

[Shri R. Ramakrishnan]
for these banks they will go to the 'North Block' and apply pressure. If steps are taken in advance this can be avoided.

Madam, the second is that there was a move by the Minister that there is going to be a bifurcation between the Chairman and the Managing Director. Now, in the nationalised banks the Chairman and Managing Director are one. There was a proposal that the Chairman can be an eminent person of high standing and integrity will be appointed and the Managing Director will be the Chief Executive. Even in Madras, the Minister in the Ministry of Finance has made such comments. I do not know whether this proposal is under the consideration of the Government or not.

Madam, the third point is that the Minister has not justified why this Banking Service Commission is only going to be for the officers of the bank but also not for the employees. Now, it is going to be continued for the class I and other officer cadres. For this purpose there is going to be Recruitment Board. Why not have an All-India Banking Services. In case you are not going to change the Class-I officers so that they may remain in the respective region; you can have three or four regional commissions and you can consider this point. So, I would just like the Minister to keep this in his mind before you pass the Bill.

THE VICE-CHAIRMAN [DR. (SHRI-MATI) NAJMA HEPTULLA]: Now, Mr. Janardhna Poojary will reply.

SHRI JANARDHNA POOJARY:
Madam, so far as the bifurcation of Chairman and Managing Director of a bank is concerned, there is no such proposal at the moment. What is the other point please.

SHRI R. RAMAKRISHNAN: Topless banks.

SHRI JANARDHNA POOJARY:
Madam, I assure the hon. Member that we will take necessary steps to fill the vacancies in the banks mentioned by Shri Ramakrishnan. There will not be any difficulty on this aspect.

THE VICE-CHAIRMAN [DR. (SHRI-MATI) NAJMA HEPTULLA]: The question is:

"That the Bill be passed."

The motion was adopted.

THE EXPORT (QUALITY CONTROL AND INSPECTION) AMENDMENT BILL 1984

THE VICE-CHAIRMAN [DR. (SHRI-MALI) NAJMA HEPTULLA]: Now, we will take up the Export (Quality Control and Inspection) Amendment Bill, 1984, Shri Nihar Ranjan Laskar, please.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND IN THE DEPARTMENT OF SUPPLY (SHRI NIHAR RANJAN LASKAR): Madam, I beg to move that the Bill to amend the Export (Quality Control and Inspection) Act, 1963, as passed by the Lok Sabha, be taken into consideration."

Madam, as the hon. Members of this House are aware that this Bill has already been passed by the Lok Sabha on the 7th May, 1984.

Madam, this amending Bill seeks to remove certain deficiencies, inadequacies and lacunae in the existing Act which was passed by Parliament in 1963. So, the export trade of India is developed on some sound basis through quality control and inspection. It is well known that this Act came into force in January, 1964. Now, 875 items are subjected to compulsory quality control and inspection. These items constitute about 42 per cent of the country's total exports. Besides these items covered under this Act the quality of some more items, which are about 20 per cent of the country's total exports, is also regulated by other statutory regulations. Madam with a view to achieving the desired objectives and to remove the deficiencies and lacunae in the existing Act, the present amending Bill has been brought before the hon. House.

This Bill provides, *inter alia*, for the following changes

It is proposed to enlarge the membership of the Export Inspection Council by allowing the Central Government to nominate 15 persons, instead of the present limit of 11 persons to be nominated by the Central Government. In view of the substantial expansion of the work of the Export Inspection Council, it is felt necessary that there should be more representation from the trade in the Council and accordingly this provision has been made so that this Council functions well.

Then, a deficiency that is found in this Act is that under the existing provisions, a certificate of export-worthiness once issued for a commodity by the export inspection agency cannot be withdrawn even if there are reasons to believe that the certificate was issued wrongly or fraudulently. It is proposed now to empower the agencies to amend or suspend or cancel such certificate in accordance with the procedure to be prescribed by rules under the present Act.

Then, Madam, the Act at present provides for prosecution only for fraudulent use of export-worthy certificates or other violations of the Act. Experience has shown that these steps did not have the desired effect in curbing the abuses of the quality control and pre-shipment inspection facilities. With a view to removing this lacuna in the Act, it is proposed now to provide for the entry, inspection and search of premises in which notified commodities which have been manipulated after examination by the export inspection agencies or documents or things in connection therewith are suspected to have been kept or concealed and to seize them. Provision for the confiscation of such commodities and imposition of penalties has also been made under the new measure.

One more important provision is that in order to have a check on the misuse or abuse of powers by the officers of the Export Inspection Council or of the export inspection agencies, it is proposed to make a provision by which the delinquent officers who have misused their authority would also be liable for punishment under the Act

One more provision in the amending Bill that I would like to mention is that under the existing provisions, commodities notified by the Central Government are prohibited from export unless they are accompanied by certificates issued by export inspection agencies. There may be some special contingencies when it may be necessary for temporary suspension or relaxation of the operation of all or any of the provisions of the Act in respect of certain commodities or areas. We are sometimes faced with such a situation. To remove this lacuna a provision has been made. It is now proposed to provide this power to the Central Government.

So, Madam this piece of legislation is non-controversial in nature and it aims to make the law more stringent. I hope the hon. Members of this House will give their full support to this measure because it is meant for improving the Act.

With these few words, I commend this Bill for the consideration of the House.

The question was proposed.

THE VICE-CHAIRMAN [DR. (SHRI-MATI) NAJMA HEPTULLA] : Mr.

Dipen Ghosh. Don't make a very long speech because we have two more Bills. One hour is allotted for this Bill.

SURI DIPEN GHOSH (West Bengal): Madam Vice-Chairman, it is true, as the Minister has stated, that it is a non-controversial Bill and in order to make certain provisions more stringent, the Government has brought this amendment Bill. But yet, I rise to speak on this Bill because I want a more comprehensive Bill, not a piecemeal legislation as this one. Madam in the Statement of Objects and Reasons, it has been stated that with a view to "projecting the right image for Indian goods in overseas markets", this Bill has been introduced.

[Shri Dipen Ghosh]

But as happens in the case of every other thing in our country there is a gulf of difference between precept and practice of this Government. Why do I say so? The honourable Minister said that 875-odd commodities have so far been brought under the purview of the Compulsory Quality Control and Pre-Shipment Inspection measures and these constitute 40 per cent of the total export. But the honourable Minister has not mentioned what the total number of exportable commodities is. The total number of exportable commodities is 6000-odd. Out of these 6000-odd commodities so far the Central Government; has been able to bring only items under the purview of Compulsory Quality Control and Pre-Shipment Inspection measures in order to project the image of the Indian commodities in the market abroad. So I say there is a difference between the precept and practice of this Government. What is the practice still going on? Instead of extending the number of items under the purview of this Act, modifications, are being made in the exercise of Compulsory Quality Control and Pre-Shipment Inspection. Already there have been modifications in respect of jute goods, engineering goods fish and Ash products. Hitherto at every point of the manufacturing process the people of the Government agency or the export inspection agencies who were posted in jute mills, etc. used to inspect the goods and then give their certificate. After the total process was over, the marking and certificate used to be given by the export inspection agency. But now, according to the modified Quality Control and Pre-Shipment Inspection measure, the jute mill owners have been given the right to mark their own products and upon their certification the export inspection agency is issuing its exportworthy certificates and only once in six months? their people are auditing and making sample checking. Naturally the whole thing has been left to the traders not to the Government agencies. Similar

is the case of self-certification in respect of engineering goods and other-goods. Self-certification of goods has been introduced and traders and manufactures or exporters themselves have been allowed to certify their products as exportworthy and the Government agencies will simply make sample checking of the commodities. It is, therefore, that I said there is a difference between the precept and the practice. The precept is the Act was made in the year 1964. India was second to Japan to make this Act to bring exportable commodities under the purview of Compulsory Quality Control and Pre-Shipment inspection. Out of 6,000 exportable commodities so far, during the last 20 years, only 875 odd items could be brought under the purview of this Act. That too is being modified. Why is this being done? In reply to Starred Question No. 410 answered in the Lok Sabha on 20-3-1981 it was stated that certain other items such as machine tools, finished leather, and jute products, cashew nuts, rubber tyres, tubes, etc. were to be covered. I want to know from the Minister through you how many of these items during the last three years have since been brought under the purview of this Act. I know that most of these items have not been brought under the purview of this Act because as per the reply again "before any commodity is brought under the ambit of the Act, consideration is given to the views and objections, if any, from the trade". If there is any objection from the trade, if the view of the trade is contrary to the view of the Government about bringing any particular item under the purview of the Act, then it is not done. There is thus constant pressure from the traders' lobby on this Council not to bring any other item under the purview of this Act. Even when a decision is taken to bring in certain items of exportable commodities under the purview of this Act, the framing of the notification for the purpose is done in such a way as it falls through under exercise of the law and rules. Actually because of the pressure lobby of the

private trading sector, this Act is not being enforced properly and under this pressure more and more exportable commodities are not being brought under the purview of this Act.

