

(1600/CP/PS)

1600 बजे

श्री सौमित्र खान (बिष्णुपुर): महोदय, मैं सबसे पहले अपने यशस्वी प्रधान मंत्री जी को धन्यवाद देना चाहता हूँ। मैं यशस्वी प्रधान मंत्री जी को प्रणाम करता हूँ और निर्मला सीतारमण जी को नमन करता हूँ।

*{Hon'ble Speaker Sir, I whole heartedly thank our respected Prime Minister of the country; because of him 130 crore people of India are living a happy life. I also thank our Finance Minister Smt. Nirmala Sitharaman. We have seen so many Prime Ministers earlier. But the way in which much needed Corona vaccine has been invented in India, the common people are praising Hon'ble Prime Minister profusely. They are saying that we are alive due to his efforts.

Once, Kolkata was the capital of India, but today I am compelled to say that West Bengal has completely transformed into a terrorist state. We have seen that Hon'ble Prime Minister has done everything for the state of West Bengal which our Chief Minister Mamata Banerjee could not do.}

सर, बंगाल के लिए तो दो मिनट एक्स्ट्रा दीजिए। ये जीएसटी की बात करते हैं, ब्लैक मनी की बात करते हैं और क्रिप्टो करेंसी की बात करते हैं। मैं एक ही बात बोलूंगा कि नोटबंदी होने के बाद जब सीबीआई या ईडी किसी को पकड़ने जाते हैं, जब कोयले के खदान में कार्रवाई करते हैं, तो बोलते हैं कि क्यों करते हैं?

*{How can anything good happen to the state? We wish to reiterate that what horrific incident happened in Bengal's Birbhum. 12 persons were charred to death. Independent probe should take place to nab the culprits. We thank Hon'ble Finance Minister for introducing RBI digital currency. But I urge upon the government to identify the persons involved in coal scam. We demand that those involved in sand lifting scam and various murders should be brought to book. The Trinamool Congress Block President who had done this violent murder should be put behind bars. I thank Hon'ble PM for the Ujjala Scheme; I thank PM for Pradhan Mantri Health Insurance Scheme. We all are surviving happily in this country.

I thank him for 'Sabka Saath, Sabka Vikas', for giving dignified life to us. But in Bengal no scheme in the name of Prime Minister is implemented; funds of central schemes are usurped. It is shameful. No Hon'ble MP can say in this House that bombs are hurled on them in any other state. But it is a matter of shame that the car of an MP of Bengal is attacked with bombs. This should be also investigated. MPs and MLAs of West Bengal are fighting for justice putting their own lives at stake. No opposition MP here can claim that bombs are hurled at their cars in Uttar Pradesh. But we are in extremely pathetic condition in West Bengal. Article 356 may be immediately imposed on Bengal. Poor farmers there are starving. I request Hon'ble Finance Minister to announce a special grant for those farmers, so that they are able to survive. The students of Bengal, who want to appear for teacher's examination are on the streets, sitting on dharna before the education department office. We are at the mercy of Hon'ble Prime Minister. I request Finance Minister madam to visit West Bengal and generate employment for the people.

With these words I support the Finance Bill and urge upon the government to put on end to the violent regime of West Bengal.

Thank you.}

(ends)

1603 बजे

(माननीय अध्यक्ष पीठासीन हुए)

माननीय अध्यक्ष : अभी शून्य काल भी है।

श्रीकांत शिंदे जी, दो मिनट में अपनी बात कहिए।

1604 बजे

डॉ. श्रीकांत एकनाथ शिंदे (कल्याण): अध्यक्ष जी, मैं आपको धन्यवाद देता हूँ कि आपने मुझे इस फाइनेंस बिल पर बोलने का मौका दिया। मैं अपनी बात एक कोट से शुरू करना चाहूँगा। यह अलबर्ट आइंस्टीन का कोट है:

“The hardest thing in the world to understand is the income tax.”

मुझे लगता है कि इस आइंस्टीन की कोट से सभी अपने को एसोशिएट कर पा रहे होंगे। इनकम टैक्स में मध्यम वर्ग को कुछ भी एजंप्शन या स्लैब बेनीफिट नहीं दिया गया है, जो एक चिंता का विषय है। कोरोना महामारी के समय बहुत लोग बेरोजगार हुए हैं। आज हाई टैक्स और लो इनकम सबसे प्रमुख समस्या है।

(1605/NK/SMN)

जिसका निवारण कैसे किया जाए, इस पर सरकार को ध्यान देना बहुत जरूरी है। इसके अतिरिक्त, जैसा अभी सुप्रिया सुले जी ने अपने भाषण में कहा, कैसे इनकम टैक्स और ईडी का दुरुपयोग किया जा रहा है। हम अक्सर सुनते थे कि कुछ दिन तो गुजरो गुजरात में, मुझे लगता है कि जिस तरह से ईडी और आईटी की रेड चल रही है, अब अगला स्लोगन होगा, कुछ दिन तो गुजरो हवालात में। इसके लिए कितने हवालात लगेंगे, पता नहीं। इस विधेयक के माध्यम से इस जांच एजेंसी को और पॉवर देने का काम किया जा रहा है। क्लॉज 96 के माध्यम से रेट्रोस्पेक्टिव प्रोविजन लाया गया है, to validate any action taken or duties performed by officers of DRI and Customs before the enactment of Finance Bill, 2022 notwithstanding the decisions of Courts/Tribunals/Authorities. मैं मंत्री जी से जानना चाहूँगा कि इतना पॉवर इन अथॉरिटीज को क्यों दी जा रही है। सरकार की मंशा क्या है? सरकार की मंशा है कि पॉलिटिकल अपोनेंट को टारगेट किया जाए, इन अधिकारियों को इतनी पावर जो सरकार दे रही है, इससे मुझे एक डॉयलाग याद आता है। सेक्रेड गेम्स सभी ने देखी होगी, उसमें नवाजुददीन सिद्धिकी कहता है, कभी-कभी मुझे लगता है कि मैं ही भगवान हूँ। अधिकारियों को लगने लगेगा कि सुप्रीम कोर्ट से ऊपर अधिकारी हो गए। सुप्रीम कोर्ट के जजमेंट के विरोध में जाकर रेट्रोस्पेक्टिव लॉ यहां पर लाया गया है। आप इज ऑफ डुइंग बिजनेस की बात करते हैं लेकिन आपकी नीतियों से इज ऑफ क्लोजिंग बिजनेस ज्यादा आसान हो गया है। हमारे साथी गौरव गगोई द्वारा जो आंकड़े दिए गए थे, तीस हजार से पैंतीस हजार rich Indians would have left the country in the last five years. 15 मार्च को सरकार द्वारा दिए गए जवाब में बताया गया है कि businesses registered with Ministry of Micro, Small and Medium Enterprises were shut during the financial year 2021-22. ये आंकड़े देश के लिए अच्छे नहीं हैं क्योंकि कुछ उद्योगपति फ्रॉड करके भाग रहे हैं और बाकी आपकी नीतियों के कारण भाग रहे हैं। मुझे लगता है कि कोरोना काल में हॉस्पिटलिटी सेक्टर सबसे ज्यादा प्रभावित हुआ था, इस पर भी ध्यान देना बहुत जरूरी है।

