

[Shri A. K. Sen]

there should be continuity of service or not are certainly matters for the consideration of the Central Government and, I have no doubt, the Central Government and the State Governments, while framing any scheme, will bear that in mind and will not deprive employees who are taken over by the re-organisation, the continuity of service and other conditions, to which they are normally entitled. That really is a matter for administration and is not a matter to be introduced in the legislation. Therefore, I submit, the clause, as framed, may be passed.

Mr. Speaker: Shall I put the amendment to the vote of the House?

Shri Shree Narayan Das: I am not pressing it.

*The amendment was, by leave,
withdrawn.*

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

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

Shri A. K. Sen: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

DHOTIES (ADDITIONAL EXCISE DUTY) AMENDMENT BILL

The Minister of Commerce (Shri Kanungo): Mr. Speaker, with your permission, I beg to move:*

"That the Bill to amend the Dhoties (Additional Excise Duty) Act, 1953, be taken into consideration."

This is a very simple Bill, the principles of which have been extensively debated in the House and which, I beg to submit, has proved its worth in the course of the years. As a matter of fact, the very purpose of the provisions of the Bill were being operated under the Textile Control Order, 1948. But, as there has been some doubts about the absolute legality of it, in the form of ample precaution, this Bill has been introduced. There is nothing new in it. It is merely to legalise or rather to confirm the legalisation of certain steps, certain procedures which are already being followed. I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to amend the Dhoties (Additional Excise Duty) Act, 1953, be taken into consideration."

Shri Naushir Bharucha (East Khandesh): The Bill, which the hon. Minister has termed as simple, is going to benefit the mill-owners at the cost of the handloom industry. If we turn to clause 3 of the amendment, we find that "group of mills" has been defined as follows:

"'group of mills' means two or more mills under common ownership or management;"

So, if there is common management, which can be created by the imposition of a common management for a group of mills belonging to different owners, they will get a bigger quota and thus the provisions of this Bill can very well be circumvented. I fail to understand why 'management' has been included. The definition should have been 'a group of mills belonging to one individual'. That should have been sufficient. Now, it appears, a loophole is left to the mill-owners to create a common management for a group of mills, which will enable them to avail of this concession.

*Moved with the recommendation of the President.

The object of the Bill is to protect the handloom industry. But the Bill permits inroads to be made in the quota of dhories allotted to the handloom industry, which is easy to manufacture and easy to dispose of. One of the Bombay mill-owners confessed to me that the profit they made during the war period out of dhories, was criminal. This is the most profitable part of business and a portion of it, which has been left by law to be produced by the handloom industry, is diverted to the mill. I will tell you how it is being done. Now clause 4 says:

"The permissible quota of dhories which may be issued out of any group of mills as a whole during any quarter in any case where an application is made in that behalf by that group, shall be such as the Textile Commissioner to the Government of India may fix, but such permissible quota shall in no case exceed the total of the permissible quotas

My submission is that it should not be in excess of the total of the average which units manufactured in any particular year.

The difference between what I have suggested and what is incorporated in the Bill is this. Supposing a mill-owner has got three mills. Let us call them A, B and C. Each of them, let us presume, is producing one million yards of dhories. The total quantity produced by them is three million yards. Now, under the Bill, as it is, it will be open for the owner either to have all the three million yards produced in one mill or in the three mills. He can distribute it anyway he likes. Now, it is quite possible, that one of the mills is producing only half a million yards and another of them producing two million yards. Under this Bill, the owner is entitled to the full quota, though a particular mill may produce only much less than what is allotted to it. So, I suggest that a particular year should be prescribed as the relevant year and the

actual output of cloth manufactured by each unit during that year should be taken into consideration. The total that should be provided as the maximum quota. Otherwise, what will happen is that though there may be some units which are idle, the owner will allot it to another mill and will take advantage of this provision. This is very undesirable and we should not permit it.

In the schedule, the slabs of penal excise duties to be levied for unauthorised production of dhories are mentioned. The rate of penal excise duty is very low and the demand for dhories is very high. So, it is likely that this penal excise duty will tend to become part of the cost of production and will be passed on to the consumer. Therefore, the so-called penal excise duty is not at all penal. What will certainly happen is that it will be passed on to the consumers. The Bill, therefore, as I said, affects the handloom industry, permits the mills to make inroads into the handloom quota and therefore places at a disadvantage the handloom industry.

Shri Ranga (Tenali): Mr. Speaker, in addition to the points that my hon. friend Shri Naushir Bharucha has already made, which deserve careful consideration at the hands of the hon. Minister, I would like to make a few suggestions to be carefully considered by the Government not only at this juncture during the passage of this Bill, but also in the implementation of this Bill.

The protection that has been sought to be given to the handloom weaving industry as a result of this Bill has not materialised so far for various reasons. I would like to state just one reason at this juncture for consideration by the hon. Minister. Although a particular quota is supposed to have been fixed for the production of dhories for internal consumption, it is feared that a portion of their production is set apart by the

[Shri Ranga]

mills for so-called exports and later on diverted for internal consumption

Shri Kanungo: This is not that This Bill has nothing to do with that.

Shri Ranga: When it is diverted for internal consumption, it escapes payment of this special excise duty or penalty. I would like to know how far and what steps are being taken by the Government to prevent that kind of mischief.

It has been the plea from the handloom weaver and also the khadi producer that as time goes on, more and more of these weaving mills or combined spinning and weaving mills should find it unnecessary to carry on their production and to that extent handlooms and khaddar should be able to expand their production. As a result, one of the effects of this Bill when passed would be that, even though one or two mills become out-dated and, therefore, production of cloth or dhoti becomes uneconomical from such mills, it would still be possible for the owners of these mills to go into a combination with other mills where economic production is still possible and in that way, maintain their quota for the mill sector and, to that extent, prevent the opportunity for handloom production and khadi production to go on increasing. It is a well known fact that the khadi industry as well as the handloom industry have been claiming the right of encroaching upon mill production as and when mills find it necessary to give up cloth production. When their machines become out-dated and permission for the installation of new looms is not given, when naturally mill production is expected to go down, this is one of the means by which this hope and aspiration of the khadi and handloom industries can be stultified. I would like the hon. Minister to assure us that it is the policy of the Government that, in course of time, the handloom industry and the khadi industry would be helped to gain more and more of the

field which would come to be vacated by the weaving mill industry. If that continues to be the policy of the Government, I would like my hon. friend the Minister in charge of this Bill to assure us how, in the working of the provisions of this particular Bill when passed into an Act, it would promote that objective, or whether it would frustrate that objective.

In conclusion, I would like to remind the hon. Minister of the duty of the Government to think not merely of providing employment for those few thousand people who are today employed on the mill weaving industry, but also assure the continuation of the present quota of employment and also increase the total quantum of employment that would be made available to the lakhs of weavers who are today engaged in the handloom industry and khadi industry. I would also like my hon. friend to assure us whether he has consulted the Khadi Commission as well as the Handloom Board in regard to this matter and whether they have agreed. Even if they have agreed, I would like my hon. friend to take into consideration those fears that I have expressed on behalf of the workers employed in the khadi industry and the handloom industry.

