

**MOTION FOR ANNULMENT OF
GOVERNMENT NOTIFICATION
S. O. NO. 2242, DATED THE 14TH
JUNE, 1986**

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) : उपसभापति जी, मैं प्रस्ताव करता हूँ कि :

“यह सभा संकल्प करती है कि आयकर अधिनियम, 1961 की धारा 296 के अनुसरण में 14 जून, 1986 को भारत के राजपत्र में प्रकाशित सरकारी अधिसूचना का.आ. सं. 2242, जिसे 18 जुलाई, 1986 को सभा पटल पर रखा गया था, का वातिलीकरण किया जाये, और यह सभा लोक सभा से सिफारिश करती है कि लोक सभा इस संकल्प से सहमत हो।”

उपसभापति जी, 14 जून के गजट में एक अधिसूचना प्रकाशित हुई थी जिसके अन्तर्गत 1961 के इनकम टैक्स के अधीन चुरहट बाल कल्याण सोसायटी को कर निर्धारण वर्ष 1986-87 और 1988-89 के अन्तर्गत आने वाली अवधि के लिये अधिसूचित किया गया था। उस तारीख के गजट में और भी संशोधन इसी तरह से अधिसूचित किये गये। लेकिन आप देख रहे हैं कि केवल चुरहट बाल कल्याण सोसायटी के संबंध में अधिसूचना रद्द करने का प्रस्ताव इस सदन के सामने उपस्थित हुआ है।

उपसभापति जी, इनकम टैक्स ऐक्ट, 1961 की 23(7) धारा के अंतर्गत चुरहट बाल कल्याण सोसायटी...

एक माननीय सदस्य : 23 (सी) (4)

श्री अटल बिहारी वाजपेयी : मैं उद्धृत करना चाहता हूँ :

Any income received by any person on behalf of:

(1) the Prime Minister's National Relief Fund, or

(2) the Prime Minister's Fund for promotion of folk art- or

(3) the Prime Minister's Aid to Students Fund, of

(4) any other fund or institution, established for charitable purposes which may be notified by the Central Government in the official Gazette having regard to the objects of the fund or institution and its importance throughout India or throughout any State or States

स्पष्ट है कि आय कर अधिनियम के अन्तर्गत चुरहट बाल कल्याण सोसायटी को इसलिये सुविधा दी जा रही है क्योंकि वह बाल कल्याण के काम में लगी होने का दावा करती है, एक गैर सरकारी संस्था है और अगर गैर सरकारी प्रयत्नों से बालकों की महिलाओं की, अंगणों की और अपाहिजों की सहायता होती है तो आयकर में उन्हें छूट मिल, राहत मिल, यह सरकार का हमेशा से इरादा रहा है।

लेकिन मैं जानना चाहता हूँ कि यह सोसायटी जब से चर्चा का विषय बनी है क्या उस के बाद वित्त मंत्रालय ने इस सोसायटी के कामकाज पर उसके नेत्रा-जोखा पर, उसकी गतिविधियों पर कोई नज़र रखा, कोई जांच-पड़ताल की? यह अधिसूचना 14 जून, 1986 को गजट में प्रकाशित की गई थी, 18 जुलाई, 1986 को इस अधिसूचना को सभा पटल पर रखा गया था। अगर प्रतिपक्ष चौकन्ना न होता, जागरूक न होता तो यह अधिसूचना सदन द्वारा पुष्ट कर दी जाती जैसे और अधिसूचनाएं पुष्ट होती हैं।

उपसभापति महोदय, आप स्वीकार करेंगे कि चुरहट बाल कल्याण सोसायटी काफी चर्चा का विषय बनी हुई है। कम से कम मैंने पहली बार इसका नाम तब सुना जब भोपाल में जूनियन कार-बाइड के कारखाने में लोगरीली गैस रिसी, दो हजार से अधिक मरे हैं, उस समय

[श्री अटल बिहारी वाजपेयी]

पहली बार इस सोसायटी का नाम पता लगा और यह पता लगा कि चुरहट की सोसायटी को यूनियन कारवाइड ने विपुल राशि दान में दी थी। कितनी राशि दान में दी थी इसके बारे में मेरे पास आंकड़े नहीं हैं। मैं वित्त मंत्री महोदय से कहूंगा कि वे इस सम्बन्ध में सदन को जानकारी दें।