उसी के साथ रूस और यूक्रेन युद्ध के कारण लाखों छात्रों को भारत सरकार ने इवैकुएट किया। इन बच्चों की जो पढ़ाई बाधित हुई है, अनेक सांसदों की मांग है और मुझे लगता है कि इनको भी कंसीडर करना बहुत जरूरी है क्योंकि देश पर यह बहुत बड़ी लायबलिटी होगी।

मुझे लगता है कि पेट्रोल और डीजल का इलैक्शन से सीधा संबंध है। जब इलेक्शन होता है तो प्राइस कम हो जाता है और इलैक्शन के बाद प्राइस डबल हो जाता है। मुझे लगता है कि अभी कुछ दिन पहले पेट्रोल-डीजल के दाम बढ़ गए। वर्ष 2022 को अमृत महोत्सव के रूप में मनाया जा रहा है। हम बहुत वर्षों से सुन रहे हैं कि किसानों की आय दोगुनी होगी। सबको घर मिलेगा, लेकिन वित्त वर्ष 2022 के खत्म होने में सिर्फ 1 हप्ता बचा है। मैं सरकार से जानना चाहता हूँ कि कितने काम हुए हैं और कितने लक्ष्य प्राप्त हुए हैं?

(इति)

माननीय अध्यक्ष : श्री रितेश पाण्डेय जी, आपके पास सिर्फ दो मिनट हैं। घड़ी देख कर 2 मिनट में अपनी बात समाप्त कीजिए।

श्री रितेश पाण्डेय (अम्बेडकर नगर): मुझे चार मिनट दे दीजिए, मैं चार मिनट के अंदर खत्म कर दूंगा।

माननीय अध्यक्ष : नहीं, सिर्फ 2 मिनट हैं।

1608 hours

SHRI RITESH PANDEY (AMBEDKAR NAGAR): In a single stroke, the Government has managed to hamper India's crypto currency future. While there is no clarity on how the Government actually intends to regulate this base of crypto currency since there is not even a draft Bill or there is a Bill in front of a Parliamentary Committee, the Finance Minister has made certain changes to the regulation of virtual digital asset class that will greatly hamper India's Web 3.0 space. The Web 3.0 space is not just crypto currencies where there are movies, music, gaming, ticketing, and commerce. It intends to revolutionize the world with smart contracts and the metaverse. The interchanging assets across different blockchains is critical to the business of Web 3.0. It does what a one per cent of TDS does to the business of the blockchain. It is critical to understand what the hon. Finance Minister has done by introducing this one per cent TDS on the blockchain industry. It is going to hamper the way this business is done. I will like to point out here that Shri Amitabh Bachchan has launched his NFT. अभी एक मूवी 83 जो क्रिकेट के ऊपर आई थी, जिसमें सभी ग्रेट क्रिकेटर्स को दिखाया गया था, उसमें भी एक एनएफटी लांच हुई। उदाहरण के रूप में अगर आप रुपये से थिरियम खरीदते हैं जो कि एक क्रिप्टो करेंसी है, उसको आप मेटा मास्क क्रिप्टो वॉलेट के अंदर डालते हैं और फिर उससे बॉलीवुड का मूवी खरीदते हैं, जिससे उस एक्टर का साइन किया हुआ एक पोस्टर मिलता है।

(1610/MK/SNB)

उन तीन ट्रांजैक्शन्स पर, हरेक स्टेज पर एक परसेंट टीडीएस लगेगा। मैं आपके माध्यम से माननीय फाइनेंस मिनिस्टर को यह जरूर बताना चाहता हूँ कि एक काम के लिए जब आप तीन जगहों पर टीडीएस लगाएंगी, तो यह सीधे-सीधे हमारे सामने रेड टैपिज्म को उजागर करता है। यह इस पूरे नये एसेट क्लास को, जो एक युवा है, उसको पूरी तरह से खत्म करने का काम करता है।

अध्यक्ष महोदय, मेरा लास्ट प्वाइंट आ रहा है। मैं माननीय फाइनेंस मिनिस्टर जी से निवेदन करना चाहूंगा कि एक परसेंट टीडीएस की जो पॉलिसी आई है, आप लिखकर रख लीजिए, आने वाले समय में आप खुद इसको बदलने का काम करेंगी। आप जो तीन जगहों पर टीडीएस ले रहे हैं, उसको खत्म करेंगे। आप इन्वेस्टर्स के बारे में भी सोचिए। यह जो स्पेस है, आप चाहे वेब 1.0 को लीजिए, गुगल जैसी बड़ी कंपनी सिलिकॉन वैली से आई है। वेब 2.0 में फेसबुक जैसी बड़ी कंपनी भी सिलिकॉन वैली में आई। वेब 3.0 में हमारे देश में जहां इतने यूनिवर्स पैदा हो रहे हैं, आज आप ये रेगुलेशन्स लगाकर हर स्टेज पर इसके अंदर जो भी ट्रांजैक्शन हो रहा है, उसका आप गला घोटने का काम कर रहे हैं।

सर, मैं खत्म कर रहा हूँ। मैं कनक्लूड कर रहा हूँ। मुझे एक मिनट दे दीजिए, मैं कनक्लूड कर रहा हूँ... (व्यवधान)

माननीय अध्यक्ष : मेरे पास एक सेकेंड भी नहीं है।

श्री रितेश पाण्डेय (अम्बेडकर नगर): सर, प्लीज एक मिनट दे दीजिए। मैं आपसे निवेदन कर रहा हूँ। देश का जो युवा क्लास है, इसमें 18 से 25 साल के लोग ज्यादा इन्वेस्टेड हैं। आप उनकी सोच को इस तरह से मत स्टाइफल कीजिए, उनको इस तरह से खत्म मत कीजिए। आप इस एसेट क्लास के लिए एक परसेंट टीडीएस को खत्म कीजिए, क्योंकि यह आने वाले समय में हमारे देश के अंदर ऐसे बढ़िया एसेट क्लास की मिट्टी पलीद कर देगा। इसलिए, आप लोगों से निवेदन है कि इसके ऊपर एक परसेंट का टीडीएस मत लगाइए।

(इति)

माननीय अध्यक्ष : क्या आप फिल्म बनाने जा रहे हैं?

माननीय मंत्री जी।

1612 hours

THE MINISTER OF FINANCE AND MINISTER OF CORPORATE AFFAIRS (SHRIMATI NIRMALA SITHARAMAN): Hon. Speaker, Sir, I specifically thank you and also the hon. Members of this House for having agreed to have the discussion today, being a Friday. I also thank all the hon. Members who were considerate enough to have the Private Members' Business shifted to some other alternative day. The reason for this, in spite of some Members having reservations, is because we are in the last week of the month and ideally by 1st of April, I would like to have all the Ministries and Departments receive their funds. But the process of approval after this will have to go through several stages and also the Rajya Sabha and that is why, with your kind permission, we are able to handle it on a Friday afternoon. In fact, from my heart, I thank all the hon. Members who have taken the time to be here and participate in the discussions. More than 20 hon. Members have spoken on this Finance Bill today.

