

I shall now refer to what my good friend, Mr. A. K. Roy, said. I can understand his impatience about the Bill. I would humbly submit that I am not behind him in my anxiety to see that the Bill is introduced. The responsibility for this Bill when it is introduced is that of the Labour Minister and as Labour Minister I am not behind anybody in my anxiety, keenness and determination to see that a comprehensive Bill is introduced as early as possible. As my hon. friend himself said, it is expected to be a comprehensive Bill, and it may well be that with the introduction and passing of this Bill, three Acts which are on the statute book today would stand repealed. Therefore, it is necessary to give the utmost care to see that the Bill is formulated in an impeccable manner. The intention of the Government is, as the Prime Minister himself made clear the other day, to try and introduce a Bill. We do not want the Bill to have any lacunae or loopholes or any inconsistencies which would make it difficult for us to serve the objective for which the Bill is being introduced. Subject to this we are making every effort to see that the Bill is introduced in this session.

MR. SPEAKER: The question is:

"That this House do agree with the Eighteenth Report of the Business Advisory Committee presented to the House on the 8th May, 1978".

The motion was adopted.

SHRI MOHD. SHAFI QURESHI: What about the discussion on minorities?

MR. SPEAKER: It is not in the report.

SHRI MOHD. SHAFI QURESHI: After all we are sitting in this House. You tell me that I get agitated. Naturally I get agitated, because there has been no discussion on minorities. You are trying to harass the minori-

ties throughout the country and you are getting paid for it. Today you are getting good replies from so many constituencies because you are destroying the minorities' aspirations in this country.

12.50 hrs.

COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

MR. SPEAKER: The Committee on Absence of Members from the Sitings of the House in their Sixth Report have recommended that leave of absence be granted to the following Members for the periods mentioned against each:

(1) Shri Annasaheb Magar....
23rd March to 12th May, 1978
(Fourth Session)

(2) Shri N. K. Shejwalkar ..
26th April to 12th May, 1978
(Fourth Session).

Is it the pleasure of the House that leave as recommended by the Committee may be granted?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: The Members will be informed accordingly.

12.51 hrs.

CUSTOMS, CENTRAL EXCISES AND SALT AND CENTRAL BOARDS OF REVENUE (AMENDMENT) BILL— contd.

MR. SPEAKER: The House will now take up further consideration of the following motion moved by Shri Satish Agarwal on the 8th May, 1978, namely:—

"That the Bill to provide for certain amendments to the Customs Act, 1962, the Central Excises and Salt Act, 1944 and the Central Boards of Revenue Act, 1963 be taken into consideration".

[Mr. Speaker]

Shri George wanted to speak for a few minutes.

SHRI A. C. GEORGE (Mukandapuram): When my good friend, Shri Agrawal, introduced this Bill, I was eagerly looking forward to a comprehensive attempt on his part to streamline his department which is fairly notorious for not doing things correctly. He was hinting about bringing forward something on a subsequent occasion. We do have great hopes about him because I have always observed that he applied his mind to the problems to popular feelings that were forwarded to him. At the fag end of this discussion, I do not want to repeat anything that was said by my friends earlier. I hope that he will make an earnest attempt to see that the quagmire of corruption and nepotism is brought to an end. His senior colleague while moving the Reserve Bank of India amendment Bill mentioned that the foreign exchange situation was fairly comfortable now. What used to be in 1971 a foreign exchange reserve of Rs. 471 crores, within a short span of seven years, has come to Rs. 4659 crores. This is something about which we can feel happy and proud. It has been admitted by him and it is also widely known that this foreign exchange reserve has not been built up by any particular increase in favourable balanced of trade. Even last year, 1976-77 when we had 18 per cent increase in exports, the balance of trade in favour of our country was only Rs. 82 crores. This year because of the ad hoc measures taken by the Ministry of Commerce, quixotic methods, stopping it and then starting it, all sorts of tampering with the export policy, the export market which was built up during the past decade into a well streamlined system was upset and it has been admitted by the Ministry of Commerce that now-a-days export expectation is not much and the balance of trade obviously may not be

