

Has that been worked out? And if there is any difference, will he say whether Government will subsidise it and to what extent?

SHRI C. SUBRAMANIAM: We do not give the figures of purchase price because it varies from country to country and we will be placed at a disadvantage.

SHRI CHANDRA SHEKHAR: May I know from the hon. Minister as to what is the amount paid as subsidy for this imported rice? Is it not a fact that the Government has to spend a very large amount as subsidy to import rice? Will not any more quantity of rice imported bring more burden on the foreign exchange position and under the circumstances will he tell the country in specific terms that any more import of rice will be a ruination for this country in terms of foreign exchange crisis?

SHRI C. SUBRAMANIAM: That is one point of view with which I completely agree. But apart from that, even if we are in a position to pay for this in foreign exchange, rice is not available. Therefore it is an unavailable quantity and so any amount of agitation, any amount of *bandh* is not going to improve the matter because it is just not available, and I hope people would not take advantage of this situation and try to create difficulty.

THE DEPUTY CHAIRMAN: I think we have had enough on this; he has explained the position. Next question.

SHRI G. MURAHARI: Madam . . .

THE DEPUTY CHAIRMAN: I have passed on to the next question.

इन्कम-टैक्स अपिलेट ट्रिब्युनल

* 714. श्री रघुनाथ प्रसाद खेतान : क्या विधि मंत्री यह बनाने की कृपा करेंगे कि :

(क) बिहार तथा उड़ीसा (उत्कल) राज्यों में इन्कम-टैक्स अपिलेट ट्रिब्युनल द्वारा मुकदमों की सुनवाई करने के पश्चात् कितने समय के अन्दर फैसला दे दिया जाता है; और

(ख) क्या ऐसे भी मुकदमों में हैं जिनकी सुनवाई 6 महीने पहले हो चुकी थी परन्तु अभी तक उन का फैसला नहीं दिया गया है।

† [INCOME TAX APPELLATE TRIBUNAL

*714 SHRI R. P. KHAITAN : Will the Minister of LAW be pleased to state :

(a) the time within which judgements are given after the hearing of cases by the Income Tax Appellate Tribunal in Bihar and Orissa (Utkal) States; and

(b) whether there are cases in which hearing had taken place six months back but judgements have not been given so far ?]

THE MINISTER OF STATE IN THE MINISTRY OF LAW (SHRI C. R. PATTABHI RAMAN) : (a) Orders are generally dictated on the same day after the hearing of the cases, but occasionally some complicated cases or cases where some new facts are required to be considered, have to be kept pending for want of time. Delay also occurs in a few cases when the Benches of the Tribunal go on tour and sometimes the cases have to be re-fixed for refreshing facts when there is delay after the hearing.

(b) One appeal has been pending for the last six months due to the difference of opinion between the two Members. This appeal has to be referred to a third Member.

‡ [विधि मंत्रालय में उपमंत्री (श्री सि० आर० पट्टाभिरामन्) : (क) आदेश साधारणतः मामलों की सुनवाई के पश्चात् उसी दिन लिखाए जाते हैं किन्तु कभी-कभी कुछ जटिल मामलों को या उन मामलों को, जिनमें कुछ नए तथ्यों पर विचार करने की अपेक्षा होती है, समय के अभाव के कारण लम्बित रखना पड़ता है। कुछ मामलों में विलम्ब उस समय भी हो जाता है जब अधिकरण की न्यायपीठों दौरे पर चली जाती हैं और कभी-कभी जब सुनवाई के पश्चात् विलम्ब

† [] English translation.

‡ [] Hindi translation.

हो जाता है तथ्यों को ताजा करने के लिये मामलों में फिर से तारीख नियत करनी पड़ती है।

(ख) एक अपील दो सदस्यों के बीच मतभेद होने के कारण गत छः मास से लम्बित है। यह अपील तीसरे सदस्य को निर्दिष्ट की जानी है।

श्री रघुनाथ प्रसाद खेतान : क्या मंत्रों महोदय यह बतलायेंगे कि जो मुकदमे छ महिने पहले के हैं उनका अपील कौन सी तारीख को सुना गई थी और दोबारा कौन सी तारीख फिक्स का गई ?

श्री गोपाल स्वरूप पाठक : मैडम, मुझे इसके लिये पूछना पड़ेगा और मुझे नोटिस चाहिये क्योंकि मैंने हर अपीलों की पूरी तफसिल नहीं लाई है। मैं यह बता सकता हूँ कि साल भर में कितने दाखिल होते हैं, कितने तय होते हैं, कितने एरियर्स हैं।

SHRI S. SUPAKAR : I want to know how many appeals are filed each year and what is the disposal.

THE DEPUTY CHAIRMAN : Have you got those figures ?

SHRI C. R. PATTABHI RAMAN : For 1965-66 I am giving the total. I have got the month-wise break-up :—

Appeal institutions	21,926
Disposals	16,648
Pendency	38,077
	(old cases)

Now, so far as April/May are concerned—

In April—

1,676 institutions.
1,131 disposals.
38,622 pendency.

In May—

2,081 institutions.
1,239 disposals.
39,462 pendency.