Sir, I just want to start with the Finance Bill, the provisions for taxation, other than the points discussed in the general discussion on the general Budget. This discussion on the Finance Bill, like the way many hon. Members have seen through the kind of details and was able to highlight what has been said in the Finance Bill, actually highlights the way in which, under the leadership of hon. Prime Minister, Shri Narendra Modi, during the pandemic and coming out of the pandemic and aiding recovery, we have taken a conscious decision, I hope I am able to articulate this fact to all the hon. Members that we have taken a conscious position, not to fund the recovery through any additional taxes. That is why last year and this year there is continuity in not bringing newer taxation and that is something which I would like to place on record of this House. It is because I want to draw on the Reports which have come out of the OECD (Organisation for Economic Cooperation and Development). It very clearly said that at least 32 countries increased various tax rates during the pandemic. India did not. Thirty-two countries, during the Pandemic increased personal income tax, or tax on corporate income; or environmental related taxes were raised; or health related taxes were raised; or excise duties were raised.

(1615/RU/SJN)

We have not done that last year nor have we done it this year. Which are these countries which had to depend on tax increases to meet the expenses of the pandemic? They are no less absolutely developed countries, large countries like Germany, France, Canada, UK and Russia apart from very many smaller economies. All of them depended on increasing taxation to meet the demands of the COVID-19 pandemic and also the recovery requirements.

So, I would like to place that on the Table because the clear instruction, first guidance which, in fact I received while preparing the Budget - 2021 and Budget - 2022 was that we shall not take the taxation route. I remember the media, last year, was also suggesting that there could be a COVID-19 tax. But we did not resort to any of these steps to burden the common man and as a result, therefore, this Finance Bill has been received as being one of the boring ones, one of the insipid ones, one of them which had nothing great about it. It is indeed, I would think, a Budget which did not burden the common public but yet put the money where the multipliable be the maximum and where the infrastructure creation of assets will happen. And on that, we did not come up with small allowances in the Budget but a big time increase in infrastructure spending.

There are more to say on that, Sir, but I will come to that a bit later after I answer the specific questions which Members have raised on issues pertaining to the features of the Budget.

I will start with Shri Gaurav Gogoi who actually has been providing comments and, in his comments, he has come up with a lot of positive suggestions as to how we can take on some of these issues.

I just want to specifically tell him that the corporate tax reduction has actually been carried out. As you observed it, there is no relief for the middle class. Has there been any study undertaken to assess the impact of corporate tax rate reduction is one of the questions which he has raised.

Sir, through you, I would like to inform the hon. Member, for individuals, due to rebate, they do not pay any tax if income is below Rs. 5 lakh. This is very well known. Those opting for tax savings, of course, pay no tax even on higher income as they can claim deduction for tax saving and for bringing the income below Rs. 5 lakh.

For those who are not opting for any of these exemptions, last year, we came out with a separate track or a second alternative tax saving scheme. We have come up with that kind of an income tax layer with which they can pay lesser tax and benefit from it. But about the corporate tax reductions, it has actually helped the economy, it has helped the Government, and it has also helped the companies because we are now starting to see the positive impact.

In the year 2018-19, our corporate tax collection was about Rs. 6.6 lakh crore. Then COVID-19 happened and so, you could not have expected anything to come through there. In spite of tax reduction and COVID-19, we have already collected corporate tax of Rs. 7.3 lakh crore till yesterday. So, the reduction in corporate tax has actually now given us the reward in spite of the intervening year being under COVID-19.

So, I wanted to inform the hon. Member, Shri Gogoi that the corporate tax is actually also helping the flow of money and also making sure that the health of the companies is improving, thereby improving the possibilities of greater employment.

Hon. Member, Shri Gogoi also voiced his concern, which I thought even as we presented the Budget, we had explained it last year possibly, and again this year, particularly on umbrellas and on the question of increasing custom duty on umbrellas. Sir, I think, I did explain it but I want to reiterate the point.

Umbrellas are manufactured in India and nearly 25 million pieces of individual umbrellas are imported every year into this country.

(1620/SM/YSH)

They were being imported from one country. These 25 million pieces of umbrella were being imported from one country. Do we really need it? Can we not manufacture it? We were manufacturing umbrellas already. Can we not strengthen our manufacturing? So, we have imposed this custom duty. This is only to encourage the MSMEs which are producing it.

Sir, another question was raised whether the revocation of ADD and CVD on steels was permanent. The countervailing duties on steel, ADD and CVD, have been revoked to provide relief to the user industry. I am sure that all the hon. Members will see that the integrated steel manufacturers are very buoyant now. They are able to export a lot. In fact, they are seeing unprecedented size and quantum in exports. Therefore, steel has become probably expensive for many of our downstream industries.

So, we have revoked CVD and ADD to provide relief to our user industry which suffers because of the increased price of steel and the rise in the prices of steel does not seem to look to get abated soon. We wanted to support our MSMEs. So, we have revoked ADD and CVD. I just want to make sure that the concerns of the hon. Member Shri Gogoi are fully addressed.

Shri Gaurav Gogoi has raised the issue about IFSC. IFSC is a premier centre through which the global financial companies are coming to India. We are seeing a rapid change in terms of kind of usages through which IFSC is benefitting all of us. We have seen very good results. A number of 21 banks have got licenses. Total banking asset sizes have increased by more than 25 billion US dollars. Asset size alone has increased by 25 billion US dollars. Total banking transaction has crossed up to 156 billion US dollars. Two stock exchanges have also been opened with daily trading value of index derivatives of 13.14 billion US dollars and daily trade value of currency derivatives are at the level of 13 million US dollars. Commodity derivatives are at 174 million US dollars. So, the footfall, the extent of business, the coverage, and the kind of generation in the activity, all are very distinctive for all of us to see.

More than 50 funds have registered themselves in IFSC. The amount committed by private equity and venture capital is about 3.8 billion US dollars. Hedge funds have committed 845 million US dollars and the total amount committed by the Alternative Investment Funds (AIFs) is to the extent of 4.6 billion US dollars. A number of 19 insurance companies have started operation in the IFSC and they have underwritten insurance premium of more than 300 million US dollars including intermediaries.

So, we have seen the progress in the IFSC. This is an issue on which there are questions and answers in every Budget. It is said that we are supporting the IFSC. Has it really shown any difference? Has it really made any difference to the kind of concessions made? Yes, the fiscal concession which had been given has shown its tangible results in the IFSC more than adequately.

Sir, a lot of Members have spoken about virtual digital currency. A point was raised that the Government is giving a mixed signal and there is no clarity. This was raised by quite a lot of hon. Members: Supriya Sule ji, Ritesh Pandey ji and Pinaki ji. I just want to say that there is no confusing signal. We are very clear that the consultation is going on whether we want to regulate it fully or we want to regulate it to some extent or we want to totally ban it. After the consultation is concluded, the result will come out.

(1625/KSP/RPS)

But till then, we are taxing it also, because there is a lot of reported activity happening; a lot of transactions are happening; and from the way the concerns are being expressed by several Members, there is definitely a common place knowledge that a lot of exchanges are happening, people are putting money, people are taking money, people are creating assets, and assets are being sold and bought. So, obviously, the Government made its position clear saying, we shall tax the money being generated out of it and that is why, we have come out with the proposal to tax it at 30 per cent and the TDS has also been brought in. As always, TDS is more for tracking; it is not an additional tax, it is not a new tax, it is a tax which is going to help people to track it.