much. How is it then that we are having Rs. 4659 crores? It is simply because lakhs and lakhs of Indians working abroad are sending their hard earned money for family maintenance as well as their savings. It has come to nearly Rs. 2000 crores this year, I am bringing this point here because in his department there must be an opportunity for encouraging those people. Right now it is a sad plight for Indians abroad who are earning this money and making our foreign exchange reserves soar very high that we are even thinking of buying other foreign exchange. I am mentioning this because Keralites being a nomadic tribe, we are the people mostly outside. But when we come back, when our friends who had been toiling in the scorching sun, in the deserts of the Gulf countries come back, they are treated as worse than criminals. I do not want to repeat what has been said. At least treat them as Indians. In the Bombay Customs especially they are tortured; there is no limit to the humiliation; there is virtual looting and the womenfolk who come from the desert of those countries where they had been living to swell our foreign exchange reserves, are ill treated. I have brought a concrete instance and I have told him earlier. The baggage rules must be changed. My specific suggestion is that it must be proportionate to the remittances that they have legally made. Anybody working in those desert lands will be sending at least Rs. 1000 per month for their family maintenance; obviously in a year it is Rs. 12,000. At least 25 per cent of the legal remittances, legally endorsed by our embassies or other banking sources, must be allowed as things which they could bring in. After all big smugglers have their ways of escape; it is poor people who are caught as smugglers. These people bring a few sarees for their kith and kin and friends and classmates, irrespective of religion or caste, and small perfumes. After all when they come back after hard

work, they must show some sign of prosperity; they may have a small transistor radio, National Panasonic; and it is those things that the customs people consider as smuggled. I do not want to repeat it. There is not a single instance when those people allow them without getting some 'tribute'. I bring it to the notice of the hon. Minister who is endowed with abundant common sense, a rarity among the Janata benches. He must amend the rules so that 25 per cent of the legal remittances in one year must be allowed as baggage and it will be a better incentive to those people to send money legally; it will increase our foreign exchange reserves also and avoid the humiliation. It will improve their family relations; they can bring some ball point pens and other things. I have great hopes that the hon. Minister would do the needful.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATISH AGRAWAL): Sir, I am really thankful to the hon. Members who participated in the debate on the motion for consideration of the amending Bill.

Before I say something further in reply to the points raised here, I beg to be pardoned by my friend Mr. Vayalar Ravi for making some remarks yesterday which offended him. I have no other comments to offer except to tender my apologies to my friend. I am not here to cause any irritation to any friend of mine or to any hon. Member.

I am really thankful to the hon. Members for welcoming the provisions of the Bill by and large. All criticism is most welcome.

A point was raised by my hon. friend on the opposite side as to why 'salt' finds a place in the Act, when there is no duty on salt and the Government has to provide every year in the Finance Bill that no duty on salt shall be levied. Government may

come in times to come when they may levy a duty on salt, which is non-existent at the moment. So, I give an assurance to this House that when I bring a comprehensive Bill on the Excise Act later on, it will be a Central Excise Bill omitting the word 'salt' so that there is no question of levying a duty on salt hereafter.

SHRI HARI VISHNU KAMATH (Hoshangabad): Bring it soon.

SHRI SATISH AGRAWAL: A point was raised here that there are small scale units which are exempted from excise levy upto five lakhs clearances and upto a limit of fifteen lakhs and when a unit is exempted upto five lakhs, why should there be a spectre of inspection or inspectors' Raj? This should be exempted from the Excise Rules, Regulations, Controls, Supervision and everything. This point was made vehemently yesterday and now the House will be happy to know that the Government has decided and a notification is being issued today that the small scale units whose clearance will be eighty per cent of five lakhs, i.e., upto four lakhs, they shall be exempted from all Excise controls whatsoever. The notification is being issued today and will be laid on the table of the House tomorrow.

Another announcement I would like to make is—Mr. Amrit Nahata and many other hon. Members made a point that why should there be this approval of price list, classification list and all that because whenever the assesses file those lists before the Assistant Collectors, it takes time to finalise and approve them and so, the clearances are hampered—that we have now decided and a notification is being issued today and an amendment is being made under Rule 173 (c) where without the prior approval of price list, the assesses will be entitled to clear the goods and the matters will be examined later on and

[Shri Satish Agrawal]

checked up later on. That notification is also being issued today.

PROF. P. G. MAVALANKAR (Gandhinagar): All these things seem to be too good to be true.

