

[Shri P.C. Sethi]

It is now proposed to introduce a new Bill in replacement of the Ordinance, instead of taking up the Customs (Amendment) Bill, 1968 for consideration and passing by the Lok Sabha. Accordingly, I move for leave to withdraw the Customs (Amendment) Bill, 1968.

SHRI SHRI CHAND GOYAL (Chandigarh) : Mr. Speaker, Sir.....

MR. SPEAKER : He may just state his points and not go into the merits of the Bill.

SHRI SHRI CHAND GOYAL : This motion has been moved under rule 110 which reads as under :

"The Member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that—

- (a) the legislative proposal contained in the Bill is to be dropped ; or
- (b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein ; or
- (c) the Bill is to be replaced subsequently by another Bill which include all or any of its provisions in addition to other provision ;....."

My submission in this respect is that the present motion which seeks to withdraw the Customs (Amendment) Bill does not comply with any of these three contingencies because there is absolutely no proposal to drop the Bill, we are not going to bring forward a new legislation which will be substantially different, from the one which is sought to be replaced, and thirdly, the new Bill does not include any additional provision which entitles the Member in charge of the Bill to withdraw the same.

Another objection that I want to bring to the notice of the House is that when the House was possessed of that Bill there was absolutely no justification for the Government or, the President to issue an Ordinance on that subject. An Ordinance certainly can be

issued when there is such an urgent need for the Government to pass a certain legislative measure and the two Houses are not in session. It is true that the last Parliament was prorogued on the 20th December and when the Ordinance was issued on 3rd January our House was not in session. But the question is that this Bill had been moved in this House on 3rd December 1968 and the Bill was on the agenda awaiting disposal. Nowhere is there an instance when a Bill is already there of which the House is seized, that the President issues an Ordinance. This is a rare instance where the exceptional power of the President has been used to issue an Ordinance when the House was already seized of a Bill. I have already given notice of a motion to disapprove this Ordinance. That has already been admitted and circulated. If that motion is passed by the House then the Government will have to re-introduce the Bill and that will delay the disposal of this Bill. In these circumstances I vehemently oppose the motion which is being brought forward for withdrawal of the Customs (Amendment) Bill, 1968.

MR. SPEAKER : The question is :

"That leave be granted to withdraw the Bill further to amend the Customs Act, 1962, which was introduced on the 3rd December, 1968."

The motion was adopted

SHRI P. C. SETHI : Sir, I withdraw the Bill.

The Bill was by leave, withdrawn

12.15 hrs.

COSTOMS (AMENDMENT) BILL* 1969

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : Sir, I beg to move for leave to introduce a Bill further to amend the Customs Act, 1962.

MR. SPEAKER : The question is.....

श्री शिवशन्कर झा (मधुबनी) : अध्यक्ष महोदय, मैंने आपको पत्र लिख कर यह भेजा

था कि मैं इस सीमाशुल्क (संशोधन) विधेयक, 1968 का इंट्रोडक्शन स्टेज पर विरोध करूंगा और मेरी प्रार्थना है कि मेरे विरोध को इस समय सुन लिया जाय।

मैं इस सीमाशुल्क (संशोधन) विधेयक का इंट्रोडक्शन स्टेज पर इसलिए विरोध करना चाहता हूँ कि यह बहुत ही डिफेक्टिव है। इस के ऐम्स एण्ड आर्बजैक्ट्स में कहा जाता है कि यह गुड्स की स्मगलिंग को रोकने के लिए लाया जा रहा है लेकिन हकीकत में यदि आप इसके ऊपर गौर करेंगे तो माफ हो जायगा कि इससे हिन्दुस्तान में स्मगलिंग को लीगेलाइज किया जा रहा है। उद्देश्य तो यह बनलाया जा रहा है कि स्मगलिंग को रोकना है लेकिन इसमें इतनी छूटें दी जा रही हैं कि स्मगलिंग एक तरीके से लीगेलाइज हो रही है।

पहली छूट इस में यह दी जा रही है कि यह कानून केवल हिन्दुस्तान के किसी कोस्ट या दूसरे बोरडर से 50 किलोमीटर के अन्दर ही लागू होगा और उस से बाहर वाले के ऊपर छूट होगी।

एक अन्य छूट इसमें 11जी के तहत दी जा रही है जिसमें संकशन ए और बी के मुताबिक अगर वह गुड्स उस परसन के पर्सनल यूज में है और एक परसन की रेजीडेंशियल प्रीमिज में उसके पर्सनल यूज के लिए रखे हैं तो उन पर यह कानून लागू नहीं होगा।

इसी तरह से 11जे में यह छूट दी जा रही है कि अगर उन स्मगलड गुड्स की मार्केट प्राइस 15000 रुपये के अन्दर है तो उस पर यह कानून लागू नहीं होगा। 15000 तक की छूट है अलबत्ता उन गुड्स की मार्केट प्राइस अगर 15000 के ऊपर हो तब वह उसके बारे में प्रोपर आफिसर को इंटिमेंट करेगा।

एक और छूट यह दी जा रही है कि 11एम जोकि स्पेसिफाइड गुड्स के सेल और ट्रान्सफर से सम्बन्ध रखता है उसमें यह प्रोवाइड

कर दिया गया है कि यह संकशन ऐसी पट्टी सेल्स पर ऐप्लाइ नहीं करेगा जिसकी कि एग्जि-गेट मार्केट प्राइस एक दिन में 2500 से अधिक न हो.....

MR. SPEAKER : Will he now kindly resume his seat ? I am on my legs. At the introduction stage he cannot go into the merits of the Bill. He can refer only to the constitutional points at this stage. But he is discussing the merits of the Bill for which this is not the occasion.

श्री शिवचन्द्र झा : यह जितनी छूटें हैं उन सब में इस स्मगलिंग को प्रोत्साहन ही मिलेगा।

कांस्टीट्यूशनल एस्पेक्ट में बतला रहा हूँ कि भारत के संविधान के प्रीएम्बिल में जो यह दिया गया है हम तमाम नागरिकों के लिए जस्टिस, शोशल, एकोनामिक और पोलिटिकल सिक्योर करेंगे लेकिन दरअसल यह संशोधन विधेयक संविधान की इस भावना के खिलाफ जाता है।

सदन को गुमराह करने के लिए यह विधेयक लाया जा रहा है। इन शब्दों के साथ मैं इस का घोर विरोध करता हूँ।

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Customs Act, 1962,"

The motion was adopted.

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

MR. SPEAKER : Now statement by Shri Morarji Desai regarding Ordinance.

SHRI P. C. SETHI : Sir, it has already been laid† on the Table.

12-18½ hrs.

DELHI MOTOR VEHICLES TAXATION
(AMENDMENT) BILL**

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, TRANSPORT AND

*Introduced with the recommendation of the President.

†Pl. see under "Papers Laid on the Table".

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