

PROF. MADHU DANDAVATE: Sir, I beg to move:

"That the Bill be returned."

*The question was put and the motion was adopted.*

SHRI SUBRAMANIAN SWAMY: On the Third Reading I wanted to speak, to put a question. Let the Minister assure me that he will re-examine the Trasadam' issue.

PROF. MADHU DANDAVATE: Let us discuss it outside. I respected your view even in your absence.

Now, I will move the motion regarding the other Bill.

THE VICE-CHAIRMAN (SHRI BHUVNESH CHATURVEDI): The question is:

"That the Bill further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957, as passed by the Lok ~ Sabha, be taken into consideration." *The motion was adopted.*

THE VICE-CHAIRMAN (SHRI BHUVNESH CHATURVEDI): We shall now take up clause-by-clause consideration of the Bill. *Clauses 2 and 3 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.*

PROF. MADHU DANDAVATE: Sir, I beg to move:

"That the Bill be returned."

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### **GOLD (CONTROL) REPEAL BILL, 1990**

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Sir, I beg to move:

"That the Bill to repeal the Gold (Control) Act, 1968, as passed by the Lok Sabha, be taken into consideration."

Sir, I need not speak on this now. If some Members speak, I will reply in the end.

*The question was proposed.*

SHRI N.K.P. SALVE (Maharashtra): Mr. Vice-Chairman, I rise to support this Bill which has been very brilliantly drafted because the entire Bill has been contained in two clauses and in two lines. Fortunately this is one Bill in which no scope has been given for the draftsman to flaunt his brilliance on us. Normally the drafting of such commercial laws is a nightmare, so far as I am concerned...

PROF. MADHU DANDAVATE: Even then mistakes could be committed

SHRI N.K.P. SALVE: I apologise for speaking on this Bill. Having heard such a brilliant expostulation by the Finance Minister which was one of the most persuasive speeches because of its lucidity and because of its coherence, I really wish more Members from the Treasury Benches spoke like this so that even if they spoke wrong things, we would be persuaded to believe that what they said was right. I apologise for speaking on this Bill for two reasons mainly. In the heydays of my profession my appearance before the gold control authorities was very limited. So the actual administration of the law, I have known very little. And I have very little knowledge about gold \*except what I learnt in my childhood that all that glitters is not gold. My knowledge is confined to that. Despite that, I am speaking on this Bill and, therefore, if the Finance Minister finds that my speech is lacking in erudition and scholarship, he will forgive me. But sometimes Members have also to depend on common sense. It is entirely on common sense that I would be depending on. Before I proceed further, since other Members have referred to it, I must refer to a quarrel I have with this Finance Minister. If it were any other Finance Minister I would not have had this quarrel. I know this Finance Minister is really possessed of sportsmanship. I don't

like to flatter a Minister at all, at least not in the House because the job of the Opposition is to take dissent to the corridors of power and, therefore,... (*Interruptions*).

It is not a left-handed compliment. I know he is a real sportsman. But he has shown a singular lack of sportsmanship. So far as the rushing through these Bills—the Appropriation Bill and the Finance Bill—is concerned, I do not find fault with him. He had to adhere to a strategy basically complying with the Rules of Procedure and pass them. Let him place his hand on his heart and say whether or not it is a total violation of the spirit of the rules. Sir, what has hurt me immensely, and I will carry this grudge always against my very dear and revered friend, Madhu Dandavate, is: if by a word he had come and told me or Shiv Shankerji, 'if you are carrying on this business, I am rushing through, the Bill', that would have been enough. A fair warning is necessary to the opponent. No such warning was given. Instead the matter was rushed through like this. It has hardly done any good to the dignity of the House or to the great reputation of Mr. Madhu Dandavate. Madhu Dandavate is the Finance Minister today. He may not be the Finance Minister tomorrow. He might be sitting here. That does not matter. But Madhu Dandavate, has a certain reputation—as a sportsman, as a fine leader, a person of some refined values. Sir, for quite some time I used to consider that he was a great Gandhian. (*Interruptions*).

Be that as it may, it is my grievance and I wanted to register my protest. That is one.

There is another protest I have.