But, at the same time, the person who has paid one per cent TDS can always reconcile it with the total tax that he has to pay to the Government; he can subtract it if he has paid more or add it if he has to pay additional tax. So, there is no new taxation because of TDS. The TDS principle has always been the same and that, probably, is also one of the reasons why the tax base has widened not here only on the digital side, but, in general, the tax base has been widening. Earlier, we had only about 5 crore and odd people who were paying taxes in 2014. We are now touching 9.1 crore people and that is because we are able to find the money trail of people who seem to be spending money, who file assessments sometimes, but they do not pay even if they are expected to pay. So, TDS is always a legitimate way through which we are tracking the transactions and, therefore, it is helpful to widen the tax base.

Sir, I am just asking for your guidance; earlier, once you had requested me not to answer to the issues raised by Members who are not present in the House. Should I do it or should I not? If I do not, I can always straight go to Members who are sitting here for whom I can always answer.

Sir, on the strict provisions of the GST, hon. Member Supriya Sule had raised a question saying these provisions lead to imprisonment as a punishment for mistaken entries. I would like to clarify here that there is only one section which is Section 132 in the CGST Act which provides for imprisonment in specific cases and the specific cases are evasion of tax, availing fraudulent input tax credit, deliberately tampering financial records, and giving false information with an intent to evade payment of tax.

These are the specific items under which, after proper adjudication, imprisonment is done if it is necessary to be taken as a step. Imprisonment is done only in cases of serious nature such as these and not for minor mistakes or wrong entries. So, in normal cases of compliances, where records are maintained and where furnishing of returns happen, no imprisonment is ever invoked. Further, the GST law also does not provide for imprisonment in cases where the amount of tax evaded or the income tax concessions availed and utilised is less than the threshold limit of Rs. One crore. So, anything below it is, anyway, not going to be taken up for imprisonment. These provisions were made as per the recommendation of the GST Council where States are also equally present and, in fact, that one line is, actually, the answer or my response for every suggestion which has come about GST, including the suggestion given by hon. Member N.K. Premachandran. Some suggestions related to GST have come. Some comments have also been made on the amendments which we have brought in the Finance Bill related to GST. They have not been brought by me; they are not brought by the Ministry of Finance; they are brought by us post the GST Council's suggestion saying, 'yes, this should go through', so we are bringing it in the Finance Bill. So, it is not that they are being brought in by the Central Government.

Sir, PMLA and ED have naturally attracted a lot of attention and some observations have also been made by hon. Members. I am, in particular, referring to arrests made under PMLA without even registration of a FIR.

(1630/KKD/SPS)

The ED always comes in following the trial of the main offence which is taken up by some other FIR, and post that, when the trial goes on and you realise that money has been laundered, the PMLA can be invoked; then comes the ED. So, the ED is never the first one in the scene. If you see the ED, be sure that there is something else already with you.

Sir, Midhun Reddy-ji and Pinaki Misra-ji had raised questions about faceless assessment that it is seeing frequent amendments. I would like to assure the hon. Members that the faceless assessment has been well received. People are relieved that they do not have to go to the offices. But if there are amendments, it is more because we just want to ensure that there is no nuisance.

Where eventually after the faceless assessment has gone through stage-I and stage-II, and actually there is a need for some personal interaction at the final stages, we would want to come in. There, we make the small amendments. So, these amendments have been proposed in the Bill to ensure that the tax payer who wants to have a hearing at the eventual final stage having gone through everything, he gets a hearing through video conferencing. So, these kinds of changes are more for the facilitation.

There was also a question raised about retrospective aspect, which is part of this Bill. That is only because one particular issue where the surcharge on tax and cess on tax have been, over some years -- if I can use the word -- 'misused', the people have treated it as their exemptions and all expenditure/business expenditure undertaken, and therefore, they think that it can be used for deleting that level of income from their taxable income. So, that had become a very, very confusing point on which people have gone to courts also. So, that amendment with a retrospective effect has been brought more for clarity. That is not going to burden the tax payer because what we have done is: 'please approach from your side claiming that this is shown as undisclosed income; and if you come on your own, there is no penalty. We will treat it again, and the Local Commissioner of Income Tax will be able to reassess your income including that which has been otherwise shown as expenditure/business expenditure. And, the income now we assess, you can pay up what is got to be paid legitimately as tax. There is no penalty if you come on your own.'

Unless we take it back to the time when this misuse has started, there will always be a hiatus, and that hiatus will lead to confusion. Some people will continue to benefit from that misuse; and others would have done it fairly.

So, it is only for that explanatory purpose that retrospective aspect has been brought in.

Sir, about tax rationalisation, I think, we have started doing it. For the direct taxation, we have started doing it from the corporate tax business and also for the income tax where we gave a second parallel track. For the GST, we have a Group of Ministers headed by our Chief Minister who is looking into it so that we can get back to being revenue-neutral and rationalise the number of slabs that we have.

Sir, Pinaki Misra-ji also asked about the black money in the economy, and a very few tax payers are paying tax. I think, I partly answered this by saying that five crore tax payers were there a couple of years ago, and now it has gone up to nine crore. We have taken many steps for widening and deepening of the tax base. We have reduced tax rates and removed exemptions.

(1635/RP/RAJ)

Through technology – I place a lot of emphasis on this – we have also made compliance easy; tax payment is making a headway; and also assessment is made easier. So, all this has brought in a greater buoyancy like never before. I would think people accept the way in which technology is giving us greater room to operate, we will have the base widen a lot more.

Sir, I partly referred to it also as Shri N.K. Premachandran ji said: “GST is not simple.” He invoked the statement of the former Finance Minister, Shri Jaitley, saying: “No, it will be a very simple tax.” Definitely, difficulties which were there, we have periodically sat with the stakeholders and tried to remove it. Nil return under GST, both, GSTR 3B as well as GSTR 1, can be filed without logging in on to the GST portal by a simple SMS through mobile. So, if the portal through which you had to do it is a bit cumbersome for you, there is also an alternative way of using the SMS facility. But the other issues related to the CGST Act and items that has got to be looked at for differential rates, I would go back to the GST Council’s suggestions which have been brought in here. They are not mine. I just want to highlight that.

Sir, other than that, I think, Members who had raised some of the very significant issues are not here, so going by your advice and also keeping the constraint in mind, I just want to be sure that I would not go into the details of the questions that they had asked.

Sir, I want to emphasise here on one last point. As I said, we started by saying that we have not brought in extra burden and I know not just during the discussion on the Finance Bill but even otherwise, people have been saying: “How could you raise taxes and fuel prices?” Sir, the global war like situation is not a time when we are looking at raising these things. It has nothing to do with the elections of any kind. If the oil marketing companies – the Petroleum Minister is seated here – think that they are procuring on a 15-day average higher rate, obviously, we will have to bear this.

This war, which is happening in Ukraine, the impact of that is on all the countries. The supply chains are disrupted, particularly, of crude oil and so on. So, I would just very quickly recall one quote based on the crude oil and the war like situation when India is very globally connected in the value chain. In 1951, Pandit Jawaharlal Nehru said that a Korean war can affect Indian inflation. I will have to say this because war anywhere can affect us. Today, in a globally connected day, it will, definitely, affect. At that time, he said, sorry for my Hindi, but the speech was in Hindi, so I read it in Hindi:

“दाम बढ़ते जाते हैं, खाने का दाम बढ़ता है, राशनिंग और क्या-क्या बातें आईं और आपको परेशानी का सामना करना पड़ा। आपने शिकायत की और आपको परेशानी की शिकायत करनी भी है।

हम ऐसे जकड़ गए दुनिया के वाक्यातों में जैसे वहां कोरिया में लड़ाई हुई, उसका असर यहां पड़ा, चीजों के दाम बढ़ जाते हैं, अमेरिका में कुछ हो जाए, उसका असर यहां पर, चीजों के दाम पर पड़ता है।”

In 1951, when India was not globally connected with Korea and America, that could be used for justifying a price rise but if genuinely today Ukraine is hitting us and if we say that war is causing the price rise, it is not accepted. How can this ...(कार्यवाही-वृत्तान्त में सम्मिलित नहीं किया गया।)...(व्यवधान) ...(कार्यवाही-वृत्तान्त में सम्मिलित नहीं किया गया।) ...(व्यवधान).

