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रामेश्वर ठाकर जी, मंत्री महोदय, यहाँ बैठे हैं । वे जानते हैं कि प्रोहिबिटेंड ग्रसेम्बली की एरिया जो (बिहार) प्रेमिसेज में है उसके ग्रंदर ग्राकर टेंट लगाकर कांग्रेस ने वहां मीटिंग की । महोदया, ग्राप जानती हैं कि जैसे पार्लिया-मेंट की प्रेमिसेज है वहां राष्ट्रीय ध्वज उड़ता है, फहराया हुआ है उसी तरह ग्रसेम्बली की प्रेमिसेज में भी राष्ट्रीय ध्वज फहराता रहता है । लेकिन उस राष्ट्रीय व्वज की प्रेमिसेज के ग्रंदर उन्होंने ग्रपने दल के झंडे का उत्तोलन किया । यह राष्ट्रीय व्वज का अपमान है। सबसे आपत्तिजनक बात यह है कि एक केन्द्रीय मंत्री, राजेश पायलट वहां गये थे ग्रौर जाकर उन्होंने भाषण भी दिया था (समय की घंडी)

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please conclude now. I am taking up the biB.

श्रीमती कमला सिंह : कोई भी केन्द्रीय मंत्री राज्य सरकार के विरुद्ध इस Members to be very brief. तरह भाषण नहीं दे सकता, ही न डिमांस्ट्रेंगन दे सकता है, वह भी प्रोहि-बिटेड एरिया के ग्रंडर जहां उनको नहीं जाना चाहिए था ।

REFERENCE TO REFUSAL TO TELE-CAST PROGRAMME ON FIELD-MAR-SHAL CARIAPPA BY DIRECTOR, DOORDARSHAN BANGALORE

SHRI K. G. MAHESWARAPPA (Kar nataka): Madam, I am raising an important matter.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN); We have to take up the Bill, Mr. Maheswarappa.

SHRI K. G. MAHESWARAPPPA: A programme was mooted by the Doordarshan Kendra, Bangalore, on Field Marshal Cariappa. It was for archives purpose. The Director refused it on the ground that it was very old and that no useful purpose would be served.

This is condemnable. This is an insult to the great first Commander-in-Chief, Mr. Cariappa. This attitude of the Director is prejudicial. There are so many complaints against the Director. I want the Minister to enquire into this- matter. He says that it is old, that it is incapable of expressing and that no purpose would be served by having this programme. This programme was mooted by the Programme Wing of the Doordarshan itself. The Director's refusal is an insult to the first Commander-in-Chief and a brave soldier of this country. This should not be tolerated.

THE CENTRAL EXCISES AND CUSTOMS (AMENDMENT) BILL. 1991-LAWS Contd.

VICE-CHAIRMAN THE (SHRIMATI JAYANTHI NATARAJAN): We will now take up further consideration of the Bill moved by Shri Rameshwar Thakur, the Central Excises and Customs Laws (Amendment) Bill, 1991.

Shri J. P. Javali.

There is very little time. I would le-quest

Shri Javali, five minutes.

SHRI J. P. JAVALI (Karnataka): Ma dam the Bill has been introduced to amend the Central Excises and Salt Act, 1944 and the Customs Act, 1962: The rea son for bringing this Bill has a history of its own. When the National Front Go vernment was in power, a storm was rais ed, why a storm, a hurricane was raised, stating that about Rs. 10.000 crores were given away by way of refunds on some Shri Madhu consideration. Limaye wrote a letter to the then Law Minister, late Shri Goswamy, that about Rs. 13,000 crores of the Government was being given away by way of refunds. Then, there was a hue and cry in this House as well as in the other House, and this matter was referred to the Public Accounts Com mittee. The Public Accounts Committee has gone into it and has suggested a suitable amendment. Hence, this Amend ment has come before us.

Laws (Amdt.) Bill, 268 1991—*Contd.*

[Shri J. P. Javali]

This Amendment is to be welcome because some people are going to become unjustly rich.