श्री जाधव (म. न. गाँव) : अध्यक्ष महोदय यह जो धोतीज ऐंडिंगनल एक्ससाइज इयूटी अमेन्डमेंट बिल इस समय सदन के सामने उपस्थित है, यह एक सोचामादा बिल है जैसा कहा गया लेकिन इस बिल पर हमारे हिन्दुस्तान के जो बुनकर लोग हैं और हमारे जी ऐन्सिएलरी वर्कर्स होते हैं उनकी जिन्दगी निर्भर रहनी है, इसलिए इस बिल का बहुत महत्व हो जाता है।

आप जानते हैं कि हिन्दुस्तान में कृषि के धके के बाद जिस सनघत में और जिस उद्योग में सबसे ज्यादा लोगों को काम मिलता है वह यह सनघत है। इस उद्योग के सम्बन्ध में जो आंकड़े यहाँ प्रस्तुत किये गये हैं उनके

बारे में तो मैं कुछ कह नहीं सकता क्योंकि इस सनभत के जो नये नये आकड़े हमारे सामने आये हैं, उन आकड़ों को देखकर आदमी खबर में आ जाता है। इसके बारे में मैं विस्तार से जब यहाँ पर कौटेल फेब्रिकस बिल हमारे सामने आया तब कहूँगा।

इस बिल को खाम तौर पर आगे लाने की जरूरत इसलिए पड़ी कि मन् १९५०, ५१ में हंडलूम इंडस्ट्री के ऊपर काफी भारी सद्मा पहुँचा था और हंडलूम इंडस्ट्री को प्रोटेक्शन देने की जरूरत महसूस की गई। आप जानते हैं कि टेक्साटाईल इंडस्ट्री के मिल सेंक्टर को आज पिछले २० साल से प्रोटेक्शन मिल रहा है और उसका बड़ा खराब असर हमारे हथकरघे की सनभत पर पड़ा। जिस तरह एक बड़ी मछली छोटी मछली का खा जाती है, ऐसा ही इस बारे में भी हुआ। मिल सेंक्टर काफी आगेनाइज्ड होता है और यह आगेनाइज्ड सेंक्टर माल पैदा करने में और बाजार में उसको लाने के लिए उसके पास काफी सामर्थ्य है। जा प्रम है वह उनका है। मैंने कल एक पेंप्लेट पढ़ा उसमें कहा गया है कि हमारी वायस की सरकार कहती है कि स्लागन दन वाले लोग हिन्दुस्तान में बहुत पैदा हो गये हैं लेकिन मैं आपका बताना चाहता हूँ कि हिन्दुस्तान में स्लागन दन के वास्ते सबसे आगे अगर कार्ट जमाने जागे तो वह कौन्सिलिस्टिक क्लास की जमात है। रास्तों पर रहने वाले और हथकरघों पर काम करने वाले जो गरीब बनकर लागे हैं, वे क्या स्लागन दे सकते हैं? उनकी आवाज यहाँ तक नहीं पहुँच सकती है।

यह जो काटशन है यह पढ़ने योग्य है। जो मैं पढ़ने जा रहा हूँ उसके बारे में बी० एल० मेहता साहब न कहा है —

"It is not only the crowds in the streets who shout slogans. For the past seven months we have had dinned into our ears the cries of 'industrialise or perish' and 'produce or perish', the slogans

emanating from the representatives of the most well-organised industry in the country"

इनके जो स्वागस हाते हैं वे स्वागस गवर्नमेंट के कान तक पहुँच जाते हैं। इस बिल में गवर्नमेंट को खाम तौर पर यह प्राविजन करनी पड़ी है कि हिन्दुस्तान में जिस कपड़े की सब से ज्यादा खपत होती है वह यही कपड़ा है जो कि एक मर्द और एक औरत पहनती है। एक मर्द को पहनने के लिए एक धाती और एक औरत का आढ़ने के लिए एक साड़ी तो कम से कम अवश्य चाहिये। इस प्रकार के कपड़े जो लोग उत्पादन करते हैं तथा जिस सनत में इसको तैयार किया जाता है उस सनत को जिन्दा रखा जा सके, इस दृष्टि से इस बिल को यहाँ पेश किया गया है। लेकिन इस प्राविजन का जिनता असर होना चाहिए तथा इससे जितना फायदा होना चाहिये उतना फायदा नहीं हुआ है। उसकी प्राडक्शन की जो फिगस हैं वे बहुत लम्बी चौड़ी हैं और उनको पढ़कर बतलाने में काफी समय लगगा, इसलिए मैं उनको यहाँ पर कोट करना नहीं चाहता। साथ ही इस बिल की डिमन्शन के लिए केवल एक घंटा ही दिया गया है और यह एक सीधा सादा सा और सिमपल बिल है, यही वजह है कि इसका, मेरे ख्याल में इतना कम समय रखा गया है। मैं समझता हूँ कि इस सनत ने तरक्की नहीं की है यह आगे नहीं आई है। इसका आगे लाने के लिए हम नवोत्थानरी स्टेपम उठाने जागे। हमारे माँ-वर मंत्री जो न जिन्होंने इस बिल का इस सदन के सामने पेश किया है, वह कोई का तवागी परिवर्तन लाना चाहते थे। उनकी जो रिपोर्ट है काननगा कमेटी की रिपोर्ट, उसको मैं पढ़ा है तथा उसकी जो समरी है उनका हर लफज मैंने वाणी करके अपने पास रखा हुआ है। उन्होंने इस बात को समझा है कि जमाना बदल रहा है। और हमारा जो फाइव प्लान है वह भी हमारे सामने है और वह चाहते थे कि उसमें जो पैदा की जाए। इस उद्देश्य में वह इस सनत

[श्री जाधव]

को नए ढंग से, नए रूप में हिन्दुस्तान में पनपाना चाहते थे। जवाहरलाल नेहरू जी ने भी कहा, और मैंने इसको पेपर में पढ़ा है कि अगर हम हिन्दुस्तान का नक्शा बदलना चाहते हैं तो हमें इस सनत को ही जिन्दा नहीं रखना है तथा इस सनत के बारे में ही क्रान्तिकारी कदम नहीं उठाने हैं बल्कि हिन्दुस्तान की जितनी भी छोटी छोटी सनतें हैं उनको भी हमें प्रागे बढ़ाना है और हमारा यह फर्ज है कि हम देखें कि वे कैसे पनप सकती हैं। मैं पूछना चाहता हूँ कि कानूनगो साहब की जो रिपोर्ट थी, क्या कारण है कि वह पीछे पड़ी, क्यों उसको नहीं माना गया है? मुझे इस बारे में बहुत कुछ कहना है और उमें मैं फिर कहूँगा। लेकिन इस समय मैं यह कहना चाहता हूँ कि हिन्दुस्तान की सनतों के बारे में हमें कोई क्रान्तिकारी कदम उठाने चाहियें और गवर्नमेंट उनको उठाना नहीं चाहती है। इस वास्ते आज जो हमारी आर्गनाइज्ड मिल सेंक्टर की जमात है वह हमारे सामने आई है और उसकी खातिर इस बिल को हमारे सामने रखा गया है।