Another important thing is that this pre-shipment inspection for quality control is done by Government agencies as well as private agencies. There are Government agencies under the Export Promotion Council and there are private agencies. These private agencies are private traders. As many as 37 odd private agencies have so far been authorised by the Government to inspect and issue certificates. It is observed that these private agencies are being given more and more rights of inspection and of giving certificates. Instead of extending the coverage of inspection by the Government agencies, private agencies are being given more and more right of inspection and giving certificates. There, Madam, what do these private traders do? They, in connivance with the traders, issue the export-worthiness certificates even in respect of those commodities whose quality is substandard. There was an assurance from the Government, in reply to the same Starred Question in the Lok Sabha, like this:

"The performance of the private agencies is kept under constant watch by the Export Inspection Council. A proposal to amend the Export (Quality Control and Inspection) Act, 1963, is under consideration."

This is about the amending Bill. But what is that Bill? It is this Bill which you have brought forward now. In this Bill you have provided for stringent measures for the exporters who misuse or abuse the certificates and for taking action against those exporters. In this Bill, you have also provided for taking action against offences by officers and employees of the agencies if they are found to have been involved in giving certificates, without properly inspecting or without going to the places in connivance with the traders. But you should also have made a provision for action to be

taken against the offending agencies in this Bill which your Government had assured. Therefore, I want to know what prevented you from making a provision in this, amending Bill to take action or from providing for stringent measures against the offending agencies, not simply against the exporters, though it is good, not simply against the employees of the agencies, though it is good. But what about the agencies themselves? Where is the provision for taking action against them which the Government assured in the Lok Sabha? So, I think that this Bill falls far short of the requirements and falls short of the point about which you made that assurance.

Then, Madam, about the action to be taken against the private agencies, there was also a recommendation from a Committee on inspection policies and procedures which is popularly known as the Mani Narayanaswamy Committee. I am not going to take much of the time of the House by quoting from the Report of that Committee. But my specific suggestion to the honourable Minister is that the Government must come forward to make a provision in this amending Bill or in a Bill in the next session for taking action against the offending private agencies also and not to give further authorisations to the private agencies. I say this because these Government agencies are not provided with adequate infrastructural facilities like testing laboratories, etc. While the Government agencies are kept weak, the private agencies are being given the right to do all these things. So, my suggestion is that the Government should take note of the fact that the Government agencies, that is the export inspection agencies, must be provided with adequate infrastructure like laboratory for testing, etc so that the Government agencies themselves can undertake the job and no further licence is given to the private agencies.

Madam, I am coming to the ...

THE VICE-CHAIRMAN [DR. (SHRI-MATI) NAJMA HEPTULLA]:
To the last point, I suppose.

SHRI DIPEN GHOSH: Yes, Madam, I am coming to the last point

THE VICE-CHAIRMAN [DR. (SHRI-MATI) NAJMA HEPTULLA]:
But please be brief because there are many other Members who have to speak.

SHRI DIPEN GHOSH: It is true. But this is a very important point.

THE VICE-CHAIRMAN [DR. (SHRI-MATI) NAJMA HEPTULLA]:
I know.

SHRI DIPEN GHOSH: How do you know unless I tell you?

THE VICE-CHAIRMAN [DR. (SHRI-MATI) NAJMA HEPTULLA]:
Because every Member naakes important points only.

See how these private agencies 5 P. M are doing the job. I am quoting from a report given by the Bombay cell of the Reserve Bank of India.

During 1979-80 there were a number of complaints received on account of the quality from the importers abroad. In the case of commodities certified by Government agencies, the total number was 92, During 1980-81 it came down to 63. In the case of commodities certified by Government agencies the number of complaints came down, while in the case of commodities certified by private agencies the number rose up. During 1979-80 it was only 17, but during 1980-81 it rose to 43. The private agencies are playing havoc with the work entrusted to them.

Madam you know it came out in papers also that some consignments of Basmati rice sent to the USSR were returned by the USSR Government on the complaint of quality.

The Vice-Chairman, (Shrimati Margaret Alva) in the Chair].

And there was a big person behind it It was Dhiren Brahmachari and one Mr. Goel who entered into the export of Basmati rice. And it was returned.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA); Please conclude.

SHRI KALYAN ROY (West Bengal): Oor time may also be given to him.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA); We 'do not have joint accounts.

SHRI DIPEN GHOSH: Another consignment sent by one Rana Traders through Kandla port. Some Basmati rice was returned. And, Madam, you may be surprised to know... (*Time Bell rings*) that the total exports of Basmati rice more than what it is produced in our country. In any year you will find that the export is more than. ..

SHRI NIHAR RANJAN LASKAR:
Who has given you all these figures?

SHRI DIPEN GHOSH; I Can give you— because it is piled up. Foreigners cannot distinguish between Basmati and other varieties. Similar is the case of Darjeeling tea. (*Time Bell rings*). It is exported more than it is produced. I want to say ihai the quality control and pre-shipment inspection measures are being violated by private agencies. The Government is under pressure of the private sector and under such pressures, it has failed to bring more commodities under the purview of compulsory quality control and pre-shipment inspection. Under pressure from the private sector lobby the Government is modifying the exercises in respect of even commodities which have already been brought under the purview of this Act. (*Time Bell rings*).

I am concluding. Instead of taking up noie and more the job of compulsory pre-Soipment by Government agencies, private agencies are being 'allowed to operate in this field. So, I categorically demand of the Minister to bring a comprehensive Bill with necessary provisions so that more and more exportable commodities can be brought under this Act, And instead of giving a right to the private

agencies to operate in this field, the nvernment agencies should tradertake 'he job. Thank you M'adam.

श्री रामचन्द्र भारद्वाज (बिहार): महोदया, मैंने पिछले वक्त भी देखा है और अपने मित्र को भी बड़े ध्यानपूर्वक सुन रहा था। बात सही है कि विदेश व्यापार किसी भी देश के अर्थतंत्र की रीढ़ हुआ करता है। विदेश से हम विदेशी मुद्रा अर्जित करते हैं और उस विकास के कार्यों में लगते हैं, इसलिए उसका महत्व देश के विकास और प्रगति के कार्य के लिए है। किन्तु मुझे इस पर आश्चर्य होता रहा है कि विदेश व्यापार के नाम पर किस-किस तरह के हथकण्डे चलाये गए हैं। पिछली दफा भी जब श्री प्रणव मुखर्जी वाणिज्य मंत्री थे तो मैंने एक ध्यानाकर्षण प्रस्ताव दिया था जब ब्रंडेज में बेंकटीरिया यहां से निर्यातित कर दिये गये थे। उन्होंने अपने इलाज के लिए बेंडोज मंगाये थे और उनमें कोई निकले और वहाँ गाँदामों में उसको सड़ा दिया गया। चप्पल 60 लाख की गयी और वह नाकामयाब साबित हुई। इसी तरह वहाँ शाल की भी हालत हो रही है, हंडीक्राफ्ट की भी वही हालत हो रही है। लुधियाना में शाल बनता है और काश्मीर का शाल कट कर एक्सपोर्ट होता है। उसमें कोई नुकसान नहीं है यदि हम यह साफ-साफ कहें कि यह लुधियाना का शाल है, यह काश्मीर का शाल है और उसके मताधिक हफ श्राटक का बाहर सामान भेजे जिससे कम से कम हमारी सन्चाई बाहर बची रहेगी तो हमारी साख भी बची रहेगी। कल मिला कर यह काम जो हो रहा है वह विदेशों में हमारी साख को गिराने वाला हो रहा है यह राष्ट्रवैरोधी कदम है।