Now the question is that when Mr. Madhu Dandavate was the Finance Minister, this issue was raised, and they wanted to throw mud at him. In fact^ the target was Mr. V. P. Singh. Ultimately, Shri Madhu Dandavate at that time came out with figures of refunds. When the National Front Government was in power, and Prof. Madhu Dandavate was the Finance Minister, refunds made were;

April 1990-Rs. 39.32 crores in May 1990-Rs. 26.92 crores; in June 1990- Rs. 22.13 crores. As against this when the Congress was in power and when Shri Rajiv Gondhi was the Prime Minister, the refunds made were: in 1986-87-Rs. 174.03 crores; in 1987-88-Rs. 233.32 crores in 1988-89-Rs. 278.45 crores and in 1989-90 - Rs. 333.09 crores. The people who tried to throw mud only got their hands soiled by the mud. Earlier, some people, due to politcal and other consideration, had been given refunds. Now, the Government has come out with this amendment. It is a good amendment, but people should not be allowed to become unjustly rich. This matter particularly is pending for a very very long time. There are cases pending in courts as well as in the Supreme Court. I would only request, wherever the Supreme Court has given a decision that a refund is to be given, it should be given. In all other cases this amendment should be made applicable.

Now, whatever is going to accrue to the Government by this amendment that amount is going to be transferred to the Consumer Welfare Fund. My only complaint to the Government is that whenever the Government had such funds, their utilisation had not been proper. So, a proper care Should be taken to ensure their proper utilisation. While bringing in this amendment, the Government Should have come out clearly as to how and in what form the consumers are going to he benefited. With words, I support the Bill.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Hon. Mem-

bers, we have, a very little time left. I request the remaining Members to take just two or three minutes, because we have to pass the Bill. Before that the Minister also has to reply. I seek your cooperation. We have to adjourn the house at 1 O'clock. There is also a statement by the Prime Minister at 5 O'clock. So, I appeal the Members to please pass the Bill before we adjourn at 1 O'clock.

SHRI VISHVJIT P. SINGH (Maharashtra); Madam, I would be very very brief, but, unfortunately, the hon. Member has levelled certain allegations arid I need to reply to them. So, I will take about five minutes.. I would not have mentioned this at all. On the contrary I was going to confine myself to the Bill. But I find that a political speech has been made by the hon. Member referring to certain statements made by Prof. Dandavate in the House. Therefore, I need to refute these allegations. Prof. Madhu Dandavate had made a statement in this House on the refund issue when we had raised this issue. He had said four specific things. He had said complaints of corruption were brought to his notice. I would deal with them one by one. As far as the complaint on corruption is concerned. ..

SHRI M. S. GURUPADASWAMY) r (Uttar Pradesh): I am on a point of order. We know the conventions in the House and the rules of the House. Any Member, who is a Member, who is a Member of a Committee, should not normally participate in the debate. My hon, friend was a Member of the Public Accounts Committee and T was also a member of the Public Accounts Committee. We have given a unanimous report on this issue. In view of that I only tell him since he was a Member of the Public Accounts Committee he should not quote from the report of the PAC. Some other Member can raise this issue and he should not do it. The convention of the House and the practice that we have been following in this House should not be violated. T want your ruling on this.

SHRI VISHVJIT P. SINGH: When the then Prime Minister Mr. Vishwanath

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Pratap Singh referred to the proceedings of the Consultative Committee attached to his Ministry, I asked at that time the Leader of the House, Mr. Gurupadaswamy to protect the House. But he did not protect the House. I have gone on record. I am only quoting from the report of the Public Accounts Committee. I quote from page 31 of the report. The Minister talked of corruption. The re port says;

"It is regrettable that even those who referred to complaints of corruption or harassment admitted that no action was taken by them on these complaints. The Committee, therefore, conclude that the plea of corruption and harassment has been introdcced as an after-thought by the Ministry of Finance and of the Board to justify reversal of these instructions by the disputed telex dated 21.3.1990. The Committee reject this plea as baseless and not supported by any evidence."

the then Minister of Finance said clearly that the decision of the Board was unanimous. On the contrary, the Public Accounts Committee found that the decision taken by the Board was not nuani-mous. [am quoting from page 45:

'Prof. Madhu Dandavate, then Minister ' of Finance, was wrongly advised that the decision of the Board was unanimous;"

Prof. Dandavate said that the Law Ministry's opinion was taken. In fact, the Law Ministry's is recorded in page 47 of the report. says:

"Therefore, in our opinion, an attempt should be made to get the judgement of the Supreme Court on this point ex pedited. Tll then, it may be approp riate to abide by the instructions al ready issued to the field formations vide instructions dated 18.11.89". (Since admitted as a typographical error for 18.11.88).