SHRI SATISH AGRAWAL: Yesterday, while making speeches on the floor of the House, some Members vehemently opposed clauses 19, 21 and 22. Mr. Mavalankar has made a fervent plea that these controversial provisions may be included in the Comprehensive Excise Bill. He said: Why hurry up matters? The Government is in a hurry to make certain important provisions with regard to increasing the maximum punishment for smugglers: alright, do it; increase the number of Members on the Board from five to seven, do it; but why these controversial provisions which define the words "manufacturer", "related persons", "distributors" and so on and so forth?

In deference to the wishes of the hon. Members of this House, I am here to announce that there is no amendment to Clauses 19, 21 and 22 and the Government has now decided this so that these clauses may be voted down by this House and after a careful study by the Estimates Committee...

MR. SPEAKER: Why don't you bring an amendment yourself instead of voting it down?

SHRI SATISH AGRAWAL: Some amendments have been moved by hon. Members, in this regard and the Government has no objection in accepting those amendments.

PROF. P. G. MAVALANKAR: I think, with your permission, he can move a Government amendment at this stage.

SHRI A. C. GEORGE: Procedure-wise, what my good friend Mr. Agrawal is saying may be right. But

in fairness, it will be better if an amendment is moved instead of asking us to vote it down.

12.00 hrs.

MR. SPEAKER: You can move for the suspension of the rule and move the amendments. After lunch you can examine it.

SHRI SATISH AGRAWAL: Certain members have moved amendments for deletion of clauses, but they have not been admitted, I understand.

MR. SPEAKER: The amendments are yet to be moved. If there are amendments moved, you can accept them.

SHRI A. C. GEORGE: As a measure of abundant caution, the government should move amendments. At that time if the member who has given notice of the amendment is not present, what will be the situation.

MR. SPEAKER: Somebody else may be permitted to move the amendment.

SHRI VAYALAR RAVI (Chirayinkil): Neither Mr. Amrit Nahata nor myself have demanded deletion of these clauses. We have supported it. Mr. Amrit Nahata supported it.

SHRI SATISH AGRAWAL: He supported a part of it.

MR. SPEAKER: You can consider this matter during lunch interval. You can accept any amendment if it is there.

SHRI SATISH AGRAWAL: I have made the government position quite clear that we are not pressing for the passing of these clauses. They may be voted down.

MR. SPEAKER: You think over the matter during the lunch hour. My office will assist you. We adjourn for lunch and reassemble at 2 O'clock.

PROF. P. G. MAVALANKAR (Gandhinagar): The lunch has done him good.

13.02 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock

The Lok Sabha reassembled after Lunch at Nine Minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

**CUSTOMS, CENTRAL EXCISES AND SALT AND CENTRAL BOARDS OF REVENUE (AMENDMENT) BILL—
contd.**

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATISH AGRAWAL): Mr. Deputy Speaker, Sir: Before lunch, I was dealing with clauses 19, 21 and 22 of the proposed bill. As I mentioned earlier, by and large these clauses have been opposed by all sections of the House—by Mr. Mavalankar, Mr. Vinodbhai Sheth, Dr. L. N. Pandeya, Mr. Manoranjan Bhakta and many others. Partly it was supported by Shri Amrit Nahata, that so far as packing materials are concerned, they should be excluded, the other ones being included. At this stage, it will not be possible to bifurcate this clause. So, I assure the House that keeping in mind the various suggestions made by the hon. Members on the floor of the House, we will have a dialogue with trade and industry and come to some settlement by negotiation so that in future the implementation of these provisions is not hampered by various writ petitions. Because, the Department deals with commodities taxation, hence it is very essential that the trade and industry the assesses, are taken into confidence.

SHRI VINODBHAI B. SHETH (Jamnagar): Has the hon. Minister changed his mind within one hour? He was against it earlier. Now he talks of dialogue with the industry.

SHRI SATISH AGRAWAL: I have not changed my stand. I have said that the clauses have to be negated. I agree with the proposal of Shri Vinodbhai B. Sheth. I said that they will all be incorporated in the new comprehensive Excise Bill. Whatever has been expressed on the floor of the House, the recommendations of the Estimates Committee when they examined my department and whatever trade and industry have to say on these matters, all of them will be taken into consideration for incorporation in the new Excise Bill so that there is the least possible controversy, specially about these two items, namely, the definition of "manufacturer" and the definition of "value" "related person", "distributors" etc. Since formal amendments cannot be moved to clauses 19, 21 and 22 regarding their deletion, these clauses may be voted down, may be negated.