अभी हमारे मित्र ने बासमती चावल की चर्चा की। मैं उनकी बात को मानता हूँ कि बासमती चावल जिस मात्रा में हम बाहर भेजते हैं उस मात्रा में हमारे यहां उपज तक नहीं होती। मगर उन्होंने कुछ बात शायद उसमें छिपा ली है कि बासमती के नाम पर परमल कौन लेता, कौन देता है। कौन उसके बीच में एजेंसी है, और उसके बीच कीमत का जो अन्तर पड़ता है वह पैसा किस काम में जाता है, वह मुझ से ज्यादा माननीय मित्र जानते होंगे और उन्हें अच्छी तरह पता होगा। यह एक बुराद घटना है, मगर इसमें सरकार का कोई दोष है ऐसा मैं नहीं मानता। यह अन्दरूनी तरीके से किया जाता है। हाँ, सरकार से मैं यह आशा जरूर करता हूँ कि सरकार इस पर निगरानी रखेगी।

दाजीलिंग चाय की बात उन्होंने कही। दाजीलिंग में कोई चाय नहीं होती-शायद उनको नहीं मालूम यद्यपि वह बंगाल से आते हैं कि दाजीलिंग में चाय की बलेंडिंग होती है, जिस चाय की बलेंडिंग होती है वह यहां कहीं से किसी मात्रा में आ सकती है और बलेंडिंग हो कर वहाँ से दाजीलिंग चाय के नाम पर निकल सकती है। मुझे इस तर्क में कोई अहमियत दिखाई नहीं देती, इस लिए मैं उस नगण्य मानता हूँ, जिसमें उन्होंने बहुत महत्वपूर्ण तर्क और तथ्य की मंजा दी है।

महोदया, कुछ कमियाँ हैं, हमारे यहां कमियाँ रही हैं। हमने यह संकेत किया है पहले भी और उन कमियों का फल भी हम भोग रहे हैं। आज विदेश व्यापार में हमारा हिस्सा एक प्रतिशत से ज्यादा नहीं है जबकि कोरिया और जापान जैसे छोट-छोटे देश 20-20 प्रतिशत तक विदेश व्यापार कर रहे हैं। इसमें देश को हानी हो रही है। इस हानि को रोकने के लिए विदेश व्यापार को आगे बढ़ाने के लिए जो कदम है उसमें यह जो कदम है, यह जो संशोधन है इस में कुछ कड़ाई होगी और इससे विदेश व्यापार आगे बढ़ेगा इस की ज़रूरत पूरी आशा है और इस के लिए मैं वाणिज्य राज्य मंत्री को बधाई देता हूँ। साथ ही कुछ कमियाँ हैं जिनकी ओर मैं ध्यान दिलाना चाहता हूँ और सम्भव है वाणिज्य राज्य मंत्री जी का ध्यान उस ओर गया होगा। जैसे लौह कनिज

[श्री रामचन्द्र भारद्वाज]

की बात है, मद्रास में उसकी जांच होती है और नवादीप और कलकत्ता से उसे रवाना किया जाता है। यहाँ तो एक मूहल्ले से दूसरे मूहल्ले तक जाने में पूरी कार या पूरा ट्रक बदल दिया जाता है, अगर वह सामान कहीं से जांच होकर निकले और इतनी दूरी उस तय करनी पड़े तो उसकी कोई गारन्टी नहीं रह जाती कि वह सामान उसी रूप में जिस रूप में हमारे यहाँ से क्वालिटी कंट्रोल का प्रमाण-पत्र लेकर निकला है जहाज पर भी चढ़ गया है। इसके लिए उनकी कौन सी एजेंसी है, मैं नहीं जानता किन्तु जहाँ तक प्राइवेट एजेंसीज का सवाल है, मरे मित्र ने अभी कहा कि 38 एसी प्राइवेट एजेंसीज हैं मुझे 60 की खबर है, पता नहीं बात किसकी सही है, मगर प्राइवेट एजेंसीज क्यों आपरेंट कर रही हैं सरकारी एजेंसीज की सदस्य संख्या नये संशोधन के अनुसार आपने 11 से बढ़ाकर 15 कर दी है। लेकिन इस बारे में मैं कहना चाहता हूँ कि जब 11 से आज तक कुछ नहीं हुआ तो चार और बढ़ाने से क्या होगा। यह तो मंत्री महोदय ही बतायेंगे, हमारी समझ में नहीं आता क्योंकि लगता है कि जैसे लोगों को इनमें लेना चाहिए वैसे लोम नहीं लिए जाते। उन्हें एक्सपोर्ट होना चाहिए, उन्हें मुस्तैद होना चाहिए और हर चीज पर नजर रखने की उनमें दूरदर्शिता होनी चाहिए। मैं समझता हूँ कि जब भी ऐसा कुछ होता है, कर्मटी या कारपोरेशन या एजेंसीज बनाई जाती हैं तो इस पर भी ध्यान रखा जाए कि कैसे व्यक्ति उसके लिए मनोनीत हों। 11 के बजाय आप 15 कर दें या 25 कर दें, तब भी कुछ नहीं होगा अगर व्यक्ति ठीक नहीं होंगे। इसलिए मेरा निवेदन है कि जो आगे मनो-नयन होगा उसमें माननीय मंत्री जी इसका ध्यान रखेंगे कि कैसे लोगों से हमारे देश का हित सुरक्षित रहेगा।

एक्सपोर्ट और इंपोर्ट एक दूसरे से लगे हुए चीजें हैं। जहाँ तक निर्यात का सवाल है आप लाइसेंस किसी का देते हैं, प्रमाण-पत्र किसी को देते हैं और सामान किसी का होता है। यह भी एक तथ्य है जिससे सारा देश जानता है कि दूसरे के नाम पर प्रमाण-पत्र या लाइसेंस लेकर दूसरे

व्यापारी उस पर काम करते हैं। अगर आपने उनके ऊपर रुपये का जुमाना लगाया या आपने उनका लाइसेंस कौंसिल कर दिया तो इससे उनको कोई फर्क नहीं पड़ता क्योंकि उनके पास एक्सपोर्ट के कई लाइसेंसों से उपा-लब्ध रहते हैं। इस सम्बन्ध में मैं निवेदन करना चाहूँगा कि माननीय राज्य मंत्री जी इस पर नजर रखें और ऐसा प्रदन्ध करें कि जिससे चाहे जिस चीज का लाइसेंस हो, जिस व्यक्ति को कार्य करने का लाइसेंस मिला है वही करें, उसके नाम पर दूसरा व्यक्ति न करें। अगर दूसरे के नाम पर दूसरा काम करेगा तो फैसेगा तो वही या कौंसिल होगा तो उसका, लेकिन असल व्यापारी का काम चलता रहेगा। इसलिए इस पर सख्त नजर रखने की जरूरत है। इसी से जुड़ा हुआ इंपोर्ट है। उसमें भी मुझे जानकारी है कि एक राज्य सरकार ने विदेश से सीमेंट मंगवाया अपने यहाँ इन्टोमाल के लिए। कांडला में वह सीमेंट पहुँचा और दूसरी राज्य सरकार के हाथ उस सीमेंट को वहीं बेच दिया गया। इसमें दोषी राज्य सरकार नहीं है, मगर उनके जो अधिकारी हैं उन्होंने शायद लिख दिया कि अब जो सीमेंट इतनी दूर से आया है इसकी हमको जरूरत नहीं रही और काफी दिनों तक इसको रखते हैं तो यह पत्थर ही जाएगा और हमारे काम नहीं आएगा। इस तरह से दोनों तरफ से मुनाफा, स्टेट को बेचकर भी हा गए और अपने यहाँ मार्जिन था ही, आपस में बातकर मिलीभगत से भी हा गए। इसकी जानकारी मैं देना चाहता हूँ माननीय राज्य मंत्री जी को और चाहता हूँ कि इस तरह से कोई सामान एक्सचुअल यजर के नाम पर लेता है और इस तरह से अगर कोई सरकारी एजेंसी या इस तरह का व्यक्ति कर सकता है तो दूसरों से आप क्या अपेक्षा रख सकते हैं? इसलिए दोनों ओर कड़ी नजर रखने की जरूरत है। तभी विदेश व्यापार में हम सफल होंगे। अतएव महोदय, अभी जो इनका संशोधित विधेयक है, यह जो नया संशोधन पुराने विधेयक में लाया गया है उसका मैं पूर्ण दिष्ट से गंभीर शस्त्र इनके हाथ में नहीं मानता हूँ। इन्होंने 11 ख (1) में लिखा है "यदि परिपक्व का कोई अधिकारी या कर्म-चारी या धारा 7 की उपधारा (1) में नि-दिष्ट किसी अधिकरण का कोई अधिकारी

