

**JOINT/SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY -1947**

**The Imports and Exports  
Control Bill**

I. List of Reports of Select Committees  
presented to the Legislative Assembly  
of the Indian Legislature in 1947.

S.No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
1.	The Indian Navy (Discipline) (Amendment) Bill.	3.2.1947.	15.2.1947
2.	The Motor Vehicles (Amendment) Bill.	3.2.1947.	15.2.1947
3.	The Motor Vehicles (Second Amendment) Bill.	3.2.1947.	15.2.1947
<del>4.</del>	The Foreign Exchange Regulation Bill.	3.2.1947.	15.2.1947
5.	The Industrial Disputes Bill.	3.2.1947.	15.2.1947
6.	The Railways (Transport of Goods) Bill.	17.2.1947.	1.3.1947
7.	The Banking Companies Bill.	17.2.1947.	1.3.1947
8.	The Indian Trade Unions (Amendment) Bill.	26.2.1947.	5.4.1947
9.	The Insurance (Second Amendment) Bill.	5.3.1947.	15.3.1947
10.	The Delhi and Ajmer-Merwara Rent Control Bill.	12.3.1947.	22.3.1947
11.	The Imports and Exports (Control) Bill.	12.3.1947.	22.3.1947
12.	The Income-tax and Excess Profits Tax (Amendment) Bill.	19.3.1947.	29.3.1947
13.	The Business Profits Tax Bill.	19.3.1947.	29.3.1947
14.	The Rubber (Production and Marketing) Bill.	1.4.1947.	12.4.1947
15.	The Control of Shipping Bill.	1.4.1947.	12.4.1947
16.	The Capital Issues (Continuance of Control) Bill.	7.4.1947.	12.4.1947

S.No.	Short title of the Bill.	Date of presenta- tion.	Date of publica- tion.
17.	The Taxation on Income (Investigation Commission) Bill.	7. 4.1947.	19. 4.19

II. List of Reports of Select Committees  
Presented to the ~~Legis~~ Constituent  
Assembly of India (Legislative) in  
1947.

1. The Delhi and Ajmer-Merwara  
Rent Control (Amendment) Bill. 1. 12.1947. 13.12.19
2. The Delhi Premises (Requisi-  
tion and Eviction) Bill. 1.12.1947. 13.12.19
3. The Extra-Provincial Juris-  
diction Bill. 6.12.1947. 13.12.19

.....  
.....

LEGISLATIVE ASSEMBLY

---

REPORT OF THE SELECT COMMITTEE ON THE IMPORTS AND EXPORTS  
(CONTROL) BILL, 1947.

We, the undersigned, members of the Select Committee to which the Bill was referred, have considered the Bill to continue for a limited period powers to prohibit or control imports and exports and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

We considered certain questions of detail in regard to the administration of the powers of control to be conferred by the Bill, but decided that the only amendments necessary in the Bill were the insertion of a clause (new clause 6) dealing with the cognizance and trial of offences under the Bill and consequential insertions in the definition clause (clause 2).

2. The Bill was published in Part V of the *Gazette of India*, dated the 15th February, 1947.

3. We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended.

NEW DELHI,  
*The 12th March, 1947.*

JOGENDRA NATH MANDAL.  
ISMAIL I. CHUNDRIGAR.  
R. VENKATASUBBA REDDIAR.  
\*B. P. JHUNJHUNWALA.  
D. P. KARMARKAR.  
HAFIZ M. GHAZANFARULLA.  
MOHAMMAD M. KILLEDAR.  
\*VADILAL LALLUBHAI.  
\*C. P. LAWSON.

---

\*Subject to a minute of dissent.

## MINUTES OF DISSENT

## I

There is no objection to the restrictions of import and export of any commodity whenever the country requires it. Be it for one year, three years or even more. But I object to the continuance of the present system of giving licences to import and export a particular commodity to a particular person or class of persons, as this has resulted in creating a group of vested interests consisting of officials and the merchants to whom licences are issued, and has led to various sorts of nepotism and corruption, and has come in the way of freedom of trade. I would therefore suggest that the following provisions should be made in the body of the Act itself:—

In clause 3 sub-clause (1) add at the end—

Provided that the Central Government may not issue licences or permits in favour of any particular person or class of persons for importing or exporting the restricted commodities.

Further add (c) to clause 3 (1)—

That the importer or exporter of any restricted commodity under this Act, shall arrange exchange for remittance or receipt of value of the commodity imported or exported only through the Reserve Bank of India or through such other Banks or authorised dealers as the Reserve Bank may direct.

