

तो उस पर आपका नाम है। आपकी पार्टी के 20 मिनट हैं। कृपया कर अपना भाषण करिए।

**STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE FOREIGN TRADE (DEVELOPMENT AND REGULATION) ORDINANCE 1992 AND THE FOREIGN TRADE (DEVELOPMENT AND REGULATION) BILL, 1992—**

**Contd.**

**DR. NAUNihal SINGH** (Uttar Pradesh): Since, technology, investment and production are inter-dependent, will the hon. Minister assure that this Foreign Trade (Development and Regulation) Bill, 1992 would be able to bring about these elements together and spur the economic growth further? He has pointed out that the Import and Export Control Act, 1947 was made under different circumstances. Although it has been amended from time to time, the Act does not provide an adequate legal framework for the development and promotion of India's foreign trade. Besides, in July 1991 and August 1991, major changes in trade policy were made by policy were made by the Government. But these were not comprehensive measures. The goal of the new trade policy should be to increase productivity and competitiveness to achieve a strong export performance. However, the prominent missing elements in the Bill are: (1) The provision of conducting wholesome international marketing surveys in target markets by professionals. (2) Proper direction of the trade to follow. (3) Reducing the cost of production. (4) Quality control mechanism. (5) Provision for research and development. (6) Intensive and extensive training of exporters which should become a condition precedent for registration of an exporter. (7) Provision for organised export-oriented production activities.

(8) International advertising campaign for India's goods.

[The Vice-Chairman (Shri H. Hanumanthappa) in the Chair]

In this country, the practice has been to export whatever is being produced and not wilfully manufacture and ex-

port what is needed in the foreign markets. Hence, there is no marked-oriented production. To this end in view, the Bill is silent. Besides another serious complaint has been that the goods exported do not generally match with the samples earlier approved by the buyer. The Bill does not provide any safeguards or punishments against such an embarrassing situation. Therefore, I do not support the Bill as there are no provisions in it for the development of exports. Thank you.

**श्री भूपेन्द्र सिंह मान** (नाम निर्देशित): उपसभामध्यक्ष महोदय, "द फारेन ट्रेड (डवलपमेंट एण्ड रेगुलेशन) बिल, 1992 के संबंध में मैं अपने विचार रख रहा हूँ। इम्पोर्ट और एक्सपोर्ट में सारे देश की भागीदारी एक जैसी होनी चाहिए, गांव में भी और शहर में भी। आज तक जो होता रहा है, वह गांव से हम एक्सपोर्ट तो नहीं करते रहे हैं, गांव को मारने के लिए एम्पोर्ट करते रहे हैं। यह आज तक की हमारी जो नीति रही है, वह है। अब इस नीति को तोड़ने के लिए हमें सोचना चाहिए, न कि इस नीति को और बढ़ावा देने के लिए।

महोदय, हमने जब कपास पैदा करने वाले किसान को मारने की बात सोची तो हमने कपास और बाहर से मंगवा लिया। इसी तरह गेहूँ मंगवा लिया। अभी भी हमने गेहूँ मंगवाया है, जबकि पंजाब में गेहूँ पड़ा है, वहां से हम ले नहीं रहे, बाहर से मंगवा रहे हैं और यह इसलिए कि पंजाब के किसान से हम गेहूँ खरीदना नहीं चाहते, उसको मारना चाहते हैं। तो ऐसी नीति, जिससे हम गांव को तबाह करते हैं और शहर को बचाने की कोशिश करते हैं, मैं कहूंगा कि गांव को मार देंगे तो देश भी नहीं बच सकता। इसलिए हमें गांव को बचाने और उसको बढ़ावा देने के लिए नीति तैयार करनी चाहिए।

महोदय, यह कहाँ का इंसाफ है कि बाहर के मुल्कों में ट्रेक्टर सस्ता मिल रहा हो और हमारे यहां किसान को ट्रेक्टर महंगा मिले और अगर कोई लाना चाहे तो यहां आने न दें, मशीनरी यहां आने

[श्री भूपेन्द्र सिंह मान]

न दें, यहां फटिलाइजर आने न दें, यहां इनसेक्टोसाइड आने न दें? यह इसलिए कि यहां इंडस्ट्रीज को बचाना है और दूसरी तरफ गांव में पैदा की हुई हर चीज दबा कर रखना चाहते हैं और बाहर से मंगवाना चाहते हैं। यदि यहां ज्यादा भी हो तब भी उसे बाहर जाने नहीं देते। यही वजह है कि आज आजादी के 45 साल बाद भी यह देश डेफिसिएंट ट्रेड में फंसा हुआ है और देश इतनी नीची सतह पर चला गया है कि जब हम अपने अंदर देखते हैं तो हमें शर्म आती है कि जो देश हमारे पास आजाद हुए थे उन देशों ने इतनी तरक्की कर ली है और हम नीचे के नीचे, नीचे के नीचे चले जा रहे हैं।

अहोदय, हम क्या एक्सपोर्ट करने की सोच रहे हैं? यहां को शरीर? हम क्या एक्सपोर्ट करने की सोच रहे हैं? गांव की जो गरीब बस्ती हैं? हमने ह्यूमन रिसोर्स डवलप कुछ किया नहीं, क्या हम उसको एक्सपोर्ट कर सकते हैं? हमारे पास अमीरी तो एक्सपोर्ट करने की है ही नहीं? तो इन हालात में उसे हमें यह चाहिए कि जो चीजें गांव में पैदा होती हैं, जैसे बासमती चावल, कपास, तम्बाकू, नेहू, मछली, इत्यादि, इन चीजों को और मेडिसिन प्लांट्स, सेण्टस को एक्सपोर्ट करने के लिए खुले तौर पर छूट दें और उस एक्सपोर्ट से जो फारेन-एक्सचेंज अर्न हो उससे वे लोग फटिलाइजर ले लें क्योंकि यहां फटिलाइजर प्लांट उनको महंगा फटिलाइजर देता है। यहां जो सब्सिडाइज्ड फटिलाइजर जिसको कहा जाता है, सरकार जिस पर सब्सिडि देती है, उस फटिलाइजर से अगर नोन-सब्सिडाइज्ड फटिलाइजर उनको सस्ता मिलता है तो उन्हें क्यों नहीं लेने दिया जाता? उनको लेने दिया जाए। उनको बाहर से इम्प्लीमेंट्स लेने दिए जायें। उनको मशीनरी लेने दी जाए। उनको इनसेक्टोसाइड लेने दिया जाए। उनके साथ ऐसा न हो, जैसा आज तक होता आया है, जिससे देश का इतना नुकसान हुआ है।