या कर्मचारी या इस धारा की उपधारा (2) में निर्दिष्ट परीक्षण गृहों के सर्वेक्षक या नमूना परीक्षक या कोई कर्मचारी कोई ऐसा कार्य या बात करने के लिए उपयुक्त होगा या कोई करार करेगा, उसे करने से प्रविरत रहेगा, उसकी अनुज्ञा देगा, उसे छिपायेगा या उसके प्रति मानानुकूल रहेगा जिससे कि इस अधिनियम के किसी उपबन्ध का उल्लंघन हुआ है या हो सकता है, तो वह दोषसिद्धि पर कारावास से, जो दो वर्ष तक का हो सकेगा या जर्मनी से जो पांच हजार रुपये तक का हो सकेगा, या दोनों से, दण्डनीय होगा।

मैंरा आपके माध्यम से राज्य मंत्री जी से यह निवेदन है रुपये का दण्ड व्यर्थ है। यह तो रुपये का व्यापार है। जो एक्सपोर्टर है इम्पोर्टर है उनको दो हजार, पांच हजार या पांच करोड़ का कोई फर्क नहीं पड़ता यह केवल आइवाश की बात है। आप यह कर सकते हैं कि नेशनल सप्लायरिटी एक्ट के अन्दर उन्हें दण्ड कर दें या कोई कठोर कारावास की सजा देंगे तब ही आप सफल हो सकते हैं। इन सुझावों के साथ मैं इस विधेयक का प्रयत्न से स्वागत करता हूँ और यह कहना चाहता हूँ कि यह आगे बढ़ता हुआ इस दिशा में एक कदम है और बाद में कोई कम्प्रेहेंसिव बिल ऐसा आयेगा, कोई सर्वांगीण विधेयक इस सदन में प्रस्तुत होगा जिसमें ये सारी बातें समाहित होंगी। ऐसी मुझे आशा है। धन्यवाद।

श्री सुशील चन्द्र भून्त (हरियाणा): माननीय महादया, यह जो बिल लाया गया है और जिस उद्देश्य से लाया गया है मैं उसकी सराहना करता हूँ। लेकिन यह आर्थिक मन से लाया गया है। इसमें मैं समझता हूँ तीन चार चीजों की कमी है। पहला प्रश्न तो यह उठता है कि हमारे यहां से बाहरी मुल्कों का माल जा जाता है वह दो तरीकों का समझा जाना चाहिए। एक तो बिल्कुल रा-मैटीरियल है और दूसरे फिनिश गूड्स हैं। इस फिनिश गूड्स में इजीनिटीरिंग गूड्स भी हो सकता है और मैन्यफैक्चरर गूड्स भी हो सकता है। इसमें कोई शाखाएँ बन सकती हैं। जब हमारे इस देश से माल जाता है दूसरे देशों को तो आँख मीच कर कोई खरीदता नहीं है

और धाँसे से कोई बचता नहीं है। खरीद-फरोख्त जिस आधार पर होती है वह एग्सीमन्ट आपके पास रजिस्टर्ड होनी चाहिए। उसका सैम्पल भी आपके पास होना चाहिए। इससे आगे उसका चेक-बैलेंस रह सकता है कि जो माल दिया गया है वह सैम्पल के मुताबिक है या नहीं। एग्सीमन्ट में जो चीजें थी, उसके हिसाब से माल है या नहीं। ऐसी चीज क्वालिटी का भी कोई दफा पीते का मैक्रा एक्सापोर्ट हूँ। उन्होंने कहा कि दार्जिलिंग के स्टैण्डर्ड की नहीं थी। मैं भी चाय पीता हूँ और कई दफा दिन में पी-लता हूँ और चीज क्वालिटी का भी कोई दफा पीते का मैक्रा मिला। यह नहीं कह सकता हूँ कि जो हमेशा चाय पीता है वह यह कह सके कि दार्जिलिंग टी है या नहीं। चिन देशों के अन्दर एक्सपोर्ट होता है वह यह कह दें कि दार्जिलिंग टी है या नहीं है, बहुत मुश्किल है, कठिन है। मान लीजिए उन्होंने कहा कि दार्जिलिंग टी भंज दीजिए। इन्होंने दार्जिलिंग टी खाना कर दी लेकिन वहाँ से रिजेक्ट कर दिया कि यह वह नहीं है। तो सैम्पल के हिसाब से अगर खरीद फरोख्त होगी तो चीज का सही अन्दाजा लगाया जा सकता है। इसी तरह से जूते सप्लाइ किए गए, सप्ले सप्लाइ की गई इटली को। कई दफा वे मुल्क यहां आते हैं और मामूज में खरीद कर अपने यहां ले जाते हैं। उसी तरह से रशिया ने बूट-खरीदें थे। मैंरा कहना यह है कि एक परीट-कूलर बेल्यू रेंज के अन्दर कोई चीज खरीदी जाती है तो उसी ईष्ट से उसका देखा जाना चाहिए। फर्स्ट क्वालिटी के खरीदते हैं या किस प्राइस रेट पर खरीदते हैं, ये सारी चीजें देखने की जरूरत है। आपके पास कोई एजेंसी, कोई आफिस आफिसर या कोई डिपार्टमेंट होता है जो एक्सपोर्ट आइटम की क्वालिटी को चेक करता है। यह तो ठीक है। लेकिन वह यह चीज किस आधार पर करता है, किस के माध्यम से करता है, यह देखने की चीज है। सिर्फ ट्रेडर्स को परेशान करने से कोई फायदा नहीं है। अगर एग्सीमन्ट इस प्रकार का है कि उसमें सब-स्टैंडर्ड किस्म का माल भंजा जाता है तो उसमें सब-स्टैंडर्ड का प्रश्न एराइज नहीं होता है। वाकई में अगर माल खरीदने वाले के साथ कन्ट्रैक्ट इस प्रकार का हुआ है कि उसको खरीदने वाले

[श्री सुशील चन्द्र महन्त]

भेजा जाना है, लेकिन फिर भी सब-स्टैंडर्ड माल भेजा जा रहा है तो उस पर जरूर कार्यवाही की जानी चाहिए। इस चीज को देखने के लिए जरूरत इस बात की है कि जो एग्सीमन्ट हां वह आपके पास रजिस्टर होना चाहिए। उसके सम्मेलन आपके पास मौजूद होने चाहिए।

दूसरी बात मैं यह कहना चाहता हूँ कि आपने इसके अन्दर 875 आइटम्स को रिवर्य किया है जिन पर क्वालिटी कन्ट्रोल किया जा सकता है। आपने इसकी सूची तैयार की है। अगर हमारे देश के नाम का प्रश्न है और हमारे देशवासी जो सामान बेचते हैं उसमें थोड़ा-थोड़ा न हो, इसका प्रश्न है तभी हमें यह देखना चाहिए कि हमारे देशवासी वही माल और उसी स्टैंडर्ड का भेजें जैसा उन्होंने एग्सीमन्ट किया है। हमारे मूलक को डीलिंग सारी दुनिया के मूलकों के साथ हांती है। आपने इन 875 आइटम्स को तो टेस्ट कर लिया, लेकिन बाकी चीजों को नहीं देखा तो सारी बनी बनाई बात बिगड़ जाएगी। मेरा कहना यह है कि हमारे देश से जितना भी माल एक्सपोर्ट होता है उसमें हर एक के ऊपर आपका नियंत्रण होना चाहिए। कोई भी माल ऐसा न जाए जिससे हमारे देश का नाम बिगड़े। विदेशों में कई ऐसे मूलक हैं जिनके बारे में यह कहा जाता है कि उनका माल आँख मीचकर लिया जा सकता है। यह बात आप अपनी एग्सीमन्ट के लोगों से पूछ सकते हैं। वे लोग जैसा कहते हैं वैसा ही माल निकलता है। हमारे देश में भी ऐसी ही परम्परा होनी चाहिए, ऐसा ही नाम हमारा भी होना चाहिए। बाहर के मूलकों में अमेरिका की चीजें बिकती होती हैं, जापान जो चीजें बनाता है वे भी बहुत अच्छी होती हैं। हमारे यहां भी जो चीजें बिकती हैं, जैसे कारें, साइकिलें हैं या इलेक्ट्रॉनिक्स गृह हैं, वे काफी अच्छे बन सकते हैं। हाँ सकता है कि ये उस क्वालिटी की न हों, उतनी सस्ती भी न हों, लेकिन कन्ट्रोल के मुताबिक जो सम्मेलन है उसके हिसाब से हमारा माल पूरा बैठता है या नहीं, इस चीज को देखा जाना चाहिए। स्वामशवाह दूडर्स को परेशान करने की कोशिश नहीं की जानी चाहिए।