This is the opinion of the Law Ministry and this was overlooked. In fact, the PAC report on page 56 says;

"It was the day of the Ministry of Finance of have referred the matter

Laws (Amdt.) Bill, 1991—Contd.

once again either to Shri K. D. Singh or Shri G. D. Chopra or if necessary to the superior officers in the Ministry of Law including the Law Secretary. The Ministry of Finance foiled to do to."

Furthermore, Prof. Dandavate said that he had not seen the file. But the PAC report in its report on page 71 says;

> "The then Minister of Finance failed to take prompt action in the matter despite the same having been brought to his notice on 30.12. 1989, July, 1990 and in the first week of August, 1990 and he acquainted himself with the controversy only when Shri Chandrashekhar, MP and later the Prime Minister wrote to him a letter on 20.8.1990 and only when the starred Ouestion was admitted for answer on 24.8.90 in the Lok Sabha."

When the then Minister of Finance made his intervention in the Lok Sabha on 4.9.1990 and when he made a statement in the Rajya Sabha on 7.9.1990 he did not study the files personally or acquaint himself with the notings recorded by the officers or verified the facts given to him by the officers during the briefing. He allowed himself to be entirely gcided by his officers. There are several errors and mis Statements in the interventions in the Lok Sabha on 4.9.1990 and in the statement in the Rajya Sabha on 7.9. 1990."

Though the PAC report did not think fit to say anything about the role of Prof. Dandavate, from page 29 of the report, I would like to quote;

> "Shri R. L. Mishra's note dated 27.8.90 in file No. 268 was put to Shri Dandavate with particular reference to the words "Complaints were received in the Board and also by me in this regard and FM himself had occasion to speak to me about certain Collectors even refusing to comply with the orders of the High Courts grating. reftmdV."

[Shri Vishvjit p. Singh]

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On this Prof. Dandavate said:

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"Yes, that is exactly the complaint. I have told him that."

That means he admitted that he actually told.

My last point is that a lot of noise has been made about the statement made by Prof. Dandavate giving the deta'ls of the refunds. The act is that the detail's of refund given by him include the details of customs refund. And much of these customs ग्रायद् यह जो विधेयक है, मैं इसका refunds are for equipment got by the Defence सुभर्यन करता हं। Ministry or for equipment bought by the Civil Aviotion Ministry, both of which are public sector. If you look at the private sector, the story becomes completely different.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please conclude now.

mora, Madam. The fact is that in the one year that रुपए एक्साइज रिफंड के नाम पर इंपोर्टर्स instructions were there, during the previous regime, our regime, -ffotn 18.11.88 to 9.11.89, the refunds amounted to Rs. 51,40,55,000/-. And in the four months that we curbed, we tried to curb refunds even further, it came down to Rs. 8,59,00,000. In the five months that Prof. Dandavate kept this thing on by issuing the instructions, from 21.3.90 to 24.8.90, it cost the nation Rs. 57.41.77.000/-. That is what it cost us. And the intention of talking of Rs. 10,000 crores and Rs. 20,000 crores was not that the money had gone, but it would be going and the fact that the cases were in the pipeline in the court... (Timebelt).

SHRI VISHVJIT P. SIN; H. My last sentence, Madam.

(SHRIMATI THE VICE-CHAIRMAN JAYANTHI NATARAJAN):I will have to call the next speaker.

SHRI VISHVJIT P. SINGH:	А	criti
cism will be made that there is	no	ade
quate provision for refund. In	fact	in
the Bill itself,		

Mr.

THE	VICE-CHAIRMAN	(
JAYANTH	I NATARAJAN); No,	

Singh, I am going to call the next speaker. There is no time.

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SHRI VISHVJIT P. SINGH; as it is introduced, there is enough provision for refund even today.

Thank you, Madam.

