्टर साहब से पूछना चाहता हूँ। वह मेहरबानी करके यह साफ कर दें कि क्या काश्मीर गवर्नमेंट से हमारी गवर्नमेंट ने इस बारे में उनकी कंसेंट ली है या उन्होंने इन्कार कर दिया है या अब आइंदा कंसेंट लेंगे। इसका जवाब साथ दे दिया जाय।

श्री निरंजन वर्मा : तो अगर किसी तरह से जम्मू-काश्मीर के निवासियों को इस कर से बचाया होता तब भी कोई गनीमत की बात थी, लेकिन अगर भारत का यात्री—काश्मीर भी भारत है, काश्मीर को छोड़ कर शेष भारत का कोई यात्री—वहाँ जाना चाहता है तो उनके लिये इस कर को छोड़ने से क्या अभिप्राय है, यह नहीं बताया गया।

दूसरी बात यह है कि पूरा भारत वर्ष काश्मीर को अपना एक अंग मानता है, काश्मीर के ऊपर प्रति वर्ष करोड़ों रुपये खर्च करते हैं और वह हमारा अविच्छिन्न अंग है, तो वहाँ के व्यक्तियों को बतायें कि यह धारा 370 की शरण लेना मेरे खयाल से उचित नहीं है। धारा 370 के विषय में मैं मंत्री जी का ध्यान इस तरह खींचूंगा कि बहुत से इस प्रकार के कानून जो कि पहले जम्मू और काश्मीर में एक्सटेंड नहीं हुये थे, उनको इन दिनों एक्सटेंड किया गया है, तो उसी प्रकार से इसको भी किया जा सकता था और जम्मू-काश्मीर इसके लिये मना नहीं करता। और हमारे त्यागी जी ने पूछा है कि क्या उनकी तरफ से कोई ऐसी सूचना आई है या उन्होंने इसके बारे में एतराज किया है या आपत्ति की है, अगर कोई ऐसी बात होती तब भी कुछ समझ में आता। लेकिन हमारी सरकार केवल डर के मारे या जम्मू-काश्मीर को अलग-अलग प्रदेश समझ कर के उसके ऊपर किसी भी प्रकार का कर-रोपण नहीं करना चाहती है, चाहे वह उसके निवासियों पर हो और चाहे दूसरे पर ही हो, तो यह अलग

मानने की जो प्रवृत्ति है कोई अच्छी प्रवृत्ति नहीं है और हम समझते हैं कि सरकार को अपनी यह मनोवृत्ति छोड़नी चाहिये और अपना दृष्टिकोण थोड़ा मनोवैज्ञानिक रूप में बदलना चाहिये।

श्री बी० एन० मंडल (बिहार) : उप-सभापति महोदय, इस बिल के जरिये जो हवाई जहाज के फेयर पर 5 परसेंट की लेवी की जाती है, मैं समझता हूँ कि बंगला देश के लिये ऐसा करना कोई बुरी बात नहीं हो सकती है, लेकिन इसके साथ ही और भी जो दूसरा बिल आया है रेलवे के सम्बन्ध में उसमें जो थर्ड क्लास पैसेजर्स के ऊपर कर लगाया गया है वह मैं समझता हूँ कि बहुत ही अनुचित है। सबसे बेसी अनुचित बात तो यह है कि जिस ढंग से सरकार आर्डिनेंस के जरिये कानून बना रही है और पीछे पार्लियामेंट में आती है। यह एक बहुत खतरनाक तरीका है। इस तरह के 13 आर्डिनेंस हुये हैं जिनको लागू किया गया है और जिस दिन पार्लियामेंट खुली है, 30 तारीख को आर्डिनेंस होता है और 15 तारीख को लागू किया जाता है। अगर 15 दिन ठहर कर के कोई कानून लाया जाता और पांच सात दिन के अन्दर में उसको पास करवा लिया जाता तो क्या यह कोई बुरी बात होती। लेकिन हमको ऐसा मालूम पड़ता है कि जो हमारी प्रधान मंत्री हैं, वह शायद पार्लियामेंट के मेम्बरों को टटोल रही हैं, देश को टटोल रही हैं कि कानून की मर्यादा को तोड़ कर के हम जो काम कर रहे हैं उसका क्या रिएक्शन पार्लियामेंट के मेम्बरों के ऊपर हो रहा है, देश के ऊपर क्या पड़ रहा है, शायद उसको प्रधान मंत्री देख रही हैं। जिस ढंग से बार-बार कांस्टीट्यूशन के जरिये वह अधिकार ले रही हैं उससे मालूम पड़ता है कि शायद वह कोई इस ढंग की परिस्थिति बना रही हैं कि अगर इस देश में कभी उसने कांस्टीट्यूशन को भी कदम उठा दिया गया तो उसका कोई बड़ा परिणाम नहीं निकल सके देश के भीतर। शायद वह इस बात की जांच भीतर के भीतर कर रही हैं, ऐसा हमको कुछ मालूम