Shri Amrit Nahata made a frontal attack on clause 24 and asked, why are you going to increase the limit with regard to short levy from six months to five years? Previously, there was no limit. It was only in August 1977 that the rules were amended and provision made in the rules to fix a time limit in the case of fraud. Earlier, a case could be reopened even after 20 years in the case of fraud. In 1977 the rules prescribed a time limit of five years in the case of fraud. Otherwise, the period was unlimited. When we limited the period to five years, the Committee on Subordinate Legislation recommended that instead of incorporating such an important provision in the rules it should find a place in the Act itself. That is why we have brought in this amendment to the Act. Otherwise, since those rules were laid on the Table of the House, by implication they were approved by the House without any amendment. So, that is more or less the

[Shri Satish Agrawal]

law now. We are only incorporating it in the Act, as recommended by the Committee on Subordinate Legislation.

So far as misuse is concerned, there is absolutely nothing to fear. For both customs and excise we have provided uniformly the same period for claiming refund or short levy, namely, six months, except in the case of fraud where it is five years. I think this provision is much better. Otherwise, what happens is, suppose after one year they claim refund, it becomes a windfall to the assessee. On the other hand, if after one year the department raises a demand, it causes hardship to the assessee. So, we have reduced the period to six months uniformly, as provided in the Customs Act, for the Excise Act also.

SHRI VINODBHAI B. SHETH: Who will determine whether it is a fraud, and how will it be determined?

SHRI SATISH AGRAWAL: After all, fraud is not a new word. The law provides for it. Supposing somebody, in collusion with the departmental officers, has been committing a fraud for years together and it comes to notice later on that the man had been defrauding the government for so many years and not paying the duty which was legally leviable, then the case can be reopened within five years, as has been done recently in one case which is well known and which has come in the press also. In those cases where there is definite evidence of a fraud being committed or that duty has not been levied due to misinterpretation of some provisions, in those particular, peculiar and very small number of cases, this limitation will be attracted.

SHRI VAYALAR RAVI (Chirayinkil): Six months have been provided for the claims, but when will you settle the claims? Can he give an assurance that the refund claims will be settled within a particular period?

SHRI SATISH AGRAWAL: I may assure the hon. Member and the whole House that we have recently issued instructions that all refund cases should be decided within three months. I am personally looking into it. We are holding a conference of Collectors in Delhi, and we will see to it that the refund claims do not remain pending for long and that there is quick disposal. We are trying to streamline the matter.

Shri A. C. George and Shri Vayalar Ravi made certain points in regard to the baggage rules and said they should be changed. The House will be happy to know that the new baggage rules will be announced within a week's time. They will be notified in the Gazette, and the grievances and complaints that have been ventilated today and earlier will, to a large extent, be eliminated. I think there will be much convenience and facility to all passengers coming from abroad in about three months time. The rules will be widely publicised, put up at the airports and sent to Members of Parliament. I think Members will not have any complaint on that score hereafter.

So far as harassment at the Bombay Customs is concerned, I do not ask Shri Ravi or Shri George to accompany me. I am prepared to accompany them on any date convenient to them in the first week of June, so as to sort things out on the spot and see that there is no harassment to anybody whatsoever either at Bombay, Cochin or Trivandrum. Wherever they like, I am prepared to accompany them.

PROF. P. G. MAVALANKAR: It is too good to be true.

MR. DEPUTY-SPEAKER: You had better test him and see.

SHRI SATISH AGRAWAL: Shri George suggested that Indians returning from abroad should be permitted to bring goods up to 25 per cent of

their remittance. The suggestion seems to be very good on the face of it. Non-trade remittances in 1975-76 were Rs. 1500 crores. In 1976-77 they were Rs. 1900 crores. In 1977-78 February they were Rs. 233 crores, and I think they will cross Rs. 2500 crores for 1977-78. So, there may be people remitting large amounts, say Rs. 10 lakhs or more. To permit them to bring goods up to 25 per cent may be too much. The suggestion is good. So, I will get it examined to see how to implement it. I myself feel that they should be put on a higher pedestal since they are sending remittances. This particular point will be examined.

