

MR. DEPUTY-SPEAKER : Order, order. You are a lawyer. Particularly after this order certain other issues still remain. You write to me.

SHRI S.M. BANERJEE (Kanpur) : What about my privilege motion against the Swatantra ?

MR. DEPUTY-SPEAKER : Now, there are several privilege questions before me. I have hardly any time. I have not given my decisions. I have kept them pending. At the proper time they will be brought before the House.

Today is the last day for the Banking Companies Bill. What I suggest to both sides is that, if necessary, we may sit a little longer.

SHRI MADHU LIMAYE : No Guillotine, please.

MR. DEPUTY-SPEAKER : I am very reluctant, because these are matters which are very important. I want to give full opportunity. I appeal to you, to all the Members who have given amendments, or who would like to press their points, that they should be more selective, to the point, so that at the final stage, even if we sit a little longer, those Members who have not tabled amendments will also get some opportunity to make observations, but today, we will finish the third reading. (Interruption)

SHRI KANWAR LAL GUPTA (Delhi Sadar) : It is impossible, Sir. How is it possible ?

MR. DEPUTY-SPEAKER : Unless we finish, the House will not adjourn today. This is my ruling.

13.32 hrs.

The Lok Sabha adjourned for Lunch till a Half Past Fourteen of the Clock

The Lok Sabha re-assembled after lunch at Thirty-seven minutes past Fourteen of the Clock

[SHRI VASUDVAN NAIR in the Chair]

SHRI S. KUNDU : Mr. Chairman...

SHRI A.S. SAIGAL (Bilaspur) : I just want to make one observation, if you would permit me only for two minutes.

MR. CHAIRMAN : Order, please.

श्री रणधीर सिंह (रोहतक) : मध्य प्रदेश में फ्लड्स आने की वजह से करोड़ों का नुकसान हुआ है। हमें उन किसानों, देहात के रहने वालों और दूसरे लोगों से बड़ी हमदर्दी है। गवर्नमेंट इस सिलसिले में बातचीत करके यहां पर कोई स्टेटमेंट दे कि क्या नुकसान हुआ है।

SHRI A.S. SAIGAL : I also want to say the same things in regard to Madhya Pradesh floods have caused much loss of the cultivators. Madhya Pradesh has suffered a great loss. We want that the Government should make a statement on this.

MR. CHAIRMAN : Now, Shri P.C. Sethi.

SOME HON. MEMBERS rose — (Interruptions)

श्री वेवेन सेन (आसनसोल) : दो लाख जूट मिल कर्मचारियों की आज से हड़ताल शुरू हो गई है। इस सिलसिले में माननीय मंत्री, श्री भगत वेस्ट बंगाल गये हुए थे, उन्होंने वहाँ पर इसके सेटिलमेंट के सिलसिले में क्या बातचीत की, क्या नतीजा निकला, वह मालूम होना चाहिए।

MR. CHAIRMAN : I have called Shri P. C. Sethi to move for leave to introduce his Bill. Other hon. Members may resume their seats. I shall see what they have to submit afterwards.

14 40 hrs.

CENTRAL EXCISES BILL*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P.C. SETHI) : I beg to move for leave to introduce a Bill to consolidate and amend the law relating to Central duties of excise.

MR. CHAIRMAN : Motion moved :

"That leave be granted to introduce a Bill to consolidate and amend the law relating to Central duties of excise."

*Published in Gazette of India Extraordinary, Part II, section 2, dated 4.8.69.

SHRI SHRI CHAND GOYAL (Chandigarh) : I had given previous notice of my intention to oppose this Bill at the introduction stage. My reasons for opposing this measure are as follows. Firstly, it is unsound from the legal and constitutional point of view and it does not incorporate all the important recommendations which were made by the Central Excise Reorganisation Committee.

I would like to point out clause 41 in this connection which reads thus.

"If the board is satisfied that it is necessary or expedient in the public interest so to do, it may be notification in the Official Gazette exempt any class of persons or any class of excisable goods from the operation of all or any of the provisions of section 37 or section 38."

My submission is that this vests the executive with very wide, vague, undefined and uncanalised powers, and this provision is likely to be challenged in law courts and is likely to be declared illegal and unconstitutional because it gives very wide powers to the executive to exclude any type of goods and any type of persons from the licensing provisions. If such an uncanalised and undefined power is given by any measure without any directive and without any guidelines to the executive, this provision is likely to be struck down.

Then, as you are well aware, goods which are not subject to excise duty are subject to sales tax. When the 1944 Act regarding Central excise was passed, there were only a few items to which it applied. But in course of time, Government have included many more items, with the results that it is now upsetting the financial arrangement and increasing the financial difficulties of the States, because the major source of revenue to the states now is the sales tax...

MR. CHAIRMAN : The hon. Member need not go into the merits of the Bill.

