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Title: Discussion on the motion for consideration of the Customs (Amendment and Validation) Bill, 2011 (Discussion not concluded).

MR. CHAIRMAN : Now, we will take up Item No.13.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Sir, I beg to move:

"That the Bill further to amend the Customs Act, 1962, be taken into consideration."

Mr. Chairman, Sir, this is a very small Bill. It is for amending Section 28 of the Customs Act with retrospective effect because in a recent judgment of the Supreme Court, it has been decided that the Customs Officers so specifically authorized can issue the notices to impose duty, short duty, non-duty, recovery and excess recovery. All these can be done by the officers who are specified for the purpose in the jurisdiction. Earlier, the interpretation was that those who are Custom Officers, they can do it. DRI who are also Customs Officers and Central Excise Officers who are also discharging the duties of Customs Officers in the port area, all of them used to do it.

But with the judgement of the Supreme Court it appears that now each officer is to be specifically authorised and specified by the designation so that these specified officers can discharge these responsibilities. I am asking for the retrospective amendment and validation through this Bill because if we do not do so, then over the last 25 to 30 years all the charges which have been issued all those will become invalid and it will create a total chaos. As it is arising out of the judgement of the Supreme Court of February, 2011 there was no way by which we could have rectified this earlier and so I would request the House to consider it and to agree to it.

MR. CHAIRMAN : All right. Now, the House will take up Private Members' Business.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF WATER RESOURCES (SHRI PAWAN KUMAR BANSAL): Sir, we may first pass this Bill...*(Interruptions)* We can pass this Bill in another two minutes time...*(Interruptions)*

SHRI PRANAB MUKHERJEE: Well, if you want to speak, then we can take it up on the next day. But if you do not want to speak, then we can pass it today...*(Interruptions)*

श्री शैलेन्द्र कुमार (कौशास्त्री): ऐसे कैसे पास करा देंगे, इस बिल पर हम बोलेंगे इसलिए वर्ता होनी चाहिए।

SHRI UDAY SINGH (PURNEA): Sir, we would like to give our views...*(Interruptions)*

श्री विजय बहादुर सिंह (बारिशपुर, उ.प.): यह सुप्रीम कोर्ट के कारण अमेंडमेंट मूल हो रहा है। सुप्रीम कोर्ट से प्रेसिक्यूशन अदरवाइज बेकार हो जाएगा।

MR. CHAIRMAN: Please take your seat. Nothing will go on record.

*(Interruptions) â€“**

SHRI PRANAB MUKHERJEE: Then we can take it up on Monday...*(Interruptions)*

SHRI UDAY SINGH : Otherwise, you give us 20 minutes now and we will finish it today...*(Interruptions)*

MR. CHAIRMAN: So, we will continue consideration of this Bill on Tuesday as Monday is a holiday.

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