मैं चाहता हूँ कि इस प्रकार का प्रावजन इस एक्ट के अन्दर जरूर होना चाहिए। इटली को 60 हजार चप्पल सप्लाई की गई। बाद में यह पता चला कि वे सब-स्टैंडर्ड निकली। आपने उस मामले को सी. बी. आई. को जांच करने के लिए दे दिया। सी. बी. आई. उसकी जांच कर रहा है। लेकिन मैं यह पूछना चाहता हूँ कि किस आधार पर आप यह जांच करवा रहे हैं? इसके लिए आपके पास कोई ऐसे चीजें होनी चाहिए जिसमें आप यह पता सकें कि वह माल सब-स्टैंडर्ड है। क्या उन चप्पल को सिलाई में, बनावट में या दूसरी किसी चीज में कमी है? इसका नालंज तब तक नहीं हो सकता जब तक आपके पास उसका कोई सम्मेलन न हों। मैं यह कहता हूँ कि वैसे यह विधेयक ठीक है। इसमें आपकी ज्यादा आइटेम्स इन्क्लूड करना चाहिए। कुछ चीजों को प्राइवेट एजेंसीज के माध्यम से चीकंग होती है। हाँ सकता, सरकारी एजेंसीज पूरा काम नहीं कर पाती हैं। इसलिए प्राइवेट एजेंसीज को भी इसमें रखा जाता है। आप प्राइवेट एजेंसीज को भी इसमें रल सकते हैं, उनका उपयोग कर सकते हैं। लेकिन इस बात में भी ध्यान है कि अगर प्राइवेट एजेंसीज गलत काम करती हैं तो वे भी उतनी ही गुनाहगार हैं जितनी सरकार है। इसीलिए प्राइवेट एजेंसीज के खिलाफ भी कार्यवाही की जानी चाहिए। इतना ही कहकर मैं अपनी बात समाप्त करता हूँ कि इस देश में जो आपने ये 875 आइटम्स इन्क्लूड की हैं उनकी तरफ तो आप ध्यान दें, और दूसरी चीजों की तरफ भी ध्यान दें।

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh); Madam, Vice-Chairperson, the Bill before us seeks to make some amendments in the Export (Quality Control and Inspection) Act, 1963. The amendments seek to make the Act more stringent and remove whatever lacunae or deficiencies are there in the Act. So far as the scope of the Bill is concerned, it seeks to provide for the development of the export trade of India on sound and stable lines through quality control and inspection and matters connected therewith.

So far as the Statement of Objects and Reasons is concerned, it says that this legislation has been moved with a view to removing certain deficiencies, inadequacies and lacunae in the principal Act. I would like to know from the Minister whether the Government has taken all the necessary steps to implement that Act. Of course, the language and the aim behind the Bill seem to be laudable, but you yourself have come to the conclusion that there are some deficiencies and lacunae in the Act. Certainly some facts would have come to your light and that is why you have felt the necessity of amending the present Act. So, has the Government taken all necessary steps to implement that Act?

Before I go to the general matter, I would like to comment on the clauses which have been brought in (the Bill. Clause 3 says in section 3 of the principal Act, in sub-section (1) in clause (f), for the word "eleven", the word "fifteen" shall be substituted." I would like to know, what is the logic behind this change of number from 11 to 15? Why not 18 or 20? The question is not of changing the number but of implementing it with sincerity and efficiency. You have to prevent the deficiencies, inadequacies and abuses in the Act and that cannot be done just by decreasing or increasing the number, that is not the question before us.

Secondly, in clause 4 of the Bill you have said:

"In section 7 of the principal Act,—

(a) after sub-section (3), the following sub-section shall be inserted, namely:—

(3A) Where the agency has reason to believe that a certificate issued under sub-section (3) has been obtained fraudulently or by misrepresentation, or the commodity, in relation to which the certificate is issued has been changed or has deteriorated in quality, the agency may, by order, amend, suspend or cancel the certi-

ificate in such manner and subject to such procedure as may be prescribed."

Here you 'have used the words 'misrepresentation', 'fraudulently', etc. I would like to know, what is the Government thinking about those who have already obtained certificate by misrepresentation?

SHRI NIHAR RANJAN LASKAR:
We were helpless because there was no provision.

SHRI B. SATYANARAYAN REDDY:
That is true. I congratulate you for that. You have to put an end to that difficulty and that is why you have brought forward this legislation, but I would like to know whether those agencies, traders or persons who have obtained the certificate by misrepresentation or fraudulently, will be taken to task. What is the number of such persons, agencies or traders against whom prosecutions have been launched, or punishment has been given- (Interruptions). The same persons may use this amended Act and commit the same mistake, same crime. So, what action have you taken against those traders, agencies and persons who have misrepresented or fraudulently taken these things? This is the most important thing. Simply, adding of some clause won't do.

Then there are three or four more amendments sought to be made through this amending Bill. (Time bell)
I have not taken even five minutes.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): I am just warning you that your time is running out.

- SHRI B. SATYANARAYANA REDDY:
Secondly, So far as the existing provisions are concerned, once a certificate of export worthiness is issued in respect of a commodity through an export inspection agency, it cannot be withdrawn even if there are reasons to believe that the certificate was issued wrongly. This was the provision in the previous Act, Now you are amending it. That is good.

[Shri B. Satyanarayana Reddy]

But I would like to know, as I stated earlier merely changing the words of the clause will not help, what action would be taken. *U* is action and implementation that is needed.

Thirdly, the present Act provides for prosecution only in case of fraudulent use of export worthy certificates or other violations of the Act. The present Bill provides for the entry, inspection and search of premises etc. I would like to know in this connection, it is true that you enter into the premises, you confiscate the goods and you do all such things to prevent the commission of crime, but here clause 10 H says

"Whenever confiscation of any commodity is authorised by this Act, the officer adjudging it shall, without prejudice to the provisions of the proviso to section 10G, give to the owner of the commodity an option to pay in lieu of confiscation such fine not exceeding the value of the commodity".

Now he will readily pay fine equal to the value of the commodity. He is prepared to pay that because he takes a chance. If he escapes, he will earn ten times; if he is caught, he will pay the value of the commodity. I do not think this clause will help in preventing the mischief being done by these traders. So it would request the Minister to modify or have some other provision instead of this clause.

As far as the other things are concerned (*Time hell rings*), my friend, Mr.

Ghosh, has quoted one report, so far as private agencies are concerned. This is very important. He has quoted Mani Narayanaswamy Report." According to that report, he has mentioned about basm'ati rice, and while giving reply in the Lok Sabha the hon. Minister has denied this. He has said that the basmati rice which has been exported has not exceeded the rice that was produced in the country. I do not know whether the Minister's reply is correct or the report which has been presented by Mr. Narayanaswamy is correct.

So far as other items are concerned, I would like to draw the attention of the Minister to the fact that private agencies are playing havoc. (*Time bell rings*).

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Mr. Reddy, please conclude.

SHRI B. SATAYANARAN REDDY: Inferior tobacco has been supplied to China. I would like to know categorically from the Minister whether the persons or the agencies which were responsible for supplying inferior tobacco to China have been punished. We have read in the reports that the Chinese Government has taken firm action against the persons who were responsible there. But the Government here has not taken, it seems, any action against persons who were responsible.