भरजा साहब ने कहा कि युद्ध के जमाने में इन लोगों ने कितना ही पैसा कमाया है और ये लोग अब भी पैसा कमा सकते हैं। उनके सामने पैसा कमाने के बहुत से रास्ते हैं। कौन से रास्ते पर चल कर वे पैसा कमा सकते हैं, यह वे अच्छी तरह पें जानते हैं और इसको वे अच्छी तरह से समझते हैं और बराबर उसी रास्ते पर वे चल सकते हैं। इन लोगों ने कितना पैसा कमाया है और इनकम टैक्स की स्लैबस कितनी बढ़ती गई है उसे सब लोग जानते हैं। लेकिन मैं बहुत अदब के साथ कहना चाहता हूँ कि आप लोग बहुत होशियार हैं, बहुत अक्ल-मन्द हैं, पैसा कैसे कमाना चाहिये, यह आप अच्छी तरह से जानते हैं। आपकी अक्ल का उपयोग अगर हिन्दुस्तान के जो गरीब लोग हैं उनके फायदे के लिए किया जाए तो अच्छा होगा। आज किसानों का सवाल नहीं है। आज तो उन लोगों की जिन्दगी

का सवाल है जो कि घाठ घंटे काम करने के बाद मुश्किल से छः गज कपड़ा ही तैयार कर पाते हैं तथा जिन परिस्थितियों में उनको काम करना पड़ता है, यह भी आप अच्छी तरह से जानते हैं। उनकी प्राधी कमर, उनका प्राधा जिस्म जमीन के अन्दर कब में रहता है और प्राधा बाहर। इस तरह में वे अपने कमर के नीचे के हिस्से को जमीन के अन्दर रख कर कर्षे को चलाते हैं तथा घाठ घंटे लगातार काम उनको करना पड़ता है। ऐसे लोगों की जिन्दगी को हम अगर ऊंचा करना चाहते हैं, तो इस तरह की रेस्ट्रिक्शंस लगाकर या कानून बना देने से काम नहीं चलेगा। हम देख रहे हैं कि आज हमारी सरकार कानून पर कानून बनाये जा रही है। अगर हमारी सरकार की कोई निशानी बाकी बचेगी तो ये जो कानून इसने बनाये हैं, इनके द्वारा ही बचेगी। आज कानून बहुत ज्यादा हो गए हैं। अगर हम सही मानों में इन लोगों की जिन्दगी को सुधारना चाहते हैं, इस हैंड-सूम की सनत को हम जिन्दा रखना चाहते हैं तो हमें देखना होगा कि जो कानून हम बनाते हैं, उन पर बराबर अम्ल होता है या नहीं। इस चीज की तरफ हमें खास तौर पर देखना होगा।

अध्यक्ष महोदय, मैंने एक एमेंडमेंट पेश की है जिस पर मैं अभी बोल लेना चाहता हूँ क्योंकि हो सकता है कि बाद में मुझे समय न मिले। मैंने इस एमेंडमेंट के द्वारा एक प्राविसो इस में जोड़ा है। इसमें यह कहा है कि उनको कोटा दिया जाता है उस कोटे के अलावा अगर वे ज्यादा माल पैदा करेंगे और गवर्नमेंट ने देखा कि उन्होंने कोटे ने अधिक माल तैयार किया है तो उसे उस माल को जप्त कर लेना चाहिये, कनफिस्केट कर लेना चाहिये। इतना ही गवर्नमेंट को नहीं करना चाहिये बल्कि, उनको डिस्ट्रेट पनिशमेंट भी दी जानी चाहिए। डिस्ट्रेट पनिशमेंट की बात मैं इसलिए नहीं करता हूँ कि हम उन लोगों से नफरत करते हैं बल्कि इसलिए कि हमने उनको काफी सुविधायें दे रखी हैं

घीर काफ़ी उनकी सनत को प्रोटेक्शन हमने दिया है। जो ग्रेडिड लिस्ट दी है एक्साइज इयूटी की इसके सिवा मेंने यह कहा है:—

“Provided that without prejudice to the Schedule to section 4, if the quantity of dhoties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be”.

अगर ऐसा कोई कदम उठाया गया तो मुझे उम्मीद है कि हम बराबर इस सनत की रक्षा कर सकेंगे तथा उनके पतनने के लिए जगह पैदा कर सकेंगे। मैं आशा करता हूँ कि हमारे जो मंत्री महोदय हैं, वह इसके बारे में अवश्य सोचेंगे। मैं यह भी चाहूँगा कि आज ६० परसेंट कोटा उनके लिये रखा गया है और ४० परसेंट कोटा हेंडलूम की सनत के लिए रखा गया है, इस किस्म की कोर्ट भी डिस्टिंक्शन रखे बगैर तमाम धोतियो तथा सादियो का उत्पादन हेंडलूम मैकटर तथा पावरलूम मैकटर के लिए ही रिजर्व कर दिया जाए। यह तो आगे के लिए है। आप जिस तरह का कदम उठा रहे हैं उससे यह सनत जिन्दा रहने वाली नहीं नहीं है तथा खाली पेपर पर कानून पास कर देने से तथा मुहब्बत जनता देने से ही काम नहीं चलेगा।

डॉ० मॅनकोट्टे (रायचूर): अध्यक्ष महोदय, इस बिल के बारे में मैं भी दो लपज कहना चाहता हूँ। मुझ से पहले रंगा साहब ने खादी के बारे में तथा वीवर्स के बारे में उनके जो जवाबत हैं, उनको विस्तार के साथ इस एवान के सामने रखा है। बात यह है कि हमारे मिनिस्टर साहब एक बार टेक्सटाईल इन्धायरी कमेटी के चेयरमैन थे। जब उनकी रिपोर्ट सामने आई उस वक़्त खादी का उत्पादन जो लोग करते थे तथा खादी का उत्पादन करने वाली संस्था

से मेरा भी सम्बन्ध है तथा मैं उसका चेयरमैन भी हूँ, उस रिपोर्ट को पढ़ने के बाद हमारे दिल को धक्का लगा और हमें बहुत तकलीफ हुई। आज मैं माननीय मंत्री से यह चाहता हूँ कि वे हमें आश्वासन दें कि खादी के उत्पादन को तथा वीवर्स जो कपड़े तयार करते हैं, उस कपड़े के उत्पादन को इससे किसी किस्म का धक्का नहीं लगेगा। खादी का जो लोग उत्पादन करते हैं वे गांवों में रहते हैं। उनकी तरफ भी हमारी तवज्जह जानी चाहिए। आज हम देख रहे हैं कि अनम्प्लायमेंट भी बहुत ज्यादा है, बेरोजगारी भी बहुत अधिक है। इस बिल के प्राविजंस के लागू होने के बाद अगर अनम्प्लायमेंट और बढ़ गया और लोगों की मयार जिन्दगी पर असर पड़ा तो यह ठीक नहीं होगा। इस लिए मेरे दोस्त रंगा साहब ने जो कुछ कहा है, मैं उसको सपोर्ट करता हूँ तथा मिनिस्टर साहब से प्रार्थना करता हूँ कि जिस आश्वासन की मैंने मांग की है उसे दे दें। इससे अधिक मुझे और कुछ नहीं कहना है। मैं केवल मिनिस्टर साहब से यही आश्वासन चाहता हूँ।

12 hrs.