पड़ता है। आर्डिनेन्स के जरिये से यह कानून बनाया गया है और अब पार्लियामेंट के जरिए बहुमत का दुरुपयोग करके गलत तरीके से कानून बना कर उसको रिप्लेस किया जाता है।

जो कोई भी आदमी पार्लियामेंटरी लाइफ के ढंग से चलना चाहता हो उसके लिए एक बहुत चिंता की बात हो जाती है। एक मर्तवा लोक सभा के पहले स्पीकर मावलंकर साहब ने भी इसका बहुत तीव्र विरोध किया था। इसलिए मैं समझता हूँ कि यह बहुत गलत बात हुई है। जो तरीका इन्होंने अपनाया है इस तरीके को अपनाने की कोई जरूरत थी ही नहीं। जब टैक्स वसूल होना था आगे चल कर और पार्लियामेंट का अधिवेशन खुलने में सिर्फ पन्द्रह दिन बाकी थे, तो इस बीच ही यह आर्डिनेन्स पेश नहीं होना चाहिए था, खास कर जबकि टैक्स लगना शुरू होता था 15 नवम्बर से। अगर आर्डिनेन्स न लगाकर पार्लियामेंट के खुलने तक बट करते तो इसमें कोई गड़बड़ हो जाती, ऐसी कोई बात नहीं थी।

जिस ढंग से यह कानून ड्राफ्ट हुआ, हो सकता है मैं इसको समझ नहीं पाया, लेकिन अगर मैंने इस कानून को समझा है तो क्या हमारा यह समझना ठीक है कि नहीं, इसको माननीय मंत्री जी बतलाएंगी। 5 परसेंट टैक्स आन्नु फेयर्स लगाया गया है और कहा गया है कि उससे अढ़ाई करोड़ रुपये की आमदनी होगी, लेकिन उसको वसूल करने के लिए जो कैरियर है उसको रेप्युनरेशन क्या दिया जाएगा। उसके लिए कहा गया है कि साढ़े 12 लाख रुपए उनको दिया जाएगा। इसके अलावा जो इस्टेब्लिशमेंट वह रखेंगे उसमें 1.10 लाख रुपये और नान् रिकरिंग एक्सपेंडिचर में 40 हजार रुपया रखा गया है। तो हम नहीं समझते हैं कि उस ढाई करोड़ रुपये को जो किराए पर 5 परसेंट लगा कर जो कर हवाई फेयर के साथ वसूल हो सकता था, उसको वसूली के लिए कैरियर को फिर जो रुपया दिया गया है और जो नौकरों की बहाली

[श्री बी० एन० मंडल]

हुई है, आफिस वगैरह जो नए बनाने की बात हुई है, यह सब करने की जरूरत थी, ऐसा हम नहीं समझते। इसलिए हम समझते हैं, जैसा मैंने कहा कि इस ढंग का अगर यह कानून बना है, तो सरकार को इस पर विचार करना चाहिए। किसी एक टैक्स का बहाना लेकर और फिजूल ही लोगों के ऊपर रुपया लाद देना, यह कोई अच्छा तरीका नहीं हुआ है।

यह बात सही है कि राज्यपाल या मुख्य-मंत्री, इन लोगों ने कहा था कि बंगला देश के लिए रुपया वसूल होना चाहिए। रुपया वसूल हो यह हम भी कह सकते हैं, सारा देश आज कहता है, उसमें दो मत नहीं, लेकिन इसी काम को करने का एक तरीका होना चाहिये। जो तरीका अपनाया गया है, उस तरीके से हम लोगों का मतभेद है। इसलिए मैं चाहता हूं कि सरकार इस पर खयाल करे। कुछ ऐसे ढंग की बात न करे कि इस देश में जो पार्लियामेन्टरी पद्धति चल रही है उसमें आंच पहुंचे। इस ढंग की बात नहीं होनी चाहिये जो कि बार-बार प्रधान मंत्री संसद् से करवा रही है।