यूनियन कारवाइड एक विदेशी कम्पनी है, मल्टीनेशनल कम्पनी है। चुरहट बाल कल्याण सोसायटी चुरहट में है। चुरहट मध्य प्रदेश के भूपूर्व मुख्य मंत्री का निवास स्थान है। वह इस सोसायटी के कर्ताधर्ता रहे हैं, संहरता रहे हैं। (अध्यक्षन) उपसभापति महोदय, यूनियन कारवाइड ने सिधौ जिले के चुरहट गांव की बाल कल्याण सोसायटी को ही धन देने के लिए क्यों चुना, क्या यूनियन कारवाइड ने इस तरह की और संस्थाओं को भी दान दिया? मगर इस समय मैं उस में नहीं जाना चाहता हूँ। मैं कहना चाहता हूँ कि इस सोसायटी का नाम पहली बार हमने उस समय सुना, उस के बाद से यह सोसायटी चर्चा का विषय बनी हुई है। इनकम टैक्स के लिए किसी सोसायटी के बारे में विचार करते समय वित्त मंत्रालय ने जरूर देखा होगा कि यह सोसायटी नियमों के अनुसार चल रही है या नहीं चल रही है, इसका हिसाब-किताब नियमों के अनुसार हर वर्ष आडिट होता है या नहीं होता है, नियमों के अनुसार सोसायटी के पदाधिकारियों का निर्वाचन होता है या नहीं होता है। क्या यह बातें वित्त मंत्रालय ने देखी, क्या वित्त मंत्रालय के ध्यान में यह चीज लाई गई कि इस सोसायटी के पास पैसे की कोई कमी नहीं है। इस ने लाटरी का धन्धा शुरू किया। लाटरी के करोड़ों रुपयों के टिकट छपे, करोड़ों रुपये की टिकटें बेची गईं, एक रैफल में तो पहला इनाम एक करोड़ रुपये का था। केन्द्र के गृह मंत्रालय ने जो गाइडलाइंस निकाली उनको ताक पर रख दिया गया। अब सफाई में यह कहा जा रहा है कि इस में एक करोड़

रुपये के पुरस्कार का एलान पहले कर दिया गया था और गाइडलाइंस बाद में निकाली गई। क्या इस सोसायटी की लाटरी के पहले गाइड लाइन्स नहीं थी? वह एक करोड़ का पहला इनाम किस को दिया गया। सोसायटी ने घोषणा कर दी कि इस टिकट पर पहला इनाम दिया गया है, मगर उसका नाम क्या है, वह कहाँ रहता है, इसके बारे में हर कोई अन्धकार में है। दूसरे इनाम की घोषणा 77 लाख रुपये की क' गई। वह किस को मिला, किमी को कंटेसा गाड़ी दी जाने वाली थी वह किस को दी गई?

वित्त मंत्री महोदय ने जरूर पता लगाया होगा कि इस चुरहट की सोसायटी का दफ्तर कहाँ है, क्या यह दफ्तर चुरहट में है? मगर मेरे पास डाक विभाग का सबूत मौजूद है। एक नागरिक ने चुरहट के डाकखाने का लिख कर पूछा कि चुरहट चिल्ड्रन सोसायटी का पता क्या है? चुरहट के डाकखाने वालों ने लिख दिया कि इस नाम को कोई संस्था चुरहट में नहीं है। अब यह चुरहट के नाम से चलने वाला संस्था यदि चुरहट में नहीं है तो कहाँ है? लाटरी का जिन्हें पहला इनाम मिला उन्होंने बैंक का उपयोग किया और मातदा में, मद्रास में बैठ कर अपने बैंक में जा कर विजय प्राप्त करने वाली टिकट को जमा किया और कहा कि आप चुरहट में बैंक से सम्पर्क करिये, यह पैसा हमें मिले इसका प्रबन्ध करिये मगर उन्हें कोई जवाब नहीं मिला। चिट्ठियाँ लिखी गईं। वे वापस कर दी गईं। चिट्ठियाँ लिखी पर लिख दिया गया कि चुरहट चिल्ड्रन सोसायटी नाम की कोई संस्था नहीं है।

उपसभापति जी, यह चुरहट सिधौ जिले में है। मगर जो लाटरी के टिकट छापे गए उन पर रोवा जिला लिखा गया। जो भी इनाम लेने के लिए आता था उसे कहा जाता था कि रोवा जिला जाओ। दूसरे जिले के नाम से लाटरी नहीं निकाली जा सकती है। यह नियम के खिलाफ है। लेकिन लाटरी निकाली गई।

इनाम पाने वाले भटकते रहे । उन्हें इनाम नहीं मिला क्योंकि 45 दिन के भीतर इनाम लेने का जो नियम था उसका वे पालन नहीं कर सके । क्या चिल्ड्रन्स सोसाइटी का काम लोगों को धोखा देना है और करोड़ों रुपये का बारा-न्यारा करना है ? क्या वित्त मंत्री महोदय ने, वित्त मंत्रालय ने इस सोसाइटी को सुविधा देते समय इन सभी पहलुओं की जांच की थी ।

