

keep anyone—neither the producer at home nor the buyer abroad—in suspense about the need to continue the duty, say, up to 1st day of March, 1954, Parliament cannot by a resolution achieve its object. It shall have to do it by way of an amendment to the statute in respect of that particular duty. Therefore, we have here a double protection.

**Dr. S. P. Mookerjee:** Has Government ever announced that a duty will be imposed from a particular date to another date? Has not Government the right to change it at any time?

**Shri Karmarkar:** The point that I was making was this. The executive here has been given a seemingly wide power but there is no generosity about that power inasmuch as every notification has to come before the House either for approval or for modification. We have been charged with frequent changes in our export duties: Once you put up an export duty, then you lower it, then you again increase it—that has been alleged and rightly in some respects. There is always an advantage in having a steadiness about these duties, and it does not give any advantage to the country to say that after all any notification issued on the 1st January, 1953 has to expire on the 1st March, 1953. It does not do any good to the country at all. Parliament has supreme right to make any modification it chooses whenever any particular notification comes into operation. It can say, "This duty will remain in operation for one year, six months, or two years or for ever". Every notification has to come before Parliament and in view of that provision I am quite sure in my mind that this objection to giving Government the general power is absolutely unfounded. Therefore, we oppose the amendment.

**Mr. Deputy-Speaker:** The question is:

In page 1, for lines 8 to 13, substitute:

'(b) in sub-section (3), for the figures "1952" the figures "1953" shall be substituted.'

The motion was negatived.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

**Shri T. T. Krishnamachari:** I beg to move:

"That the Bill be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN TEA CONTROL (AMENDMENT) BILL

**Mr. Deputy-Speaker:** Yesterday when I was about to put the consideration motion, some hon. Member raised a point of order and I gave my ruling. I shall now put the motion.

The question is:

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of Section 3 etc.)

**Shri P. T. Chacko (Meenachil):** I beg to move:

In page 1, line 8, for "such period as may be prescribed" substitute "a period of two years from the date of nomination or election."

My object is that instead of leaving it to the executive to fix the period, we may limit the period by legislation itself.

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** The Act itself will expire in 1955. The total period within which the executive can fix the tenure of this Committee is only three years. I have not made up my mind whether we should extend it by one year or two years. I would rather that it is left to the executive to decide. I am unable to accept the amendment.

**Shri P. T. Chacko:** I do not press my amendment.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4.—(Substitution of new section for section 26 etc.)

**Shri P. T. Chacko:** I beg to move:

In page 1, line 22, for "also" substitute "not".

[Shri P. T. Chacko]

The Statement of Objects and Reasons says:

"Under section 26 of the Act, the permission of the Tea Licensing Committee is not required for the replacing of tea areas by planting tea on areas not planted with tea to the same extent but not exceeding 2 per cent. in each year of the total permissible acreage of the tea estate as on the 31st day of March, 1950. It is now considered necessary for the purpose of ensuring strict observance of our obligations under the International Tea Agreement that this matter also should be subject to the permission of the Tea Licensing Committee."

As per the provisions of the International Tea Agreement, "it shall be permissible to replace areas of land forming part of the permissible acreage by planting with tea of areas to the same extent on ground not planted with tea, such replacements to be limited to a maximum of five per cent". So, our obligation is only to this extent. We are allowed to replace five per cent. of the permissible acreage of tea by uprooting plants from land to the same extent. I cannot understand why we should take away this authority from the planters and vest it in another body. In these times, due to pests and droughts, plants die away, and in some cases when the dead plants are removed and fresh ones planted, they would not grow in the same land. Therefore, it is necessary for the planter to replace the tea in fresh area. Of course, now he can do so to the extent as is permitted under the International Tea Agreement. I only want that the existing law should continue and this would be the effect of my amendment, if it is accepted. I request the hon. Minister to consider the matter and if possible accept my amendment.

Shri T. T. Krishnamachari: If the position be as the hon. Member has stated, then I would never have brought my amendment to section 26. He says, "You have considered it. But you have done it wrongly. Accept that you have done it wrongly." Well, even as it is, the permission of the Tea Licensing Board is obtained by planters for purposes of replacement and the extent of replacement is limited by the Agreement to two per cent. every year and a total of ten per cent. for a period of five years from March 1950 to March 1955. This provision merely regularises it. Planters have been obtaining licences before and they should obtain licences.

so that the Tea Licensing Board will have some check on what is being done. My hon. friend says "No, I do not accept that position." Well, if he does not accept it, I cannot convince him. I think this provision is very necessary and forms an integral part of the Bill. I am unable to accept the amendment.

Shri P. T. Chacko: May I know whether even for replacements to the extent of two per cent. mentioned in the existing Act the permission of the Tea Licensing Board is necessary at present?

Shri T. T. Krishnamachari: Actually and in practice, it is being asked and is being given, so that the Tea Licensing Board may exercise some check as to whether it is only two per cent. that is planted or whether more is planted. It is for that purpose that by convention prior permission is obtained. If you are going to keep within the four corners of the Agreement, that kind of provision is necessary, and that is why we have now made it a legislative liability.

Shri Nambiar (Mayuram): If this is not brought under the Tea Licensing Board, what harm will be done? He referred to some harm.

Shri T. T. Krishnamachari: If I accept my hon. friend's language no harm would be done if anything happens.

Shri B. Das (Jajpur-Keonjhar): I think it is time the Government of India examined the International Tea Agreement.

Mr. Deputy-Speaker: He said it is constantly under review.

Shri P. T. Chacko: I do not press my amendment.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.