श्रीमती सुशीला रोहतगी : मान्यवर, मैं सारे सदस्यों की बड़ी आभारी हूं कि बहुत सी बातें जो कल कहीं थीं आज उनके ऊपर उन्होंने फिर सदन का समय नहीं लिया और आज से ही संबंधित विषय पर उन्होंने कहा। मैं भी कल की बातों को दुहराना नहीं चाहूंगी। लेकिन मंडल जी से मैं कहूंगी कि शायद वे कल किसी कारण से सदन में उपस्थित नहीं थे। इसलिए उन्होंने आर्डिनेन्स के औचित्य के संबंध में या इसकी आवश्यकता के संबंध में जो बात कही है, उस पर केवल इतना ही निवेदन करना चाहती हूं कि इस पर कल काफी चर्चा हो चुकी है। और इस चीज के सम्बन्ध में मैं इतना ही कहूंगी आजकल की परिस्थिति में, आज की भीषण परिस्थिति में और समय को देखते हुए जो आर्डिनेन्स हैं वे बहुत जरूरी हैं और वे इस बात को स्वीकार करेंगे।

तीन, चार बातें सामने रखी गई और खास कर श्री मेहता साहब से मैं यह कहूंगी कि वे एक बहुत अच्छे वकील हैं, पर उन्होंने जिस चीज की वकालत करी है, उस चीज पर उनकी वकालत नहीं चल पा रही है। नहीं तो, वास्तव में उन्होंने बड़ी अच्छी दलील दी है, पर उनका यह कहना कि अर्मा का और सारे प्रगतिशील देशों में एयर ट्रेविल इतना सस्ता हो गया है कि शायद बस की तरह वहां पर इस्तेमाल होता है। यह सही बात है। पर मुझे केवल यही कहना है कि हमारे गांव वालों को तो केवल बस ही उपलब्ध है और बहुत से गांवों में तो रेल तक नहीं पहुंच पाई है। वे कल तक हम लोगों से, कांग्रेस से, हमारी सरकार से कह रहे थे कि वह साधारण वर्ग और निम्न वर्ग के लिए विचार नहीं कर रही है, कामन मैन को हर्ट कर रही है। आज मैं उनको उन्हीं के शब्दों में याद करवाना चाहती हूं कि कम से कम इस बिल के द्वारा उन आदमियों के बारे में तो सोच रहे हैं जिनको उन्होंने कहा था कि हमने वर्जित कर दिया है। आज इस चीज से उनके ऊपर किसी तरह का कुठाराघात नहीं होगा और न ही किसी तरह का कोई नुकसान होगा।

यह जो एयर ट्रेविल है, हमारा खयाल है और हम सब लोगों की एक ही राय होगी कि यह एयर ट्रेविल वही लोग करते हैं जिनकी स्वयं की क्षमता हो या जिनको दूसरों की जेबों से क्षमता मिली हो। गरीब आदमी बेचारे की तो ऐसी शक्ति नहीं है और न ही वह इतना रुपया अपनी जेब से दे सकता है। तो यह जो टैक्स लगाया गया है वह केवल ऐसे वर्ग तक सीमित रहेगा जिसके पास अपनी या बाहर की क्षमता हो। इसमें गरीब आदमी नहीं आयेगा। इसलिए मेरा खयाल है कि अगर हमारे भाई कल तक या आगे भविष्य में गरीब आदमियों की चर्चा करेंगे, उनकी तारीफ में दलील पेश करेंगे तो इन बातों का ध्यान रखेंगे और आज इस बिल को वे अच्छी तरह से सहर्ष स्वीकार करेंगे और अपना समर्थन देंगे तथा हम लोग उनका समर्थन चाहेंगे।

दूसरी चर्चा स्टेटिस्टिक्स की जगहरी के बारे में जो यह कहा गया है कि एक हाथ से सरकार रुपया लेगी और दूसरे हाथ से वह रुपया वहीं चला जायेगा और जिस चीज के लिए रुपया लिया जा रहा है वह वहां तक नहीं पहुंच पायेगा। मेरा निवेदन इस सम्बन्ध में यह है कि रुपया जो भी एकत्र हो रहा है वह रुपया केवल बंगला देश के शरणार्थियों के लिए ही है और केवल उन्हीं पर इस्तेमाल होगा। इस रुपये को न इधर उधर लगाने की जरूरत है और न ही इस तरह की कोई सम्भावना है। इसलिए उनके अनुमान में जो शंका है, उसका मैं समाधान कर देना चाहती हूँ।

तीसरी बात यह कही गई है कि इससे हमारे टूरिज्म पर प्रभाव पड़ेगा। मैं केवल इतना ही कहना चाहती हूँ कि जहां तक फारेन टूरिज्म का सम्बन्ध है, वह इसके अन्तर्गत आता ही नहीं है। अगर आप बिल के क्लॉज 2 के जी को भी देखेंगे तो उससे स्पष्ट हो जायेगा कि जो इंग्लैण्ड जर्नी करते हैं। It excludes any journey which is a continuation of an International journey.