उपसभापति जी, उस दिन प्रश्नकाल में यह लाटरी का मामला उठा था । यह 24 जुलाई की बात है । उस समय चेयरमैन ने यह निर्देश दिया था कि गृह मंत्री महोदय लाटरी में जो भी अनियमितताएं हुई हैं और धांधलियां हुई हैं उनके बारे में पूरी जानकारी एकत्र करें और जल्द से जल्द सभापटल पर रखें । आज 22 अगस्त है और एक महिना होने वाला है लेकिन रिपोर्ट सदन में नहीं आई है । आज सदन की बैठक स्थगित हो जायेगी । क्या सारे मामले पर लीपा-पोती करने की कोशिश की जा रही है ? क्यों की जा रही है ? क्या इसलिए कि इससे मध्य प्रदेश के भूतपूर्व मुख्य मंत्री जुड़े हुए हैं ? क्या इसलिए कि उनका पुत्र इसमें शामिल है ? क्या इसलिए कि उसका दामाद इसमें शामिल है ? क्या बामनू के सामने सब बराबर नहीं होंगे ? स्वयं वित्त मंत्री महोदय ने आश्वासन दिया था और लाटरियों का मामला मध्य प्रदेश के एक सदस्य श्री नंद किशोर भट्ट ने उठाया था कि लाटरियों में धांधलियों की बहुत सी शिकायतें आयें हैं । मगर कोई बाल कल्याण में लगी हुई सोसाइटी उसमें लिप्त हो जाए यह तो कल्याण के सारे काम पर पानी फेरना है । मगर दुर्भाग्य से यह सोसाइटी लिप्त हो गई । वित्त मंत्री महोदय ने उस समय आश्वासन दिया था । यह आश्वासन श्री आडवाणी ने भी पढ़कर बताया था । वित्त मंत्री सदन में मौजूद नहीं थे । गृह मंत्री ने कहा कि मामला वित्त मंत्रालय का है इसलिए मैं जवाब नहीं दे सकता । आज वित्त मंत्री सदन में मौजूद हैं । आज उन्हें इसका स्पष्टीकरण करना होगा । मैं उनके शब्दों को उद्धृत कर रहा हूँ :

"On March 11, 1985, the Director (Investigation) of the Income-Tax Department has been asked to take a survey of lotteries with a view to ascertaining details of organiser, of lotteries orga-

nised, amount collected, amount of price distribution per lottery, amount and details of expenses, tax deduction and payment.

Appropriate action will be taken depending on the evidence."

क्या चरहट की चिल्ड्रन्स सोसाइटी को इन्कम टैक्स एक्ट के अंतर्गत नोटिफाई करते समय वित्त मंत्री महोदय ने अपने आश्वासन को ध्यान में रखा ? क्या इस सोसाइटी द्वारा जारी की गई लाटरी की अनियमितताओं की जांच की ? अगर जांच के बाद वे इस परिणाम पर पहुंचे कि कोई अनियमितता नहीं है और हमने समझ-बूझ कर इसको राहत दी है तो मैं चाहूंगा कि वह सदन को विश्वास में लें । हम अकारण इस गैर सरकारी संस्था को जो यदि सचमुच में बाल कल्याण के काम में लगी हुई है तो उसको लांछित नहीं करना चाहेंगे । हम राजनीतिक मतभेदों को राजनीतिक मैदान में जाकर लड़ेंगे । लेकिन बाल कल्याण के नाम पर परिवार कल्याण हो रहा है, बाल कल्याण के नाम पर धांधल हो रही है, करोड़ों रुपये का गोलामाल हो रहा है और वित्त मंत्री महोदय केवल इसलिए जांच नहीं करते कि जो बाल कल्याण के पुनीत कार्य में लगे हैं वे उनके साथ संबंधित हैं । मेरा वित्त मंत्री महोदय से निवेदन है कि यदि वे इस सदन के साथ न्याय नहीं कर रहे हैं तो वह इस देश के साथ भी न्याय नहीं कर रहे हैं ।

वित्त मंत्री (श्री विरचनाथ प्रताप सिंह) : आपको जानकारी होगी कि ए०ए० एंटरप्राइजेज जो है वह उच्च लाटरी में था और उसको इन्कम टैक्स डिपार्टमेंट ने ही रेड किया था ।

श्री अटल बिहारी वाजपेयी : मुझे जानकारी है और मैं उसके बारे में पूछने वाला था । उनका दफ्तर जहाँ पर है,

[श्री अटल बिहारी वाजपेयी]

मैं जानना चाहता हूँ कि उस रेड में वहाँ से क्या निकला ? मैं यह भी जानना चाहूँगा कि जब सरकार के पास ऐसी सूचनाएँ हैं कि इस सोसाइटी का कार्यभार जो कुछ दिखाई देता है, वह नहीं है... (अवधान)...