Sir, I am told that I cannot be taken into the Finance Consultative Committee. The Parliamentary Minister said that there is no vacancy. Far 25 there is no subject I can do anything about. So I am out of job completely. Firstly, I am sitting in the Opposition. Then, I am not in the Consultative Committee. My request is

that if there is not enough room I will sit behind you; I will sit with the bureaucrats. But please tell your Parliamentary Affairs. He is also the Minister for Information and Broadcasting. He never invites me on the TV to speak on my subject, the Budget or the Finance Bill, etc., because you know what I say may not be palatable to him. It may not be as palatable to him, because I won't talk anything irresponsible, but at least in the Consultative Committee you agree to provide one more chair even if it is outside the room, and not say that there is no vacancy for me, to come there.

sir, coming to the bill, I must say that this repeal of the gold Control Act is indeed a silver lining in the dark cloud which this government's performance has been ever since it has taken the reins. Large, Himalayan promises have been made. And if you were to correlate the promises made at the time of election and the performances, it is a dismal performance. I have been reading on the walls of New Delhi:

**"चुनाव के वादे पूरे करो नहीं तो कुर्सी छोड़ो"**

Poor people did not know, firstly, that they were election promises. And the first mistake they committed is that they believed the election promises and elected these people to power. The second mistake they commit is their insistence that they implement these. In that the real silver lining—because I have a very serious grievance against the Budget proposals, and the main grievance is what Mr. Morarka referred to—is that there is no attempt to phase out the deficit. I know the constraints he was under, I know the difficulties he was under and I know he took over at a time when the economy was very precariously poised and the fiscal balance had just gone bizzare. He tried to do his best. Where he really lacked was areas in which his efforts could be more concerted. I lost an opportunity of talking on the Finance Bill. But be that as it may, but indeed this one measure which

[Shri N. K. P. Salve] \* he has taken, a measure which was an irrational measure, a cynical measure...

PROF. MADHU DANDAVATE: You made one of the longest speeches of your life on the Budget this time. Finance Bill you missed. But on the budget you did speak.

SHRI N.K.P. SALVE: Sir, I hope the brevity of the speech or the length of the speech was not a fact which made him completely impervious to what I said. *(Interruptions)* If that be so, I will always make my speeches short.

Sir, I always thought that this Gold Control Act was nothing but the manifestation of a very cynical attitude of our people. Firstly, as very rightly pointed out by someone, can you have a measure in this country, a legislative measure, which entirely runs against the sentiments of the people of this country? It is a tradition-bound society we are living in..Even if it is a modern India, is there a lady in any house anywhere in India, whichever caste, community or creed she might be belonging to and she may be the poorest of the poor, who might not store a bit of gold for herself<sup>9</sup> What is wrong in it? If that is what you are going to allow, then how much regimentation of the lives of the people in this country you want? Sir, in 1968, I was a Member of the Parliament very closely working with the then Finance Minister, Mr. Morarjibhai Desai. There were a very large number of artisans, goldsmiths, in my constituency. Overnight they were without a job. And what they talked of him? What the women talked of him? And what the children talked of him? The way they cursed him, I really wish no politician should ever be cursed in that manner. I hope that the politicians will not go only by a fiat of their own, by a whimsical fancy of their own and would not make enactments which are not only against the sentiments but wholly irrational, enactments which are respected only in their breach. Imagine it for a moment, Sir. Therefore. I welcome this measure

very much because nearly half a million people who were either unemployed or under-employed will be provided a job. Their children and their family members will all bless this Finance Minister for this one particular Act. He will get as many blessings of those people as many curses Morarjibhai got for bringing this enactment. The bureaucrats really carried it. I do not know what the bureaucrats have to say about the Government machinery. The second reason why I welcome this Bill is that there is tremendous corruption in the administration of this Act, it is unbelievable. The bill is supposed to have been enacted, *inter alia*, to protect the economic and financial interests of the community, for the control of the production, manufacture, supply, distribution, use and possession of and business in gold ornaments and articles of gold and for matters connected therewith or incidental thereto. Thanks to the extremely corrupt, extremely glib, machinery which is provided under the mechanism, and with unlimited discretionary powers, any amount of gold, primary, ornaments or in any shape, is available anywhere you want. As long as you have the capacity to buy gold, you have also the capacity to avoid anyone coming and detecting any of the violations committed under this Act. The corruption will come to an end. That is the second reason why I support this Bill.