महोदय, मैं चाहूंगा कि गांव के एक्सपोर्ट और इम्पोर्ट के लिए अलग एक होना चाहिए और जो अर्बन है उसके लिए एक और होना चाहिए। हमारे देश में जो गांव में भारत बसता है उसका एक और होना चाहिए पासपोर्ट और इम्पोर्ट का, शहरों में इण्डिया बसता है, उसके लिए अगर यह एक गवर्नमेंट बनाती है तो मुझे इसमें कोई दिक्कत नहीं

1.00 P.M. है, लेकिन मेरे गांव का इम्पोर्ट

और एक्सपोर्ट का एक जो हो वह और होना चाहिए जिससे मुझे खुली हवा, खुली सांस और आजादी मिल सके। मुझे मारने के लिए न एक चले, मुझे बचाने के लिए चले और जिससे मेरा देश बच सके। सरकार का और इस देश का गांववासियों ने क्या बिगाड़ा है आज तक कि उनको कुछ करने नहीं दिया जाता? क्यों आज तक जो क्लर्स हैं, वे गांव वालों के दुश्मन बने हुए हैं? क्यों उनको प्रोडक्शन बढ़ाने के लिए, उनकी मेहनत का दाव उनको नहीं दिया जाता? अगर बाहर की दुनिया में जाकर, अपनी चीज बेचकर वे कुछ कमाकर लायेंगे तो वे इसी देश में लायेंगे। उन्होंने रिक्वैजिमेंट के बाजे में तो नहीं जमा कर देना, उन्होंने तो यहीं लाकर अपने देश की तरक्की में लगाया है इसलिए मुझे यह कड़वा है कि सारे देश को समझना चाहिए। आज छठे हितों के लिए सारे देश का नुकसान हो रहा है। सारा देश गांवों में बसता है, सारा देश सिर्फ शहरों में और सिर्फ थोड़े से पानती के घरानों में नहीं बसता। इसलिए आर्थिक इंसाफ के लिए गांवों को एक्सपोर्ट करने का इसमें खुलापन होना चाहिए और इस एक को गांव के एग्रीकल्चरल प्रोडक्ट्स, एग्री-कल्चरल जो प्रोसेसिंग हैं, उसके संबंध में इसमें कुछ आज तक नहीं मिला है, इसलिए इस एक को सिर्फ इंडस्ट्री के लिए कर दिया जाए। इंडस्ट्री की प्रोड्यूस को प्रोसेस करो, उसका इम्पोर्ट करो या एक्सपोर्ट करो, लेकिन एग्रीकल्चरल प्रोड्यूस के लिए और खेत में बनने वाली हर चीज के लिए अर्बन एक होना चाहिए, इस एक का उसके ऊपर कोई दबाव नहीं होना चाहिए। यही आपको कहते हुए क्षमा चाहता हूँ। शुक्रिया।

SHRI INDER KUMAR GUJRAL (Bihar): Mr. Vice-Chairman, the Bill as it is presented, is in a way more of an administrative Bill than a policy Bill. Naturally, while talking about the exports, one cannot but express anxiety about the way the new economic policy is revealing itself. Much dependence in the new economic policy was placed on the prospects of exports. But the figures that are coming out now are really causing us anxiety. I am not going into the long perspective. But let us look at the perspective of the last two months alone. In the last two months, the decline is by 3.97 per cent in dollar terms. But the paradox is very different. The paradox is, and that is where nation gets deceived that whereas in dollar terms, it is a decline of 3.97 per cent, in terms of rupees, it is an increase of 36.7 per cent. Therefore, when the Government of India comes out with figures, it emphasises more on rupees than on the foreign exchange earning. What does it mean? It means that the impact of the inflation is now trying to strangle the nation's economy. It was believed when devaluation was done that perhaps as a result of devaluation, the inflation would be controlled. That was the promise. As far as India's experience is concerned, in the recent past, only twice we have gone into the IMF-World Bank theology of devaluation—once in 1966 and now. Every time, the inflation overtook us. Now look at the situation today. 13.5 per cent is the officially released figure of inflation. Of course, if you go to market and find out the prices, then you see a different picture altogether. But Mr. Vice-Chairman, the interesting part is that this 13.5 per cent, even the official rate, is the highest in the decade. For the last ten years, the rate of inflation has never been 13.5 per cent as it is today and I am putting the official figures and I am quoting the official sources also. I am not making them at my will and if my friend wants, I have documents with me to prove that these are figures given by the Government itself. Therefore, in 1990, for example... (Interruptions)...

SHRI JAGESH DESAI (Maharashtra): It had gone up to 16.5 per cent and at present it is eleven per cent.

SHRI INDER KUMAR GUJRAL: That is not my source of information. In 1990, even last year, it was 9.1 per cent. Therefore, after devaluation, you see that inflation has caught up with us. Naturally when the inflation goes up, all the advantages that the exporters are supposed to get, will get neutralised... It is because the prices catch up and the cost of production goes up and everything that needs raw materials goes up. The end result is that imports become liberal and also cause us anxiety. The situation is similar, as I said earlier, to that of 1966. Devaluation, unfortunately, as we see it—it is very interesting—has helped only in bringing in more imports. I just now gave you the figures about exports. In April-May this year, imports increased by 24.7 per cent in dollar terms and in rupee terms, by 77.52 per cent. This is the shape of things that we are seeing for ourselves. We have to pay for the sins of our past, of course. Our industrial growth has been based mainly on a new type of illusion as if we can build this country, this country's economy, only on the basis of imports, as if we need imports for raw materials, we need imports for machinery. Therefore, when you talk of electronics or automobiles or synthetic fabrics, all these industrial bases that we have built up are really those that keep on surviving only on the basis of imports. You try to shrink the imports and the industry starves. The other day, the Minister of Finance was telling us that he cannot shrink the imports because the industries will suffer. It is because you have taken up a model like this. The model we have taken up is going to create, as time passes, a situation like this. Therefore, if anybody were to come up here and tell us that the future will be brighter and better, I can only sympathise with him. I will only suggest to them that this is the situation and they should try to modify the model that we have taken.