Mr. Vayalar Ravi raised the point about Modi Rubber, that some intended benefit is being given to Modi Rubber. It was in 1976 that this scheme was introduced regarding the grant of 25 per cent excise rebate in the name of higher production including rubber. That was applicable to various items. Modi Rubber was one of the beneficiaries. And it may be that Modi Rubber may be the only beneficiary so far as tyre industry is concerned. But I can assure the hon. Members that the list is very much there. There are various items included in that scheme. I assure you that I will examine the effect of this scheme, what has been the impact of this scheme, whether it has been beneficial or not or it has benefited only a particular section of the industry. I am sure, after examining it carefully, we are not going to extend it blindly and if need be, the scheme will be scrapped completely if it is not found in the favour of the Government and the public at large.

So far as the question of Dunlop Tyre is concerned that they are manufacturing first class tyres and selling them as seconds, thus evading excise duty, without giving any further details, I assure you that an enquiry

will be instituted. The facts will be ascertained and whatever legal action is possible will be taken against them.

Regarding short levies and whether any action has been taken against the officers if the classification is wrong and that he assessee, are harassed by them, for the information of the hon. Members, 26 officers have been punished. 8 gazetted officers and 22 non-gazetted officers have been suspended. Whenever it comes to the notice of the Government that the officers are either in collusion or they are putting the Government to some revenue loss action is definitely taken and we are not going to spare anybody, howsoever big he may be.

Regarding re-organisation of the whole organisation, unfortunately, in these departments *ad-hocism* is going on. There are no recruitment rules with regard to many services and cadres. Even confirmations have not taken place in the case of persons who have served the Department for 25 years. There is no rationalisation with regard to the whole departmental set up. For setting up of Collectorates, we have got cadres according to the State. For example, in Tamil Nadu, we have one cadre for two Collectorates at Madras and Madurai. There is one cadre for UP—Allahabad and Kanpur Collectorates. In all these States, irrespective of the number of Collectorates, the cadre of service is one. But in Maharashtra, there are three Collectorates—Nagpur, Poona and Bombay and the cadres are different. So, these are certain anomalies. Similarly, for three Collectorates, Delhi, Jaipur and Chandigarh, there is a common cadre. In one State, there are different cadres. So, the Government has decided now to bifurcate the Chandigarh, Jaipur and Delhi Collectorates and create separate cadres. We shall see that statewide there are cadres. Whatever anomalies have been existing, we shall rationalise, re-structure and put the functioning of the whole Collectorates on sound footing.

[Shri Satish Agrawal]

With the Report of the Estimates Committee, reports of various expert committees appointed by us, with the suggestion of all the hon. Members and particularly with the cooperation of my esteemed friends here who are so much interested in the Government revenues and the working of the Departments and particularly in me, I am sure, we shall be able to do a lot and achieve things and there will be no complaint on this score.

With these words, I once again, thank hon Members for the cooperation that they have extended.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for certain amendments to the Customs Act, 1962, the Central Excises and Salt Act, 1944 and the Central Boards of Revenue Act 1963, be taken into consideration"

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, we take up clause by clause consideration. There are no amendments to clauses 2 to 4 The question is:

"That clauses 2 to 4 stand part of the Bill"

The motion was adopted.

Clauses 2 to 4 were added to the Bill.
Clause 5 (Amendment of Section 27)

SHRI VINODBHAI B SHETH: I beg to move:—

Page 2, line 35,—

after "hospital" insert—

"or commercial or industrial establishment" (1)

The commercial and industrial establishments should be treated on par with hospitals and charitable institutions. I do not know whether the very entry of excise officers turns

hospital into industry. I do not think that is the view of the hon. Minister. The hospitals have not to pay much of excise duty whereas the industry and trade have to pay. No discrimination should be made in this matter between the two. I request the hon. Minister to accept my amendment.

SHRI SATISH AGRAWAL: He wants to include the commercial organisations also for this benefit. That will not be possible. This benefit is to be extended only to hospitals, not to commercial institutions. That will be fair enough, I suppose.

MR. DEPUTY-SPEAKER: Is he pressing it?

SHRI VINODBHAI B. SHETH: I withdraw it.

MR DEPUTY-SPEAKER: Has he the leave of the House to withdraw the amendment?

HON. Members: Yes.