श्री मोहम्मद सलीम (पश्चिमी बंगाल) : उपसभाध्यक्ष महोटया, देर ग्रायद दूरुस्त

उपाध्यक्ष महोदया, बंगला में एक है, "राजाय पाजाय युद्ध होय. कह बित उलु खागड़ार प्राण जाये।" लेकिन यहां कर्म से कम ऐसा तो हुन्ना है कि जनता को कुछ रियायत मिलने का इसका बंदोबस्त हुम्रा बाव्शाहों की लड़ाई में । SHIR VISHVJIT P. SINGH: One Sentence महोदया, 10-11 साल से हजारों करोड़ से ग्रौर मैनुफेक्चरर्स को वापिस किया ज़ा रहा थाँ। नेशनल फंट सरकार ग्राई, इमारे दोस्त, हमारे साथी काफी झावाज से चीखे कि 10 हजार करोड़ रुपए का घोटाला है । उस समय जनता दल के म्रंटर के भी कुछ साथी ऐसे थे जो इन स्वालात को लेकर ग्राए, मैं उनका धन्यवाद करता हूं। हालांकि जो बात हमारे साथी विश्वजित पृथ्वीजित सिंह की ग्रावाज से निकली कि इसे राजनीतिक दुष्टिकोण से उठाया गया था ग्रर्थनीति दुष्टिकोण से नहीं, तो यह एक केत पालिटिकल डेवलपमेंट है कि सरकार वदली थी ग्रौर सरकार बहलने से यह फायदा देश की जनता की हुआ। था कि उनकी "डाग इन दा मेजर" पालिसी थी कि इतने डिनों हम रिफंड के नाम पर जो खाते प्राए हैं या देते श्राए हैं, वह दूसरे को खाने या देने नहीं देंगे, तो in इससे कम से कम यह फायटा हम्रा कि कंसेप्ट था कि कंज्मर्स वेलफेयर के लिए SHRIMATI रूपया इस्तेमाल किया जाये. इसका व्यवहार करने का इतजाम ुस विधेयक में किया गया ।

> महोदया, 1985 साल में लॉ फिनि-स्टी और घटाँनी जनरल से मशविरा

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किया गया था, लेकिन अजीब बात है कि 5 साल तक जब उनकी सरकार थी, वह ऐसा कोई विष्ठेयक नहीं ला पाए, कंजूमर को श्रायडेंटीफाई नहीं कर पाए ग्रौर ग्रल्टीमैंटली यह पैसा जो खाते ग्राए हैं, उसे दिया जाए यह चलता रहा ढाई हजार करोड़ रुपया इस तरीके से दिया गया और यह ग्रनजस्ट एनरिच-मेंट है, इसमें कोई शक नहीं है। सब लेग यह कह रहे हैं। में कोर्ट केस के बारे में नहीं जाननाचाहता । मैं कोर्ट के बारे में कोई कामेंट नहीं करना चाहता, लेकिन वह कोर्ट में जाएंगे । कानून के ग्रंदर जो लुपहोल्स हैं, उसका सुयोग लेकर उनसे उनका एनरिचमेंट होता জাত্যা 1

महीववा, यह सिर्फ रिफंड का मामला नहीं है । हम कामपंथी लोग बरसों स यह बात कहते आए हैं कि हमारे मुल्क में जो टैक्स पालिसी है, कस्टम उयुटी के बारे में जो कानून है उसकी प्रज्छी तरीके से छानबीन करनी चाहिए । हम हर साल मंत्री महोदय की दी हुई रिपोर्ट देखते हैं कि इतने इंडस्ट्रियल हाउसेंस ने इस तरह से उनका टर्नम्रोवर बढ़ाया, इस सरह से उनका प्रोफिट बढ़ा, इस तरह से उनका कैंपिटल बढ़ा, तो वह रुपया बाता कहां से है ? हमारे कानून में कछ ऐसे प्रबंध बनाए गए हैं कि माखिरकार जनता को मिलना चाहिए वह उनके पास पहुंच जाता है । कोई मैनुफेंबबरर, इंडस्स्ट्रियल हाऊस या कोई इम्पोर्टर यह ड्यूटी अपने पास नहीं देता है, ग्रंगनी पॉफेट से नहीं देता है, वह जो बॉयर है, ग्रल्टीमैंटली उनको देना पड़ता है । वह मुसिबत जनता के पास पहुंच जाती है । स्रौर इनडायरेक्ट टेक्क्तिज में ज्यादा फायदा है । जो ब्रात्रत्यक्ष कर हैं, परोक्ष कर हैं उसमें यह फायदा है किं जनता को मालूम ही को यह मालूभ हो नहीं होता कि कहां से उसका कान काटा जा रहा है। तो मैं इस विषोधक का स्वागत करता हं । मैं उस पॉलिटिकल कंट्रोवर्सी में नहीं जाना चाहता, लेकिन एक फायदा तो हुन्रा सरकार बदलने से कि यह मामला, चाहे घोटाले का हो या रिफंड वा हो, यह नजर में झाया क्रौर कानून में सुधार करके जब कंज्यूमर वेलफेयर फंड बनाया जा रहा है। कि हभारे मुल्क में हम फूड सब्सिडी देनहीं सकते, हम सोशियल सिक्योरिटी के वास्ते काम नहीं कर सकते...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please conclude.