[Shri Inder Kumar Gujral]

The new economic policy is, unfortunately, working in the reverse. Two days ago, the Minister announced some new rules. They are now permitting the major industries, the multinationals, and are delinking the major industries, the multinationals, from export obligations. Now, export obligations are also not there. Therefore, you see a situation whereby those whom you were trying to force in the last one decade, all the Governments that came into office, to import by emphasising a great deal that if they were to import, they must export, you are releasing them. You have now released them and, therefore, that obligation also is not there. I do not know who will then export and how much exports will be there and how we come out of this situation. It is because of the ideology of liberalism so well quantified by the World Bank and the IMF and it cannot be reversed here. We are trying to tell that this is the only way to survive and it also looks as if it is inevitable. It is a sad thing for the whole country and for the Government also. If it is for the Government only. I won't mind. But since it is sad for the whole nation, I feel worried about it. In the 'eighties' the same thing was told to us and a big propaganda was there as if the festivals outside, the high rate of imports of goods, high rate of loans and all that would us in a paradise. Now, we have seen in the 'nineties' where that paradise is. This is the situation now.

Again, Mr. Mann, who spoke just now, was saying that you are going into new areas. You have to import wheat also. Edible oils were already bothering us and petroleum products were already worrying us. And now you are going in for other items also where you are trying to go in the interest of the foreign exporter only. I do not know how the World Bank will be unhappy if we import wheat or edible oils. The end result is going to be that your imports are going to go up and the situation is going to cause us a great deal of anxiety as time passes.

We have often talked about the Dunkel Report and the GATT and that not. Unfortunately, the Government has not taken us into confidence. A Committee was appointed, a Committee of the Cabinet, under the chairmanship of Mr. Arjun Singh and I had also the privilege of appearing before them. They think that it is too dangerous for them to come out with the Report and the Chairman felt perhaps that a trap, a political trap, was being laid for him. So, he was saying that he was not going to give us any report, that we had to discuss it in Parliament and that the nation should debate it. This is not the way to react to the Dunkel Report. Well, the multinational trade negotiations are unlikely to secure for us a better success in the world market. The rapid and across the board liberalisation of imports will only compound difficulties by imposing severe straining on the BOP situation. Moreover, the promise of foreign direct investment is unlikely to provide a significant relief, and certainly not in the near future. And we know what is happening. The resources abroad are not available. In the last one year, ever since the new economic policy has come in, we had a massive investment of 300 million dollars. And what is happening? And it is coming in what? You are having Pepsicola, you are having breakfast foods. What are we taken for? And the thing is that tomato—Ketchups are now being made by the foreign investment. Add to this the Government's policy. They have promised that in the next three years, import of capital goods will be totally liberalised. What will happen? If you look at the economic figures of any industrialised country today, they are having a glut of these machines. They want to unload them and we, like all suckers, are trying now to import them. Totally remove all the barriers, and you will have a glut of the capital goods. The end result will be that whatever base we may have built up in the Nehru's era and after that we will be having a serious difficulty. The world market is such that dangers of dumping are very serious. And I would like to understand from the Government that apart from making platitudinous assurances

unces and all those things, are their policies in conformity with this?

Now, we have the experience of the new economic policies for the last few months. Let us understand now at least that it has been myopic. Let us now appreciate that it has been fragile and that it has not done inflation control. The gut issue of exports is inflation control. No exports will catch up unless you are able to manage the inflationary trend. And for this, now the measures are very strange. For instance, as I mentioned just now, to control inflation, you are now importing consumer goods so that that you think that the prices can come down. Can the prices come down like this? And if they come down even, say, in one area or the other, at what cost? And in order to reduce the Government expenses, what areas are suffering? These are social services, education, health and all those things on which the nation has to stand. You are now cutting on those in the name of cutting down inflation. Regarding inflation, the new economic policy relies primarily on fiscal adjustments. And my friend, Mr. Yashwant Sinha should be able to tell us better about this because he has dealt with this. And he would endorse this idea that resort to imports of mass consumption items is not the way. The route to fiscal adjustments has been through constraints of investment on social sectors, as I mentioned earlier. The revenue deficit of the Government has, in fact, increased. This is another area of anxiety. And the reduction in the customs duty has been offset by the devaluation effect of the partial convertibility. What is the net result? The net result is that costs have been pushed up and are persistently going up, and the demand is coming down. Therefore, now you are getting caught up into new dilemmas and new situations.

In the export promotion, we are trying to think of models that can help us. Often in the media and in the House, we talk of Japan, we talk of Korea, and we say that they have done very well. But anybody who is a student of economics, anybody who understands the Korean model or the Japanese model knows that

there was a certain central point in their growth. And that central point was that their export sector was developed without harming the domestic sector. As a matter of fact, their export sectors have been so conditioned and tailored that they are helping the domestic sectors. And ours is the reverse. Everything that we think of export sector is trying to harm the domestic sector. Therefore, we feel that a hazardous situation for the domestic sector is developing.

I do not mean to discuss the new economic policy today. I wish we had the opportunity to do so, I wish we had a review done. I wish the Government had the courage to tell us that, of course, we deflected from the past, but let us come back to the right course. But I see that courage lacking. Let me suggest all the same a few things that can, perhaps, in the short term, help exports. These are not many. One is that some people come and tell me that while you have given concessions to various industries in the matter of income tax, on exports, consultancies have not been given that much. They have been given only 50 per cent of the concessions. I think that is one area where India has a large intellectual capacity today. There are architects; there are designers, and so many people are there who can be encouraged. Now, if an architect designs a building, say in Timbaktou, then you give him 50 per cent concession. But if somebody exports tobacco, you give him 100 per cent concession. This is something which has to be looked into and I would suggest that something should be done about it. Similarly, software export is still not as much as it should be. That is one area which can help us in exports.

The interesting part of liberalisation is that while liberalisation is there on paper, in actual practice it is with the inspectors. I heard today a very interesting complaint and that is that some garments exporter here had imported very delicate laces from Japan and they are lying in the Customs godowns. An inspector comes to him and asks for money and says that if you do not pay the money, he will ask for everything to be

[Shri Inder Kumar Gujral]

opened. Therefore, all the laces will be opened. You can't reassemble them. Therefore, the best way is to pay money and get out of it. That is the situation that is coming up.

**SHRI CHATURANAN MISHRA** (Bihar): Do they want to liberalise the rate also?

**SHRI INDER KUMAR GUJRAL:** Definitely it could be playing havoc with your entire liberalisation. I think you will have to set up a mechanism and a system so that people can come to you and an exporter is believed *prima facie* till he proves otherwise. I think something will have to be done in this context.