फारेन टूरिस्टों के ऊपर यह चीज वहीं आती है। इसके अतिरिक्त जो अपने देश में कर रहे हैं, उनकी अपनी परिभाषा हो चुकी है। अगर लोग एयर जर्नी कर सकते हैं तो इतना अतिरिक्त भार और दे सकते हैं। आई० ए० सी० के आफिसरों के साथ इस सम्बन्ध में अच्छी तरह से बातचीत हो चुकी है और उसके ही बाद इस निष्कर्ष पर पहुंचा गया है कि कोई खास असर हमारे टूरिज्म पर इसका नहीं पड़ेगा।

दूसरी बात, जो खास प्रश्न था, बड़ा रेलि-वेन्ट प्रश्न है, मैं उसके औचित्य को समझती हूँ जो शुरू में हमारे मुनिस्वामी न जम्मू-काश्मीर के सम्बन्ध में रखा था। यह सही बात है कि जम्मू-काश्मीर के सम्बन्ध में जो उन्होंने राय दी और श्री महावीर त्यागी जी ने जो स्पष्ट तौर पर कहा, उसके सम्बन्ध में मैं स्पष्ट तौर पर कहना चाहती हूँ।

The Home Ministry has already-written to the State Governments for their concurrence for the extension of the inland travel tax, a tax on postal articles and the foreign travel tax. This concurrence of the State Governments is necessary by virtue of Article 370 of the Constitution. Apart from that, we are awaiting their concurrence and as soon as it comes . . .

SHRI MAHAVIR TYAGI: Is there any provision in the Bill that as soon as the concurrence comes, without amending it, it will be leviable?

SHRIMATI SUSHILA ROHATGI: That is a hypothetical thing. I do not think that question arise just now for that. It is only in a pending stage. We have not heard from the State Governments. We are proceeding with the question and we do not know how long it will take . . .

SHRI MAHAVIR TYAGI: But why not make a provision here that it will be leviable as soon as the concurrence comes?

SHRIMATI SUSHILA ROHATGI: We do not know how soon the consent will come. We do share his concern on this, but we are not in a position to make any commitment. We do not know how much delay there will be . . .

SHRI MAHAVIR TYAGI: Now itself you provided that "Provided that such and such clause will not be affected ..."

SHRI A. D. MANI (Madhya Pradesh): Sir, I would like to put one question. I do not want to embarrass the Deputy Finance Minister The air travel has gone up and even Members of Parliament are asked to pay 5 per cent out of their meagre allowances, meagre in the light of the rise in the cost of living at the present time. I only wanted to ask her to communicate to the Minister for Civil Aviation that we all resent that the Indian Airlines are going to cut down even other concessions like giving a free ride up to the airport.

1 P.M.

How much are you going to save? You are taking money from us in

[Shri A. D. Mani]

the form of this 5 per cent surcharge. Now you do not want to give even free bus travel. Is it fair? You are taking so much. I am told that there is a proposal that even in regard to foreign travel, we will get a receipt in the plane which means you have to pay even for your meal. I am a very well informed person and I never talk without the book. Would you please consider the matter and give an assurance to the House that what I am saying will be considered by the Ministry? We do not want the air travellers to be saddled with this burden.

SHRIMATI SUSHILA ROHATGI: I do not question the hon. Member's wisdom about which I have no doubt at all. We are not fully aware of what he said. May be he got it on the basis of some conversation with somebody. May be it is in the offing, I do not know. But government is not expected to work out anything which is not in a very crystallized form. But I shall convey this to the concerned authorities. But I might tell you that there is no question of cutting down the existing facilities. The concessional rate will continue to apply to all those who are entitled to it. They are not to be deprived of this facility. Similarly, those who perform through journeys will be entitled to continue them. Employees also will be entitled to free travel facilities.

SHRI A. D. MANI: We have to attend select committee meetings and regular sessions of Parliament. We get 25 per cent extra. Now we have to pay 5 per cent surcharge. Suppose man has to come from Quilon to Delhi. How much he has to pay? Is it fair?

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Are we here to hear this dialogue?

SHRIMATI SUSHILA ROHATGI: If I may be permitted to say, I think this is not the correct time for Members of Parliament to raise this issue. Considering the time that we are passing through and the

magnitude of the problem we have to face, I think it is neither becoming nor relevant to raise this issue now. Till yesterday, you were holding brief for the common man. I do not know how far Members of Parliament can be brought under that category. I beg to differ on that issue.