Amendment No. 1 was, by leave, withdrawn.

MR DEPUTY-SPEAKER: The question is:

"That Clause 5 stand part of the Bill"

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 (Amendment of Section 28)

MR. DEPUTY-SPEAKER: There is an amendment No. 6 in the name of Shri Vmod Bhai B. Sheth. Is he moving?

SHRI VINODBHAI B. SHETH: I am not moving.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.
Clauses 7 to 13 were added to the Bill.

Clause 14 (Substitution of new section
for section 130)

MR. DEPUTY-SPEAKER: There
is a Government amendment.

Amendment made:

Page 5, line 30,—

for "1977" substitute "1978" (6)
(Shri Satish Agrawal)

MR. DEPUTY-SPEAKER: The
question is:

"That Clause 14, as amended,
stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to
the Bill.

Clauses 15 and 16 were added to the
Bill.

Clause 17 (Insertion of new section
143A).

MR. DEPUTY-SPEAKER: There
are Government amendments.

Amendments* made:

Page 5, lines 43 and 44,—

omit "under any order made"
(7)

Page 5, line 46,—

for "said Licence" substitute—

"said Licence within the
period specified therein" (8)

Page 6, lines 6 and 7,—

for "as regulated by the said
Advance Licence" substitute—

"within the period specified in
the said Advance Licence, or
within such extended period not
exceeding six months as the

Assistant collector of Customs
may, on sufficient cause being
shown, allow;" (9)

Page 6, line 9,—

for "simple interest" substitute—
"simple interest thereon" (10)

(Shri Satish Agrawal)

MR. DEPUTY-SPEAKER: The
question is:

"That Clause 17, as amended,
stand part of the Bill."

The motion was adopted.

Clause 17, as amended, was added to
the Bill.

Clause 18 was added to the Bill.

MR. DEPUTY-SPEAKER: The
question is:

"That Clause 19 stand part of the
Bill."

The motion was negatived.

Clause 20 (Amendment of section 3)

Amendment made:

Page 7, line 3,—

after "Act", insert—

"1944 (hereafter in this Chap-
ter referred to as the Central Ex-
cises and Salt Act)," (12)

(Shri Satish Agrawal)

MR. DEPUTY-SPEAKER: The
question is:

"That Clause 20, as amended,
stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to
the Bill.

MR. DEPUTY-SPEAKER: The
question is:

"That Clauses 21 and 22 stand part
of the Bill."

The motion was negatived.

*Moved with the recommendation of the President.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24 (Insertion of new sections 11A, 11B and 11C)

Amendment made:

Page 10,—

for lines 34 to 37, substitute—

"(a) in the case of excisable goods on which duty of excise has not been levied or paid or has been short levied or short-paid—

(A) where under the rules made under this Act a monthly return, showing particulars of the duty paid on the excisable goods removed during the month to which the said return relates, is to be filed by a manufacturer or producer or a licensee of a warehouse, as the case may be, the date on which such return is so filed;

(B) where no monthly return as aforesaid is filed, the last date on which such return is to be filed under the said rules;

(C) in any other case, the date on which the duty is to be paid under this Act or the rules made thereunder;"(11)

(Shri Satish Agrawal)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clause 25 was added to the Bill.

Clause 26 (Substitution of new section for section 35A)

Amendment made:

Page 12, line 35,—

for "1977" substitute "1978" (12)

(Shri Satish Agrawal)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 26, as amended stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Clauses 27 to 29 were added to the Bill.

Clause 30 (Amendment of Act 54 of 1963)

SHRI VINODBHAI B. SHETH: I beg to move:

Page 13, lines 37 and 38,—

for "not exceeding seven" substitute—

"not exceeding nine out of which five shall be recruited from Legal Bar or Judiciary" (3)

The Government is asking for 7 members and I am asking for 9. I have seen the working of the Customs and Excise Department for the last 12 months. The working of the Indirect Taxation Department is going to be at a snail's pace and there are thousands of appeals pending. The public will have to suffer for it. The officers always try to find fault with the representation of the aggrieved

person and always try to approve the lower officer's order. He will not give the judgment on the same day.