Like that other items are there (*Time hell rings*) Leather goods are there specially chappuls that have been supplied to Italy, or other filings tinned foods which have been supplied by our traders to USA and other countries. It has been reported that quality goods have not been supplied, but faulty and inferior goods have been supplied. What action has been taken by the Government to curb these private agencies because they are bringing bad name to our country. So we have to keep the name of our country high in the world. So I would like to know from the Minister, whether he would take all precautions not to tarnish the image of the country. So far as other points which I have raised are concerned...

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) It is just like this bell which is sub-standard. You cannot hear it at all.

SHRI B. SATYANARAYAN REDDY; ...I would request the hon. Minister that he might consider them and give satisfactory replies.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Thank you very much Mr. Jaswant Singh.

SHRI B. SATYANARAYAN REDDY: Why are you so 'anxious to finish this? Kindly give sufficient time to Members to express their views. You are ringing the bell and I am confusing myself. What time you want to give you give it. When you ring the bell my ideas are going away.

AN HON. MEMBER: You give a signal and not ring the bell.

VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): You get confused. I get worried because the time is short.

SHRI JASWANT SINGH (Rajasthan): Madam, I will try and...

SHRI SITARAM KESRI (Bihar): I think the bell will not confuse Mr. Jaswant Singh.

SURI PARVATHANENI UPENDRA (Andhra Pradesh): He is a hard nut. ...
(*Interruptions*) . . .

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Please don't waste time.

SHRI JASWANT SINGH: Please tell me how much time I have.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Seven minutes.

SHRI JASWANT SINGH: I will try and adhere to seven minutes,

SHRI B. SATYANARAYAN REDDY: But, Madam... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): I said five, but I gave you eight minutes.

SHRI JASWANT SINGH: Madam, I understand the rationale behind and the importance of this Bill, also understand the consequences of not having stricter quality control as far as export is concerned. The hon. Minister explained about

numbers of items, 875 in all and constituting 42 per cent. I could not understand whether it is 42 per cent in volume or 42 per cent in value, of the trade. I am unable, however, to go along entirely with what my honourable colleague, Mr. Ghosh. has said or entirely with what the Minister has said.

Trade is essentially a private activity which is being carried out. The remedy suggested by the hon. Member is worse than the ailment. The hon. Member should let there be more Government control. Let there be more Government agencies and eliminate the private element altogether. Then he goes on to give an example of export of certain quantities of rice and certain other items which, in fact, are illustrative of the very corruption which results when there is excessive governmental control and that is precisely my observation as far as this Bill is concerned.

(*Interruptions*) .

SHRI PARVATHANENI UPENDRA: It is an aside.

SHRI JASWANT SINGH: It is not an aside. If they wish to hold a consultation . . .
(*Interruptions*)...

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): You please address the Chair.

SHRI JASWANT SINGH: Madam, I am addressing you.

SHRI DIPEN GHOSH: So long as Mr. Sitaram Kesri is there.

SHRI JASWANT SINGH: The hon. Member, Madam, is just as it is not axiomatic that if you have law you necessarily have justice, it is also not axiomatic if you have more and more laws you are going to catch more criminals. That is precisely the observation I would like to make. The more this Government come across difficulties in the implementation of existing laws the faster it moves towards making more stringent laws not

realising that the flaw is not in the law. The flaw is in the implementation of the existing law. Therefore, whereas I welcome that you wish to have more quality control and that the image of Indian exports must improve you will not improve the image of Indian exports merely by having more laws.

Now I will come to some of the other substantive issues. I do not want to endlessly go on with that malodorous case of export of Basmati rice. I would like to draw your attention to a very illustrative case of the export of garments during the Emergency which came up...

SHRI DIPEN GHOSH: Sanjay's.

SURI JASWANT SINGH; I am not going into any names; I do not know who owned that concern and what happened. But the fact remains that it was on account of corruption of governmental agencies or pressurisation on government agencies that corruption resulted. I would leave as a question with the Minister, though it is slightly outside the ambit of the present Bill—why actually do we export? What is the purpose behind export? If we attempt to go beyond the superfluities of the answer that the reason for export is to earn foreign exchange, it is not as simplistic as that why do we export? Therefore, from fear it lead to this legislation of controls, of whatever export promotion facilities that you wish to impart to our Then a suitable answer will come. I will leave it as a thought with the Minister. Do examine why do we export, what is the rationale behind exports. Is it merely to earn foreign exchange? I do believe that is not the only reasonable means exports. Therefore, I would like to conclude, Madam by reiterating that, plethora of laws does not mean that you will catch more criminals.

Mos. certainly we have an opportunity here with the impending demise of Hong Kong as a great trading area. it is an opportunity that India should see. I am not suggesting that India should ring it-

self with various Hong Kongs, but this ' is just to illustrate that with the demise of Hong Kong, with its huge export of textiles, for instance—today Hong Kong is contributing to EEC, the Eastern bloc countries, the whole of the United States—this is a great opportunity for the country. Now had it not been for the fact that we mishandled the question of textile exports precisely on the aspect of quality, we would have been in a position to replace Hong Kong and capture the textile trade. There are two suggestions. But, before that, there is one observation which I am unable to understand. The hon. Minister has said that there are prohibited commodities for which the Government reserves the right to have waiver of certification. There are prohibited commodities which you wish to, export. Now I am unable to understand the rationale of the Government having the right to Waive the certification on prohibited items, then the Bill does not itself explain. Perhaps the Minister would elaborate it. Standards are important. Hence we have the Indian Standards Institute. Would the Government consider the involvement of the EXIM Bank? We have recently incorporated the Export-Import Bank, promoting exports and assisting in imports. Now rather than having over-bureaucratised, over-centralised, more and more governmental agencies doing the same thing, why not have an agency like that bank is worth considering. I will conclude by that. I have taken exactly 7 minutes.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA) Congratulations. Thank you. Shri Matto, the last speaker.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir); Madam Vice-Chairman, thank you for giving me an opportunity to speak on the subject. The Export (Quality Control and Inspection) Act became operative from 1st January, 1964. With the passage of time, it is important that there are certain lacunae found the operation of that Act, and this amendment comes to us in the shape of plugging those lacunae. I have

only to say that in respect of what Mr. Dipen Ghosh was saying, I will give an instance in order to appreciate the rationale of the Bill. I would like to tell Mr. Dipen Ghosh that during the last four or five years an inspector in the Inspection Wing of the Committee in Delhi was ready to spend one lakh of rupees to be posted in Delhi, simply because there was export of garments being done from Delhi and this was a prized post, the Government, in their opinion, must say, did away with the inspection of garments, and today those sectors, I can tell you on the basis of my information are very much aggrieved (quality control inspection is not being done). My point is, wherever quality control is needed, it must be left to the Government to see as to the commodities in which quality control inspection is necessary. But the role of the Export Inspection Council has also to be considered. In my opinion, the advice of the Export Council must also be taken as to which items can come under pre-shipment inspection and which items cannot.

Now Madam Vice-Chairman. I come to the original Act and there the observations that I want to make are important because I have some experience about it.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Are you export-

GHULAM RASOOL MATTO:

Yes. This Act gives very huge powers to the inspection agencies. Clause 10A

the Director of Inspection and Central Government authorised by Quality Control or any officer of the Central Government authorised by him in writing in this behalf (here-referred to as the "authorised officer") may enter at any reasonable time, any premises..'

and so on- I would request the hon. that he has to frame rules and that while framing the rules he must take into consideration that the officer who is authorised to conduct the search

of the premises, seizure of the books, etc. under the amended Act, should not be below the rank of Deputy Director. (He should not be an Inspector. If you give these powers to an Inspector, you will be giving sweeping powers, and that will create a lot of trouble. And I must tell you that in that case this Act will be counter-productive, and the this Act has been enacted will be lost. So, while framing the rules, the "authorised officer" as mentioned in clause 10A, must not be below the rank of Deputy Director (Inspection). Otherwise, an ordinary Inspector can come. There are about 10 sections in this Act, under which any thing can be done by the "authorised officer". This is very important, and this may kindly be taken note of.