Similarly, I talk about the export incentive that you have given. I am told that various old claims of the order of about Rs. 500 crores are lying pending in your files for more than one year and people have not yet been given the amount. Similarly, the duty drawback system has to change. For duty drawback, the exporter comes to you and then your office issues something and corruption creeps in, and then he goes to the bank. Why don't you authorise the banks to do it? You can easily ask the banks that as soon as the remittance comes from abroad, they can give the duty drawback straightaway. The end result will be that it will be a more efficient system.

Partial convertibility was perceived as a due compensation for withdrawal of other concessions, for withdrawal of other incentives. But now the interesting thing is that partial convertibility is not helping. It does not adequately match the incentives that you were giving in the past. For trade purposes, you might examine the prospects of giving 100 per cent convertibility. That is my view. I am not pleading for total convertibility in the broad sense. I am only saying that at the moment you are giving 60 per cent convertibility to an exporter. Kindly examine the implications of giving 100 per cent convertibility. I am not pleading for it. I am only saying that a case study may be conducted whether incentives given in the past match

with 60 per cent convertibility or not because some exporters have met me and told me that it does not match. Some papers have also written about it and I have recently seen an article about it.

**SHRI JAGESH DESAI:** If that is done, then where from will they be able to purchase oil and other things? That is the reason why it is only 60 per cent convertibility. My point is basically different. It is that the benefits which the exporters were getting otherwise are now equated with partial convertibility. If it is not matching,—I am only asking the Minister to examine it; I am not pleading for it—kindly have a look into it.

Similarly, there is another plea, from the hundred per cent export units, hundred per cent export processing units. They are facing problems with the inspectors more than anybody else. Therefore, I would suggest that you should set up some sort of an enquiry into the whole thing. I would just give one example. In the case of the hundred per cent units, they are asked to file a list of their machinery, building, etc. Then, the inspector comes and says: 'You have filed the list, but a cable of your building is having a light in the other building. Therefore, you come again. I am not saying whether it is right or wrong. But kindly call the associations and discuss it with them because this is something which needs attention.

Having said all this, I will wind up by saying this. Mr. Minister, I know your difficulties. You are not the architect of the economic policy. But whatever voice you have, even if it is feeble, please tell the Finance Minister and the Prime Minister that the myopia must and because the new economic policy is taking us to hell and not to development. Thank you.

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** Dr. Jain to reply.

**DR. JINENDRA KUMAR JAIN** (Madhya Pradesh): Mr. Vice-Chairman, Sir, yesterday, I moved the Resolution of Disapproval and initiated the debate. My disapproval was not total. I had quali-

fied it by mentioning the points on which I supported the Bill. There is no need for me to repeat the points for which I moved the Resolution of Disapproval. Most of the Members who spoke from this side pointed out why this should be disapproved.

Sir, it has been a very interesting experience for me, while sitting throughout the debate. I belong to the main opposition party. I formally moved the Motion of Disapproval. Even then, I supported the good points in the Bill and I complimented the hon. Minister. For example, they have shifted the trade regulations from criminal jurisdiction to civil jurisdiction. This sort of an attitude would send the right signal to our traders and it is to be welcomed.

Now, all the Members from the ruling party, except saying one sentence in the beginning that they support the Bill, were critical of the Bill. If you kindly read their speeches, you would find that they were severely critical of the Bill, in toto.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): They were suggestions.

SHRI V. NARAYANASAMY (Pondicherry): They were suggestions. It was not criticism.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): We are not bonded labour. We are a democratic party. Not like you.

SHRI V. NARAYANASAMY: We are not like the BJP. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Don't answer the interruptions, Dr. Jain. You go on.

DR JINENDRA KUMAR JAIN: I am not commenting on the internal functioning of the ruling party. The point I am trying to make is this. The hon. Ministers in charge of this Bill, namely, Shri Kurien and Shri Salman Khursheed, owe me a favour. It is because I did not speak from a partisan point of view. This is the spirit we should have in Parliament when we are dealing with important subjects like this, i.e., foreign trade, which

is very crucial today. We must earn foreign exchange. The hon. Minister should also have a similar attitude towards the constructive criticism of suggestions coming from the opposition parties.

One of the things which has been mentioned, to which I would like to make a reference, is corruption. This corruption in our administration of foreign trade is ruining our efforts. I am not talking of the personal greed and corruption. I am talking of the procedures which breed corruption. There is delay. When an application is made, there is no effort on the part of the Government to dispose of the application within the stipulated time.

On the other hand, I have come across instances where even if it is a straight request which can be granted, the officer concerned says that if it is agreed to, somebody may accuse him of having had some corrupt dealing.

In a nutshell, there is a premium on inefficiency. If there is delay, no explanation is called for. Sir, in a dynamic process like trade, delay inspires traders to corruption. You should have procedures and rules to eliminate delays.

There is one more thing about inspection agency. We have our own inspection agencies for our exports. I am talking only on exports now. I fully support the view-point that we must have quality control to maintain the standards of our export goods, but not for all the items. I give one specific example just to illustrate the point how our inspection procedures are defeating our own efforts. It is not an exhaustive list. Take the area of electronic software, like computer software and video software. There is a stipulation that everything of video software intended to be exported should have a censorship certificate. Now there is a tremendous demand in the world market for video software from India, but we are not doing anything. There are a number of producers all over the country. If Doordarshan is not able to exploit and utilise their entire production they should be allowed to sell in the international market. Nobody will question if anything goes through satellite, but video software

[Dr. Jinendra Kumar Jain]

which can bring you substantial money, has to be given a certificate by the Censor Board. And the Censor Boards are non-existent. Right in the capital city of Delhi I do not know whether the Minister knows that there is no Censor Board. Only an officer of the ministry of Defence has been designated to be the Censor Board. He is a fulltime officer of the Ministry of Defence, with no mechanism. If you have such part-time people trying to give inspection certificates, how can you find a break-through in export market? This is just an example or an illustration. The sum and substance of exports is to earn foreign exchange. We should encourage everything that brings us foreign exchange. A point was made about lack of coordination. There is a lack of coordination between the Ministry of Commerce and the Ministry of Finance or the Ministry of Textiles or the Ministry of Agriculture. I would like to plead here that the hon. Minister should consider a 'single window agency' concept. For industrial development a number of State Governments are already following this concept to help entrepreneurs. The hon. Minister should declare that the Ministry of Commerce will set up a 'single window agency' which will comprise all the officers of concerned Ministries should be put together so that all the problems pertaining to exporters will be taken care of at one time. This concept of a 'single window agency' will go a long way in dealing with the problems of exporters. (*Time Bell rings*)

Sir, I need to take notice of the points raised during the debate. I do not know whether you will give me another opportunity.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No, your time is over. That is why I rang the bell.