श्री विश्वनाथ प्रताप सिंह : वह पूरा उत्तर दूँगा आपको ।... (अवधान) ... आप तो कह रहे हैं, इसलिए बीच-बीच में नहीं कहना चाहता, लेकिन उसको पहले ही कह देना चाहता हूँ ।

श्री अटल बिहारी वाजपेयी : तो फिर इस सोसाइटी को इन्कम-टैक्स एक्ट के अंतर्गत राहत क्यों दी गई ? नोटिफाई क्यों किया गया ? यह मुख्य सवाल है और इसका हमें संतोषजनक जवाब चाहिए ।

इसलिए हम तो मांग कर रहे हैं, जब तक इस सोसाइटी की पूरी जाँच न कर ली जाय और सारे तथ्य प्रकाश में न आ जायें और जाँच ऐसी होनी चाहिए कि जो सदन के दोनों पक्षों में विश्वास पैदा कर सके, जनता को भी आश्वस्त कर सके, तब तक नोटिफिकेशन का अमल नहीं होना चाहिए । मैं तो सदन को कहूँगा कि मेरे प्रस्ताव का समर्थन करें और इसको रद्द कर दें ।

SHRI N. K. P. SALVE.
Mr. Deputy Chairman, Sir, it is very satis-

SHRI DIPEN GHOSH (West Bengal):
Salve is pressed for salvaging.

SHRI ATAL BIHARI VAJPAYEE:
Operation Salve,

SHRI N. K. P. SALVE: Sir, it is extremely satisfying to see that Shri Atal Bihari Vajpayee while moving the motion has used the language with restraint and he has avoided an acrimonious debate...

SHRI ATAL BIHARI VAJPAYEE:
I always do that.

SHRI N. K. p. SALVE: Sir, it is too much to extort any compliments. I was paying spontaneous compliments to him. Indeed, Sir, it will be for the Finance Minister to satisfy him on several issues which he has raised. At the outset, I want to submit that those issues have nothing to do with the exemption. He has read sub-clause 4 of sub-section 23 of section 10 I shall also refer to it. But, Sir, before I come to that, just briefly in one minute, I would submit one thing to you, that my motion has been moved in pursuance of section 296 of the Income Tax Act, 1981 and if we were to see the provisions of section 296 of the Income Tax Act, it clearly stipulates that the Central Government shall cause every rule made under this Act and every notification issued under sub-clause (iv) of clause (23C) of section 10 to be laid as soon as may be after the rule is made or the notification is issued before each House of Parliament while it is in session for a total period of thirty days. Further it says that aforesaid both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, that rule or notification shall the:

only in such modified form or be of no effect, as the the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done

other

Ho

annulment

is not possible. Is not this not this motion pure-

not this

motion a pier

tnics?

We are speaking over this motion as a talking shop as it were. We know that Mr. Atal Bihari vajpayeeji

speaker and a powerful speaker. He is the Demosthenes today in India. If as a result of his speech we are all taken aback and the Finance Minister says all right I accept it, what is the outcome? It is completely outside section 296 of the Income Tax Act. It is purely an exercise in academics. That is the requirement of section 296 and that is how I read it. I did not raise that point for one reason, but I thought let the legal

MR. DEPUTY CHAIRMAN; According to our information, Lok Sabha has not annulled it. We are recommending it to the Lok Sabha.

SHRI N. K. P. SALVE . After the annulment by the Lok Sabha....

MR. DEPUTY CHAIRMAN: Our information is not like that.

SHRI N. K. P. SALVE: Sir, my respec-ful submission is thi_s very motion has been rejected by that House.

SOME HON. MEMBERS: No.

SHRI N. K. P. SALVE: I was told that a voting had taken place and it was rejected.

SHRI PARVATHANENI UPENDRA
(Andhra Pradesh) : It was not moved in that
House.

SHRI N. K. P. SALVE: Then I stand corrected.

SHRI DIPEN GHOSH : How could this motion be moved there?

He says, this motion was rejected there.
How could this motion be moved there?
(Interruptions)

SHRI N. K. P. SALVE: I said, 'this very 'motion'. (*Interruption*).

SHRI DIPEN GHOSH: You said that this motion was rejected there.

How could this motion be moved there?
(Interruptions).

What is the meaning of 'this'?

SHRI N. K. P. SALVE: This very motion, I said. This very motion means a motion having this very tenor and content (*Interruptions*). Sir, he refuse to follow me. He is *not* following me.

MR. DEPUTY CHAIRMAN: Please listen to him.