Thirdly, this law had become a regular engine of harassment to the people. Sir, look at Section 8(1). Sir, I will read only one provision. It will indicate to you how utterly meaningless, how utterly absurd— if I may use the word 'stupid'; I don't know whether it is parliamentary or not. Imagine the provisions, Sir. this section deals with restrictions regarding acquisition, possession and disposal of gold. Sub-section (2) is amazing. I would like to deal with this Sub-section. That is why I remember how absurd it is. "Save and otherwise provided in this Act, a person may acquire or agree to acquire the ownership, possession or control of or

buy', accept or otherwise receive or agree to buy, accept or otherwise receive any ornament unless he knows or has reason to believe that 'such ornament being required to be included in a declaration has not been so included.' So, I must believe. If it is not included, then I need not buy. Now, there is no mechanism of knowing whether they are included or not or whether they are fourth-hand or fifth-hand, and somebody is buying somewhere. What kind of law is this? What kind of requirement is it? Do you want to bring your law to such a ridicule? I can point out any number of such provisions in the Income-Tax Act itself and sooner we get rid of them, the better. In fact, one of the points on which I would have supported him is getting rid of the incentives. If you really want to simplify your tax laws and do not want them to be a heaven for the Chartered Accounts and the tax lawyers, kindly get rid of all the fiscal incentives in the Income-Tax Act except those which help savings. In this way, you will reduce the litigation. The best way to have your tax quantum to be worked out is to do it purely by a mechanism of rates of taxation.

And in that sense, I approve your deleting the investment allowance, except my grievance has been that you should have given notice of three years time and not purely be able to make Rs. 800 crores to reduce your deficit. This kind of a measure which you have done in the Finance Bill indicates lack of honesty on the part of the Government. Don't give incentives. But if you do give incentives, work on them honestly. And therefore about the long-term fiscal policy, now that I am in the Opposition, I do not have an opportunity to know it. When we used to be the Party in power, the then Finance Minister, the present Prime Minister, used to talk to us informally, and we were able to share some thoughts. And I must say without taking any credit for it, that Mr. L.K. Jha, myself, Mr. Jagesh Desai, Mr. Thakur,

four or five of us were in continuous dialogue with the Finance Minister. And both the then Finance Secretary and the then Finance Minister said, 'I have benefited immensely in my discussions with you in the formulation of my long-term fiscal policy.' May I request Mr. Madhu Dandavate that since he is going to talk to so many people, he might also talk to some of the Members of the Opposition? Without disclosing what it is, if you say the document is ready, that sends chill through my spine. Our view has remained unheard. But I am sure, a man like you would be open-minded till the end, and if we have some good suggestions to make, I do hope they will be duly incorporated.

Now, Sir, there are a few things which you must tell us. And I said I know nothing about gold or Gold Control Act. But I thought that in this Act itself—or if not in this Act, as a follow through you will have some other Act—you will tell us how you are going to stop smuggling now because there is a 60 per cent differentia. I have no simple solution because it is too simplistic to say that you do this and do that, and smuggling is going to stop. Smuggling is a phenomenon which exists in all the countries; wherever a thing is more expensive in your own country, there is a tendency to smuggle. And gold is something for which we have innate and intrinsic attraction, and that is why smuggling has been going on. Secondly, it is not clear as yet as to how you are going to make this available to the artisans because artisans must be provided with jobs. I do not know whether the Reserve Bank is going to sell gold or you are only going to depend on market economy. And if you are going to depend on market economy. How are you going to ensure there is adequate gold available for these artisans because if you are getting the blessings of the artisans, please make sure the smallest artisans who works in the adivasi area is not denied this because there is racketeering going on. There has been a whole lot of

[Shri N. K. P. Salve] fluctuations upwards and downwards. I wish you could have brought it earlier. Why did you not bring this Bill earlier? This Bill could have been brought much earlier and so much of speculation that went on could, perhaps, have been averted, and you might have another Act also as a follow through because that is what I feel, unless you feel that I am on a completely wrong track. Unless you have a follow through action by an appropriate legislation, you will not be able to take care of some of the very evil aspects because of the commerciality of this yellow metal.