DR. JINENDRA KUMAR JAIN: I have moved the Resolution. I am replying to the debate. I have to react to some of the points...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): That is why an opportunity was given to you. Mr. Jain, you have exhausted all your time. You

have got one more minute to complete your reply.

DR. JINENDRA KUMAR JAIN: you want to debate these points...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): This is parliamentary debate. You cannot go on speaking for hours together.

SHRIMATI JAYANTHI NATARAJAN: You should confine yourself to.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You have gone Censor Board unnecessarily.

DR. JINENDRA KUMAR JAIN: Censor Board is the inspection agency.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now do not answer. You will further lose your time.

DR. JINENDRA KUMAR JAIN: Mr. Jagesh Desai has asked a question whether the Minister would reply...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): That question the Minister will reply.

SHRI VITHALBHAI M. PAT (Gujarat): It is for the Minister... (*Interruptions*)...

DR. JINENDRA KUMAR JAIN: moved the Resolution and I have a right to reply to the debate. Is it not the right of this House? ... (*Interruptions*)... I am trying to drown my voice like the bell. Sir, I want your ruling. As a Member who moved the Resolution for disapproval—please give your ruling—do I have right to reply to the debate or not? I will speak after you give your ruling.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I have given an opportunity to reply.

SHRIMATI JAYANTHI NATARAJAN: Why are you getting angry?

DR. JINENDRA KUMAR JAIN: am not getting angry. I request you to throttle me.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Dr. Jain, have asked for a ruling and I have given



my ruling. Why are you arguing? That is the time given to you to reply.

DR. JINENDRA KUMAR JAIN: Sir, I would sit down and would even agree to withdraw my Resolution of disapproval, provided the hon. Minister gives me an assurance or a promise to do three things: (1) To set up a single-window agency for helping the exporters to take care of their problems at one point. (2) As I had explained yesterday, there should be a cell in the Ministry to react to and process the suggestions of the Members of Parliament who can channelize the problems of importers and exporters. Democratically elected representatives of the people should do this to help our traders exporters and importers and the Government should invite their suggestions and they can be given provided there is a cell which will honour such suggestions coming from Parliamentarians. (3) My last request to the Minister is, to consider the setting up of a special cell in the Ministry to deal with the complaints of corruption, and this special cell should monitor the procedures and instances which breed corruption.

Sir, if you allow me just one more sentence, I would like to end my statement by making two recommendations: (1) It is reasonable that the export of traded goods and the earning of foreign exchange by providing services should be treated at par with manufactured exports for purposes of section HXC of the Income-Tax Act. I know, it does not strictly come under your purview; it is to be decided by the Ministry of Finance. But I have already pleaded the need for co-ordination and cooperation.

The last suggestion that I am giving today on the subject is about the point that was raised by my hon. senior colleague, Shri T. K. Gujral and the point that was made by Shri Jagesh Desai opposing this. It is only reasonable that when the entrepreneur has to buy 100 per cent of his foreign exchange needs—for imports—at the market rate, why should he not be allowed to convert that at the market rate? Mr. Gujral wanted the Government to consider 100 per cent. I say that they

should agree to a minimum of 75 per cent instead of 60 per cent.

Now, Mr. Jagesh Desai asked, where will the foreign exchange come from?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The Minister will answer that.

DR. JINENDRA KUMAR JAIN: My last sentence, my last sentence.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): This is the fourth "last."

DR. JINENDRA KUMAR JAIN: This is the last, Sir, it is not a question of foreign exchange. I am asking for conversion of foreign exchange earned by the exporter in terms of rupees at a particular rate. So there is no question of where he will get the money from for the import of oil. You will get money which has been earned by our exporters and you can buy oil or anything. The only question is the rate at which you will allow them to convert their dollars into rupees. Mr. Gujral has asked for 100 per cent at the same rate as they buy. I support that demand. But I say, please be kind and let the minimum be not 60 per cent but 75 per cent. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): If the House agrees, we can complete the reply by the Minister and the voting.

SOME HON. MEMBERS: Yes, Sir.

SHRIMATI JAYANTHI NATARAJAN: We will sit and complete it, Sir.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I hope the Minister also will be brief. ... (Interruptions) Let us finish this.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (DEPARTMENT OF SMALL SCALE INDUSTRIES AND AGRO AND RURAL INDUSTRIES AND THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. J. KURIEN): Thank you, Sir, I will try to be as brief as possible. However, if I try to react to the points raised by Members, I think, it needs more than an hour.

[Shri P. J. Kurien]

I will try to be as brief as possible.

SHRI V. NARAYANASAMY: Specific replies you sent to the Members.

SHRI P. J. KURIEN: First of all, I think every hon Member who took part in this debate which was of a high level and standard. All the criticisms and suggestions have been noted for positive consideration and possible action.

Sir, the purpose of this Bill itself is development of trade and promotion of exports. Everyone knows that last year our BOP position was such that we were in a financial crunch. The credibility of the nation was about to be lost. But for the timely measures taken by Government at that time, our position, Sir, would have been very unenviable. On the criticism on those measures which one or two hon. Members have made, I have only one reply, I ask them: Please imagine what would have happened if Government had not taken those measures, what our position would have been today if this Government had not taken those radical measures. Today, looking back, we can say, "No, We have this problem, we have that problem." But we would have been in a much worse position if Government had not taken these steps.

Sir, for any country, for the growth of its economy, exports are most important. That we have understood. Therefore, we have announced a trade policy in which the total emphasis is on exports. But export cannot just flourish as one entity. It can only be inter-linked with imports and trade. So, what is needed is freedom of trade, so this Government has announced that it is going to allow a regime of freedom of trade, in which restrictions will be less, that licensing and licence raj will be abolished as far as possible and minimised, that maximum transparency will be there. That is why a new Import-Export Policy has been announced, and that new Import-Export Policy has made it sufficiently clear that trade hereafter would be subjected to minimum controls. Therefore, we have brought out a list of items for which

licences are required, and today exports or imports are all free except for the items in the negative list. That negative list has been drawn on considerations of health, security and environment.