SHRI N. K. P. SALVE: Sir, we are anxious that let this matter be debated so that it be created once and for all that if an exemption has been purely on merits and not for political clout or for any other extraneous reason. The Finance Minister is not one who is ever going to make any concession in income tax or in any other matter which is not justified on its own merits. We are in a way happy that you are raising these questions so that we will establish that this Government does not keep anyone above the law, above the requirement of the law. We will further prove it to you that the exemption is not meant to abuse the authority and the power of the Government is not exercised because the people connected with the Society to which exemption is given are relations of a former ex-chief Minister or the Vice-President of the Ruling party. The exemption was given because of the compelling circumstances and reasons of law as well as facts.

Sir. Atal Bih. tri Vajpayee has read sub-section 4 of 23(c). I will read it again Sir.

"Any income received by any person on behalf of any other fund or institution, established for charitable purposes, that is the first important requirement."

An institution established for charitable purposes, which may be notified by the Central Government in the official gazette having regard to the objects of the fund, is the first requirement. Secondly, having regard to the objects of the fund or institution, its importance throughout India and throughout any State is the pre-condition for exemption notification. Shri Vajpayee has himself said that so far as the objects of the Churhat Children Welfare Society are concerned, they are very laudable. Shri Vajpayee has no fight with them. He has no quarrel with them and if they are implemented in an honest manner, perhaps, he would not have raised this issue. He went further and said that because he has reasons to apprehend that there have been fraudulent transactions by the Society, why did the

[Shri N. K. P. Salve]

Finance Minister not take into account these fraudulent transactions before giving exemption? However, necessary it may be to go into the question of frauds and other things, Sir, the Finance Minister must go into it. So far as the requirement of the law is concerned, Atalji, the Income Tax law now where says that as long as the objects are such as are important from the point of view of the nation's importance and «you yourself said so and I am going to show you just now in five minutes' time how the money is earned by the trusts and how deployed? How have they been utilised? How have they been accumulated and if they are not in consonance with the objects of the trust, the trustees will be guilty of misfeasance. Now, whether or not in the case of Churhat Society, Vajpayeeji, you have seen the LEKHA JOKHA, the balance-sheet and income-expenditure account or not to which T shall come later? I am sure, finance Minister must have looked into it. Well, it is therefore for him to answer. But there is one thing T want to submit to you. You referred to a donation by Union Carbide. Sir, Union Carbide is an American Company which will never hesitate to trade in human flesh. So far as the Union Carbide is concerned, to utter that name, T feel, one is committing a sin. But if it is to give a donation, if it is to give some grant to the society which is meant for a laudable objective, what is wrong in that? How will it be violative of Section 23(c)? Secondly, he said, the prize money of Rs. 1 crore was announced, which is against the direction in this matter by the collector. Well, there must be some provision. T mean, if a Lottery violates these directions, what ought to be done by the collector. But Section 23 does not contemplate any punishment for alleged violation of the direction of a collector. As to persons getting the prizes remain-Kntracabfe. is it the fault of the collector that the person who has won the prize is not traceable? It is objectionable if a person gets a prize and his money is not paid, the Lottery is certainly indulging in some sort of a fraud. But these prize winners whose names ap-

pear here, all of them have testified that they have received the prizes, which the Finance Minister himself will point out to you.

There is only one more point that Atalji has raised. He said: "Is the company not perpetrating fraud? Why are you not stopping it? Why are you giving exemption? Why are you encouraging it? Is it not part of your duty?" Sir, it may not be part of his duty for purposes of exemption because section 23 does not come here. But surely the exemption would not be given to any party, to any person under section 10 if such person is known to be fraudulent. Here I have the balance-sheet of the Society, certified by the auditors as on the 31st March, 1985. It is a very important document. I find that the society has a fund of Rs. 7,00,06,080. As against that, in the balance-sheet it is shown that Rs. 6,00,01,294 have been utilised for construction of a hospital, a Bnhwadi and other amenities for children. A hospital has been constructed there. It is open for anyone to go and see. These people do not know where the society exists. Property worth Rs. 6 crores has been certified by the auditors to be in existence in Churhat. A hospital for the rural poor has been provided in Churhat. If that is so, and if Rs. 1,18,00,000 is in Andhra Bank, so far as the totality of the funds is concerned, they are accounted for here. If the allegation is that they are making income which they are not really entitled to make and assuming that they are making it- you have not made the allegation that they have not accounted for any money here. They have accounted for all the money, whether legal or illegal, involving moral turpitude or otherwise. Out of a fund of Rs 7 crores, the entire amount of Rs. 7 crores, is explained have by way of a hospital building and by way of bank balances. Now, if you were to see the provision of the law itself, it sneaks primarily of the object and its importance to the country. Coming to its importance, to which Atalji did not refer, in the rural area if you are going to construct a hospital, if you are going to provide for the rural poor, medical facilities and amenities and you are going to

build *Bahwadis* and children's homes, is not an object of national importance? Certainly, Sir, I am sure nobody possessed of his rational faculties in this House will ever say that this work which has been done is not real public charity as defined by the Income-tax Act itself. If that be so, my counter-question is if they have accounted for the entire money—never mind how ill-begotten according to you—if the money has been accumulated and utilised for purposes of the objects for which the society exists, and which objects are admittedly laudable and noble do the trustees deserve full support and sympathy, may I ask how we are committing an act which involves moral or legal turpitude? If legal turpitude, it involves none. About moral turpitude issues can be raised and a political debate can be created to character-assassinate someone. I must however say that you used temperate language; someone else might have gone astray. Ah this is being done for character assassination. And if the public life in India has to survive and survive healthily, one thing which needs to be completely discarded, disapproved and destroyed is any attempt at character assassination without any warrant, without any justification.

Certain information was asked for, however relevant that information may be, to know if an important person in public life, the Vice-President of the ruling party to which I belong, is involved, then certainly the information will come, and full information will be given. And if there is a fraud in public money, then not only under the Income-tax Act, but also under other laws including the Cr.P.C., the I.P.C. and the Lotteries Act under which the guilty person will have to be prosecuted and sent to jail. Nobody is above the law. At least the track record of my leader and our Finance Minister is that he has not spared anyone found guilty. Political affiliations do not matter with him. That is his record. Therefore, in moving this motion, I do submit, the movers of the motion have, besides, than fair, have not properly recognised fine track record of my party the track record of the Finance Minister, and, therefore, I wholly oppose the motion as utterly un-

tenable in law and wholly unsustainable on facts,

SHRI K. MOHANAN (Kerala): I am certainly sympathetic to my learned colleague, Mr. Salve, because unfortunately his party is always deputing him for arguing bad cases. Two years back he argued in favour of the ex-Chief Minister of Maharashtra, Mr. Abdul Rahamaa Antulay, in this House. But we know what happened....

SHRI PARVATHANENI UPENDRA: He will defend them until they lose their jobs.

SHRI NIRMAL CHATTERJEE (West Bengal): In the name of a character which could be assassinated.

SHRI N. K. P. SALVE: That again, was a motion with reference to irregularities in income-tax and I merely said that there was no irregularity in income-tax. Under IPC if something has happened, it is a different matter. . . . (Interruption). But the difficulty is they do not understand these things.

SHRI DIPEN GHOSH: As an income-tax lawyer that is your job in every case to say that there is nothing wrong.

SHRI K. MOHANAN: At that time my learned colleague, Mr. Salve, argued that Antulay was innocent....

SHRI N. K. P. SALVE: I never said that. This House was not sitting in judgment. (Interruption). The issue was not whether Antulay was guilty or not guilty. The issue was, the motion was whether income-tax authorities. . . . (Interruptions)

SHRI K. MOHANAN: I am sympathetic to my friend; that is why I have referred to these things. I am not going into the details of it. * (Interruptions) it there is anything unparliamentary, I withdraw...

■UP-

MR. DEPUTY CHAIRMAN: Don't use such things. This will not go on record.

*Not recorded.

SHRI K. MOHANAN: Anyway, I do not want to mention names here, because a person who is not present in the House, is not in a position to answer. But in 1984 in reply to one of my questions on the floor of this House regarding lotteries as a whole, the then Finance Minister assured this House that a Central investigating agency would look into the dealings of all the private lottery business ...

SHRI NIRMAL CHATTERJEE: He lost his job because of that.

MR. DEPUTY CHAIRMAN: No promptings, please.

SHRI K. MOHANAN: Now, this Churhat Bal Kalyan Society floated a lottery and they entrusted to execute it to an other company in Delhi, A&A Company. I would like to know whether the Finance Minister knows what the relation is between this A&A Company, this A&A Enterprise, in Delhi and this Churhat Bal Kalyan Society in Madhya Pradesh. Actually, Sir, this is not a Charitable Society, but it is a private company. The office bearers of this Society and the proprietors of the lottery business company in Delhi are very very close relatives. So, this lottery business and the Society business are interconnected and they are cheating the people in broad daylight. The dacoits in the Chambal Valley are operating under cover of darkness. But here it is in broad daylight that they are operating because there are so many people with them, to support them, in the higher places.

Sir, Mr. Salve has said that a hospital is there, that a nursery school is there. But I would like to know whether it is a charitable institution. Is this hospital a charitable institution? They are tuning it as an industrial concern, as a business concern, as a commercial concern. No charity at all. I would like to know whether, before exempting them from the Income-Tax Act, 1961, the Government has made any inquiry into the activities of this Society. Has the Government made any inquiry into the activities of

this Society and the connected business of this lottery company in Delhi also? I would also like to know from the honourable Finance Minister what the charitable activities of this particular Society are and on what ground and on what basis the Government has exempted them from Income-Tax.

