

## WRITTEN ANSWERS TO QUESTIONS

[Translation]

### Wastage of Rejected Coal/Slurry

\*245. SHRI RAVINDRA KUMAR PANDEY: Will the Minister of COAL be pleased to state:

(a) whether a huge quantum of rejected coal and slurry emitted from Bharat Coking Coal Limited and other subsidiaries of Coal India Limited are being wasted;

(b) if so, the total stock of such coal and slurry lying in different subsidiaries of CIL at present;

(c) the reasons for not selling the same and the amount of financial loss suffered by CIL as a result thereof;

(d) whether the Government are aware that a large stock of rejected coal and slurry lying in the collieries is being stolen with the nexus of management and C.I.S.F.;

(e) if so, whether the Government are considering to sell or auction such rejected coal/slurry;

(f) if so, the details thereof indicating the steps proposed to be taken in this direction; and

(g) if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI DILIP RAY) : (a) No, Sir, However, some quantity of slurry and washery rejects has accumulated over a period of time in different washeries of Bharat Coking Coal Limited (BCCL) and Central Coalfields Limited (CCL) because these products do not have a regular market.

(b) The stock of slurry and washery rejects in different subsidiaries of CIL is as under:

(Figs. in million tonnes)  
(Provisional)

Company	Stock (as on 1.4.98)	
	Slurry	Rejects
BCCL	1.440	6.978
CCL	1.109	7.912
WCL	0.530	-

(c) These products do not have regular market and in spite of best efforts to sell these through Liberalised Sales Scheme, there is only a limited off-take of this coal. CIL have reported that there is no financial loss except loss of 10% of the valuation of the stock on quality grounds.

(d) Coal India Limited management are taking all steps in coordination with the State Government to stop theft of coal from the coalfields.

(e) to (g) As an experimental measure the BCCL has approved a scheme to sell rejects and slurry by auction through bids.

[English]

### Proposals by ADB to Speed up Infrastructural Projects

\*246. SHRI P. UPENDRA: Will the Minister of FINANCE be pleased to state:

(a) Whether the Asian Development Bank suggested speeding up of the infrastructure projects in the country as a condition precedent to increase its aid;

(b) if so, the details of the ADB proposals; and

(c) the steps being taken by the Government in this regard?

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA) : (a) No, Sir.

(b) and (c) Do not arise.

### IPR Appeal

\*248. DR. T. SUBBARAMI REDDY : Will the Minister of COMMERCE be pleased to state:

(a) whether India has lost Intellectual Property Right appeal at World Trade Organisation;

(b) if so, the reaction of the Government thereto;

(c) the extent to which it will affect India's trade; and

(d) the steps the Union Government propose to take in this regard?

THE MINISTER OF COMMERCE (SHRI RAMKRISHNA HEGDE): (a) to (d) On a complaint filed by the United States of America against India before the World Trade Organisation (WTO), and after going through the dispute settlement procedure, the Dispute Settlement Body (DSB) of the WTO requested India to bring its legal regime for patent protection of pharmaceutical and agricultural chemical products into conformity with obligations under Article 70.8 (provision of mail box facilities for receipt of applications for product patents) and 70.9 (grant of exclusive marketing rights for such products) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Under Article 65 of the TRIPS Agreement, India, as a developing country member, has a transition period of ten years from 1st January, 1995 to extend product patenting to pharmaceutical and agricultural chemical products. However, Articles 70.8 and 70.9 of the TRIPS Agreement entail certain transitional obligations with regard to providing a means by which applications for product patents for pharmaceu-

tical and agricultural chemical products can be filed with effect from 1st January, 1995 and provision of exclusive marketing rights after a product meets prescribed conditions.

In the meeting of the DSB held on 13th February, 1998, India announced its intention of implementing the rulings and recommendations of the DSB within a suitable time frame. After a series of bilateral discussions with United States of America, India has agreed to discharge its transitional obligations under Articles 70.8 and 70.9 of the TRIPS Agreement by 19th April, 1999. This is a provision that relates to possible grant of intellectual property rights and it is difficult to estimate its impact on trade, as it would depend on various factors like competitiveness of like products manufactured in India, availability of cheaper substitutes, levels of tariffs maintained and price control exercised by the appropriate authority within India.

In case India does not discharge its obligation within the agreed time frame, compensation and the suspension of concessions or other obligations as provided in the WTO Agreement could be resorted to by a member who has initiated the dispute settlement procedure.

[Translation]

#### Assessment of Excise Duty

\*249. SHRI RAMANAND SINGH:  
DR. MADAN PRASAD JAISWAL:

Will the Minister of FINANCE be pleased to state :

(a) whether a large number of cases of provisional assessment of excise/customs duties have been pending finalisation for the last 2-3 years while some have been pending for over 10 years;

(b) if so, the amount involved therein;

(c) the reasons for delay in finalising the cases; and

(d) the action proposed to be taken by the Government for quick disposal of these cases?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION AND MINISTER OF STATE IN THE MINISTRY OF FINANCE (BANKING, REVENUE & INSURANCE) (SHRI KADAMBUR M.R. JANARATHANAN) : (a) As on 31.12.97, 590 cases of provisional assessment of central excise duties and 7389 cases of customs duties were pending finalisation for the last 2-3 years.

(b) The amount involved in Central Excise cases was Rs. 1412.19 crores. The figures relating to amount involved in customs cases are being collected from field formations and would be laid on the table of the House.

(c) In respect of Central Excise, a large number of cases relating to classification and valuation issues are pending in the Tribunal and the courts. Certain clearances to projects are also assessed provisionally and the projects have taken very long time for completion. Some information is also awaited from the assesses. A few cases are subject to enquiry by the Department. In respect of customs, cases are pending for want of proper licence, test reports, technical literature.

(d) For quick disposal of provisional assessment cases, Commissioners of Central Excise & Customs have been monitoring the case on monthly basis and instructions have been issued to finalise the cases within 6 months. Bunching of pending court cases issue-wise for one time disposal and filing of early hearing petition before Court and Tribunal are being made. Adjudication of the cases is being expedited by posting of more commissioners for adjudication, creation of more commissionerates, reorganising the work in chemical laboratories. Steps have also been taken to reduce points of disputes viz. simplification and rationalisation of tariff structure, reduction in end-use based exemptions. A valuation Directorate has been set up in the Customs side.

#### Committee on Washeries

\*250. SHRI NARENDRA BUDANIA:  
SHRI SURESH CHANDEL:

Will the Minister of COAL be pleased to state:

(a) whether the Government have constituted a Committee to review the performance of the Coal Washeries under the Central Coal Washery Organisation;

(b) if so, the composition of the Committee and its terms of reference;

(c) whether the Committee has submitted its report;

(d) if so, the recommendations made by the Committee; and

(e) the action taken by the Government thereon?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI DILIP RAY): (a) An Expert Committee was constituted by Government in August, 1985 to examine the working of ten existing washeries including four washeries of erstwhile Central Coal Washeries Organisation (CCWO). Another Technical Group constituted by Government in November, 1992 for preparing an action plan to reduce dependence on cooking coal imports. This Committee also studied the working of existing washeries (including CCWO washeries) and submitted its report in May, 1993.

(b) and (c) The Expert Committee constituted in 1985 consisted of: