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***ON TOBACCO DUTY ACT AMENDMENT BILL**

Dr. B. R. Ambedkar (Bombay City): Sir, I should like to submit in reply to what the Honourable Leader of the House has suggested, that unless you uphold the principle that there is such a thing as waiver or estoppel, the discussion that my honourable friend Mr. Jamnadas Mehta wants to raise will be quite relevant under the rules of the House. With regard to the point raised by the Honourable Leader of the House, what I should like to submit is this, that the House may easily take the view that they have granted sufficient funds and more shall not be granted. I submit that would be a complete answer to the point raised by the Leader of the House. Therefore, there can be no estoppel or waiver on the ground that the House has granted supplies by adopting the other taxes which were discussed previously under the head "Finance Bill".

Then, Sir, the point I should like to raise is this. I think the issue is whether this is a Finance Bill or a Bill which merely regulates the administrative machinery for raising the tax. If this were a Bill merely providing for the machinery for raising the tax and laying down the mode and method of raising the tax, then I could quite understand the relevancy of the ruling to which you have referred. But it seems to me, looking to the statement of objects and reasons which is appended to the Bill, that this Bill is from beginning to end treated by the Government as a Finance Bill. The main object of the Bill is to raise additional revenue. The change in the machinery is merely secondary—to provide an instrument for raising the additional revenue. Additional revenue for the purpose of meeting the deficit caused by the prohibition policy of Government is the principal aim of this Bill. I shall just refer to one or two passages in the statement of objects and reasons:

"Tobacco is subject to substantial taxation in most countries. It is absolutely essential to develop this source of revenue in order to meet part of the loss caused by the new prohibition or anti-drink policy. In Bombay City duty on tobacco is levied under the Tobacco Duty (Town of Bombay) Act, 1857. Under the said Act there is already a substantial

*B.L.A. Debates, Vol. 3, pp. 336-37, dated 5th March 1938.

maundage fee; but the licence fee is nominal, and there is a great demand for licences which are frequently sublet. The Bill provides for raising the licence fee in Bombay from Re. 1 to Rs. 25 or Rs. 50,”

That of course, leaves no doubt that this Bill is fundamentally a Finance Bill and not a Bill for the purpose of laying down a machinery for raising the tax. That is my submission. If it is a Finance Bill, then I submit, that the House has the right to discuss whether they should grant the supply to Government or not. With regard to the other point raised by the Honourable Leader of the House in regard to waiver, my submission is that it is perfectly open to the House to say : “Part of the supply we shall grant ; the rest we shall not.”

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