Then, Sir, I have a very serious grievance so far as export of jewellery is concerned. I think, over 40 billion dollars is there in the international trade. He may correct me; my figures are very tentative. What was India's share, Sir? India's share was a measly Rs. 275 crores in 1989-90. If we have 10 per cent—we can easily have 10 per cent—the share will be about Rs. 7,000 to Rs. 8,000 crores. And for India's craftsmen, 10 per cent is a pittance. Sir, I might submit to you from my experience. I was one day looking at the shops in Sharjah, very small shops as the ones we have on the Jan Path road; there was a very small shop where so much of gold was displayed. Perhaps the shop of Tri-bhuvandas Zavari in Connaught Place would look ridiculous. There I went in just to see how things are. There was first class jewellery. The craftsmen were either Pakistanis or Indians. I asked the owner of the shop, who was a Pakistani: "Which jewellery is more acceptable to people here, Indian jewellery or Pakistani jewellery?"

He said 'Arabs prefer Pakistani jewellery, but the entire Western World prefers Indian jewellery'. I only hope that people will not see any communal tinge in what I am talking about. This is what he said. Now, this is the position in a place like Sharjah, where they have any amount of gold available, but the workmanship comes from India; the

workmanship comes from Pakistan. There is also plenty of machinery-made jewellery. I am going to refer to it later on. I believe, in India also we are doing that. For God's sake, do not allow the import of machinery for the manufacture of jewellery in India. If you do that, you will be doing the single greatest disservice to our artisans. I will come to that later on. But hand-made jewellery in India is one of the finest and it has great potential for export. When you ask people 'why are you not exporting?', they always say that the regulations, the controls, the rules and the officials working there make export absolutely impossible. Again, I am not too conversant with the entire matter. But would the Finance Minister agree to look into it? One of the purposes should be that you give a tremendous boost to exports. You have fixed a target of Rs.500 crores. I think it is measly. It is absolutely nothing. Let it be raised at least to Rs.3,000-4,000" crores.

Now that you have got rid of this pernicious enactment, which was, sort of, stifling the artisans, which was like a stranglehold on the artisanship on the skill, on the genius, of our artisans, make sure that you export Indian jewellery in large quantities. Let there be no rules and regulations stifling and impeding the entire process of exports.

Another thing I would like to suggest to the Finance Minister. Why not the Government also consider the possibility of trading in gold? Gold is one commodity in which very skilled trading can be done. If you do that kind of trading, if nothing else, your deficit will come down. This, to me, is of great interest. If you do some honest, good, trading, you will also be able to stabilise the market economy in India. Therefore, do consider the possibility of trading in gold as such.

Then, what about the NRIs? When they come back, are you going to permit them to bring in some gold? Nothing would be lost. If gold comes to India, it

is very good. Let me say one more thing, Mr. Finance Minister. God forbid, but if there is a war between India and Pakistan, your best help is going to come from the people of this country who will be willing to give you gold? 10,000, 20,000, 30,000 crores worth of gold in India is nothing. This is the silver-lining to smuggling. People were smuggling in gold. The value at that time used to be Rs. 100. This was way back in the sixties. People were smuggling in gold for Rs. 50 or Rs. 60. Imagine! Rs. 50 or Rs. 60 a tola of gold smuggled, available to him today, would be of so much value. When I was the Minister of Steel and Mines, I once visited Kolar. I asked those people 'During the British days how much gold was extracted and exported'. They told me that had the exported gold been available today in India, it would have been worth Rs. 50,000 crores. How many plans we would have been able to finance!

Therefore, gold is such a valuable and precious commodity, if somebody is bringing it, please do not make his life miserable for bringing it. All that is needed is, he should be able to explain the source. Once it is done, he has no problem. Like in the case of any other asset. For example, if I have a house, he has every right to ask me wherefrom I got the money to build the house. If I explain the source, despite all the terrible land ceiling laws, this, that and the other, so far as income-tax is concerned, he will allow me to live in peace. Therefore, we would want him to tell us what is the attitude he is going to adopt in regard to the NRIs. I think, it requires some thinking in depth. At the moment, everything is so very uncertain. This is another grievance I have against the Finance Minister.