Sir, with regard to the lottery business as a whole, I would like to say that in some States private lottery business has been completely banned. In 1961 when the Left Front Government was in power in Kerala under the leadership of Mr. F. M. S. Nambudiripad, the Kerala Government banned private lottery business. The only lottery business that is there in Kerala now is exclusively under the control of the State Government. Why? In 1984, when I put this question, the then Finance Minister told this House that lottery was the business of the State Government and that they could not interfere with that. But he also said that even then they would issue guidelines to other State Governments to discourage private lottery business.

Sir, this lottery business itself is a fraud and it is there to change the black money into white money and everybody knows these things. So, what is the Government doing about this? In 1984, the then Finance Minister assured this House that the Government would institute an inquiry or would direct the Central investigating agencies to conduct an inquiry and submit a report to the Government on this lottery business. In this regard also, Sir, I would like to know from the Honourable Finance Minister what action has been taken by the Government to prevent the cheating of the public by these sharks. Thank you, Sir.

AIR. DEPUTY CHAIRMAN: I think I can invite the Finance Minister now to reply.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Sir, what happened to my name? I have given my name and I have to speak.

MR. DEPUTY CHAIRMAN; All tight. I

श्री बी. सत्यनारायण रेड्डी :
उपसभापति जी, जो प्रस्ताव माननीय भटल बिहारी वाजपेयी जी ने सदन में रखा है, वह बहुत ही महत्वपूर्ण है क्योंकि जिस सोसाइटी का नाम लिया गया है, जिस बान कल्याण सोसाइटी, चुरहट का नाम लिया गया है उसने करोड़ों रुपयों का खपना किया है। माल्हे साहब ने इस सोसाइटी के समर्थन में अपनी बात कही है। मुझे उनके भाषण को सुनकर बहुत ताज्जुब हुआ। यह सोसाइटी किस ढंग से पैसा इकट्ठा कर रही है, उसमें मैं जाना नहीं चाहता हूँ। उन्होंने इसका हिसाब-किताब बता दिया है। करोड़ों लाखों रुपया देश का, समाज का लूटकर अगर कोई आदमी फिर हिसाब बताये कि मैंने इसका क्या किया तो क्या उसका सम्मान किया जायेगा? अगर कोई चोर, जैसा कि अभी मेरे माथी ने कहा, चम्बल का डाकू करोड़ों रुपया किसी का लूटता है, बैंक लूटता है और बाद में कहे कि मैंने एक अस्पताल बनाया है या कोई रोड बनाया है या गांवों में निर्माण कार्य किया है तो क्या आप उसका समर्थन करेंगे? यह सवाल मैं माल्हे साहब से पूछना चाहता हूँ और वित्त मंत्री जी से मेरा यह निवेदन है कि आपने इस संस्था को जो एज्युकेशन दिया है तो क्या इसको देने से पहले इस सोसाइटी के बारे में आपने जानने की कोशिश की थी कि उसकी क्या आमदनी है, उसका सोर्स आफ इनकम क्या है, किस तरह से उसने पैसा इकट्ठा किया है? इसके बारे में आपने क्या सोचा था और अगर सोचा था तो उसकी तफसीलात क्या है। इस देश के अंदर हर जगह में हजारों अंतुले भरे पड़े हैं। एक अंतुले समाने आया है। मध्य प्रदेश के एक महान नेता जो देश का निर्माण करने के लिये आपके साथ आपकी पार्टी में हैं वही ऐसे अन्याय में शामिल है, उनका नाम इसमें शामिल है, तो मैं वित्त मंत्री जी से जानना चाहूंगा कि इन लोगों के खिलाफ आपने क्या कार्यवाही की है ... (व्यवधान) ... और अगर वे इसमें शामिल हैं, इस लूट-खसोट में शामिल हैं तो उनके खिलाफ क्या कार्यवाही की

जायेगी? मैं वित्त मंत्री जी से फिर कहूंगा कि आपने इस संस्था को जो छुट दी है उसको तुरन्त हटा दीजिये और देश के साथ, समाज के साथ और सदन के साथ न्याय कीजिये। धन्यवाद।

ठाकुर जगतपाल सिंह (मध्य प्रदेश) :
उपसभापति महोदय, मैं अभी अपने साथियों के लम्बे-चौड़े भाषण सुन रहा था। उन्हें यह पता ही नहीं कि चुरहट है कहाँ, यह संस्था क्या है ... (व्यवधान) ...

श्री परबतनेति उपेन्द्र : वही तो पूछ रहे हैं कि कहाँ है। ... (व्यवधान) ...