(1640/NKL/VB)

Sir, finally, we, as a Government, and Shri Narendra Modi, as the Prime Minister, and a Chief Minister have strongly believed in lowering taxes and reducing the burden on the common man. We have been continuously and successfully doing it steadily.

Sir, I would just like to compare what prevailed earlier and what is today. In the Union Budget Speech of February 28, 1970, the then Prime Minister, Shrimati Indira Gandhi, who also held the Finance Minister's Office at that time, announced to increase the marginal tax rate by 11 percentage points to 93.5 per cent on all income groups above Rs. 2 lakh. I would like to quote from the Indira Gandhiji's Budget Speech of 1970. She said:

“With the addition of the surcharge at 10 per cent, the maximum rate of 93.5 per cent will now be reached in the slab over Rs. 2 lakh as against 82.5 per cent in the slab over Rs. 2.5 lakh at present.”

Sir, I dread to read this. There was 93.5 per cent tax. And, today when we do 1 per cent TDS, we are being mocked at, we are being hit at. Sir, as per our current tax slabs, the highest tax slab for those earning more than Rs. 10 lakh is just 30 per cent. ... (*Interruptions*) Under the new and optional tax slabs announced in 2020, this rate is 30 per cent which would apply to the earnings of more than Rs. 15 lakh. So, tax is a matter on which the Congress Party never thought of reducing the common man's burden. Whereas, we are constantly working to make sure that people are not burdened and we give them maximum benefit through various ways. Also, we make sure that the people who make and run businesses are treated with a sense of pride so that they can create jobs. We do not treat them as the people from whom we have to suck out everything so that we have the vicarious pleasure of killing their businesses as well. We do not do that.

So, with that, I seek your support and also the support of the entire House. Thank you.

(ends)

श्री गौरव गोगोई (कलियाबोर): माननीय अध्यक्ष महोदय, मैं मंत्री महोदया से जीएसटी कंपेंसेशन के बारे में एक बात जानना चाहूंगा। जिस प्रकार से, केन्द्र सरकार ने स्टार्ट-अप्स और मैनुफैक्चरिंग कम्पनीज को एक्सटेंशन दिया, तो राज्य की वित्तीय परिस्थितियों को देखते हुए क्या केन्द्र सरकार या जीएसटी काउंसिल जीएसटी कंपेंसेशन में भी एक्सटेंशन देने के बारे में सोच रही है?

मुझे पता नहीं है कि दुनिया की किसी भी संसद में वर्ष 2022 में वर्ष 1950 या 1970 की बात होती है, मैं पार्लियामेंट की दूसरी डिबेट्स भी देखता हूँ, लेकिन ऐसी डिबेट मुझे दूसरी जगह नहीं दिखती है।

SHRIMATI SUPRIYA SADANAND SULE (BARAMATI): Sir, I have a small question. ... (*Interruptions*) सर, इन्होंने मेरा नाम लिया था। ... (व्यवधान)

माननीय अध्यक्ष : यहाँ इजाजत स्पीकर देता है, मंत्री जी इजाजत नहीं देते हैं।

... (व्यवधान)

माननीय अध्यक्ष : क्या आप कुछ बोल रही हैं?

... (व्यवधान)

SHRIMATI SUPRIYA SADANAND SULE (BARAMATI): Sir, I have one small question regarding PMLA. There were two specific issues of Maharashtra, where I come from. The allegation was of Rs. 100 crore. When the FIR was launched, it was Rs. 1 crore. Similarly, there was an allegation of Rs. 55 lakh. Then, they said that that was a typographical error, and the amount was changed to Rs. 5 lakh. So, what happens in such a situation when an allegation is made? From Rs. 100 crore, it comes to Rs. 1 crore and from Rs. 55 lakh, it comes to Rs. 5 lakh. Then, there was an arrest made and nothing happened. So, is there something where you can put a cap?

माननीय अध्यक्ष : माननीय मंत्री जी, क्या आप उत्तर देना चाहती हैं?

श्रीमती निर्मला सीतारमण : सर, मैं थोड़ा-सा बोल देती हूँ। The concern of the hon. Member is right. States do have a problem about how they are going to handle their finances. As regards revenue generation and collection of taxes, the States and the Centre are improving. I am not saying that, that is the reason why nothing would happen. As it is, the cess for compensation payment is already extended from July 2022 to March 2026. So, extension has happened to meet the payment dues. Many Members do raise their points that the dues for this State and that State are so much. Those are not decided by me. As of now, about Rs. 53,000 odd crores are pending, and that is also an amount decided by the Council. अभी इतना बॉरो करके दो, फिर बाद में इतना बॉरो करके दो। इसका इंटेस्ट और इसके ऊपर से जो भी देना है, वह सब सेस कलेक्शन, जो जुलाई, 2022 से एक्सटेंड होगा, उसके द्वारा उसकी भरपाई करेंगे।

(1645/PC/MMN)

यह फॉर्मूला काउंसिल में तय हुआ है, इसलिए हमें जो देना है, अब तक जितना देना है, जैसे तय हुआ, मैं वैसे देखकर आ रही हूँ, देने के लिए कुछ बचा नहीं है। 53 हजार करोड़ रुपये के बारे में मैं हाउस में स्पष्ट बोल चुकी हूँ कि हां, यह पेंडिंग है। मैं कहां इसको छिपा रही हूँ? अरे! हमारे स्टेट के लिए नहीं दिया, बाकी को दिया, कांग्रेस को नहीं दे रहे हो, बीजेपी को ही दे रहे हो। ऐसा बिलकुल नहीं है। ... (व्यवधान) यह पॉलिटिक्स करना बंद कीजिए, बिलकुल बंद कीजिए। ... (व्यवधान) हर स्टेट को जीएसटी काउंसिल जैसे तय करता है, वैसे ही हम देते हैं। ... (व्यवधान) अभी तक जो देना है, दे चुके हैं। आने वाले वर्ष 2022 से जो कलेक्ट होगा, उस इंटेस्ट पेमेंट का और फॉर्मूले के तहत जो कम पड़ा, उसकी भरपाई करने के लिए वह ऑलरेडी मार्च, 2026 तक एक्सटेंडिड है। यह स्पष्ट है, सबको मालूम है, लेकिन कोई अस्त्र नहीं है, इसलिए इसको पकड़ लो। ... (व्यवधान)

माननीय अध्यक्ष : प्रश्न यह है:

“कि वित्तीय वर्ष 2022-23 के लिए केन्द्रीय सरकार की वित्तीय प्रस्थापनाओं को प्रभावी करने वाले विधेयक पर विचार किया जाए।”

प्रस्ताव स्वीकृत हुआ।

माननीय अध्यक्ष : अब सभा विधेयक पर खंडवार विचार करेगी।

प्रश्न यह है:

“कि खंड 2 विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 2 विधेयक में जोड़ दिया गया।

खंड 3

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 1 प्रस्तुत कीजिए।

Amendment made:

Page 20, after line 4, insert-

'(a) in clause (12A), for the words in the written form or as print-outs of data stored in", the words "in the written form or in electronic form or in digital form or as print-outs of data stored in such electronic form or in digital form or in shall be *substituted*;'.