When you repeal a law of this magnitude and dimension, which governs an article which is the most sought-after article not only in India but all over the world as well, you have to be sure in

your mind, what ought to be the direction in which you want this particular article to be regulated.

In the end, I congratulate the hon. Finance Minister for taking courage to repeal this legislation, which legislation has been respected only in its breach, which has been respected only in its non-observance. He has got rid of this very cumbersome and pernicious enactment. I congratulate him and I wholeheartedly support the Bill. Thank you.

THE VICE-CHAIRMAN (SHRI BHUVNESH CHATURVEDI): Shri Kamal Morarka. But before he starts, I may invite the attention of the House that the discussion on the Bill will be closed at 6.00 o'clock and then Half-an-Hour Discussion will start.

SHRI KAMAL MORARKA (Rajasthan): Sir, I thank Mr. Salve for doing half my work and I will proceed to the other half. As the House will be aware, gold first came under control after the Chinese aggression, in January, 1963 as part of the Defence of India Rules, and the present Gold (Control) Act, which we are seeking to repeal, was enacted in 1968. The Objects and Reasons of the Bill at that time, the purpose was to restrict the circulation of smuggled gold by putting restrictions on the holding of primary gold and the idea was that smuggling would be controlled and would go down, the making of new jewellery was restricted to only 14 carat so that smuggled gold, if used in making of jewellery, could be detected. That was the purpose of the Act. In most of the Acts in India, unfortunately, the implementation is not reviewed. If it was done in this case for instance, this Act should have been repealed probably within two or three years of its enactment. Mr. Salve very rightly pointed out *ab initio* the purpose was very doubtful in 1968 itself and it appears that Mr. Salve was not a very influential member of the Congress Party at that time.

SHRI N.K.P. SALVE: Even today I am not that influential. I am not half as influential as you are in the Janata Dal.

SHRI KAMAL MORARKA: Thank you.

THE VICE-CHAIRMAN (SHRI BHUVNESH CHATURVEDI): Is it correct?

SHRI KAMAL MORARKA: Mr. Salve told us only a few moments ago that he was being consulted by the Finance Minister in a group of 4-5 members, but apparently in 1968 it was not so. Otherwise, the country would have been spared of this Act then and there.

I congratulate the Finance Minister for bringing forward this present one-line Bill to repeal this Act. It requires a lot of courage in this country to undo something which has been done, something which everybody agrees is wrong, something which is going on for the last 22 years, still it requires a lot of courage in this country to come forward and repeal it. Therefore, I want to place on record my heartiest congratulations to the Finance Minister. When he made a mention of this in his Budget speech I know of many responsible persons who said that this is only a part of the Budget speech, it will not be done, you just wait and see, sessions will come and go but the Gold (Control) Act will not be repealed. Therefore, I am a very happy person that all these cassandras have been proved wrong. One of the specific promises made in the Budget speech is being fulfilled today. And this Act will stand repealed after we pass this Bill and, of course, after the President has given his assent.

Mr. Salve has rightly pointed out that even after the repeal of this Act...

PROF. CHANDRESH P. THAKUR (Bihar): Unless the prices come in line, why are you giving him the credit?

SHRI KAMAL MORARKA: This Act, in any case, should go.

PROF. MADHU DANDAVATE: Gold is not an essential commodity.

SHRI KAMAL MORARKA: I may clarify that nobody should be under the impression that the repeal of this Act would bring down the prices. It cannot because availability of gold will not go up merely by repealing this Act. Other complementary measures will have to be taken. I have a few suggestions to make for the consideration of the Finance Minister.

The Rangarajan Committee report is pending with the Government. The previous Government was considering it. I had made a special mention when Mr. Shankarrao Chavan was the Finance Minister. I do not know where it got held up. I was told that probably the Cabinet was considering it. The Rangarajan Committee had recommended that *inter alia* 100 grams of gold per person should be allowed to be imported by returning NRIs. I feel this limit is too low. He should think of 200 or 500 gram limit seeing other considerations, but you will have to give a substantial concession for bringing gold into the country by legal means. Today the statistics are very clear. One hundred to one hundred fifty tonnes of gold are being smuggled into the country every year. Seizures, as reported in the press or on the T.V., are about 5 tonnes and the total production in the country is 2 tonnes. Sen 2 tonnes is the production, 5 tonnes seized and 100 to 150 tonnes are still smuggled into the country without payment of duty.