SHRI MD. SALIM; I am concluding, Madam.

इनलिए कि हमारे पास रिसोसिज कम हैं, पैसर नहीं है और बनी मैं यह कहता हूं और इसके साय-साय इस मौके पर यह मांग भी करता हूं मंत्री महोदय से कि वह यह टेक्सेशन पालिसों जो है, इससे संबंधित जो आधे अबूरे कानून हैं इसमें सिम्पलिफिकेशन नहीं करने की वजह से इतने कम बंदोबस्त हैं कि किससे, कहां, किसको रुपया मिल रहा है, यह मालूम नहीं होता । तो इसमें जरा सुधार करने के बारे में कोई ऐसे प्रबंध करने चाहिए कि मामला और सिम्पल हो ग्रीर जो ग्रस्टीमैंटली पैसा दे रहे हैं, उनको मालूम हो कि व कितना रुपया दे रहे हैं, जो प्रोजक्ट झा रहा है उनके पास, ग्रीर खरीद रहे हैं कंज्युमर, उनको कितना हिस्सा उनका बियर करना पड ग्हा है इन दि फार्म ग्राफ एक्साइज ड्यूटी या स्कटम ड्यूटी ।

में यह कहूंगा, एक डर सा है, आशंका है, कि कंज्यूभर वैलफेयर फंड जो है, इसका सही इस्तेमाल हो । ऐसे हम बहुत सी ग्रयारिटीज बनाते हैं, फंड बनाते हैं जिनका निर्माण जिसके लिए किया जाता है, जिसके वेलफेयर के लिए किया जाता है, जिसके वेलफेयर के लिए किया गया, काम उसके लिए नहीं होता । शब्द वेलफेयर जोड़ देने से ही यह कंज्यूमर वेलफेयर नहीं होगा । इसलिए जो बाद में इसको इस्तेमाल करने का, व्यवहार करने का प्रबंध होगा, वह ऐसा हो कि ग्रल्टोमैंटली जो पूछर सैक्शन ग्राफ पावर कंज्यूमर है, जनको कोई फायदा मिले, ग्राप ऐसे प्रबंध करें । धन्यवाद ।

275 The Central Excises [RAJYA SABHA] Laws (Amdt.) Bill, 276 1991—Contd. and Customs التدى محدسليم : .. " بتتيجى بتكال إب ادهيكش دى مينيو، ماليسى تقى كبداتيني دلول تيم بحرقه كلما ترآيري مهودید - ویرآیر درست آید - به جو . دە دو*سر _ كو*كھانے ب بیم بیں اس کا سم تقن کرتا ہو^ں اب سبحاا دھیکش مہود بہ بنگال میں ایک سے کم یہ فائدہ ہواکہ بوکنسییٹ كماوت يے۔ کنزیوٹرس ویلفیٹر کے بیے دہ رو پیہ داجائے داجائے یودھ ہوئے استعال كماجاتي اسكا ومويار كرني اواد کھاگارٹر ہرانٹر جا نے کاانتظام اس ود جریک پی کیا گیا۔ یکن بہاں کم سے کم ایسا تو ہوا کہ جنتا كوكيم رعايت حلى - اس كابندولست سوا . بادشا بول ک اطران کمب . «مهود بیر ۱۰ · مهوديد ۱۹۸۵ سال يمي بومنطري اور الثاريا جزل سيمننوره كياتميا نعاء عجب ۱۱سال سے ہزاروں کروٹررمیے اکسا تر بات سے کر ۵ سال تک ص فنثرك نام يراميورث اورمينو فيكبح کتی۔ وہ ایساکوئی ود جے کم كد دابس كباجار بانخاه نيشن فرنت سركار کنز بومرکو اکٹرینشفانی نہیں کریائےاور آئ، بمارے دوست سمارے سائقی کافی ا دارسے حینے کہ ۱۰ ہزار کروڈرو بے کا الٹی میٹلی بہ یکسہ جو کھاتے آئے ہیں • اسے دیا جاتے یہ چلتارہا ۔ ڈھانی سزار کھوٹالہ بے، اس سم جنتادل کے اندر کے کبھی کچھرسائقی ایسے کتھے حوان سوالات كروش رويبداس فريقه سي دياكيا اوريه الجسيط اينو جمنط يبع . اس ميں كو لي تستعيدين ان كا دهنيه دادكرايون. ۔ *بنہیں سے ۔ سبب بوگ یہ* مالانكر توبات بماركساته وشوجيت ربیع بی بی کورٹ بیں ک ر نغبوی جر<u>ب سنگیزی اواز سے نکلی کی</u> بارے میں تنہیں جاننا چاہتنا۔ میں کوریط دن نيتيك درشيَّيكون سےانتھاما كما تھا کے مارے میں کوئی کیند ف منہیں ی کے درشٹی کون سے نہیں ، تو یہ چاہتا۔ لیکن وہ کورٹ میں جائیں گے۔ س طویو بیمنٹ بے کہ سرکار قانون کے اندر جو لوب بولس ہیں۔ اس یدی تھی اور سرکار بر بنے سے یہ فائدہ دیش ک جنتا کو بیوا تصاکه انکی «ڈاگ ان ميكران سران كالبنز جمتص