(1)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 3, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 3, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 4

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 2 से 5 प्रस्तुत कीजिए।

Amendments made:

Page 21, after line 5, insert-

(i) in clause (4D), in the *Explanation*, in clause (c), in sub-clause (i), in this item for the words "non-residents; or", the following shall be *substituted*, namely: -

"non- residents:

Provided that the condition specified in this item shall not apply where any unit holder or holders, being -non-resident during the previous year when such unit or units were issued, becomes resident under clause (1) or clause (1A) of section 6 in any previous year subsequent to that year, if the aggregate value and number of the units held by such resident unitholder or unitholders do not exceed five per cent of the total units issued and fulfill such other conditions as may be prescribed; or". (2)

Page 27, line 6, after "approved", insert "or provisionally approved". (3)

Page 29 for line 34, substitute-

"thereof for that previous year.

Explanation. - Where, on or after the 1st day of April, 2022 any fund or institution referred to in sub-clause (iv) or any trust or institution referred to in sub-clause (v) or any university or other educational institution referred to in sub-clause (vi) or any hospital or other medical institution referred to in sub-clause (via) is notified under clause (46) of section 10; the approval or provisional approval granted to such fund or institution or trust or university or other educational institution or hospital or other medical institution shall become

inoperative from the date of notification of such fund or institution or trust or university or other educational institution or hospital or other medical institution, as the case may be, under clause (46) of the said section:" (4)

Page 30, for line 11, substitute 'section, be deemed to be the income of such fund or institution or trust or university or other educational institution or hospital or other medical institution of'.

(5)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 4, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 4, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 5 से 9 विधेयक में जोड़ दिए गए।

खंड 10 से 15 विधेयक में जोड़ दिए गए।

खंड 16

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 6 प्रस्तुत कीजिए।

Amendment made:

Page 40, after line 4, insert-

‘(ii) in sub-clause (c), after the proviso occurring after item (B) and before the Explanation, the following proviso shall be inserted with effect from the 1st day of April, 2023, namely: -

"Provided further that clauses (VI) and (VII) of the first proviso shall not apply where any sum of money or any property has been received by any person referred to in sub-section (3) of section 13." (6)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 16, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 16, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 17 से 20 विधेयक में जोड़ दिए गए।

खंड 21 से 27 विधेयक में जोड़ दिए गए।

खंड 28

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 7 से 11 प्रस्तुत कीजिए।

Amendments made:

Page 45, line 9, *after* "asset," *insert* "notwithstanding anything contained in any other provision of this Act,". (7)

Page 45, lines 19 and 20, *for* "(other than cost of acquisition)", *substitute* "(other than cost of acquisition, if any)". (8)

Page 45, line 26, *omit* "other". (9)

Page 45, *after* line 29, *insert*-

'(3) For the purposes of this section, the word "transfer" as defined in clause (47) of section 2, shall apply to any virtual digital asset, whether capital asset or not.' (10)

Page 45, line 38, *for* "specified income", *substitute* "specified income, notwithstanding anything contained in any other provision of this Act". (11)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 28, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 28, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 29 से 37 विधेयक में जोड़ दिए गए।

(1650/VR/IND)

खंड 38

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 12 और 13 प्रस्तुति कीजिए।

Amendments made:

Page 52, line 33, for "two assessment years", substitute "any assessment year". (12)

Page 53, for line 31, substitute-

"regard:

Provided also that if any person has sustained a loss in any previous year and has furnished a return of loss in the prescribed form within the time allowed under sub-section (1) and verified in the prescribed manner and containing such other particulars as may be prescribed, he shall be allowed to furnish an updated return where such updated return is a return of income:

Provided also that if the loss or any part thereof carried forward under Chapter VI or unabsorbed depreciation carried forward under sub-section (2) of section 32 or tax credit carried forward under section 115JAA or under section 115JD is to be reduced for any subsequent previous year as a result of furnishing of return of income under this sub-section for a previous year, an updated return shall be furnished for each such subsequent year."

(13)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 38, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 38, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 39 से 47 विधेयक में जोड़ दिये गये।

खंड 48

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 14 प्रस्तुत कीजिए।

Amendment made:

Page 73, after line 31, insert-

‘(a) in sub-section (1), for the second proviso, the following proviso shall be substituted and shall be deemed to have been substituted with effect from the 1st day of April, 2021, namely: —

“Provided further that in respect of an order of assessment relating to the assessment year commencing on the—

(i) 1st day of Apr11, 2019, the provisions of this sub-section shall have effect, as if for the words “twenty-one months”, the words “twelve months” had been substituted;

(ii) 1st day of April, 2020, the provisions of this sub-section shall have effect, as if for the words “twenty-one months”, the words “eighteen months” had been substituted:”’. (14)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 48, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 48, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 49

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 15 प्रस्तुत कीजिए।

Amendment made:

Page 75, after line 33, insert—

‘(a) in sub-section (1), after the fifth proviso, the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1st day of April, 2021, namely: —

“Provided also that in a case where the last of the authorisations for search under section 132 or requisition under section 132A was executed during the financial year commencing on the 1st day of April, 2020 or in case of other person referred to in section 153 C, the books of account or document or assets seized or requisitioned were handed over under section 153C to the Assessing Officer having jurisdiction over such other person during the financial year commencing on the 1st day of April, 2020, the assessment in such cases for the assessment year commencing on the 1st day of April, 2021 shall be made on or before the 30th day of September, 2022.”;

(15)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 49, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 49, यथा संशोधित, विधेयक में जोड़ दिया गया।

Motion Re: Suspension of Rule 80 (i)

THE MINISTER OF FINANCE AND MINISTER OF CORPORATE AFFAIRS
(SHRIMATI NIRMALA SITHARAMAN): Sir, I beg to move:

“That is House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.16* to the Finance Bill, 2022 and that this amendment may be allowed to be moved.”

माननीय अध्यक्ष : प्रश्न यह है:

“कि यह सभा, लोक सभा के प्रक्रिया तथा कार्य संचालन नियमों के नियम 80 के खंड (1) को, जहां तक उसमें यह अपेक्षा की गयी है कि संशोधन विधेयक की व्याप्ति के भीतर होगा और जिस खंड से उसका संबंध हो उसके विषय के सुसंगत होगा, वित्त विधेयक, 2022 की सरकारी संशोधन संख्या 16* को लागू करने के संबंध में, निलंबित करती है और यह कि इस संशोधन को पेश करने की अनुमति दी जाये।”

प्रस्ताव स्वीकृत हुआ।

New Clause 49 A

Amendment made:

Page 76, *after* line 20, *insert*—

‘49A. In section 155 of the Income-tax Act, *after* sub-section (17) and before the Explanation, the following sub-section shall be inserted, namely: —

‘(18) Where any deduction in respect of any surcharge or cess, which is not allowable as deduction under section

* Vide Amendments list No.1 circulated on 23.3.2022.