Shri A. C. Guha (Barasat): I have some fundamental objections against this Bill. The Government started in 1952 a policy to assist the handloom industry. That was a laudable step taken by the Government. But gradually they have been whittling down the effectiveness of this step taken in 1952. I cannot understand the logic of the subsequent measures. If it is thought desirable to assist the handloom industry, then that should be done without any mental reservation. For the furtherance of the policy, Government in 1952 took a measure to peg the production of dhoties and sarees by textile mills at 60 per cent. of their average monthly production in 1951-52.

Then they thought that this order of Government could be flouted by the mills; in fact, the textile mills were flouting this order of Government. They were producing more than the

[Shri A. C. Guha]

quota allotted to each of them. In the Statement of Objects and Reasons, we find that it was not possible to penalise the infringing mills, and so to remove the disability, the Dhoties (Additional Excise Duty) Act, 1953, was passed, imposing a penal excise duty on a regulated scale on mills infringing this order. If it has been thought necessary to restrict the production of textile mills in dhoties and sarees to a particular quantity, and that is for the purpose of helping the handloom industry, I cannot understand how simply by paying a penal excise duty that policy can be given the go-by. It appears from this that Government are not so much anxious to help the handloom industry, or they are not sure of their step. This creates a bad psychology. The Government are encouraging the infringement of their own orders and allowing the sin to be expiated by the payment of a small excise duty.

I think you know, Sir, that in our shastras, there was a sort of atonement of the sin by paying some gold or some coin to the Brahmins or to the gods.

कॉटनमूलान विगृह्यते

I think the Government also have taken to that policy that the violation of government orders—orders calculated to implement some economic policy of Government—can be done with impunity simply if an additional excise duty is paid by the infringers.

Shri Ranga: They wish to encourage it.

Shri A. C. Guha: This has a bad psychological effect. It generates an attitude of violating government orders; it generates an outlook that any order of Government or even the law passed by this House, can be violated if the offending party can make a payment to the Government by way of an additional excise duty. I think that should not have been the method of Government. As far as I can understand, it is not a revenue measure. I think the revenue collected on this is very meagre. If it is the policy of Government to help the handloom industry, they should firmly

stick to that policy without diluting their step and without injuring the effectiveness or efficacy of the steps proposed and taken by them.

Then again there is another fundamental thing which I would like to object and which has been brought in this Bill. The Act that was passed in 1953 allowed only individual mills to pay the excise duty and violate the government restrictions imposed on them. But here we find the Government are still diluting their policy. They have put here that a group of mills may also be allowed this extension. A group of mills means two or more mills under common ownership and management. Apart from the fact that this will further dilute the original step taken by Government for helping handloom industries, this is also a step which will lead to or help concentration of productive forces in a few hands.

I do not like to mention the names, but I have got a list, which may not be quite exhaustive. Some of the managing agents or owners have got 9, 6 and 5 mills under their control. 20 such firms control about 36 per cent. of the installed looms in the textile mills and 28 per cent. of the installed spindles there. So even now there is somewhat a concentration of productive forces in the textile industry in a few hands. But if we give further latitude to these managing agents or directors or proprietors to concentrate their hold on the textile industry by this measure, I think that will also go contrary to the declared policy of Government. As far as I know, it is the policy of this House and of the Government to foster decentralised economy, but this measure is sure to result in concentration of economic power in a few hands—concentration of productive forces in the hands of a few magnates. Out of 1·2 crore spindles, 28 per cent. are controlled by these 20 firms, and 36 per cent. of the powerlooms are controlled also by these 20 firms. This measure will, I think, give further fillip to their propensity to expand their control over the textile industry.

I have a third objection. I think it is the policy of Government to see that there should be a sort of equality of development—economic and industrial development—in the country. The region from which the hon. Minister in charge of this Bill comes is backward in respect of industries, particularly textile industry. This measure will simply help the regions already advanced in the textile industry. Except one or two, the 20 firms I have referred to are, I think, belonging to western India. This Bill will only give help to these 20 firms almost all belonging to western India. This will act adversely to the interest of textile industry in other parts of India.

Some years ago, some subsidy was given to the textile mills in the form of supply of American cotton for the purpose of supplying yarn to the handloom industry. The total value of the subsidy was Rs 1,33,00,000 out of which Rs 110 lakhs worth of subsidy was given to some mills only in one State. I think that is again the declared policy of Government. That subsidy should also have been given evenly to the textile mills belonging to all the States.

I feel that this Bill will also go contrary to the declared policy of Government in that respect. So, I hope the hon. Minister will take note of these things I have given notice of some amendments to restrict the scope of mischief of some of the provisions. Though I have my fundamental objections to allow particular groups of mills to have this right to infringe the Government orders, I think it may now be too late for the hon. Minister to accept that position. I have tried to limit the scope of the mischief of some of the clauses. I hope the hon. Minister will take cognizance of these amendments.

Mr. Speaker: Shri Shankaraiaya.

Some Hon. Members —rose

Mr. Speaker: I find that this is gathering magnitude like a snowball. I think I should ask the hon. Members at the very outset to get up so that

I may note down their names and call them, except in exceptional cases when I may call others. Otherwise, they take up a few points from here and there and then emphasise them. I will call the hon. Minister next. Hon. Members who are prepared must stand up. I find one hon. Member says something and the same thing is taken up by others.

Shri Tangamani (Madurai): I won't take more than ten minutes, Sir. I will not speak on the amendments.

Mr. Speaker: I will allow him to speak on the amendments.

Shri Shankaraiaya (Mysore): I do not want to make any long speech; but coming from the rank and file of the weavers, I wish to say a few words. I have got some apprehensions with regard to the effect of this Bill. No doubt, on behalf of the weavers, I must thank the Government for the help and support given to the handloom sector or the cottage industry and the weavers are feeling very grateful to them. After this help was rendered and facilities provided, they have made considerable progress. The reports of the Ministry themselves had conceded that the handloom sector and the khadi industry have done very well and that production has increased.

Knowing full well the running of societies, being the President of the Mysore State Handloom Weavers' Society, knowing the handloom sector and knowing also some facts about Hyderabad and Andhra particularly, I may say that the handloom industry has developed to such an extent in the manufacture of dhoties that they are producing finer qualities from 100 to 125 counts at a cheaper rate than the mills. This has opened the eyes of the mills and they have not been able to compete with the handloom industry. That is why they have resorted to all these methods. And, if at this particular time when the handloom sector and the khadi sector are making progress, if the Government were to relax those measures, and if proper protection is not given, the progress that they have made till now

[Shri Shankaraiaya]

and the help that has been rendered to them will be nullified.

The quota will be fixed by the Government. Hitherto the mills were passing their production to the subordinate mills or the mills under their control. Now, what I would request the Government is that while giving effect to the provision in clause 3, they must see that 60 per cent. of production is restricted only to the particular mill that produces it and that it should not be taken as the cumulative amount of what all the different mills under their control and fix 60 per cent. according to that strength. It should be fixed according to 60 per cent. of production by each mill and not the total capacity of all the mills under their control. If that is done, it will be providing more help to the weavers. The Minister in charge of these things and the Government should see these things and study the difficulties of the handloom and the khadi weavers and see that all protection is given so that the industry may progress.

Shri Tangamani: Mr. Speaker, Sir, the object of this amendment of the Dhoties (Additional Excise Duty) Act of 1953 and also the original Act is to assist the handloom industry by restricting the production of certain kinds of dhoties in the mills. But, I would like to submit, in view of the many points that have already been covered by my hon. friend, Shri Guha, that the price of yarn does not at all compare with the price of raw cotton. I would only give certain figures to show how there is so much of disparity. The index of yarn prices....

Mr. Speaker: How does that arise out of this? It is a Bill restricting production of certain dhoties.

Shri Tangamani: The first sentence of the Statement of Objects and Reasons itself says that it is for the protection of the handloom industry. So, some restriction on the price as well as a restriction on production of the dhoties is required.

Mr. Speaker: We are not going into the question of prices of cotton. There are many ways in which handloom dhoties can be allowed to expand. This is one particular restriction on mill cloth and to make that they say 60 per cent.

Shri Tangamani: It is for a particular purpose.

Mr. Speaker: The particular purpose is met in a particular manner.

Shri Tangamani: I will confine myself to the price of dhoties.

Mr. Speaker: How does the price of dhoti come in here? It is only a restriction....

Shri Kanungo: It is only a restriction on the quantity.

Mr. Speaker: It is only a restriction on quantity. What is the use of going into the dhoti prices?

Shri Tangamani: I will come to it. There is so much disparity between the price of dhoti and the price of raw cotton itself.

Mr. Speaker: If a point is raised here, the hon. Minister must answer that. People outside should not think that the Minister has no answer.

Shri V. P. Nayar (Quilon): That very often happens.

Shri Tangamani: Regarding restriction of dhoties, from the objects we find that the production in a particular Mill for the year ending 1952 March, has been taken as the basis and 60 per cent. is the allowable production for these various mills. We are told that by this Act a certain penal excise duty has been imposed. What I would like to know is how much penal duty has been collected during this period. I have received information that the dhoties which are defined in the principal Act as cloth which contains coloured yarn on its borders—I would not use that word—abuse is made of this particular thing. Plain cloth is woven and then some kind of colouring is put on the border. They go

about doing this to get round the condition, 'coloured yarn on the borders'. These things are sold as dhories. All this is done for the purpose of circumventing the provisions of the Act. I would like to know what are the safety measures for preventing this. Once the restriction is imposed...

Mr. Speaker: I think dhories include saris also.

When Shri Rajagopalachari was the Chief Minister of Madras the problem of handloom industry was becoming acute and there was a demand that a certain kind of dhories and saris should be banned from being manufactured in the mills. These were known as the coloured *pudivais* and *karai veshtis*. This was banned and so far as the Madras State was concerned there was no problem at all because most of the mills are spinning mills. Even the biggest unit, the Harvey Mills with 4 lakhs of spindles is only a spinning mill and we have got only a very few composite mills in Madras.

Shri Kanungo: They don't wear conventional dhories in Madras State.

Shri Tangamani: In Madras there are handloom dhories and the very purpose was that handloom dhories should be encouraged. We should not allow these mill-made dhories to be let loose in the market. That was the purpose of this particular Act and that has been more or less successful so far as the Madras State is concerned.

Because the Act is a Central Act and the operation of this is a Central subject, I submit that the mischief has not been prevented at all. I would like to know where the permissible quota is sixty per cent. of the normal quantity packed by the mills, how much of the duty has been collected for a particular quarter or how much excise duty has been collected ever since 1953 when this Act came into force. That is why, by way of abundant caution, I have given an amendment that the excise duties leviable should be three annas, four annas, five annas and ten annas per yard in place

of two annas, three annas, four annas and eight annas.

Another point is that where this permissible quota is not fixed, where it has been rejected by the Textile Commissioner, they have still got ways and means of getting this permissible quota. That is why I am also moving an amendment that where the Textile Commissioner has rejected this permissible quota, no further appeal lies.

I have also moved an amendment that in addition to the extra excise leviable on goods, there must also be powers to prosecute them and levy a fine to the extent of Rs. 20,000. I would like to get an assurance from the hon. Minister as to how he expects to see that these practices are not continued. The limited scope of this amendment is to bring under the purview the owners who have got more than one mill. I would like to know the formula which he has got to enforce the scheme propounded in this Bill.

Shri Narasimhan (Krishnagiri): We are happy to note that the handloom industry is being benefited, thanks to the policy of the Government. It is very sympathetic to the weavers. There has also been a rise in the demand for cloth. Both these things have helped the handloom industry to manage to exist. But a major portion of the assistance that is being given by the Government out of revenues and excise duties collected is now limited to handlooms within the co-operative field. I would like the Government to consider whether its scope could be extended to the larger section that is outside the co-operative field so that they will also get the benefit as soon as possible. Questions were put in the House about this and we were told that references were being made to the Khadi Commission and other such bodies. I hope an early decision would be taken and if possible, the benefits of the excise duties arising out of these measures will also be reaching that large section which is outside the co-operative field.

Shri Kanungo: I am grateful to Shri Shankaraiaya who has made my task very much easier. He is connected with an apex society and he has practical knowledge of the benefits of this particular policy embodied in the Bill. He has said so. I am afraid that most of the doubts arise from not reading the original Act carefully. It was passed in 1953. The Bill was debated in the House from 21st November to 26th November, 1953. From the proceedings, I find that a closure motion had to be applied because many more Members wanted to participate in the debate. All sorts of doubts were expressed and rightly so. It was apprehended that this measure will not be able to give results. Those hon. Members who have followed the fortunes of the textile industry will realise that the apprehensions expressed in 1953 have been belied.

I would only submit that this is only one of the steps which have been adopted for the advancement of the lot of the handloom weaver. This step, by itself, is of no value; it is a simply negative step. This morning I was reading the contribution of my friend opposite, Shri Mukerjee, in the 1953 debate. From the point of view of principles of economics, his arguments were unexceptionable. But conditions being what they are, we cannot be theorists. We have to make compromises—very undesirable compromises, possibly—as the history would show.

This particular Bill is one of the infinitesimal attempts of the Government of India to see that our large weaving population are able to earn a living wage. I would rather say that they should be able to eke out some sort of living instead of a living wage. The limited purpose of the Bill was to see that dhoties and sarees which are mainly worn by our population should be offered at prices at which the weaver may be able to compete in the market.

Shri Bharucha and others have expressed certain doubts about the manipulation of the statistics of production which may release, as a result, more

dhoties than was fixed. If the original definition of permissible quota in the Act is read, none of these doubts can be maintained. Recently, in 1956, the amount of duty has been increased to a considerable extent. There is then the physical quantitative restriction. These give a support to the weaver.

The improvement of the lot of any given man, particularly of a craftsman, will depend upon his capacity to produce a product which will be in demand by the consumer at a price which is competitive. Therefore, the weaver must have to change his technique and adopt himself to improved tools and appliances. I know there is a considerable volume of opinion in the country which stands against such a course.

Shri Ranga: Does improvement mean only introduction of power?

Shri Kanungo: Let us not argue about it; I have only said that there are diametrically opposite views. In a democratic country, the will of the bulk of the population will prevail. Therefore, what I mean to say is, I need not go into those aspects within the limited scope of this Bill. My point is, within the Bill it is not possible to juggle the figures of production in any way, so that the quantum of dhoties and sarees would be anything higher than the 60 per cent. which has been envisaged.

About the amendments which have been tabled—Shri Tangamani has spoken about them—they arise from the apprehension that more Draconian measures are necessary to make the purpose of the Bill effective. I do not think that such sadistic legislations are needed considering...

Shri Tangamani: What is the sadism about it?

Shri Kanungo:the results which we have obtained. A mere recapitulation of the fact, that when the Bill came into operation in 1953 the amount of excess levy on excise was Rs. 9.18 lakhs which gradually dwindled and in 1956-57 it has been merely

Rs. 1 lakh, will show that, with the take-up of the handloom weavers and, particularly, the reduction in the cost of production of sarees and dhoties and better marketing facilities, in the course of a couple of years there will be no necessity of levying any excise duties, because the handloom weaver will be able to compete at a par.

Therefore, I believe that it is not necessary to have any more drastic measures added to the provisions in this Bill, because the results during the last few years have proved that these are enough. And, considering the present additional duties which have been imposed in 1956 the protection, however clumsy it may be, is available to the weaver and, provided advantage is taken of that protection for the time being, I believe it won't be necessary for very long.

Sir, I commend the motion for consideration of this Bill.

Mr. Speaker: The question is:

"That the Bill to amend the Dhoties (Additional Excise Duty) Act, 1953, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 1).

Mr. Speaker: There are no amendments to clause 2. I shall put it to the vote of the House. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment to section 2)

Mr. Speaker: Are there any amendments to clause 3?

Shri A. C. Guha: Sir, I beg to move:

Page 1, lines 11 and 12—

for "under common ownership or management" substitute "under the same Managing Agency or Managing Director or the same Board of Directors and located in the same town

within one municipal area or if outside any municipal area within the same district."

Mr. Speaker: Why does he want to restrict? How does it help? This goes to help the mills to increase production or, at any rate, not put any restriction upon mill production as a group. If they are situated in the whole State, even then the present clause applies.

Shri A. C. Guha: That is the present position. Some of the managing agents may have mills some in Bombay, some in Kanpur, some in Bengal and so on. They will pool together the resources of these mills and then go on producing beyond the quota allotted.

Shri Kanungo: It won't be possible.

Mr. Speaker: On the other hand, my fear is that the hon. Member is not helping towards increased production in the mills.

Shri A. C. Guha: No, Sir.

Mr. Speaker: "Under common ownership or management" may mean anywhere in the whole of India, but he is restricting it to one single village, district or even town at the most.

Shri A. C. Guha: "Under common ownership or management" may mean throughout India. One managing agency or some owner may have mills in Bombay, Kanpur and Calcutta. The purpose of my amendment is that while grouping these mills, as far as the violation of the quota allotted to them is concerned it should be restricted only to those situated in a particular area.

Mr. Speaker: How will it help the handloom industry?

Shri A. C. Guha: In the sense that their quota will be restricted to a particular area, instead of pooling together their resources throughout India and infringing the quota allotted to them. That will give them greater scope for producing over and above

[Shri A. C. Guha]

the quota. If my amendment is accepted they can pool together the resources of mills situated in a particular area and not beyond a particular area.

Mr. Speaker: It may be both ways. In a particular area it may be intense and therefore 60 per cent. may be high, and it may be less in the whole of India.

Shri A. C. Guha: Under the present provisions of the Bill that is always allowed. The same managing agency under common ownership and management may have mills in Bombay or Ahmedabad. They may also have mills, in addition to those in Bombay and Ahmedabad, some in Kanpur and some in Calcutta. My amendment will restrict the scope of pooling together resources only to a particular area, say, Bombay, Ahmedabad or Calcutta. Instead of pooling together resources available in all the States, for mills situated in all the States, this will restrict their resources to a particular area, so that the total quantity produced in violation of the quota would be small.

The hon. Minister in his reply has spoken much about the original Bill, the original Act or the original measure. I think no hon. Member has questioned the soundness of the original Bill or the original Act adopted in 1953. Our objection is only that by this measure he is affecting the efficiency or effectiveness of the original Act. This will not help the handloom industry. This will rather act adversely to the handloom industry and the help that has been provided for by the original Act will be reduced. This will whittle down the effectiveness of the original Act.

If my amendment is accepted, that will at least restrict to some extent the mischief that these mills may do by pooling together the resources of their mills. As I have stated, some of them have got 4, 5, 6 or 9 mills

under their control. They may be spread throughout India. My purpose is to restrict the pooling together of their resources to a particular area, so that they may not go on producing on the basis of 6, 8 or 9 mills that they may be controlling.

Mr. Speaker: Amendment moved:

Page 1, lines 11 and 12—

for "under common ownership or management substitute "under the same Managing Agency or Managing Director or the same Board of Directors and located in the same town within one municipal area or if outside any municipal area within the same district."

Shri Ranga: Mr Speaker, Sir, we make our remarks here in the hope that the hon. Minister on that side will give due consideration to them and, if he agrees well and good, if he does not agree he will state his reasons as to why he does not agree so that we may become the wiser for it. But, instead of that my hon. friend has thought it fit to ignore all the suggestions that we have made in regard to this particular matter. I have already requested him to assure the House what steps the Government would be willing to take in order to prevent these out-dated or too old mills from...

Shri Kanungo: That is entirely....

Mr. Speaker: I am afraid, hon. Members are trying to make this Bill much bigger than what it is. The original Dhoties (Additional Excise Duty) Bill was there. This does not touch all those points. Here it is about group of mills under the same management.

