

LOK SABHA DEBATES

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*Friday, December 4, 1987/Agrahayana 13,
1909 (Saka)*

*The Lok Sabha met at Eleven of
the Clock.*

[MR. SPEAKER *in the Chair*]

OBITUARY REFERENCE

[*English*]

MR. SPEAKER : Hon. Members, I have to inform the house of the sad demise of Shri Jaswantraj Mehta who was a Member of the Third Lok Sabha during 1962-67 representing Pali constituency of Rajasthan. Earlier, he had been a member of the First and Second Lok Sabha during 1952-57 and 1957-62 respectively. He was elected to Jodhpur Legislative Assembly in 1947 and served as Minister there during 1947-48. An active Parliamentarian, he served on the Committee on Estimates and Committee on Government Assurances of Lok Sabha.

An able administrator, Shri Mehta served with distinction the State of Rajasthan as Chief Secretary for six years and Jagir Commissioner for twelve years. He served the State in various other capacities as Revenue Secretary, Famine Commissioner and Commissioner of Customs and Excise for several years. While in service of Jodhpur State he reorganised the State Secretariat and drew up schemes for the reorganisation of District Administration.

An eminent legal luminary, Shri Mehta rendered valuable service to the erstwhile

State of Jodhpur as acting Legal Adviser and Legal Remembrancer. A well known social worker, he worked for the promotion of communal harmony.

Shri Jaswantraj Mehta passed away at New Delhi on 26 November, 1987 at the age of 89 years.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may now stand in silence for a short while to express its sorrow.

(The Members then stood in silence for a short while)

ORAL ANSWERS TO QUESTIONS

Appeals Pending with CEGAT

[*English*]

*414. SHRI HAROOBHAI MEHTA : Will the Minister of FINANCE be pleased to state :

(a) the number of Central Excise and Customs cases pending before the Customs, Excise & Gold (Control) Appellate Tribunal (CEGAT) and its break up Bench-wise; and

(b) the steps contemplated by Government to ensure early disposal of Central Excise and Customs cases pending before the Tribunal ?

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B.K. GADHVI) : (a) and (b). A statement is given below.

Statement

(a) The number of cases pending as on 1.10.1987 is as follows :

Bench	Central Excise	Customs	Total
<i>I. Special Benches</i>			
'A'	4561	1782	6343
'B-1'	1579	—	1579
'B-2'	—	3369	3369
'C'	1622	790	2412
'D'	2681	741	3422
<i>II. Regional Benches</i>			
Delhi	215	345	560
Bombay	1123	3746	4869
Calcutta	787	1325	2112
Madras	224	349	573
Grand Total	12792	12447	25239

(b) As a result of special drive, disposal of appeals has gone up from 5850 during January to September, 1986 to 8083 during the corresponding period of January to September, 1987. The rate of disposal would get further accelerated when Members are appointed against existing vacancies. Groups of appeals involving common issues are being taken up together for decision. The Government has also initiated action to set up the Customs and Excise Revenues Appellate Tribunal soon, which will have a minimum of three benches. That Tribunal will be hearing appeals arising out of new tariff and valuation cases arising on or after 28.2.1986.

SHRI HAROOBHAI MEHTA : 2,500 and odd number of cases are pending before the Tribunal and the number is by no means encouraging. It appears that the purpose of setting up of the Special Tribunal is not being fulfilled. Also, in most of the States there are no regional Benches. The regional Benches are set up only at Delhi Bombay, Calcutta and Madras. In Sampat Kumar's case, the Supreme Court has insisted—and rightly too—that in every place where the High Court has a seat, there should also be a bench of the Administrative Tribunal. This analogy must apply to the

CEGAT also. The Baroda Appellate Tribunal is perhaps the second highest in India after Bombay. But unfortunately, one of the Appellate Commissioners of Bombay has exclusive jurisdiction over Gujarat also. There is no sitting of the Appellate Commissioner at Gujarat. May I, therefore, ask the hon. Minister whether the Government would consider setting up of Benches of this new tribunal CEGAT in each State with a view to disposing of the cases quickly? I am not saying it merely from the litigants' point of view. But more importance is the fact that a lot of government revenue is bogged down on account of the interim relief given by the Tribunal. Early disposal of cases will help the Government in getting more revenue. Therefore more Benches should be set up and more energetic steps should be taken to see that the cases are disposed of speedily.

