

up by the Director-General of Industries about 2 years ago and a contract was being negotiated with a foreign firm for the establishment of this factory?

Shri K. D. Malaviya: Yes, Sir. Many schemes were before the Government and are still before the Government.

Shri Meghnad Saha: Can the hon. Minister tell us why the plan was abandoned?

Shri K. D. Malaviya: It was because the plans were costly and it was considered that we should give more consideration to the schemes that are before us and besides that, the whole question is before the Planning Commission.

Shri Meghnad Saha: Is the hon. Minister aware that apart from its immediate value, the plan has got great strategic importance and whether it will be revived in the immediate future?

Shri K. D. Malaviya: Yes, Sir. All these questions are before the Government.

Shri Sarangadhar Das: Arising out of the original answer, may I know which coal was used in making the experiments, Jharia or Talcher coal?

Shri K. D. Malaviya: The method of direct hydrogenation of coal for production of high grade Synthetic Petrol can be had only from the North Assam Coal. The Peninsular coal is not found suitable for this purpose.

श्री गणपति राम : क्या मैं जान सकता

हूँ कि उत्तर प्रदेश के पूर्वी जिलों में भी, जो कि ऋगातार तीन साल से सूखा क्षेत्र करार दिया गया है, मिलिटरी परसोनल रिलीफ वर्क के लिये भेजा जा सकता है ।

Mr. Speaker: I think we better go to the next question.

HIGH COURTS' STRICTURES ON CUSTOMS AUTHORITIES

*2364. **Shri H. N. Mukerjee:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Calcutta High Court passed certain strictures on the customs authorities in the matter of Haji Sattar Haji Pirmohammed versus Collector of Customs, Calcutta (Nos. 97-99 of 1950); and

(b) whether any action was taken in reference thereto?

The Minister of State for Finance (Shri Tyagi): (a) Yes, Sir.

(b) The defects complained of were due to uncertainty about the manner of application of the principles of natural justice. Suitable instructions have been since issued to Customs Officers in the light of recent judgments.

Shri H. N. Mukerjee: Is it a fact that the Collector of Customs who figured in the High Court case referred to has since been promoted to be a Member of the Central Board of Revenue and that besides that he acts as appellate authority against orders passed by himself when he was Collector of Customs?

Shri Tyagi: The official who was in charge of Customs in Calcutta has since been promoted and is a Member of the Central Board of Revenue by his own right of seniority and efficiency in spite of the comments of the High Court. I do not think that the officer acted otherwise than he was required to act according to rules. For the information of the House, I might just read this. In the year 1935 the orders issued to the Customs authorities were in the following terms: "It was undesirable to give numerical values on which a discussion might be started and the whole Custom machinery was therefore acting according to that old policy." But since then and much before these strictures were passed by the High Court, the policy was changed and it has been now decided that a party should be shown all the evidence on the basis of which a decision is taken to impose a penalty. Recently I have passed orders that even personal hearing should be given. Previously the rules were that in cases where people contravened the Customs rules, they were not given any personal hearing. I have lately issued orders that at some stage or the other a personal hearing must be given to the parties and they must be told what the charges are.

Mr. Speaker: The point of the question, as I have understood it, is that the same officer who passed orders is sitting in appellate.

Shri Tyagi: No, Sir, it is not so. In fact there are revisions and references made against decisions taken by Member in charge Customs. But then there are three Members in the Central Board of Revenue. The Member in charge of Customs does not look into those references. It is the other member who looks into those references. The three members so divide their work so that the revisions emanating from orders of the Central Excise side are

seen by the Member in charge of Customs and the revisions emanating from the Customs side are looked into by the Member in charge either of Income-tax or the Central Excise.

Shri H. N. Mukerjee: Quite apart from the special pleading indulged in by the hon. Minister, is it the policy of Government to accord to officers the right of promotion to certain other jobs, even after specific strictures, as admitted by the hon. Minister, have been passed by the High Court?

Mr. Speaker: I am afraid this question is too general. In all the strictures and the nature thereof and in this case, so far as I have seen the extracts supplied by the hon. member, there is no moral turpitude or any such thing that is attributed to the officer concerned. It is only his failure to observe natural justice.

Shri H. N. Mukerjee: Is Government aware that the said Collector of Customs has also been responsible for the dismissal of many permanent employees whose grievances are that they have not had opportunities for defending themselves against the charges preferred against them.

Shri Tyagi: No, Sir. As far as dismissal of Government servants is concerned, the rules have always been that they must be told what the charges were and no such case has come to my knowledge where any Government officer was dismissed or any punishment given to him without his knowledge or without being asked to explain his position.

Shri H. N. Mukerjee: Is it a fact that in the regime of this Collector of Customs, Customs officials were required to work very much longer hours than are possible for anybody to put in and that the Labour Commissioner of West Bengal was in great difficulty over this matter because he did not appear to have any jurisdiction over the activities of the Collector of Customs?

The Minister of Finance (Shri C. D. Deshmukh): May I know if this is an inquisition of the Customs Officer or such a question of public importance which was decided by the High Court? We are not in a position to answer questions in regard to what happened to the staff of the Custom House, how an officer was promoted, what he did in the year 1950 and things like that. We require notice of those questions.

Mr. Speaker: We will go to the next question.

KHADAKWASLA DEFENCE ACADEMY

***2365. Dr. Ram Subhag Singh:** Will the Minister of Defence be pleased to state:

(a) when the construction of the Defence Academy at Khadakwasla is likely to be completed; and

(b) what is the estimate of cost involved in the construction of that academy?

The Minister of Defence (Shri Gopalaswami): (a) The project is expected to be completed by 1956.

(b) The project has been sanctioned for Rs. 5.87 crores.

Dr. Ram Subhag Singh: May I know, Sir, whether the original estimate of the cost of construction of the Academy was the same as given by the hon. Minister?

Shri Gopalaswami: I have not seen any other figures, Sir. That is the only estimate I have.

Shri Pataskar: When was the Academy expected to be completed originally?

Shri Gopalaswami: By the time now indicated by me. Of course, that depends on our being able to find funds which will be required for expenditure each year.

CONDUCT OF GOVERNMENT CASES IN SUPREME COURT

***2366. Shri S. C. Samanta:** Will the Minister of Law be pleased to state:

(a) the number of cases conducted in the Supreme Court on behalf of the Central Government and the State Government (separately) during the years 1950-51 and 1951-52;

(b) the number of Counsels engaged and the amount of remuneration paid to them; and

(c) the names of States on whose behalf the cases were conducted and who bore the cost?

The Minister of Law and Minority Affairs (Shri Biswas): (a) The number of cases are as follows:—

	1950	1951	Upto
			1-7-1952
Union of India	33	50	32
Bombay	27	35	29
Madras	8	49	12
Punjab	17	103	38
Bihar	8	21	6
Orissa	8	15	6
Madhya Pradesh	17	37	15