The second point that I have to make, Madam Vice-Chairman, is that with regard to the penalties it has been stipulated that officers are also to be penalised under clause 11 B(1). But I feel that this clause, needs further elaboration. This clause reads;

"... of that section enters into, or acquiesces in, any agreement to do, abstains from doing, permits, conveys or connives at, any act or thing whereby any provision of this Act is or may be contravened, he shall, on conviction, be punishable with imprisonment ..."

But this does not very clearly stipulate that you are going to penalise an officer who has * connived in giving a false inspection certificate. You are also taking powers under this Amendment Bill to annul that certificate issued by officer

(Time bell rings) After you annul the certificate, that particular officer who had issued the certificate must also be punished under the same Act. But this needs elaboration, and while framing rules you must bring under their ambit these officers also who connive at issuing false certificate, because this is not very clear from this, and this needs to be clarified.

[Shri Ghulam Rasool Matto] Lastly, Madam, because you have rung the bell, I would request the hon. Minister for this. On the Export Inspection Council representation is not given to different regions which help in the export of certain commodities. Jammu and Kashmir is a State which contributes a lot to the export promotion. So, in the Export Inspection Council, a representative of Jammu and Kashmir must also be included.

With these observations, I support the Bill. But I again say that while framing the rules, care should be taken that these rules under which a lot of powers have been taken by the Government, are not misused by petty officers.

Thank you very much.

SHRI NIHAR RANJAN LASKAR:
Madam Vice-Chairman, really I am thankful to all the hon. Members. About five hon. Member have participated in this debate. And I must say, in principle all of them have supported this-amending measure because at the initial stage I said that it was just to make this law meet some of the lacunae which through our experience we had observed, and that we were trying to plug those lacunae and also some new provisions to see that it is more stringent. No doubt in course of their speeches hon. Members have made useful suggestions, which I have taken in to account. I think the Government will be benefited by their suggestions. But while making their suggestions they have made some points which have no relevance at all to this amending measure. They have also mentioned about the future thinking of the Government in this regard. We will consider all these points. I take their criticisms in a constructive way because, I think, they are motivated by the sole purpose of seeing the interest of the country and also the interest of projecting the right image of Indian goods in the overseas market. So this is the idea. I have nothing to dispute but rather I appreciate whatever they have contributed in this debate. But there are certain points which I think are wholly mis-
ceived. They are talking about ma-
rice. They are talking about Dar-

jeeling tea. I do not know their source of information. But I am certain that they have been mis-informed about the figures. Regarding basmati rice I have the figures and request the hon. Members and friends of this House to remove whatever little doubt they have on the figures. Our rough estimate of production of basmati rice in our country today is in the order of 2.5 to 3 lakh tonnes.

the Vice-Chairman (Shri R. Ramakrishnan) in the Chair.

So, this is the position. Then the export of basmati rice is under the O.G.L and the exports in the last few years has been as under;

Year	Quantity (tonnes)
1976-77	20,800 out of total production of 2.33 lakh tonnes.
1977-78	10,000
1978-79	67,100
1979-80	47,480
1980-81	1,37,000

Now the crucial point comes here. They must have read somewhere the figure.

1981-82	3,10
1982-83	1,78,000
1983-84 (provisional)	1.50,000

For 1983-84 we have no final figures. From the above statement the hon. Members can infer where they stand in regard to their figures.

It will be observed that exports are not more than what we are producing in our country except in the year 1981-82. I am telling you the figures. Sir, the possible reason is due to lack of export during previous two years, I have given you the

figures the country has had sufficient rice stock of basmati rice for available export to other countries in 1981-82.

SHRI DIPEN GHOSH: What is the quantity of home consumption?

SHRI NIHAR RANJAN LASKAR: During the previous two years it is 47,000 in 1979-80 and then 1,37,000 in 80-81. So, there are huge stocks of this basmati rice for the next year for export.

SHRI DIPEN GHOSH: It must have been exported from the buffer stock. Is it 3 lakh at that time. There might have been home consumption in that case.

SHRI NIHAR RANJAN LASKAR: But I am telling you the fact. Our country has sufficient stock of basmati rice available for export. This is the fact .

Now, about tea also there is some misconception in the minds of some hon. Members that we are exporting Darjeeling tea, what is not actually Darjeeling tea. This is their contention. This is totally baseless and it is not based on wrong assumption. I will give you some figures. Sir, we produce around 12- million Kgs. of Darjeeling tea. The allegation is that we are exporting 40 to 4 million Kgs. of Darjeeling tea. Our production is about 12 million Kgs. and we are supposed to be exporting four times this figure, 40 to 44 million Kgs. The fact is that our annual production of Darjeeling tea is around 12 million Kgs. around 80 per cent of this production, that is, roughly 10 million Kgs. This is the fact. Hence it is incorrect to say that we are exporting more Darjeeling tea than is being produced in our country. But it is also a fact that most of our Darjeeling tea is exported from India in bulk in unblended form and it is re-blended in the importing countries with other teas and sold in consumer packets. It is also a fact

that Darjeeling tea has earned a world-wide reputation as the champagne of teas on account of its unmatched flavour.

On account of the fact that most of our Darjeeling tea is packed and marketed abroad, we have no control over the manner or percentage of blending of Darjeeling tea with other teas. It is a fact that in the international market today, there are several brand names selling as Darjeeling tea which contain only a small portion of Darjeeling tea, the percentage of which is unspecified on the consumer packets. Hence it is commonly known among the international tea trade that the total quantity of teas sold in the name of Darjeeling tea for exceed the total quantity of Darjeeling tea produced in India. They are blending it with other teas and then selling it as Darjeeling tea. We have no control over it. We are thinking of some mechanism to check this. In order to check this situation, we are trying to ensure that the entire production of Darjeeling tea should be exported as far as possible in value-added form This would prevent the pure Darjeeling tea from being blended other impure, rough quality tea and sold under the name of Darjeeling tea. A Marketing Society consisting of producers of the Darjeeling area has recently been set up under the Tea Board to plan out a marketing strategy for Darjeeling tea to ensure optimum price realisation for the producers and the preservation of the unique qualities of Darjeeling tea. So, there is no question of India in any way attempting to export non-Darjeeling tea as Darjeeling tea. This apprehension is not correct at all.

Sir, one of the important points raised was about the coverage of items. Some Members asked: why only 42 per cent? Why not bring all the items under compulsory inspection? My friend Mr. Jaswan Singh

[Shri Nihar Ranjan Laskar]

has rightly put it. Where it is necessary, we have to do it. It is not that everywhere we have to go and check. One cannot say that everybody is corrupt, everybody is unscrupulous. I don't think that should be the approach. After all, they have their own stakes. We have to believe them; we have to trust them. We must rely on them. This should be our approach.

SHRI DIPEN GHOSH: Once a consignment is returned, then the whole image is gone.

SHRI NIHAR RANJAN LASKAR: Well, it is true that only 875 items have been brought under the ambit of compulsory quality control and pre-shipment inspection. I have already mentioned that these items constitute 42 per cent of our total exports and they represent items in engineering, food, agriculture, chemicals, allied products, footwear and its components, jute products—I will come to that point also—carpet, coir products, etc.

Sir, besides these items? notified under the Act, there are other statutory regulations which govern the quality of goods for export, namely, the Textile Committee Act, 1963, the Drugs Act, 1940, the Essential Commodities Act, 1955, the Prevention of Food Adulteration Act, 1955, the Agricultural Products Grading and Marketing Act, 1937, the ISI Certification of Mark Act, 1952, etc. So, all these

other statutory regulations 5 P.M. cover another 20 per cent

which makes it roughly 65 per cent to 70 per cent of items that we have covered so far under obligatory, compulsory, inspection. We have not stopped there. We have asked our Export Inspection Council also to go into this question and see how more items can be brought under compulsory inspection and they are going into it. Whatever

suggestions have been made by Members, you will find Sir, the Government is already moving in that direction and there need not be any apprehension on that account.

Some hon'ble Members talked about private agencies and asked, "Why private agencies? Why not totally Government agencies?" Of course, on this point also some Members differed among themselves. Some suggested total abolition of private agencies. I must assure my friends that these are agencies which were recognised by Government for items where the Export Inspection agencies did not have the necessary expertise. Only in those fields where we did not have the necessary expertise that we have gone in for private agencies ...