Shri Ranga: My point is, supposing there are A, B & C, three mills, one of which becomes too old to produce any cloth at all, then the production from it ought to be taken out of account and credit should not be given to the owner to get that particular

quota transferred to the other two mills and maintain the same amount of total production. Of course, we would like this mill production to be reduced, but it cannot be reduced under this particular provision: If some steps are not taken by the Government to see that the old or out-dated mills are taken into account and the quota granted to them is not made use of by the owners of a particular group of mills in order to step up production in the other two or three mills that may be in their possession. That is a kind of loop-hole which they are likely to exploit. That is why I said that if it is the intention of the Government to pursue a policy of slowly allowing these over-aged or out-dated weaving mills to go out of production, then, they should certainly not give an opportunity to the common owner to make use of the quotas that are already given to these over-aged mills for stepping up their production in the other mills, and in that way maintaining the total mill production to the detriment of the khadi and handloom industries. I thought that the hon. Minister would give some assurance as to the steps that he might be possibly taking or at least that they would be keeping this particular possibility under careful examination so that at the proper time they might be prepared to take necessary protective steps in the interests of the weavers and of the khadi industry.

Shri Shankaraiya: There is some truth in what Shri Guha has said and that is why in my speech I stated that the lifting of the 60 per cent. should be restricted to the particular mill that produces that cloth. What happens is this. Suppose four mills are in the common management of one person. If the production is 1,000 bales every month, 60 per cent. would be 600 bales per four mills. That would come to 2,400 bales. Suppose, three mills do not work and only one mill produces. If they produce 2,400 bales, even though the other three mills are idle, the group of management will be allowed to lift

2,400 bales. What I say is, suppose a particular mill produces 1,000 bales, then 60 per cent. is allowed under the Act and it may be given. They will be entitled only to 600 bales instead of 2,400 bales. Now, we will be allowing the production to be lifted in a larger variety even though the mills remain idle. That is why in the beginning I said that the production must be limited to the particular mill and the 60 per cent. should be restricted to the particular mill in one group, as it would otherwise encourage the higher lifting of the quota.

Shri A. C. Guha: It is against the fundamental provisions of the Bill.

Mr. Speaker: What Shri Shankaraiya wants evidently is this. Not only the permissible quota should apply, under this amending Act, to a group of mills together but also apply individually. The quota shall apply both individually and collectively. With the permission of the Commissioner, it may be reduced in the case of a group but not added to it. Also, 15 per cent. quota must apply to everyone of them. These are the ceiling or the roofing—something like that.

Shri Kanungo: I am sorry I cannot accept the amendment, because the results of it will be

Mr. Speaker: What is the object of this amendment? How does it help?

Shri Kanungo: I do not know. If you permit me to say how it hurts...

Mr. Speaker: I am asking the hon. Minister how this amending Bill helps.

Shri Kanungo: This amending Bill is giving legislative sanction to a practice which is continuing and is showing results from 1952.

Shri A. C. Guha: ... and it has been acting adversely to the interests of the handloom industry.

Shri Kanungo: I beg to submit that it is not. The results of this—what you call—amendment would be that it will achieve the purpose which was debated in 1953 and rejected by the

[Shri Kanungo]

House, namely, that the mills in West Bengal should have a larger quota of dhoties to manufacture.

Shri Ranga: It was for their benefit that we have adopted this.

Shri Kanungo: The fact is, the permissible quota as defined in the original Act is based upon production at a given period. Some of the mills are equipped for production of more dhoties and some are not equipped for that purpose. A balance has got to be struck. The problem has to be solved and the purpose for which this particular amending legislation has been brought is this. The Textile Commissioner should have the option of clubbing together different units and clubbing together the quota for the purpose of giving a 60 per cent. average of the productive capacity of dhoties at a given period. By no manipulation of statistics it can be said that the total overall of 60 per cent. is being increased.

Shri Naushir Bharucha: That is not the point. The quota is transferred from one unit to another.

Shri Kanungo: It is transferable, but the total quantum of dhoties and sarees at a given period based upon the definition of permissible quota cannot be increased. If my anticipation is wrong and if Shri Naushir Bharucha's anticipation is right, or not, only the statistics for a given quarter will prove.

Shri Barman (Cooch Behar—Reserved—Sch. Castes): Why clubbing of different mills in the same management is required then?

Shri Kanungo: It is required because we have got to keep up a certain quantity of production.

Shri A. C. Guha: If necessary increase it.

Shri Kanungo: It is not possible. No. We cannot increase it. We do not want to increase it. The total quantity of 60 per cent. has got to be

maintained, but maintained in a way where the prices will be simpler. The prices cannot be allowed to rise. It is quite possible that, as it happened in 1956—September—the prices can rise very much higher. The immediate result of this legislation was that the prices of dhoties rose up by as much as 40 per cent. That is a condition of things which certainly none of the Members of the House desire.

Shri Shankaralaya: May I add one clarification? If there are subordinate companies, with branches, we can understand something. But if different companies are under the same management, the managing agent or the managing director is interested.

Shri Kanungo: There are so many forms of ownership and management. It is simpler to have a proper definition of it than to restrict it to companies as defined by the Companies Act. Also, there are certain units which are proprietary and what you call partnership firms, and the position of ownership companies also changes from time to time. Therefore, we take one component unit as the establishment, whatever be the ownership. Therefore, the definition of ownership has been purposely made wide, because you want to stick to the provision of 60 per cent. and you cannot have an undesirable state of things where the price shoots up. So, we require this particular provision to be enacted and the results will prove whether our anticipations are right or Shri Naushir Bharucha's anticipations are right.

Shri D. C. Sharma (Gurdaspur): What happened last time?

Mr. Speaker: For clause 3, there is only one amendment. I shall put the amendment to the vote of the House.

The question is:

Page 1, lines 11 and 12—

for "under common ownership or management" substitute "under the same Managing Agency or Managing

Director or the same Board of Directors and located in the same town within one municipal area or if outside any municipal area within the same district."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4— (Amendment of section 3)

Shri Tangamani: I beg to move:

Page 2, lines 7—

add at the end.

"and the decision of the Textile Commissioner shall be final"

If my amendment is accepted, sub-clause (4) will read as follows:

"Where an application for the fixation of a permissible quota under sub-section (3) is rejected, the Textile Commissioner shall record in writing a brief statement of his reasons for such rejection, and the decision of the Textile Commissioner shall be final"

I shall also move the next amendment No. 5.

I beg to move:

Page 2—

after line 7, add:

"(5) Where the quantity of Dhoties issued out of any mill or group of mills exceeds in any quarter the permissible quota for that quarter fixed by the Textile Commissioner, the mill or group of mills may be levied a fine extending to rupees twenty thousand in addition to the duty payable under the Act."

I shall briefly explain my amendments. If the particular permissible quota is rejected, then no attempt should be

made to refix the quota, but the decision of the Textile Commissioner should be final.