SHRI K. NARAYANA RAO (Bobbili) : This measure is not a taxing measure which seeks to levy any new tax, but it is only a

consolidating measure. So, where is the question of its affecting the States ?

SHRI SHRI CHAND GOYAL : My point is that it interferes with the Central State relations *vis-a-vis* their financial problem, and my respectful submission in this behalf is that now we have taken many items and subjected them to imposition of excise duty. This means that very few items would now be left to the States for the imposition of sales tax, and I submit that this upsets their financial arrangements.

I would like to point out also another constitutional and legal difficulty. Certain processes and certain component parts are also being subjected separately to the levy of excise duty. This means that there will be multiple levy of excise duty and that will increase the burden of those whose goods being subjected to duty.

The object of this Bill ought to have been to avoid as far as possible the levy of multiple levy of excise duties at multiple points. But this Bill is not providing any safeguard against that.

The Central Excise Reorganisation Committee had recommended...

MR. CHAIRMAN : The hon. Member cannot go into these things at this stage. He has already raised some legal and constitutional objections. I think that is enough.

SHRI SHRI CHAND GOYAL : I would just make one more point and then I would sit down. The Central Excise Reorganisation Committee had recommended that the structure must be rationalised because there are items which are manufactured by small industries...

MR. CHAIRMAN : I am sorry that the hon. Member is again going into the merits of the Bill. He will get up opportunity to discuss on another occasion.

SHRI SHRI CHAND GOYAL : This new Bill is being brought after 25 years. The Central Excises Reorganisation Committee which had been set up had made certain recommendations. If we do not incorporate those important recommendations, then are we going to have a second amending Bill after some time ?...

MR. CHAIRMAN : That is a different matter. He can raise it when the Bill is being discussed.

SHRI SHRI CHAND GOYAL : When the matter is being dealt with so exhaustively, all the important recommendations ought to have been incorporated in it so as to obviate the necessity of bringing forward amending Bills year after year.

On these grounds, I am opposing the introduction of this Bill.

श्री शिव चन्द्र झा (मधुवनी) : सभापति महोदय, आप जानते हैं कि नमक का हमारे लिए क्या महत्व है। नमक पर ड्यूटी लगाने की बात को ले कर भारत में नमक सत्याग्रह हुआ। आजादी के बाद 1947 से नमक पर की ड्यूटी हटा दी गयी। लेकिन यह विधेयक फिर नमक पर ड्यूटी लगाने जा रहा है। इस विधेयक में अनुसूची 2 में तीसरे नम्बर पर जो सब्स्टीट्यूट कर रहे हैं उसमें कहते हैं :

"There shall be levied and collected in such manner as may be prescribed a duty on salt....."

अब संविधान के मुताबिक यूनियन लिस्ट 58 में कहा गया है कि :

"Manufacture, supply and distribution of salt by Union agencies ; regulation and control of manufacture, supply and distribution of salt by other agencies."

इसमें ड्यूटी की बात नहीं है। गांधी जी के मुताबिक यह ऐतिहासिक तथ्य है कि नमक पर से ड्यूटी हटनी चाहिए। जो चीज संविधान में बना की गई है उसी बात को दोहराने जा रहे हैं जिसके खिलाफ अंग्रेजों के जमाने में हम ने आन्दोलन किया। इसलिए मैं इसकी मुखालिफत करता हूँ। अनुसूची 2 में तीसरे नम्बर पर ऐक्साइज ड्यूटी लगाने जा रहे हैं। इस से आप

जनता का जीवन स्तर नीचा होता जा रहा है। जैसे किरोसिन पर, शुगर पर और चाय पर, जो कि एक कौमन पेय हो गया है, उस पर यदि सरकार ऐक्साइज ड्यूटी बढ़ाती है, उससे देश के अन्दर तो कनजमेशन कम होगा ही, साथ ही ऐक्सपोर्ट को भी घक्का लगेगा। इन दोनों बातों से मैं इसका विरोध करता हूँ।

SHRI P. C. SETHI : Mr. Chairman, Sir, as you have observed from the remarks made by the hon. Members, Shri Goyal and Shri Shiv Chandra Jha, they have mostly mentioned about the merits of the Bill. With regard to the legislative competence, the President's recommendation and other constitutional provisions that are required for the introduction of the Bill, that have all been complied with. As far as Section 41 to which the hon. Member referred is concerned, this notification, whenever it is made, will be laid on the Table of the House. Therefore, the hon. Member would have an opportunity to go into the merits of the particular clause. This is only the introduction stage of the Bill. Besides that, we are sending the Bill to the Select Committee and, therefore, the hon. Members will have ample time to go into the details and the merits of the Bill. From constitutional and legal points of view, the Bill is quite in order.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill to consolidate and amend the law relating to Central duties of excise."

The motion was adopted

SHRI P. C. SETHI : I introduce the Bill.

14 47 hrs.

RE : CRISIS IN JUTE INDUSTRY

MR. CHAIRMAN : The House will now take up further consideration of the