SHRI DIPEN GHOSH. Even in respect of items which are shared by both.

SHRI NIHAR RANJAN LASKAR: I am not telling you only in those fields. We have entrusted to private agencies where We haven't got the necessary expertise. It has also been decided that no private inspection agencies will be recognised by the Government in items for which the Export Inspection Agency had the expertise. We have also examined whether private agencies should be abolished or not. A high-power technical committee went into this and they also suggested continuance of this practice and the Government accepted the suggestion. The honourable Members might have noticed, the proposed new section 11 (V) (1) in the Act will take care of the un- i scrupulous employees of the private agencies...

SHRI DIPEN GHOSH: Taking action against employees does not mean taking action against the agency.

SHRI NIHAR RANJAN LASKAR: Some Members asked what action was proposed for erring exporters and delinquent officials. Earlier I said that due to certain inadequacies and deficiencies and lacunae in the Act it has not been possible for us to take strict measures. But after this Bill is passed, we believe it will be possible to take stringent action against erring exporters and delinquent officials. Even then I can give you some figures. In regard to erring exporters, complaints filed in court—33; fined by court—12; discharged by court—4; pending in court—17. In one case an appeal has been filed in the Kerala High Court against the acquittal of an erring exporter. Action taken against erring officers—prosecutions launched—6; convicted with fine—1; cases pending—5; removed from service—12; other penalties imposed de-partmentally—9; departmental inquiries in progress—21; investigation by CBI—2. Wherever it has come to our notice, action has already been taken. This information covers the period 1979—83, this short period.

One more point was raised, about the performance of the export agencies. The Export Inspection Council was established by the Central Government in 1964. Later on, in 1966, early 1966, Export Inspection Agencies were set up at Bombay, Calcutta, Cochin, Delhi and Madras. These agencies have 62 sub-offices throughout the country with a total manpower of 2,340 people. Naturally they include technical hands.

A review of the working of the Export Inspection Council and Export Inspection Agencies had been made in 1982 by a High Powered Committee. Pursuant to the recommendation of the Committee, number of measures have been taken for updating and upgrading the inspection standards, training progress for the manufacturers and exporters specially in the small scale sector, upgradation of quality levels in the industries,

, analysis of quality complaints, application of modern concepts and techniques for quality control, utilisation of mass-media for projecting the quality of the Indian products and lastly to generate quality culture and consciousness among the exporting community. The Quality Development Cell for this purpose has already been set up in Madras.

It is also reassuring to see that with the improvement in the functioning of the Export Inspection Agencies, the complaints on quality have come down significantly. I have figures with me. But that will take time.

One other minor point raised here is about the quantum of punishment to erring exporters and the officers proposed in the Bill. We consulted the Law Ministry, Home Ministry and others and only after their valid suggestions and approval, we have fixed the quantum. If we feel that more deterrent punishments should be given to them, we will go to them for advice.

One other point mentioned is about misuse of power given to the officers. On this point whatever suggestion has been made will be examined by the Government and very good suggestions have been made. In order to check misuse of powers, we have provided in the new Amending Bill that only the Director of Inspection and Quality Control, who is the highest officer, and who is appointed by the Central Government under section 4 of the Export (Quality Control and Inspection) Amendment Bill, 1963, or an officer of the Central Government authorised by him may exercise the above proposed powers. Mr. Malto had made this point...

SHRI GHULAM RASOOL MATTO: I had pointed out that the officer should not be below the rank of a Deputy Director.

SHRI NIHAR RANJAN LASKAR: Mr. Reddy asked why we have increased the number from 11 to 15. Everybody is asking for more items to be included. And we want more trades to be represented in this body and that is why four more are added. You have also said that there is no provision in the present Bill to amend, suspend or cancel any certificate of inspection issued by the export agency, even when there is reason to believe that the certificate issued by it has been obtained fraudulently or by misrepresentation or the commodity in relation to which the certificate issued has been changed or has deteriorated. The agency has now the authority to amend, suspend or cancel. This is the position today. Once the certificate is issued, you cannot cancel it. On this we are making a provision and now the export inspection agency is empowered to amend, suspend or cancel the certificate issued after affording a reasonable opportunity to the exporters of being heard in accordance with the rules to be made then under. We are making these provisions.

SHRI SUSHIL CHAND MOHUNTA; You have not answered my question. The agreement should be registered with the Council.

SHRI NIHAR RANJAN LASKAR: I have answered all the points and I have taken note of your suggestion and we will examine it. Sir these are some of the points which I have answered. Then, Sir, about jute and jute goods.....

SHRI DIPEN : About *basmati* rice? I want to know whether the pre-shipment inspection is absolutely done by the Government agency or the private agency.

SHRI NIHAR RANJAN LASKAR; I would like to tell you one thing Export of *Basmati* rice is under the OGL. So the importing countries on its not on our suggestion.

agencies were arranged and some private agencies were employed on their suggestion to do this inspection. But now, after all these complaints and other things, the Government has taken the step. Now, only the Government agencies will inspect them and then only it will be exported .

About jute, only one thing I would like to mention. Something has been said about the revised pattern.

SHRI DIPEN GHOSH: Modified pattern.

SHRI NIHAR RANJAN LASKAR: Yes, modified pattern. What I say you may not believe. So, I would read out what Mr. Dharia had said at that time on this issue when it was raised. What was his answer? I will just read out to you one or two lines;

"The system of pre-shipment inspection of jute products which was in vogue prior to March, 1979 was found to involve continuing deficit of more than a crore of rupees. During the year 1978-79, the deficit was of the order was Rs. 37 lakhs. With a view to reducing the cost of operation, the scheme has been made simpler. But, at the same time, it is ensured that the quality of jute products meant for export is maintained. Under the new system, the jute mills have been made responsible to maintain quality of their products. They have to declare that the goods have been manufactured in accordance with the standards laid down by the export inspection agency. They will, however, be subjected to the periodical test by the Export Inspection Council and they can be penalised if it is found to fall short of the requirements. This system is in vogue. "

He goes on like this. This is Mr. Dharia's answer when he was the Commerce Minister at that time. I hope he will be satisfied now as it is his friend's statement.

SHRI DIPEN GHOSH: Sir, I am not satisfied at all. *(Interruptions)*. I am not at all satisfied, *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): That is all right. The Minister has answered all the points. Now, I will put the motion to vote.

The question is:

"That the BiU further to amend the Export (Quality Control and Inspection) Act, 1963, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Now, we shall take up the clause-by-clause consideration of the Bill. There are no amendments.

Clauses 2 to 9 were added to the Bill.

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

SHRI NIHAR RANJAN LASKAR; Sir, I beg to move;

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Now, we go to the next item, the Delhi Rent Control (Amendment) Bill.

REFERENCE TO THE REPORTED MOVE TO AMEND THE PREVENTION OF CORRUPTION ACT.

SHRI LAL K. ADVANI (Madhya Pradesh); Mr. Vice-Chairman, Sir, before we go to the next item, I have a submission to make.

Only this afternoon I saw a copy of "The Indian Express" of Bombay and, because the House is to adjourn today, I thought I might draw the attention of the House as well as the Government to this matter that I am going to raise.

You will recall that when this House had assembled at the outset there had been grave concerns, pressed about the proposal to amend the Prevention of Corruption Act and, ultimately, in deference to tiny wishes of Members of Parliament and to the public opinion, that was abandoned. Now, the report says that on the last day of the session of Parliament, when the House is to adjourn, Mr. Antulay has come over here with fresh drafts of amendments to the Prevention of Corruption Act and that it is proposed that after the House is adjourned, there after some amendments may be made. I do not know if it is true. But, if it is not true, I would like the Government to say something on this...

SHRI PARVATHANENI UPEN- 'DRA (Andhra Pradesh); He was with Mr. Kalp Nath Rai till 4-09 A.M. yesterday.

SHRI LAL K. ADVANI: I would say that attempt should be made to convert corruption into legitimacy, and particularly if this is going to happen before the House adjourns. Government must take note of this. This is a warning for the Government. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Mr. Ghosh, if you ask for a discussion on that, it will go against you. *(Interruptions)*

Now, we will take up the Delhi Rent Control (Amendment) BiU.