

Clause 3 was added to the Bill

Clauses 4 to 8 were added to the Bill

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

SHRI B R BHAGAT Sir, I move

“That the Bill be passed”

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) The question is

“That the Bill be passed”

The motion was adopted

THE CENTRAL EXCISES AND SALT (AMENDMENT) BILL, 1957

THE DEPUTY MINISTER OF FINANCE (SHRI B R BHAGAT) Sir I beg to move.

“That the Bill further to amend the Central Excises and Salt Act, 1944, as passed by the Lok Sabha, be taken into consideration”

Sir, the two amendments proposed in the Bill are of a formal nature. The first amendment is to delete the proviso in clause (xvi) of subsection (2) of Section 37 of the Central Excises and Salt Act, 1944. This proviso, was in fact, borrowed from the Iron and Steel Duties Act, 1934, which was consolidated along with other Acts into a Central Excises and Salt Act of 1944. At the time of consolidation, the excise duty on steel ingots was Rs 4 per ton. Based on this rate of duty, the rebates in respect of duty-paid steel ingots or articles of iron and steel manufactured from such ingots exported out of India were fixed between Rs 4 and Rs 6 per ton, depending on the nature of goods. With the enhancement of the rate of duty on steel ingots to Rs 40 per ton in the Finance (No 2) Act, 1957, consequential increases in the rebates are also necessary. In respect of all other excisable goods, however, the amounts of rebate have not been specified in the Act, but

are regulated by the rules framed in exercise of the powers conferred by clause (xvi) of section 37 of the Central Excises and Salt Act. There is no special advantage in regulating the quantum of rebates by the Act, when the Rules provide for the same. On the other hand, the existence of such a provision in the Act necessitates amendment of the Act every time the rate of duty on steel ingots is altered. With a view to eliminate this necessity, it is now proposed to delete the proviso to this clause. The effect of the deletion is that the rebates in respect of steel ingots will, as in the case of other excisable commodities, be regulated by the Rules.

The second amendment is to put at rest doubts regarding the basis for determining the average count in respect of yarn other than cotton yarn used in the manufacture of mixed cotton fabrics, and to provide for a uniform basis. As hon Members are aware, the fineness of cotton yarn is expressed in ‘counts’, while that of woollen yarn is expressed in ‘Yorkshire skeins’ and of reyon and art-silk in ‘deniers’. It is the intention that in the case of fabrics manufactured from cotton and other yarns, the other yarns should, for the purposes of determining the fineness of yarn, be deemed to be cotton yarn, and this is made clear in the amendment.

Sir, these are the two amendments which are merely of a formal nature, not of any substance. Sir, I move

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) The question is

“That the Bill further to amend the Central Excises and Salt Act, 1944, as passed by the Lok Sabha, be taken into consideration”

The motion was adopted

THE VICE-CHAIRMAN (SHRI M. B. JOSHI) We shall now take up the clause by clause consideration of the Bill

Clauses 2 and 3 were added to the Bill.

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

SHRI B R BHAGAT Sir, I move

"That the Bill be returned'

THE VICE-CHAIRMAN (SHRI M B JOSHI) The question is

"That the Bill be returned

The motion was adopted

THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT)
AMENDMENT BILL, 1957

THE MINISTER OF STEEL, MINES
AND FUEL (SARDAR SWARAN SINGH)
Sir, I move

"That the Bill to amend the Coal Bearing Areas (Acquisition and Development) Act, 1957, as passed by the Lok Sabha, be taken into consideration"

This amending Bill, Sir, is a brief one and there are two important matters which are covered by this amending Bill which I would like to mention at this stage. The scheme of the parent Act which was approved by Parliament some months ago is broadly like this. There is first a notification under section 4, which has been described as preliminary notification, with regard to prospecting of coal in any area. After the issue of this notification, then under section 5 it has been laid down that on the issue of a notification under sub-section (1) of section 4 in respect of any land, any prospecting licence granted to any person under the Mineral Concession Rules which authorises him to prospect for coal or any other mineral in the land shall cease to have effect, and there is a provision with regard to mining lease also.

Section 6 is of a consequential nature and it provides for compensa-

tion which has to be paid for damages which are likely to be caused as a result of action taken under section 4. After this, then there is section 7. If the Central Government is satisfied that coal is obtainable in the whole or in part of the land, they may, within a certain period, notify their intention to acquire the whole or any part of the land.

Then, Sir, section 8 contains provisions relating to the filling of objections to acquisition and section 9 is a final section, under which the Central Government after being satisfied that the land or any rights to or over such land should be acquired a declaration should be made to that effect. At the time when this original Bill was drafted and at the time when it was placed before Parliament, an important provision could not be incorporated in the Bill. That provision is in the nature of an emergency and that provision is now sought to be incorporated by amending the provision to this effect by the addition of section 9A, that in cases of emergency the Central Government after it is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply. A moment ago, I referred to the provisions of section 8 and that relates to the filling of objections to acquisition. This new provision, which is sought to be added in the form of 9A, is, from the nature of the circumstances, an emergency provision analogous to provisions contained in the Land Acquisition Act. Under the provisions of the Land Acquisition Act, the ordinary procedure is of issuing a notification of the intention to acquire, of filing of objections against acquisition and finally of a decision that land is to be acquired. This is the normal sequence of events. But in cases of emergency a provision is there in the Land Acquisition Act that the elaborate procedure of acquisition takes place