40, has been claimed and auto wed in the case of an assessee in any previous year, such claim shall be deemed to be under-reported income of the assessee for such previous year for the purposes of sub-section (3) of section 270A, notwithstanding anything contained in sub-section (6) of section 270A, and the Assessing Officer shall recompute the total income of the assessee for such previous year and make necessary amendment; and the provisions of section 154 shall, so far as may be, apply thereto, the period of four years specified in sub-section (7) of section 154 being reckoned from the end of the previous year commencing on the 1st day of April 2021: Amendment of Section 155.

Provided that in a case where the assessee makes an application to the Assessing Officer in the prescribed form and within the prescribed time, requesting for recomputation of the total income of the previous year without allowing the claim for deduction of surcharge or cess and pays the amount due thereon within the specified time, such claim shall not be deemed to be under-reported income for the purposes of sub-section (3) of section 270A.'.'. (16)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है:

“कि नया खंड 49क, यथा संशोधित विधेयक में जोड़ दिया जाए। ”

प्रस्ताव स्वीकृत हुआ।

नया खंड 49क विधेयक में जोड़ दिया गया।

खंड 50 और 51, विधेयक में जोड़ दिये गये।

खंड 52

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 17 से 22 प्रस्तुत कीजिए।

Amendments made:

Page 77, line 30, *after* “sub-section (1)”, *insert* “, notwithstanding anything contained in sub-section (3) of section 253 or clause (a) of sub-section (2) of section 260A”. (17)

Page 77, for lines 33 to 36, *substitute*—

“prescribed within a period of one hundred and twenty days from the date of receipt of the order of the Commissioner (Appeals) or of the Appellate Tribunal, as the case may”. (18)

Page 78, *for* lines 9 and 10, *substitute* “Commissioner shall, notwithstanding anything contained in sub-section (3) of section 253 or clause (a) of sub-section (2) of section 260A, proceed in accordance with the provisions contained in sub-section (2) of section 253 or in clause (c) of.”. (19)

Page 78, line 20, *after* “Part B”, *insert* “and Part CC”. (20)

Page 78, line 23, *after* “sixty days”, *insert* “to the Appellate Tribunal or one hundred and twenty days to the High Court as the case may be,”.
(21)

Page 78, *for* lines 25 to 27, *substitute* —

“other case is communicated to the Principal Commissioner or the Commissioner (having jurisdiction over the relevant case), in accordance with the procedure specified by the Board in this behalf.”. (22)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 52, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 52, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 53

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 23 और 24 प्रस्तुत कीजिए।

Amendments made:

Page 78, for lines 37 to 41, *substitute* —

“sections (1) and (2), where there is succession, the assessment or reassessment or any other proceedings, made or initiated on the predecessor during the course of pendency of such succession, shall be deemed to have been made or initiated on the successor and all the provisions of”. (23)

Page 79, for lines 1 to 9, *substitute* —

‘*Explanation*, - For the purposes of this sub-section, the term “pendency” means the period commencing from the date of filing of application for such succession of business before the High Court or’. (24)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 53, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 53, यथा संशोधित, विधेयक में जोड़ दिया गया।

(1655/SAN/KDS)

खंड 54

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 25 प्रस्तुत कीजिए।

Amendment made:

Page 79, for lines 33 to 35, substitute—

'Explanation. - In this section, the expressions-

(i) “business reorganisation” means the reorganisation of business involving the amalgamation or de-merger or merger of business of one or more persons;

(ii) “successor” means all resulting companies in a business reorganisation, whether or not the company was in existence prior to such business reorganisation.’.

(25)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 54, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 54, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 55 से 57 विधेयक में जोड़ दिए गए।

खंड 58

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 26 से 28 प्रस्तुत कीजिए।

Amendments made:

Page 80, line 18, for “194R” substitute “194R(1)” (26)

Page 80, line 32, after “ensure that tax”, insert “required to be deducted”. (27)

Page 81, after line 5, insert—

‘(2) If any difficulty arises in giving effect to the provisions of this section, the Board may, with the previous approval of the Central Government, issue guidelines for the purpose of removing the difficulty.

(3) Every guideline issued by the Board under sub-section (2) shall, as soon as may be after it is issued, be laid before each House of Parliament, and shall be binding on the income-tax authorities and on the person providing any such benefit or perquisite.’ (28)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 58, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 58, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 59

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 29 से 32 प्रस्तुत कीजिए।

Amendments made:

Page 81, line 14, for “a resident”, substitute “any resident”.
(29)

Page 81, line 28, after “ensure that tax”, insert “required to be deducted”. (30)

Page 82, for lines 5 to 8, substitute –

‘(4) Notwithstanding anything contained in section 194-0, in case of a transaction to which the provisions of the said section are also applicable along with the provisions of this section, then, tax shall be deducted under sub-section (1).’ (31)

Page 82, omit lines 24 to 27. (32)
(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 59, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 59, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 60 से 65 विधेयक में जोड़ दिए गए।

खंड 66 से 92 विधेयक में जोड़ दिए गए।

खंड 93

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 33 और 34 प्रस्तुत कीजिए।

Amendments made:

Page 93, line 8, for “(a)”, substitute “(i)”. (33)

Page 93, line 12, for “(b)”, substitute “(ii)”. (34)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 93, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 93, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 94

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 35 और 36 प्रस्तुत कीजिए।

Amendments made:

Page 93, for lines 21 to 26, substitute-

“135AA. (1) If a person publishes any information, that is furnished to customs by an exporter or importer under this Act, relating to the value or classification or quantity of goods entered for export from India, or import into India, along with the identity of the persons involved or in a manner that leads to disclosure of such identity, unless required so to do under any law for the time being in force or by specific authorisation of such exporter or importer, he shall be punishable with imprisonment”. (35)

Page 93, for lines 29 to 31, substitute-

“(2) Nothing contained in this section shall apply to—
any publication made by or on behalf of the Central Government;

(b) data sourced from any publication made by or on behalf of the Central Government for analysis of trends in India's international trade and dissemination thereof.”; (36)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 94, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 94, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 95 से 97 विधेयक में जोड़ दिए गए।

खंड 98

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 37 प्रस्तुत कीजिए।

Amendment made:

Page 94, line 35, after “the Fourth Schedule shall”, insert “, with effect from the 1st May, 2022,”; (37)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है :

“कि खंड 98, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 98, यथा संशोधित, विधेयक में जोड़ दिया गया।

खंड 99 से 102 विधेयक में जोड़ दिए गए।

(1700/CS/SNT)

खंड 103

SHRI N. K. PREMACHANDRAN (KOLLAM): Thank you very much, Sir.

My amendment is to Section 38 of the Central GST Act. I have already spoken at the time of my speech and the hon. Minister has responded to it also. This is the genuine and serious demand of the small and medium-scale traders because the seamless Input Tax Credit is being chalked out by virtue of this amendment. That is why I am moving some amendments. The hon. Minister has responded that this House is not able to make the amendment and we have to go to the GST Council.

At the time when Shri Arun Jaitley was moving the Bill, we supported the Bill in letter and spirit. Now, I am feeling guilty that the Parliament is not able to even make any amendment to this. To go and appeal to the GST Council for having the amendment means the sovereign function of the Parliament itself is in question. ... (*Interruptions*)

माननीय अध्यक्ष : आप लोग आपस में डिबेट मत कीजिए।

... (व्यवधान)

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I fully agree. The pathetic situation of the Parliament of India is, if we want to put some tax, then the Central Government has to go to the GST Council.