Our great economists and even the Finance Ministry mandarins will tell us, "don't allow import of gold, the balance of payment position will go wrong, the foreign exchange will not come". But, Sir, I am humbly submitting, I am not an economist, one hundred to one hundred fifty tons of gold which is coming to the country today is being paid for. It is not coming free. It is being paid for through illegal channels. There are hawala transactions galore. You know the situation. For 22 years we have seen that

our stopping gold does not stop gold. Our putting restrictions does not work. It is much better to give a little flexibility and let the water find its own level. Gold smuggling will come down the day the lure of profit is reduced, which means the prices in the Indian market must come down. This will not happen unless gold comes in through legal channels. So I submit for the consideration of the Finance Minister, apart from Rangarajan Committee's Report with scaling up the allowance from 100 grams to a higher quantity, two or three suggestions.

There is the foreign currency NRI account which has got a deposit of eight thousand to ten thousand crores and the annual interest that we are paying in foreign exchange is about 800 to 1000 crores. If against that interest of 800 to 1000 crore, you allow them to import gold, many of them will do that because gold is profitable. That is not your foreign exchange. Your balance of payment is not touched. In any case you have to pay in foreign exchange. You allow them to import gold against that amount. I think 30 to 40 tons of gold can be imported against that amount.

Similarly, the non-residents' external account is there. For the last three years, the figure is constant. Every year about 3000 crore you are getting in that account. The figure is not going up. Why? Because money is coming through hawala transactions. Everybody knows there is a premium of about 25% between the official rate of foreign exchange and the hawala rate. If you allow gold to be imported, the water will find its own level, the hawala rates will go down, the gold prices will go down and people can make some profit. Of course, we have to find a balance. I do not say that we should allow these people to make fat profits. It should not be allowed for black-marketing in gold. But a little opening, a little flexibility, I feel, will reduce a lot of these things.

Our coast is very big. Our borders are very big. It would be impossible to police

the entire border or the entire coast to stop gold smuggling. We have been doing it for the last 20 years. We can have separate figures to see how much money we have invested in vessels, faster vessels and all sorts of modern gadgets that are available for intercepting gold smuggling. All these have limitations. Ultimately in economics, unless the lure is reduced, your policing will not be effective. Over the last 20 years, we have seen smuggling has proliferated beyond all expectations and calculations.

It is high time that concomitant with the assurances the Finance Minister has given, he should come forward with bold measures to attack the menace of gold smuggling. In answer to a question a few days ago, Mr. Anil Shastri, the Deputy Finance Minister, told the House that the annual demand of gold in the country is about 150 tons. He did not want to admit that it was met through smuggling. But he did say that that is the demand and the production is only two tons and the seizure is five tons. The rest, he said, was met by recycling. I do not agree. Smuggling is rampant, it is obvious to every body. The Deputy Finance Minister did not commit on the Rangarajan Committee Report. He only said that presently NRIs are allowed to bring some gold which they are doing. But I feel there is nothing wrong if we allow all visitors abroad to get some gold back on payment of small duty. Duty element is important. I am not suggesting import of gold without duty. But the duty element can be such that the import is legalised; at the same time, there is stability of prices in the market.

These are some of the suggestions which I am leaving with the Finance Minister. I just want to say that abolition of Gold Control Act in any case will be welcomed all over the country by thousands of people because we all know that even today the restriction is on holding primary gold. I know of people who buy primary gold and get it converted into jewellery the same



evening—and there is no restriction of holding jewellery. In any case, this Act has been followed more in breach than in observance. So, this Act being repealed is welcome. The other measures, complementary measures, should be announced soon. Otherwise, today in the public the general impression is what Prof. Thakur has just now said, that by repealing this Act the prices will go down. But, actually, the prices will flare up after the Bill is passed and there is no restriction on holding gold. So there is the danger that prices will flare up.