†[] Transliteration in Arabic Script.

277 The Central Excises [13 SEPT, 1991] Laws (Amdt.) Bill, 278 end Customs 1991—Contd. السطحاكان كاطا المع ہوتا جائے گا۔ لمر تنترى يل) يكا لو السو اس طر**ح _ س**ر ان کا THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN). Please رويس conclude. SHRI MD- SALIM: I am concluding, ينده Madam. ا سورستركمي. 84. تا ہوں۔ باسبير ادراجمي <u>ح</u>ر Ļ سالة ساكله فع پر U e.s. لم \mathcal{O} و ایس ىبتى ينمه وويو بأته 6m 1 ادہ نا وكش لويل ر ہ سیے کہ جنتا کو بہ معلوم ہی تہا ببس کولی اسیسے پر بندھ کم لے چاہیں

كرمعامله اورسميل ببوا ورجوا

श्री ग्रनन्तराय देवशंकर दवे (गुजरात): उपसभाध्यक्ष महोदया, सरकार की ग्रोर से जो यह विधेयक लापा गया है, मैं उसका समर्थन तो करता हूं, ग्रच्छी बात है । बहुत समय के बाद प्रापने एक ग्रच्छा कानून यहां सदन के सामने रखा है, लेकिन में दो-चार चीजें सदन के सामने रखना चाहता हूं कि जो ग्रनजस्ट एनरिचमेंट के जरिए, मान सीजिए कोई कम्पनी ट्रांसफारमर बना रही है और ट्रांसफार र बनने के बाद वह तो उनका

Laws (Amdt.) Bill, 1991—Contd.

बायर होगा, वह नान बायर होगा । कोई बड़ी-बड़ी इलेक्ट्रिसिटी कम्पनियां होंगी जो नान बायर होगा और वहां के जो एप्राइजर होंगे, उसमें कुछ एक्साइजर डयूटी में गलती से या बद-इरादे से कोई एक्साइज ज्यादा लगाले और जब, जिसने यह बेचा है, वह रिफंड लेने जाएगा तो वह परिस्थिति होगी कि उसको रिफंड नहीं मिलेगा, वह पैसा वर्कर्स वेलफेयर फंड में चला जाएगा ।

में इस विधेयक का स्थागत करता हुं लेकिन में ग्रापका ध्यान उसी ग्रोर खींचना चाहता हूं कि जहां बायर नोन है, वहां पर ग्रांप इस बिल में ग्रमी भी सुधार करके उसको लागु मत कीजिए । जहां छोटे छंटे परचेजरे हैं, बाउर हैं, छोटी-छोटी चीजों पर एक्साइज डयूटी लगती है, हम पहचान नहीं सकेयें कि किसने यह खरीडा और किसने यह पैसा एक्साइज डयटी में जमा किया, वह फंड में चला जाए तो उस पर मुझे कोई एतराज नहीं है । ऐसा पैसा, जिसे व्यापारी ने बायर किया है, परचेजर के पास से ले लिया है और वह खुद रिफंड ले लेता है और डबल एमाउंट होती है, बह एमाउंट वर्कर्स फंड में जाना चाहिए, यह मैं मानता हूं। दसरी बात मैं यह भी कहना चाहता हूं कि हम ऐसी बात क्यों नहीं कर सके प्रभी भी ? में कल से यहां सुन रहा हूं कि हमें यह बिल पास करने के लिए बहुत जल्दी है । पास करना चाहिए, कुछ होगा । हमारे ग्रलग-ग्रलग हाई कोर्टस ने जजमेंट भी दिए हैं, सुप्रीम कोर्ट ने भी जजमेंट दिया है और इस प्रिंसिपल पर उन्होंने जजमेंट दिया है कि स्टेट ग्रनग्रथारिटीज के साथ कोई भी पैसा ग्रापने पास जमा नहीं रख सकती, उसको वापिस कर देना चाहिए । दह मेंन प्रिंसिपल है, मैं मानता हूं ।