माननीय अध्यक्ष : आपको अपना अमेंडमेंट मूव करना है या नहीं।

... (व्यवधान)

SHRI N. K. PREMACHANDRAN (KOLLAM): Madam, kindly take up this matter to the GST Council. It is a genuine and serious demand of the small-scale and medium-scale traders as far as the seamless Input Tax Credit which is to be given is concerned. There is no cascading effect. I am moving the amendments.

माननीय अध्यक्ष : श्री एन.के.प्रेमचन्द्रन, क्या आप अपना संशोधन प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I beg to move:

Page 97, lines 6 and 7,-

omit "and subject to such conditions and restrictions". (62)

Page 97, for lines 13 to 16,-

substitute “(b) details of supplies furnished under sub-section (1) of Section 37,-”. (63)

Page 97, lines 17 and 18,-

omit “within such period of taking registration as may be prescribed;”. (64)

Page 97, *omit* lines 19 to 21. (65)

Page 97, line 25,-

omit “during such period, as may be prescribed”. (66)

Page 97, lines 31 and 32,-

omit “by such limit as may be prescribed; or”. (67)

Page 97, *omit* lines 33 to 39. (68)

माननीय अध्यक्ष : अब मैं श्री एन.के.प्रेमचन्द्रन द्वारा खंड 103 में प्रस्तुत संशोधन संख्या 62 से 68 को सभा के समक्ष मतदान के लिए रखता हूँ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए।

माननीय अध्यक्ष : प्रश्न यह है:

“कि खंड 103 विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

खंड 103 विधेयक में जोड़ दिया गया।

खंड 104 से 125 विधेयक में जोड़ दिए गए।

.....

प्रथम अनुसूची

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 38 प्रस्तुत कीजिए।

Amendment made:

Page 114, for line 20, *substitute*—

“gains referred to in section 112A exceeding one lakh rupees”.

(38)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : प्रश्न यह है:

“कि प्रथम अनुसूची, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

प्रथम अनुसूची, यथा संशोधित, विधेयक में जोड़ दी गई।

.....

दूसरी अनुसूची

माननीय अध्यक्ष : श्री एन.के.प्रेमचन्द्रन, क्या आप अपना संशोधन प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, this is regarding customs duty on Gold. This is within the powers of our Parliament. It can be done. I am moving the amendment.

I beg to move:

Page 135, *after* line 28, *insert*, -

‘5A. In the notification No.2/2021/Cus., dated 1.2.2021, against serial No. 357A relating to tariff item 7108,-

(i) in column (3) giving description of goods, the words “other than those mentioned at S. No.354” shall be omitted; and

(ii) in column (4) indicating standard rate, for the figure “7.5%”, the figure “2.5%” shall be substituted.’ (69)

माननीय अध्यक्ष : अब मैं श्री एन.के.प्रेमचन्द्रन द्वारा दूसरी अनुसूची में प्रस्तुत संशोधन संख्या 69 को सभा के समक्ष मतदान के लिए रखता हूँ।

संशोधन मतदान के लिए रखा गया तथा अस्वीकृत हुआ।

माननीय अध्यक्ष : प्रश्न यह है:

“कि दूसरी अनुसूची विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

दूसरी अनुसूची विधेयक में जोड़ दी गयी।

तीसरी अनुसूची

माननीय अध्यक्ष : माननीय मंत्री जी, संशोधन संख्या 39 प्रस्तुत कीजिए।

Amendment made:

Page 146, lines 19 and 20, *after* “2903 43 00”, *insert* “2903 44 00, 2903 45 00”.

(39)

(Shrimati Nirmala Sitharaman)

माननीय अध्यक्ष : श्री एन.के.प्रेमचन्द्रन, क्या आप संशोधन संख्या 70 और 71 प्रस्तुत करना चाहते हैं?

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, this is amendment to Third Schedule regarding 2.5 per cent of import duty on raw cashew nuts. The industry is affected. Cashew workers are affected. Ninety-five per cent of the workers are women workers belonging to the lower strata. Kindly consider this amendment of taking off 2.5 per cent customs duty.

I beg to move:

Page 137, *for* lines 21 and 22,-

substitute ‘(i) for the entry in column (4) occurring against tariff item 0801 31 00, the entry “Nil” shall be substituted;’ (70)

Page 144, *after* line 19,-

insert ‘(ixa) for the entry in column (4) occurring against tariff item 2823 00 10, the entry “25%” shall be substituted;’.

(71)

SHRIMATI NIRMALA SITHARAMAN: Sir, I just to want to respond on this issue of cashew. We have discussed it with the representatives brought by the hon. MP and many others as well. The hon. MP is expecting it to be brought down from 2.5 per cent to nil, literally zero rate. The only reason why we have retained it at 2.5 per cent is because of the *kisans* who cultivate cashew. They also feel that unless the duty is kept somewhere, एकदम भारी संख्या में आपको काजू का इम्पोर्ट

आ जाएगा। So, we are trying to make a balance. I understand the industry needs it because they also want to import it at a lesser cost.

(1705/SRG/KN)

But those who are producing cashew also want some kind of a response from the Government. So, every time we have to balance the interests. While I fully appreciate the concern because that is the area which actually has a very strong hold on cashew and cashew industry, the reason why we have kept it is that one. Also, I take this opportunity to say that the hon. Member need not feel regret about the GST Council taking a call, etc. Not at all, Sir. In a way, we are going to come back to the Parliament for every kind of amendment that we have to make. The present Bill also has a GST amendment. But to look at the GST Council with one lesser status is not good. It is a constitutional body. It has representation of all the States. In a federal structure, this is one institution which actually shows federalism. So, let us not regret it.

माननीय अध्यक्ष : अब मैं श्री एन. के. प्रेमचन्द्रन द्वारा तीसरी अनुसूची में प्रस्तुत संशोधन संख्या 70 और 71 को सभा के समक्ष मतदान के लिए रखता हूँ।

संशोधन मतदान के लिए रखे गए तथा अस्वीकृत हुए।

माननीय अध्यक्ष : प्रश्न यह है :

“कि तीसरी अनुसूची, यथा संशोधित, विधेयक का अंग बने।”

प्रस्ताव स्वीकृत हुआ।

तीसरी अनुसूची, यथा संशोधित, विधेयक में जोड़ दी गई।

चौथी से नौवीं अनुसूची विधेयक में जोड़ दी गई।

खंड 1, अधिनियमन सूत्र और नाम विधेयक में जोड़ दिए गए।

SHRIMATI NIRMALA SITHARAMAN: Sir, I beg to move:

“That the Bill, as amended, be passed.”

माननीय अध्यक्ष : प्रश्न यह है:

“कि विधेयक, यथा संशोधित, पारित किया जाए।”

प्रस्ताव स्वीकृत हुआ।

माननीय अध्यक्ष : माननीय सदस्यगण, जैसा कि आपको विदित है कि इस विधेयक में एक नया खंड जोड़ा गया है। इसलिए मैं निर्देश देता हूँ कि परवर्ती खंडों तथा उपखंडों का तदनुसार पुनः क्रमांकन कर लिया जाए और जहां-जहां अपेक्षित हो, विधेयक में परिणामी परिवर्तन कर लिए जाएं।