SHRI B.K. GADHVI : I know that cases are pending before the CEGAT. But looking at the disposal, the hon. member would appreciate that every month about one thousand cases are being disposed of by the CEGAT. Still there is pendency. With regard to setting up a Bench in the area mentioned by the hon. Member, I have noted down the suggestion. We are trying

to expedite the disposal of cases. We are very much concerned that cases should be expeditiously disposed of. For this purpose we are trying to fill up the existing vacancies on getting suitable men for the job.

SHRI HAROOBHAI MEHTA : Sir, the Parliament has passed the law for setting up of the Tribunal with exclusive jurisdiction. Even the High Court's jurisdiction is barred and that helps the Government, especially in excluding the High Courts' injunction on revenue. Now, when does the Government propose to implement the law and set up the Tribunals? Parliament is interested to know as to when the Government will implement the laws passed by Parliament. After all, Parliament is entitled to know from the executive as to why there should be any delay in bringing into force an Act passed by Parliament for setting of the Tribunals.

SHRI B.K. GADHVI : The setting up of a Tribunal is under the active consideration of the Government.

SHRI HAROOBHAI MEHTA : What is the exact date by which this Tribunal will be set up.

MR. SPEAKER : No third question please.

SHRI P. KOLANDAIVELU : With regard to gold control, smuggling and other things, the Government is thinking of every step to see that no gold smuggling takes place. Of course, I appreciate the Government's action. When a person is booked under the Gold (Control) Act, it takes years for the Government even to file the charges and the person is kept under custody for a long time. Personally, I know of cases where people are kept in custody for more than last seven months. The FIR has already been filed, but in spite of the repeated requests of the people concerned, the charges have not yet been filed. Also, even at the FIR stage itself, the very person is booked under COFEPOSA. Even though they make an appeal, cases are pending for years together even in the Special Benches. Cases are pending for more than two years even in the Special Benches as well as the Regional Benches. I would like to know from the hon. Minister whether any steps are being taken to dispose of the cases as

early as possible by fixing a certain time limit for the disposal of the cases.

SHRI B.K. GADHVI : I think the hon. Member has assumed a little incongruous assumption with regard to this question. Smuggling of gold and COFEPOSA proceedings are treated on a different footing and in different forums.

So far as COFEPOSA is concerned, the maximum limit of detention is to years. Normally, we detain for one year and then in the regular cases the Customs Act will be enforced.

CEGAT is a different matter. It is with regard to evaluation and other aspects. It has nothing to do with smuggling. Smuggling is dealt with by other agencies.

MR. SPEAKER : Next Question; Shrimati Bhandari—absent; Shri Rao—absent: Shri Madhav Reddy.

Financial Assistance to SSI Units through National Equity Fund

*417. **SHRI C. MADHAV REDDI :** Will the Minister of FINANCE be pleased to state :

(a) the number of small scale units benefited by the financial assistance provided by the Industrial Development Bank of India (IDBI) from the National Equity Fund; and

(b) the various schemes formulated by IDBI for extending financial assistance to the small scale units from the National Equity Fund ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : (a) and (b). A statement is given below.

Statement

National Equity Fund (NEF) has been set up in the Industrial Development Bank of India (IDBI) in August 1987 for providing assistance in the form of soft loans towards equity to eligible entrepreneurs for setting up of new projects and also for rehabilitation of potentially viable sick units in the tiny and small scale sectors. The assistance under the Scheme would be channelised through nationalised banks,