My second point is more in the nature of a deterrent punishment that a fine of Rs. 20,000 should be imposed where they have exceeded this quota. The Minister, in his reply to the first reading, said that this excise duty has progressively decreased. Whether it has decreased because there has not been any violation of the fixed quota permissible or whether there is some method for circumventing it is a point to be enquired into. The hon. Minister also stated that a certain existing practice is being legalised, namely, although the individual quota has been fixed, whether the individual mills had produced the requisite quota or not, because the group of mills were owned by a particular owner, this 60 per cent. has somehow been adjusted. If that is the position and this is only for the legalisation of the actual practice, I submit that my amendment is very important, which I would like to press.

Mr. Speaker: Amendments moved:

(i) Page 2, lines 7—

add at the end:

"and the decision of the Textile Commissioner shall be final".

(ii) Page 2—

after line 7, add:

"(5) Where the quantity of Dhoties issued out of any mill or group of mills exceeds in any quarter the permissible quota for that quarter fixed by the Textile Commissioner, the mill or group of mills may be levied a fine extending to rupees twenty thousand in addition to the duty payable under the Act."

Shri Jadhav: I beg to move:

Page 2—

after line 7, add:

"Provided that without prejudice to the Schedule to section 4, if the

[Shri Jadhav]

quantity of dhotties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be."

By this amendment I only seek to add a proviso to sub-clause (4). If a mill or group of mills produce a quota beyond the permitted quota, the quota produced beyond the permitted quota should be confiscated and the mill or group of mills should be fined with an amount ranging from Rs 1,000 to Rs. 10,000.

Mr. Speaker: Amendment moved:

Page 2—

after line 7, add:

"Provided that without prejudice to the Schedule to section 4, if the quantity of dhotties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be."

Shri Kanungo: As regards Shri Tangamani's amendments, he wants that the decision of the Textile Commissioner shall be final. I shall be very happy to do that; in fact, I would like it to be embodied myself, but the point is that the Constitution gives certain powers to every citizen and we cannot take them away. The courts are open to every citizen. Therefore, there is no point in our saying that the Textile Commissioner's decision shall be final, because the power given by the Constitution cannot be abridged.

About the next point, I have replied earlier that the penal provisions of the Textile Control Order are still there. Prosecution is possible; it is not ruled out. It can be done. But when the purpose is being served with

the present provision of a penal deterrent duty, what is the use of embodying it in this legislation? Prosecution is possible and can be done. But if you can get the same purpose served without going to criminal courts, by the economic laws and by fiscal measures, why should we take recourse to it doubly? Therefore, I do not accept this suggestion.

To Mr. Jadhav's amendment also, the same argument applies. I would only add that confiscation will create another problem. We do not want to destroy a certain quantity of cloth produced. What are you going to do about it.

An Hon. Member: Sell it.

Shri Kanungo: We cannot sell it cheap, because the very purpose will be lost. So, the present provisions, as they are, are desirable and should be kept.

Mr. Speaker: I shall now put amendments Nos. 2, 4 and 5 to the vote of the House. The question is:

Page 2—

after line 7, add:

"Provided that without prejudice to the Schedule to section 4, if the quantity of dhotties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be."

The motion was negatived.

Mr. Speaker: The question is:

Page 2, line 7—

add at the end:

"and the decision of the Textile Commissioner shall be final".

The motion was negatived.

Mr. Speaker: The question is:

Page 2,—

after line, 7, add:

“(5) Where the quantity of Dhoties issued out of any mill or group of mills exceeds in any quarter the permissible quota for that quarter fixed by the Textile Commissioner, the mill or group of mills may be levied a fine extending to rupees twenty thousand in addition to the duty payable under the Act.”

The motion was negatived.

Mr. Speaker: The question is:

“That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6.—(Amendment of section 5)

Shri Harish Chandra Mathur (Pali): My amendment No. 1 is in accordance with the recommendation of the Committee on subordinate Legislation and I hope the hon. Minister will have no objection to accept it. It is only about the rules made under this section to be laid before the Parliament.

Mr. Speaker: Is it not there in the original Act itself? This is only an amending Bill to levy an additional duty. I find that it is not there in section 5 of the Act. Section 5 says, “The Central Government may..... make rules for carrying out the purposes of this Act, including, in particular, the submission of returns....” etc.

We have adopted this formula uniformly in the case of all delegated legislation.

Shri Kanungo: I have no objection on principle to accept this amendment, but I would like Mr. Mathur to substitute the words as I have here.

Shri Mohiuddin (Secunderabad): The rule-making section of the original Act is not touched by this amending

Bill. So, this amendment cannot be moved.

Mr. Speaker: We are only giving additional power to the Parliament and legalising it, bringing about uniformity. It can be said that the notifications or orders made by the Commissioner shall be laid before the House for being examined and so on. Therefore, there is no harm. We have done it when we refer a Bill to a Select Committee. We have issued instructions that other clauses which have not been touched by the amending Bill may also be examined. Now, we are not referring this matter to any Select Committee; we are disposing of it here. For instance, in the case of the Preventive Detention Act, it was thought that other clauses which were not touched by the amending Bill might also be examined by the Select Committee for bringing about uniformity and in accordance with the experience in later years; so, that power was given to the Committee....

Shri Kanungo: It is for you to consider whether this precedent will apply in future also.

Mr. Speaker: It will not apply. This is purely a matter of delegated legislation, under the rule-making power of the Government. We are trying to bring about uniformity. I thought the hon. Minister himself would have brought forward such an amendment. It is only for removing a lacuna. The Minister has no objection to that.

13 hrs.

Shri Mohiuddin: I suggest that the word “Act” may be substituted for the word “section”.

Shri Kanungo: That is the regular form which we have accepted.

Shri Harish Chandra Mathur: I beg to move:

Page 2,—

for clause 6 substitute:

‘6. Amendment of section 5.—
Section 5 of the principal Act

[Shri Harish Chandra Mathur]

shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, after the words "in particular", the words "the form and manner of applications for fixation of permissible quotas for groups of mills, the procedure to be followed in relation to such fixation and" shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modification as Parliament may make during the session in which they are so laid or the session immediately following."

Mr. Speaker: The question is:

Page 2,—

for clause 6 substitute:

6. *Amendment of section 5,—*

Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, after the words "in particular", the words "the form and manner of applications for fixation of permissible quotas for groups of mills, the procedure to be followed in relation to such fixation and" shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may

make during the session in which they are so laid or the session immediately following."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 6, as amended, stand part of the Bill".

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7.— (*Amendment of the Schedule*)

Mr. Speaker: Amendment No. 6 of Shri Tangamani is out of order because it increases the incidence of taxation.

The question is:

"That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

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

Shri Kanungo: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

COTTON FABRICS (ADDITIONAL EXCISE DUTY) BILL

The Minister of Commerce (Shri Kanungo): I beg to move:

"That the Bill to provide for the levy and collection in certain circumstances of an additional duty of excise on cotton fabrics issued out of mills be taken into consideration."

The purpose of the Bill has been explained in the Statement of Objects