इसीलिये आप यह विधेयक लाये हैं। लेकिन हम यह नहीं कर सकते हैं, जैसे जापान में है, समरीका में है, कोई भी व्यापारी प्रगर कोई माल बनाना चाहता है तो वह पहले आकर बता देता है कि मुझे यह चीज बनवानी है, इस पर क्या एक्साईज लगेगी.

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मझे बतादीजिये ? इससे फिनस एक्साईज हो जायेगा, उतना ही उनको एक्साईज भरता पड़ेगा और रिफंड का सवाल ही पैदा नहीं होगा । हभारे यहां तो यह दुधारी नीति हो गयी है। जब हम लेस चार्ज करते हैं तब उनके पास नहीं है, यह तो व्यापारी हैं। ऐसे भामले कितने हुये देश में ? कितने करोडों रुपये हमारे देश में एक्साईज के जरिवे जमा होते हैं और कितने हम ऐसे रिफंड के केस में वापिस देते हैं यह भी सोचने की बात है ? जब वह यह नहीं सोचेंगे तो वह गलती में पड़ जायेंगे । सलीम जी ने ग्रच्छी तरह से कहा है, यहां से किसी मित्र ने कहा है कि कोर्ट में कई मुक्टमें चले आयेंगे। फिर भ्रभी जो एक बनाने का उद्देश्य है, अह उद्देश्य फलीभूत करने के लिये यह बहुत कलीयर होनां चाहिए। इसमें ऐसी कोई लीगल कंट्रोवर्सी फिर खड़ी न हो जाये, जिसके जरिये से व्यापारी ग्रौर स्टेट ग्रामने-सामने ग्राकर फिर सामले कोई में पडें रहें।

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please, Conclude now.

श्रो अनन्तराय देवशंकर दबें कॉक्लूड कर रहा हूं, मैडम । तीसरी वाक में यह कहना चाहता हूं कि जो कलाज∽6 है उसमें Insertion of chapter 11A chause 12B जो ग्रापने वर्डन रखा है, ⊓ैछोटा सा सुझाव देना चाहता हूं:

"The burden of providing the unjust enrichment shall be upon the Department and the Department shall establish that the duty for which the refund is claimed was not passed by the concerned assesses to the consu-

यह भी करना होगा और जास्ट यिंग मैडम, ग्रोनली धन थिंग । हमारे देश में 20-25 हजार ऐसे एक्साईज के ऐपराईजर शोंगे । हम उनको बड़ी सजा देने जा रहे हैं, ध्यान रखिये । व्यापारी उनके पास जायेंगे और कहेंगे कि हमारी जीज पर एक रुपया एक्साईज, (तमय की घंटी) मान लीजिये कि एक रुपया एक्साईज लगती है, तो ऐपराईजर कहेगा कि एक रुपया नहीं लगती, तीन रुपया लगेगी, फिर रिफंड में लेने जाना। व्यापारी

Laws (Amdt) Bill, 282 1991—Contd.

कहेगा कि सैं रिफंड के अपसे में नहीं पड़ना चाहता हूं ग्रतः वह दोनों सप्रम जायेंगे और एक रुपया उनको दे देगा । इससे करए मन और बढ़ेगा । वह सावधानी भी हमको रखनी पड़ेगी, उसके लिये परफेक्ट मकेनिजम भी हमको खड़ा करना होगा । प्रगर वह करेंगे, तो इसके पीछे जो हमारा उद्देश्य हैं, जो हमारी भावना है, वह सिद्ध होगी ।

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please conclude. I will have to call the next speaker.