The Deputy Finance Minister said that gold is not an essential commodity and so he tried to say that Government is not so much worried about the price of gold. But I submit that gold prices have a bearing on a lot of other things, like foreign exchange, black-market in foreign currency, *hawala* rates, etc., etc. So, I feel that the Finance Minister should seriously look into this matter at his level only because, I can assure him that a lot of economists and bureaucrats are going to say "No". He will have to take saner counsel from Members across the floor like Mr. Salve, come to some firm conclusions and take some very bold and dynamic decisions.

Thank you, Sir.

THE VICE-CHAIRMAN (SHRI BHUVNESH CHATURVEDI): Is it the consensus of the House that we continue the discussion and conclude it in half an hour and then take up the Half-an-Hour discussion at 6.30 because the Finance Minister...

6.00 P.M.

SOME HON. MEMBERS: No, tomorrow.

THE VICE-CHAIRMAN (SHRI BHUVNESH CHATURVEDI): We will have to consider the Half-an-Hour discussion also. After the Half-an-Hour discussion we can again continue this discussion.

SOME HON. MEMBERS: No, Sir.

We can continue the discussion tomorrow.

PROF. CHANDRESH P. THAKUR: I can make a beginning today, Sir.

THE VICE-CHAIRMAN (SHRI BHUVNESH CHATURVEDI): Now we will have the Half-an-Hour discussion. Further discussion on the Bill will continue tomorrow. Shri Virendra Verma.

### HALF-AN-HOUR DISCUSSION

On points arising out of the Answer given in the Rajya Sabha on the 17th May, 1990 to Starred Question 223 Re. setting up Benches of High Courts

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, 1953 ई० से जिसको 37 वर्ष हो जाते हैं उत्तर प्रदेश के जनप्रतिनिधि पश्चिम प्रदेश में इलाहाबाद हाई कोर्ट की खण्ड पीठ स्थापित किये जाने के लिये निरंतर प्रयास कर रहे हैं। विधान सभा, विधान परिषद् में यह प्रश्न निरंतर उठता रहा और प्रदेश के जनप्रतिनिधियों के सौभाग्य से वहां की सरकारों के प्रायः सभी मुख्य मंत्रियों ने इलाहाबाद हाई कोर्ट की खण्ड पीठ को मेरठ में स्थापित करने के औचित्य को स्वीकार किया था। अब से 35 वर्ष पूर्व स्वर्गीय डा० सम्पूर्णानंद जी ने पहली बार और उसके पश्चात जितने भी प्रदेश के मुख्य मंत्री हुये प्रायः सभी ने लगातार मेरठ में इलाहाबाद हाई कोर्ट की खण्ड पीठ स्थापित किये जाने की संस्तुतियां यहां पर सर्व-सम्पत्ति से भेजी हैं। सन् 1976 ई० के फरवरी-मार्च महीने में तत्कालीन प्रधान मंत्री श्रीमती इंदिरा गांधी जी मेरठ के भैसाली ग्राउंड की विशाल जनसभा में अपार जन समूह के सामने घोषणा करती हैं कि आपकी मांग सही है और मेरठ में खण्ड पीठ स्थापित की जायेगी। जिस समय भारत के पूर्व प्रधान मंत्री श्री राजीव गांधी जी अखिल भारतीय कांग्रेस कमेटी के महासचिव थे वह भी मेरठ बार एसोसियेशन के वार्षिक सम्मेलन में पहुंचे और उन्होंने भी मेरठ में इलाहाबाद हाई कोर्ट की बैंच के स्थापित किये जाने के औचित्य को स्वीकार किया और यहां घोषणा की कि हम जरूर मेरठ में हाई कोर्ट की बैंच स्थापित करायेगे। इस औचित्य को स्वीकार करते हुए श्रीमती इंदिरा गांधी जी ने देश में विभिन्न प्रदेशों से भी खण्ड पीठ की मांगें उठती रहती थीं, उस आधार पर जसवंत सिंह आयोग का गठन किया। 30 अप्रैल, 1985 ई० में जसवंत सिंह आयोग ने अपनी संस्तुति भी