B. P. JHUNJHUNWALA.

NEW DELHI ;

*The 12th March, 1947.*

## II

There is no objection to the restrictions of import and export of any commodity whenever the country requires it. Be it for one year, three years or even more. But we object to the continuance of the present system of giving licences to import and export a particular commodity to a particular person or class of persons as this has resulted in creating a group of vested interests consisting of officials and the merchants to whom licences are issued and has led to various sorts of nepotism and corruption, and has come in the way of freedom of trade. I would therefore desire that the necessary change should be made in the body of the Act itself, to avoid these contingencies.

VADILAL LALLUBHAI.

NEW DELHI ;

*The 12th March, 1947.*

## III

1. I consider that the duration of this Bill is excessive and may lead to the exercise of control long after the need for it has disappeared. It would, I think, have been adequate if the duration had been one year with a proviso that the Central Government might by notification in the official Gazette direct that it should remain in force for a further period not exceeding two years.

2. I consider that the words occurring in sub-clause (2) of clause 3 after "accordingly" in the 5th line should be omitted. There is no ground for removing the option which Section 183 of the Sea Customs Act, 1878, gives to an importer of accepting a fine in lieu of confiscation or *vice versa*. The new provision may have been necessary in war time but it should not be necessary in peace time.

3. I consider also that a proviso should have been added to sub-clause (1) of clause 3 limiting the operation of a restriction on imports to a period of, say, six months when such restriction is made for the protection of an indigenous industry. The proper method of giving such protection is by customs tariff and the period suggested should be sufficient to enable the Tariff Board to submit a report.

C. P. LAWSON,

NEW DELHI ;

*The 12th March, 1947.*

[BILL AS AMENDED BY THE SELECT COMMITTEE]

(Words *sidelined* indicate the amendments suggested by the Committee.)

A  
BILL

*to continue for a limited period powers to prohibit or control imports and exports*

WHEREAS it is expedient to continue for a limited period powers to prohibit, restrict or otherwise control imports into and exports from British India ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Imports and Exports (Control) Act, 1947. Short title, extent, commencement and duration.

(2) It extends to the whole of British India.

(3) It shall come into force on the 25th day of March, 1947, and shall remain in force for a period of three years only.

2. In this Act,—

Interpretation.

(a) "Customs-collector" means a Customs-collector as defined in the Sea Customs Act, 1878, or a Collector of Land Customs appointed under the Land Customs Act, 1924 ; VIII of 1878.  
XIX of 1924.

(b) "import" and "export" mean respectively bringing into, and taking out of, British India by sea, land or air ;

(c) "officer of Customs" means an officer of Customs appointed under the Sea Customs Act, 1878, or a Land Customs Officer appointed under the Land Customs Act, 1924.

3. (1) The Central Government may, by order published in the official Gazette, make provision for prohibiting, restricting or otherwise controlling, in all cases or in specified classes of cases, and subject to such exceptions, if any, as may be made by or under the order,— Powers to prohibit or restrict imports and exports.

(a) the import, export, carriage eastwise or shipment as ships' stores of goods of any specified description ;

(b) the bringing into any port or place in British India of goods of any specified description intended to be taken out of British India without being removed from the ship or conveyance in which they are being carried.

(2) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word "shall" therein the word "may" were substituted. VIII of 1878.

(3) Notwithstanding anything contained in the aforesaid Act, the Central Government may, by order published in the official Gazette, prohibit, restrict or impose conditions on the clearance, whether for home consumption or for shipment abroad, of any goods or class of goods imported in to British India.

Continuance of  
existing orders.  
XX of 1946.

4. All orders made under rule 84 of the Defence of India Rules or that rule as continued in force by the Emergency Provisions (Continuance) Ordinance, 1946, and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue in force and be deemed to have been made under this Act.

Penalty.

VIII of 1878.

5. If any person contravenes any order made or deemed to have been made under this Act, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878, as applied by sub-section (2) of section 3, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Cognizance of  
offences.

6. No Court shall take cognizance of any offence punishable under section 5 except upon complaint in writing made by a Customs-collector or by an officer of Customs authorised in writing in this behalf by a Customs-collector, and no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any such offence.

Savings.

7. No order made or deemed to have been made under this Act shall be called in question in any Court, and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any order made or deemed to have been made thereunder.

-----

GOVERNMENT OF INDIA

LEGISLATIVE ASSEMBLY DEPARTMENT

---

Report of the Select Committee on the Bill to continue for a limited period powers to prohibit or control imports and exports,

---