Therefore, the whole attempt is to allow the trade sufficient freedom so that it can be performed in an atmosphere in which the exports can grow. Then we have taken care to see that the items, imports of which do not generate exports, do not promote exports, are brought in the restricted list.

Yesterday a question was raised by an hon. Member, whether we are allowing imports of consumer goods. It is very clear in the Policy itself. We are not allowing imports of consumer goods. It is in the negative list. It is not allowed like that.

Hon. Members have criticised us for allowing imports to be made freely. What we have allowed is only duty exemption for raw materials and capital goods.

Sir, there was a criticism here on the Capital Goods Export Promotion Scheme. The Export promotion Capital Goods Scheme is with the stipulation that they should export. A question was raised as to what is the guarantee that export obligations will be complied with. I would like to inform the House that these imports are allowed with sufficient legal undertaking or on the basis of a bank guarantee and the Office of the CCIE is closely monitoring it. So, compliance with export obligations is ensured and taken care of.

Again with regard to advance licensing scheme also, a bank guarantee or a legal undertaking is required. Therefore, as far as we are concerned there is no question of going back from the export obligation that has been stipulated into these two schemes—EPOG and advance licensing.

SHRI YASHWANT SINHA (Bihar): Mr. Minister, would you yield for a moment? I would like to ask a question relating to this. Otherwise, I would ask later.

The Minister is referring to export obligation. Yesterday, this was the point which Mr. Jagesh Desai referred to. I am quoting from *The Hindustan Times*:

"In a major extension of its liberalisation policy in the industrial sector, the Government today withdrew imposition of export obligation with regard to issuance of letters of intent and industrial licences."

I don't know whether the Minister is aware of this. But, if the Government has taken such a decision, then how is he saying with such confidence that this will be enforced in future?

**SHRI P. J. KURIEN:** What I was replying was about the question referred to here yesterday. With regard to export obligation under EPCG scheme and advance licensing scheme, which the Commerce Ministry is administering, that is the reply that I have given. I did not react to that newspaper report.

**SHRI YASHWANT SINHA:** Are you aware of this.

**SHRI P. J. KURIEN:** Let me see that. I can't say off-hand here. I will have to see that.

A criticism was raised why this Bill was brought as an ordinance and why we did not wait for the Parliament session. I would like to make it clear that this Bill was introduced in the Lok Sabha during the Budget Session as such. We did not want to go in for an ordinance. We wanted to come to Parliament and get it passed. But, since the Lok Sabha was already engaged in so many other equally important or more important issues, this could not be taken up. But, then, Sir we were stuck with a problem, because we have made certain radical changes in the export-import policy. Those changes have a bearing on our international contracts relating to exports and imports. Those radical changes should have a legal status. Therefore, if we had not gone for an ordinance at that time, that would have adversely affected our trade. We had no other go. Therefore, we went for an ordinance. But a case was made out here that we have done some impropriety. Neither impropriety nor violation is there, because Article 123 of the Constitution is very clear that "except when both Houses of Parliament are in session, the President is empowered, if he is satisfied"

etc. etc. So, the Notification was issued. The Foreign Trade Development and Regulation Ordinance 1992 was promulgated by the President on 19th June. Parliament was not in session at that time. So, we have not committed any breach or impropriety.

**SHRI ASHIS SEN (West Bengal):** I would like to ask. I have not understood... (Interruptions) I should be given an opportunity. (Interruptions) I have not understood what he meant by bureaucratic notifications and orders, not ordinance. (Interruptions)

**SHRI P. J. KURIEN:** It has been said that there is no major difference between the Act of 1947 and the present Bill. If you go through them carefully, you will notice that the Act of 1947 is one which regulates and controls. We want a law in the Statute Book which promotes and encourages, which de-regulates and facilitates the basic changes. Sir, in that Act there is no mention of the import and export policy. This is the most important instrument which governs or helps the import and export policy. After we have announced the import and export policy, we have made it a part of this Bill. So all the liberalisation measures which have been taken by the Government are being legalised. That is a very important and substantial change we have effected.

There are a number of points which I have to mention but due to lack of time I am unable to do so. However, another important point is—Dr. Jain has also mentioned it—in the earlier Act, contravention or violation of the Act amounted to a criminal offence. Here taking the overall view of the trade and in order to encourage the trade, we have made it a case of only civil offence. That is a major change to facilitate foreign trade. These are the two important things. There are so many points which I would like to mention but unfortunately I am short of time. (Interruptions)... Mr. Yashwant Sinha mentioned yesterday about ETCT scheme, advance licensing and export obligation. (Interruptions)...

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** Mr. Desai, you should know that we are sitting during

[Shri H. Hanumanthappa]

lunch time. Let us not try the patience of the Minister.

SHRI P. J. KURIEN: Sir, I would like to make it very clear that I am replying here as the Minister of State in the Ministry of Commerce and not as the Minister of State in the Ministry of Industry. Therefore, I am not bound to answer any questions relating to the Ministry of Industry.

Some Members mentioned about excess of powers being given to the Director-General. I would like to remind the Members that the Bill is very clear because any decision of the Director-General can be reviewed by the Government. Therefore, there is no question of giving excess of powers to the Director-General.

The hon. Member, Shri Gujralji and some other Members have mentioned about the special licensing scheme under clause 8, sub-clause (2). There we have mentioned that these powers will be exercised under the prescribed rules. So when rules are prescribed, we will ensure that there is more transparency and less discretion for the Director-General.

Then, Sir, a point regarding appeal to the Supreme Court was mentioned. Sir, no Bill can take away the right of a citizen to go in for appeal to the Supreme Court. Under article 32 of the Constitution he can go to the court. Under article 136 of the Constitution he can go to the Supreme Court. In addition to these, under article 226 any aggrieved party can go to the High Court with a writ petition. Therefore, it is not necessary to bring that provision here.

SHRI ANANTRAY DEVSHANKER DAVE (Gujarat): Why have you taken away the powers from the civil court?

SHRI P. J. KURIEN: I am not yielding Sir.

Therefore, it is not necessary to bring that provision in the body of this Bill because there is an inherent right to any citizen to go in for appeal to the court. Not only that, in the previous Act also, there was no such provision.