श्री अनम्तराव देवशंकर इवेः और इन्हीं शब्दों के साथ मैं इसका समर्थन करते हुए आपका धन्यवाद करता हूं।

DR. NARREDDY THULASI REDDY

(Andhra Pradesh): Madam, better late than never. (The amendment to the Central Excises and Salt Act, 1944 and the Customs Act, 1962 could have been brought much earlier, but I do not know why there is so much delay. Anyhow, I am happy this Bill is brought today.

Madam, in all the tax laws which are existing today there are both the provisions;, the provision of refunding the excess levy collected and the provision of recovery of the levy collected less. The manufacturers, i'ne companies, are misusing these provisions for their selfish ends. There are four levelsone is manufacturer, next is wholesale buyer, next is retail buyer and ultimately consumer. Whenevr the manufacturer pays excess levy to the Department, he invariably passes it on to the wholesale buyer who will pass it On to the retail buyer and ultimately it is the consumer who faces What is happening is that the burden. while the manufacturer claims a refund and t'ne Department makes a refund to the manufacturer, that refund is not percolating to the wholesale buyer and the retail buyer and ultimately to the consumer. So, this is what is happening. That is why there is unjust enrichment of the manufacturer at the cost of consumer and at the cost of the the Government. In this Bill these anomalies are corrected

283 The Remitances of Foreign [RAJYA SABH] foreitgn Exchange Bonds 284

Exchange and Inventment in

[Dr. Narreddy Thulasi Reddy], It is a very good Bill. This will prevent exploitation of the consumers and the Government by the manufacturers. This will benefit the consumers. This will benefit the public exchequer. But I am expressing one doubt regarding the implementing process. I would like to request the Government to take steps for proper implementation of this Bill.

Sir, I have one more suggestion which is regarding Consumer Welfare Fund. Please use this Fund only for the welfare of the consumers such as to create awareness or to give financial assistance or in some other way. Sir, with these few words I support this extraordinary good Bill.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Shri Shabbir Ahmad Salaria. Shri Sourendra Bhattacharjee. Both are not here. Mr. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF (SHRI FINANCE RAMESHWAR THAKUR): Madam Vice-Chairman, I. am really grateful to the hon. Members for their welcoming the Bill and giving unanimous support to the provisions of the Bill which was long overdue. So far as the Consumer Welfare Fund is concerned, I have taken note of the suggestions made by t'ne hon. Members. Rules will be framed. There is no difficulty. We will see and ensure that the amount, if it could be refunded to the ultimate consumer, is refunded; otherwise it will lie for the benefit of the consumers. So far as the suggestion regarding simplification is concerned, we have already taken steps to simplify and also to have rationalisation both in direct and indirect taxes and, I think, by the next Budget Session we will be able to bring something before this House. With these words, Madam, I request that this Bill be adopted.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI! NATARAJAN); The question is:

"That (he Bill further to amend the .Central lltcises and Salt Act, 1944 and

(Immunities and exemptions) Bill, 1991 Customs Act, 1962, as passed by Lo Sabha, be taken into consideration.

The motion- was adopted:

THE VICE-CHAIRMAN (SHRIMAT JAYANTHI NATARAJAN): We sha now take up clause-by-clause, consideratio of the Bill.

Clauses 2 to 15 were added to the Bill. Clause 1, the Enacting Formula and th Title were added to the Bill.

SHRI RAMESHWAR THAKUR: ME dam, I move;

"That the Bill be returned."

The question was put and the motio was adopted.

THE VICE-CHAIRMAN (SHRIMAT JAYANTHI NATARAJAN): You coul move t'ne next Bill and then we will ad journ.

THE REMITTANCES OF FORF1G EXCHANGE AND INVESTMENT I FOREIGN EXCHANGE BONDS (BV MUNITIES AND EXEMPTIONS) BILL 1991

THE MINISTER OF STATE IN TH MINISTRY OF FINANCE (SHF RAMESHWAR THAKUR): Madam, move:

> "That the Bill to provide for ce tain immunities to persons receivic remittances in foreign exchange an to persons owning the Foreign E: change Bonds and for certain exem] tions from direct taxes in relation such remittances and bonds and f< matters connected therewith or onc dental thereto, as passed by Lc Sabha, be taken into consideration

Madam, after having considerable exp rience with the working of the policies i lating to the economic structure which have diciussed—industrial policy and tra< policy—Government has taken measur to ensure that those who have got mone