SHRI S. SUPAKAR : May I know what is the longest period for which some of these cases are pending? Are there any pending cases for more than one year, for example ?

SHRI C. R. PATTABHI RAMAN : The Appellate Assistant Commissioner usually takes a year and thereafter the Tribunal may take a year. So, roughly, on an average, they have been able to dispose of it in two years. But there are some cases where there is a difference of opinion and then they go to the third Member. That I have given. But if further facts are necessary, I will give them.

श्री राजनारायण : क्या सरकार साफ करेगी कि इन्कम टैक्स अपीलेट ट्राइब्यूनल से संबंधित कोई रूल्स हैं और अगर वे रूल्स हैं तो क्या हैं ?

SHRI C. R. PATTABHI RAMAN : Are the rules about composition or functioning or qualification ?

श्री राजनारायण : नहीं, नहीं। जब रूल्स से सवाल संबंधित हो गया तो सबसे संबंधित हो गया—कम्पोजिशन के रूल्स क्या हैं, कम्पोजिशन होने के बाद रूल्स क्या हैं। ये सभी बातें संबंधित हो जायेंगी।

SHRI C. R. PATTABHI RAMAN : Generally one is a Judicial Member.

THE DEPUTY CHAIRMAN : He is asking about the rules.

SHRI C. R. PATTABHI RAMAN : He said everything. The translator said so.

THE DEPUTY CHAIRMAN : About the disposal of these, have you any set rules ?

SHRI C. R. PATTABHI RAMAN : No, no

श्री राजनारायण : कैसेज जो हैं आपके।

SHRI G. S. PATHAK : I want to hear the question again

श्री राजनारायण : आपको पाठक जी मना करते हैं। उनको जवाब देने दीजिए। पाठक जी से मैं यह पूछना चाहता हूँ कि . . .

श्री गोपाल स्वरूप पाठक : आप अपीलेट ट्राइब्यूनल के रूल्स पूछते हैं या इन्कम टैक्स आफिसर्स के पूछ रहे हैं ?

श्री राजनारायण : देखिये, जो सवाल चल रहा है उससे में पूछ रहा हूं। रूल्स से हमारा संबंध हो गया, कम्पोजिशन से भी, और कम्पोजिशन होने के बाद किस तरह से आपका ट्राइब्यूनल प्रोसीड करता है उसकी भी सरकार जितनी जानकारी रखती हो जिसके बारे में रूल हो उसको यहां बता दें।

श्री गोपाल स्वरूप पाठक : रूल्स छपे हुए हैं, कानून में बने हैं और आप रूल्स देख सकते हैं। कम्पोजिशन के बारे में मैं बता सकता हूं कि दो मेम्बर होते हैं, एक जुडिशल मेम्बर कहलाता है और एक अकाउन्टेन्ट मेम्बर कहलाता है।

श्री राजनारायण : माननीय, एक सवाल है। देखिये, मैं यह चाहता हूं कि रूल्स अगर छपे हैं तो टेबल पर रख दिये जायें।

SHRI LOKANATH MISRA : May I know if the hon. Law Minister knows that Orissa has recently got an Income-tax Circle because of pressure of too much of work, and would he take the lead from the Finance Ministry and give a separate Income-tax Tribunal for Orissa also because of the same reasons, pressure of work and too much of delay ?

श्री गोपाल स्वरूप पाठक : इस वक्त आपने जो कहा है, उस पर गौर किया जायेगा।

SHRI G. MURAHARI : I would like to know from the Minister whether there are any rules for the disposal of cases and whether there is any time-limit fixed for the disposal of these cases.

SHRI G. S. PATHAK : Not to my knowledge but if there is any, I will find out. Generally we do not fix time-limits for judicial bodies.

THE DEPUTY CHAIRMAN : Next question.

UNAUTHORISED OCCUPATION ON NATIONAL HIGHWAY No. 34

*715. SHRI RAMPRASANNA RAY : Will the Minister of TRANSPORT, AVIATION, SHIPPING AND TOURISM be pleased to state :

(a) whether any unauthorised occupation has taken place on the sides of National Highway No. 34 falling within English Bazar Municipality of Malda District in West Bengal; and

(b) if so, what steps are being taken by Government to evict the unauthorised occupants ?

THE MINISTER OF STATE IN THE MINISTRY OF TRANSPORT AND AVIATION (SHRI C. M. POONACHA) : (a) Yes, Madam.

(b) Some encroachments have been cleared with police help while they were in the process of occupation and in certain other cases where the unauthorised occupation was complete, legal action is being taken by the State Public Works Department for eviction.

SHRI RAMPRASANNA RAY : May I know what steps the Government are taking to remove those unauthorised occupations ?

SHRI C. M. POONACHA : Madam, legal action has been taken and some of these people have already been cleared but where the unauthorised occupations were, complete action has been instituted under section 133 of the Criminal Procedure Code.

SHRI RAMPRASANNA RAY : May I know, Madam, what steps the Government propose to take to prevent further unauthorised occupation ?

SHRI C. M. POONACHA : Madam, maintenance of national highways vests with the Central Government. As for encroachments and other things, they come under the purview of the respective State Governments who are taking every care to see that encroachments on the national highways and other highways do not take place.