With regard to the import policy on consumer goods, I have already mentioned the policy on consumer goods. We have not decided to import consumer goods. I would like to assure the House that consumer goods will continue to be in the restricted list: Members from Andhra Pradesh on that side, as well as some hon. Members on this side, mentioned the problem of tobacco growers. They asked why more credit should not be given to Russia for buying tobacco. Sir, I would like to inform the House that our trade plan already provides for 25,000 tonnes of unmanufactured tobacco being purchased by the Soviet Union. Out of that, they have entered into a contract for 15,000 tonnes. But LCs have been opened only for 9,600 tonnes for which technical credit has already been sanctioned. There is another 5,400 tonnes for which, if there is a request from the Soviet Union, we would consider the question of giving technical credit favourably. I can give you this much as surance.

With regard to the Dunkel proposal: ..... (Interruptions).

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): Hon. Member please allow him to complete.

SHRI P. J. KURIEN: Sir, ..... (Interruptions). If the Chair wants me to finish, I can finish.

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): No you complete your reply.

SHRI P. J. KURIEN: Then you please ask them to keep quiet. (Interruptions). This is not the way. I do not agree with this. I want to reply to whoever is relevant. Those who want to for lunch can go. I have no objection. (Interruptions).

With regard to the Dunkel proposal it has already been announced that there will be a detailed discussion in Parliament. We have already taken steps. I have already written to the Secretary that we are ready to have a discussion at any time. After taking into account the view expressed by hon. Members of Parliament, we will take a decision.

Then, Sir, I would like to react to some other points mentioned by Gujralji. The points are about the export of consultancy, the export of software, clearance of the pending Rs. 500 crore CCS 100 per cent export-oriented units. I would like to tell him that all his suggestions will be considered. With regard to the Rs. 500 crore pending CCS, certainly, I would take it up with the Finance Minister—who is also sitting here—and we will try to see that it is solved as early as possible.

Mr. Jain also made certain important points. First of all, he wanted a cell for looking into complaints of corruption. I can assure the hon. Member that no cell is needed for it. You bring to us any charge of corruption against anybody. I can assure you that it will be investigated and action, as per the law, will be taken. No cell is needed for that. I can assure you that we will take action. If you have any other suggestion with regard to reduction of corruption, we will consider that too. But, so far, I have not got any complaint about any officer engaging himself in such corrupt practices. I would like that much to go on record. With regard to the single window clearance scheme, I will assure you, the whole effort is to reduce the procedural formalities and to eliminate controls to facilitate export trade. That is our whole effort. Our effort is not only confined to the single window clearance scheme, but whatever suggestions you have, you please write to us and we will consider them favourably.

Then the third condition for withdrawal of this is that a cell of MPs should be created to look into the trade aspects. (Interruptions)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He does not mean a cell of MPs. What he meant by this is that there should be a cell in your Ministry to consider the suggestions of our MPs.

SRI P. J. KURIEN: I can assure you even without a cell, the suggestions of every MP will be considered and action

taken accordingly. Since every hon. Member is anxious and the time is short, I would like to cut short my reply. I thank Dr. Jain for giving some valuable suggestions. I assure him that those suggestions will be specially noted. Therefore, I would request him to withdraw his motion of disapproval and I also commend the Bill to the House for its approval.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Dr. Jain, are you withdrawing?

DR. JINENDRA KUMAR JAIN: I thank the hon. Minister for giving me this assurance. I am willing to withdraw my resolution only after seeking a very brief clarification.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): No, no. He will write to you. (Interruptions)

SHRI BHUPINDER SINGH MANN: Sir, about the agricultural imports and agricultural produce, a separate Bill will come into force. (Interruptions)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He will write to you. (Interruptions) Dr. Jain, he has agreed to all your suggestions.

DR. JINENDRA KUMAR JAIN: Sir, I am seeking a very brief clarification. The Minister has not said anything about the import of consumer goods. I want to bring to his notice that recently, the definition of the consumer goods has included the components of the consumer goods. Now, the effect of enlarging the definition is that a number of industries which are manufacturing consumer goods in the country have been adversely affected, their exports have been affected. Fortunately, you are the Minister of Industry also. I want one clarification from you. We do not want consumer goods to be imported freely into this country but those industrial units which are manufacturing consumer goods, they should be allowed to import components. This should be clarified.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): That he will consider.

DR. JINENDRA KUMAR JAIN: Let him reply. (*Interruptions*)

SHRI BHUPINDER SINGH MANN: Sir, let the Minister answer my question. Let him clarify. Let him accept or deny it. (*Interruptions*). Why should he write to me? You allow him to clarify.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I cannot force the Minister. You cannot convert this discussion into a question-answer session.

The Chair cannot ask the Minister to stand up.

DR. JINENDRA KUMAR JAIN: Sir, if he clarifies, I will withdraw.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Are you pressing your motion of disapproval?

DR. JINENDRA KUMAR JAIN: Are you asking the Minister to clarify, Sir?

SHRI P. J. KURIEN: Sir, as the import of components of consumer goods helps production, we would allow.

DR. JINENDRA KUMAR JAIN: Sir, I withdraw my resolution.

*The resolution was, by leave, withdrawn.*

SHRI BHUPINDER SINGH MANN: Sir, let the Minister answer my question.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I cannot force the Minister.

SHRI BHUPINDER SINGH MANN: Since the Minister is not answering my point, I walk out in protest.

(At this stage, the hon. Member left the Chamber)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I shall now put the motion moved by Shri P. J. Kurien to vote.

The question is :

"That the Bill to provide for the development and regulation of foreign trade by facilitating imports into and augmenting exports from, India and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 7 were added to the Bill.*

*Clause 8*

*Suspension and cancellation of Importer-exporter Code Number.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There are two amendments, 1 and 2 by Shri Anantray Devshanker Dave. Are you moving your amendments, Mr. Dave?

SHRI ANANTRAY DEVSHANKER DAVE: Sir, I want to seek a very small clarification.