I think I have covered most of the relevant points raised. With these words, I would request the House to accept the Bill as it stands.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the levy of a tax on inland air travel, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill. There are no amendments.

Clauses 2 to 9 were added to the Bill.

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

SHRIMATI SUSHILA ROHATGI: Sir, I move;

"That the Bill be returned." *The*

question was proposed.

SHRI N. R. MUNISWAMY: Under clause 5, government reserves the right to exempt some classes of passengers from the tax. I would like to know what types of passengers government is likely to exempt from payment of this tax.

SHRIMATI SUSHILA ROHATGI: Sir, I have already stated that the exemption is there . . . Sir, I think it is already in the Bill.

MR. DEPUTY CHAIRMAN: It is Clause 5 of the Bill.

SHRIMATI SUSHILA ROHATGI: Sir, we do not have details about that.

SHRI N. R. MUNISWAMY: Sir, there is a Clause and it is Clause 5.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): Sir, there is no answer from the Government.

MR. DEPUTY CHAIRMAN: The hon. Minister says that she does not have the information at the present moment.

SHRI A. D. MANI: Sir, it is a very relevant question.

SHRIMATI SUSHILA ROHATGI: Sir, I have already mentioned that it is the Government employees. I have mentioned in my earlier speech and in reply to some other question that those who are already getting it, they are entitled in future also, that is. those who are already entitled will be entitled in the future also . . . (Interruptions.)

MR. DEPUTY CHAIRMAN: All right. Whenever the notification is issued, I think, it will be made known to the House.

SHRI CHANDRA SHEKHAR: Yes, Sir.

SHRI N. R. MUNISWAMY: Sir, we can know it if it is clarified.

SHRI SUNDAR SINGH BHANDARI: It should be clarified.

MR. DEPUTY CHAIRMAN: The hon. Minister has said that she does not have the information at the present moment. Perhaps the category of persons would be decided also later.

SHRI CHANDRA SHEKHAR: By notification.

MR. DEPUTY CHAIRMAN: If the hon. Minister gets it in the meantime, she may try to give it in the after-noon. Perhaps there is no final decision on the categories. There may not be any information available with the Government also.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be returned."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till quarter past two.

The House then adjourned for lunch at eight minutes past one of the clock.

The House reassembled after lunch at quarter past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

**STATUTORY RESOLUTION DIS-
APPROVING THE STAMP AND
EXCISE DUTIES (AMENDMENT)
ORDINANCE, 1971 (NO. 17 OF 1971),
PROMULGATED BY THE
PRESIDENT ON THE 22ND OCTOBER
1971**

**THE STAMP AND EXCISE DUTIES
(AMENDMENT) BILL, 1971**

श्री सुन्दर सिंह भंडारी (राजस्थान): उपसभा-
पति जी, मैं एक संकल्प उपस्थित कर रहा हूँ कि—

“यह सभा राष्ट्रपति द्वारा 22 अक्टूबर,
1971 को प्रख्यापित स्टाम्प और उत्पाद-शुल्क
(संशोधन) अध्यादेश, 1971 (1971 का
संख्या 16) का निरनुमोदन करती है।”

जिन कारणों से मैं अपना प्रस्ताव उपस्थित कर रहा हूँ, संक्षिप्त रूप में उसकी कुछ बातें मैं सदन के माननीय सदस्यों के सामने उपस्थित करूँगा। यह अध्यादेश 22 अक्टूबर को जारी किया गया था और उसमें स्टाम्प और उत्पादन-शुल्क की वृद्धि 15 नवम्बर, 1971 से लागू किए जाने की बात थी। राष्ट्रपति के द्वारा संसद् के दोनों सदनों को आहूत करने की सूचना 22 अक्टूबर के पूर्व जारी की जा चुकी थी अर्थात् अध्यादेश को जारी करते समय सरकार को इस बात की जानकारी थी कि जिस दिन इन अध्यादेशों को कार्यान्वित होना है उस दिन सदन बैठ चुका होगा और एक प्रकार से सदन जिस दिन बैठा हुआ है उस दिन से किसी अध्यादेश का लागू होना, यह जनतांत्रिक परिपाटी के लिए कभी भी उचित नहीं माना जा सकता और इस कारण मेरा यह आरोप है कि सरकार ने एक ऐसे अध्यादेश को जारी करके जो सदन के बैठने के दिन से लागू होने वाला था, सदन का अपमान किया है, संविधान के अंतर्गत आर्डिनेन्स जारी करने के अधिकार का दुरुपयोग किया है। तो मैं चाहूँगा