In the case of Income-tax Tribunal, the judgment is given almost on the same day. In the Direct Taxes Board I could get the judgment within a couple of days; there were some technical hitches and those could be removed. The officers should be bold enough. There is no Emergency now. The members of the Indirect Taxes Board should be bold enough in spite of the fact that there may be loss of revenue to the Government. Justice should be accorded in time because justice delayed is justice denied. Therefore, Sir, I have moved this amendment.

SHRI SATISH AGRAWAL: By amendment No. 3, which my hon. friend, Shri Vinodbhai B. Sheth, has moved, he wants to fix the strength of the members of the Board at nine instead of at seven. I am thankful to him for the generosity that he is showing. He has in mind perhaps the fact that there is so much pendency in the Board, and that is why, he wants that the strength should be nine. The House will bear me out that, so far as the Direct Taxes Board is concerned, there are appellate tribunals and since there is no judicial work to be performed by the Direct Taxes Board, it will be a wasteful expenditure if we increase the strength of the Direct Taxes Board to nine. By this amendment which I have brought before the House, the strength of both the Boards is going to be increased to seven. So, it will not be possible to accept my hon. friend's amendment. So far as the strength of the Central Board of Excise and Customs is concerned, I very much wish that the strength is increased to nine. But at the moment the Government has decided, looking to the expenditure aspect also, that we do not go on doubling the strength; it has been thought fit that we increase the strength of the two Boards

by two members only, seven here and seven there.

I would, therefore, request the hon. Member to withdraw his amendment.

SHRI VINODBHAI B. SHETH: I seek leave of the House to withdraw my amendment.

Amendment No. 3 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

Clause 1 (Short title and Commencement)

Amendment made:

Page 1, line 6,—

for "1977" substitute "1978" (5)

(Shri Satish Agrawal)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

ENACTING FORMULA

Amendment made:

Page 1, line 1,—

*for "Twenty-eighth" substitute—
"Twenty-ninth" (4)*

(Shri Satish Agrawal)

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI SATISH AGRAWAL: Before I move the motion for the passing of the Bill as amended, I would request Sir, that consequential amendments be made in numbering the Clauses of the Bill.

MR. DEPUTY-SPEAKER: Yes, I think, the House approves of it.

SHRI SATISH AGRAWAL. Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

14.39 hrs.

KHADI AND VILLAGE INDUSTRIES COMMISSION (AMENDMENT) BILL

उद्योग मंत्री (श्री जार्ज फर्नान्डिस) :
उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ :

"कि खादी तथा ग्रामोद्योग प्रायोग अधिनियम, 1956 का और संशोधन करने वाले विधेयक पर विचार किया जाए।"

उपाध्यक्ष महोदय, —

SHRI O. V. ALAGESAN (Arko-nam): I would request the Minister to speak in English. He may oblige us by speaking in English.

श्री जार्ज फर्नान्डिस : मैं समझता था कि कम से कम खादी और ग्रामोद्योग पर तो आप मुझे हिन्दी में बोलने देंगे।

SHRI O. V. ALAGESAN: There is more of khadi in Tamil Nadu..

MR. DEPUTY-SPEAKER: You can use this device and listen to the interpretation in English.

श्री जार्ज फर्नान्डिस : इस विधेयक में उपाध्यक्ष जी, एक बहुत महत्वपूर्ण संशोधन को हम पेश कर रहे हैं। वह है खादी के बनाने के बारे में। अब तक अब खादी की चर्चा चलती थी तो उसमें सूती, रेशमी और ऊनी धागे की बात चलती थी जिसको हथकरघे पर बनाया जाता था। इस संशोधन में हम कृत्रिम रेशेदार धागे के बारे में भी बात कर रहे हैं और पूरे खादी की कल्पना में इस एक नई चीज को जोड़ने का काम कर रहे हैं। इस पर काफ़ी चर्चा पिछले कुछ दिनों में देश भर में हुई है, हालांकि यह कल्पना बहुत नई नहीं। खादी क्षेत्र में काम करने वाले कई कार्यकर्ताओं ने इस प्रयोग को लगभग 7 वर्ष के पहले शुरू किया था। लेकिन विशेष कामवाजी उस समय मिली नहीं और कानून की भी एक विवकल उनके सामने आती थी क्योंकि खादी का मतलब सूती, रेशमी और ऊनी धागे तक ही सीमित रखने वाली बात इस कानून में जुड़ी हुई थी। जो नई नीति को आज हम चला