2.00 P.M.

श्री अनन्तराय देवशंकर दवे : महोदय, मेरा अमेंडमेंट यह है :

(1) पृष्ठ 3 पर पंक्ति 23-24 में "ऐसे उचित समय के भीतर, जो सूचना में विनिर्दिष्ट किया जाए" शब्दों के स्थान पर "एक माह के भीतर" शब्द प्रतिस्थापित किए जाएं ।

(2) दूसरे, पृष्ठ 3 पर, पंक्ति 11 पेज 385 में "महानिदेशक द्वारा ऐसी नीति से और शर्तों के अधीन रहते हुए जो विहित की जाएं, उसे दी गई किसी विशेष अनुज्ञप्ति के अधीन ही किसी माल का आयात या निर्यात करने का हकदार होगा, अन्यथा नहीं" शब्दों के स्थान पर "किसी माल का आयात या निर्यात करने का हकदार नहीं होगा ।" शब्द प्रतिस्थापित किए जाएं ।

*The questions were proposed.*

श्री अनन्तराय देवशंकर दवे : आपने जो एश्योरेस जगेश देसाई को दिया है कि रूल्स में करेंगे, लेकिन मेरा पहला अमेंडमेंट यह है कि उसमें रीजनेबल टाइम की जगह वन मंथ कर दें क्योंकि व्यूरोक्रेट्स किसी को 5 दिन देंगे, किसी को नोटिस का जवाब देने के लिए 10 दिन देंगे। तो मैं चाहता हूँ कि उसकी जगह वन मंथ कर दीजिए, एक माह के अंदर नोटिस का जवाब दिया जाएगा क्या आप यह एश्योरेस देंगे कि रूल्स में इसका प्रावधान करेंगे तो मैं विदड़ा कर लेता हूँ। रूल्स में रीजनेबल टाइम की जगह एक महीना कर देंगे ?

SHRI P. J. KURIEN: That is not needed to be incorporated into the body of the Act, but in the Rules we will try to take care of his point.

*The amendments (Nos. 1 and 2) were, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now the question is:

That clause 8 stand part of the Bill.

*The motion was adopted.*

*Clause 8 was added to the Bill.*

*Clause 9: Issue, suspension and cancellation of licence*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is one amendment by Shri Dave.

श्री अनन्तराय देवशंकर दवे : महोदय, मेरा संशोधन यह है—

(3) पृष्ठ 3 पर पंक्ति 41 में "ऐसी इकारो के" शब्दों के पश्चात् "साठ दिनों के भीतर" शब्द अंतःस्थापित किए जाएं।

*The question was proposed.*

श्री अनन्तराय देवशंकर दवे : मेरी मंती जी से सीधा सा प्रश्न है कि क्या आप

60 दिन का जो प्रावधान इसमें करना चाहिए था, वह करेंगे ? ... (व्यवधान)

अगर आप करने का आश्वासन देते हैं तो मैं अपना अमेंडमेंट विदड़ा कर लेता हूँ...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He has assured.

SHRI ANANTRAY DEVSHANKER DAVE: Sir, he has not replied.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): He said he will consider it. He said it will be considered.

*The amendment (No. 3) was, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

*That clause 9 stand part of the Bill.*

*The motion was adopted.*

*Clause 9 was added to the Bill.*

*Clauses 10 to 14 were added to the Bill.*  
*Clause 15: Appeal*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is one amendment No. 4 by Shri Dave.

श्री अनन्तराय देवशंकर दवे : महोदय, मेरा यह संशोधन है—

(4) पृष्ठ 6 पर, पंक्ति 10 में "किया गया आदेश अंतिम होगा" शब्दों के स्थान पर "किए गए आदेश का उस राज्य के उच्च न्यायालय द्वारा, जिसमें मामला उठा था, अपील किए जाने पर पुनर्विलोकन किया जायेगा" शब्द प्रतिस्थापित किए जाएं।

*The question was proposed.*

श्री अनन्तराय देवशंकर दवे : आपने कहा है कि फाइनल और अपीलेंट प्रचारिटी का आर्डर होगा। उसकी जगह मैं कह रहा हूँ कि आप सिविल कोर्ट का जुरिस्टिक्शन दीजिए क्योंकि डेमोक्रेसी में

[श्री अनन्तराम देवशर्मा दवे]

पालियामेंट, जूडिशियरी और ऐक्जीक्यूटिव जो मेन फंक्शनरी हैं, आप सिविल कोर्ट से जुरिस्ट्रिक्शन क्यों ले रहे हैं ? मैं चाहता हूँ कि कोई भी एक्सपोर्टर या इंपोर्टर हो यदि ब्यूरोक्रेट्स उनसे नाराज हो जाएंगे तो उनके पास क्या उपाय रह जाता है ? आप सारी स्पेशल पावर्स अपने पास ही रख रहे हैं । जूडिशियरी को कोई पावर तो दीजिए । मान लीजिए कोई एक्सपोर्टर या इंपोर्टर अपील करना चाहता है तो सिविल कोर्ट के पास कोई पावर नहीं है तो हाई कोर्ट की बजाय आप सिविल कोर्ट में वह जा सके, ऐसा क्लस में प्रावधान कीजिए ।

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा)  
उसका जवाब तो दे दिया ।

*The amendment (No. 4) was, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

*That clause 15 stand part of the Bill.*

*The motion was adopted.*

*Clause 15 was added to the Bill.*

*Clauses 16, to 20 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI P. J. KURIEN: Sir, I beg to move:

That the Bill be passed.

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The House stands adjourned for one hour for lunch.

The House then adjourned for lunch at five minutes past two of the clock.

The House reassembled after lunch at five minutes past three of the clock, THE VICE-CHAIRMAN (SHRI M. A. BABY) in the Chair.

## THE PLANTATIONS LABOUR (AMENDMENT) BILL, 1992

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI PABAN SINGH GHATOWAR): Mr. Vice-Chairman, Sir, I beg to move:

"That the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration."

The Bill *inter alia* seeks to provide better welfare facilities, safety provisions to plantation workers and deterrent penal provisions for non-implementation of the welfare provisions of the Plantations Labour Act, 1951.

As hon. Members are aware, the Plantations Labour Act, 1951, which provides for the welfare of plantation labour and regulates the conditions of work in plantations was last amended in 1981 with a view to removing certain difficulties that were experienced in its working and for enlarging its scope.

After the aforesaid amendment, we received a number of suggestions from different State Governments for further amendment of the Plantations Labour Act, 1951. The difficulties in proper implementation of the welfare provisions of the Plantations Labour Act, 1951, were considered by the reconstituted Tripartite Industrial Committee on Plantation in March, 1983 which felt that the Act should be reviewed to ensure better medical facilities, housing facilities, protective clothing, etc., as well as adequate safeguard against the use of toxic chemicals which are being increasingly used in plantations.

In the light of the recommendations of the Tripartite Industrial Committee on Plantations and the provisions made in the Child Labour (Prohibition & Regulation) Act, 1986, we have brought forward this Bill. The major proposals in this Amendment Bill include making provisions relating to safety of workers and occupational health problems arising out of work in plantations, prescribing time limits within which garden hospitals and group hospitals should be established, amendment of definition of 'Family' and also include dependants of female workers.