ठाकुर जगतपाल सिंह : जरा सुन तो लीजिये। आपने इस संस्था के सदस्यों को चम्बल के डाकूओं का उदाहरण दिया है। जो जैसा होता है वह दूसरों को भी वैसा समझता है। क्या कमाल की बात है। आदरणीय, ये संस्था 19-1-1982 को चिल्ड्रेन्स वेलफेयर सोसायटी के नाम से चली। 29-1-82 को चिल्ड्रेन्स वेलफेयर सेंटर की नींव मंदर टेरेसा ने रखी थी। दुनिया का हर आदमी कह सकता है कि वे महान सेवो हैं। उन्होंने इस संस्था के वेलफेयर सेंटर की बुनियाद रखी थी। इस संस्था को आप जा कर देखें, इस संस्था के अस्पताल चल रहे हैं। विरोध पक्ष के माननीय सदस्यों ने कहा कि यह एक इंडस्ट्री है। उन्हें हर चीज इंडस्ट्री दिखायी देती है क्योंकि जन सेवा का काम करते नहीं हैं, इसलिये इन्हें जन सेवा की बात क्या मालूम होगी। वहाँ संस्था के अस्पताल चल रहे हैं, बच्चों के स्कूल चल रहे हैं और ये संस्था इस तरह के काम कर रही है। मैं तीन हिस्सों में अपनी बात कहना चाहता हूँ। यहाँ कहा गया कि कोई संस्था ही नहीं है जो कि बिल्कुल निराधार है। मैं कहना चाहता हूँ कि हमारे गिन्न वहाँ जायें और सोखें और फिर अपने इलाकों में ऐसी संस्थाएँ चलायें जिससे जन सेवा कर सकें। लेकिन आप जन सेवा करना चाहते नहीं इसलिये आपको हर बात में राजनीति लानी पड़ती है। (व्यवधान) विरोध पक्ष के सदस्यों ने तीन बातें कही जो कि निराधार हैं। श्रीमन्, मैं उन्हीं मुद्दों पर अपनी बात

[ठाकुर जगतपाल सिंह]

कहना चाहता हूँ विरोध पक्ष के लोगों ने कहा कि, पहली बात, कि संस्था है ही नहीं। दूसरी बात यह कही कि लाटरी के जिन टिकटों पर इनाम निकला है उन्हें पैसा नहीं मिला और तीसरी बात कही कि इसके अन्दर धोखाधड़ी है। श्रीमन्, विरोध पक्ष के माननीय सदस्य नकारात्मक विचाराधारा से सोचते हैं, इसलिये वे इस तरह की बात करते हैं और इससे राजनीतिक फायदा उठाना चाहते हैं, हमारे नेताओं का चरित्र हनन करते हैं। हमने किसी का चरित्र हनन करना नहीं सखा। महात्मा गांधी ने हमें सत्य, त्याग और सेवा सिखायी है। लेकिन आपने अपनी पार्टी के नेताओं से क्या सीखा? आपकी पार्टी के नेता क्या हैं, इनके क्या कारनामे हैं ये मैं नहीं बताना चाहता। लेकिन मैं इतना अवश्य कहना चाहता हूँ कि हिन्दुस्तान को हमारे नेताओं ने आजाद कराया और आपने हिन्दुस्तान में ऐसी विचारधारा पैदा की जितने गोडसे जैसे इंसान पैदा हुए। जिसके कारण गांधी जी हमारे बीच में नहीं रहे। और कुछ तत्वों ने नफरत की विचारधारा पैदा की जिसके कारण हमारी वह महान् नेता जिसने हिन्दुस्तान को विश्व पर पहुँचाया, आज हमारे बीच से चली गयी। (व्यवधान) श्रीमन्, इस संस्था द्वारा लाटरी चलाने के लिये 3-1-84 को लाइसेंस दिया गया जिसका प्रमाण मेरे पास है। लाटरी की इजाजत मिलने के बाद ए० ए० एन्टरप्राइजेज से, जो लाटरी के टिकट बेचने का काम करती है, 14-1-84 को इकरारनामा किया गया कि वह इस संस्था द्वारा जारी की गयी लाटरी, जिसकी सरकार से इजाजत मिली है, का सारा कार्य करेगी। इस कम्पनी में इस संस्था के सदस्यों का न तो कोई रिश्तेदार है, न उनकी जाति का है, न विरादरी का है। वह केवल एक एजेंसी है। जो एग्रीमेंट हुआ उसके अनुसार लाटरी बेची गयी। जितने भी इनाम निकले हैं, मेरा दावा है, चुनौती है कि उन सबको नियमानुसार इनाम दिये गये, यदि नहीं तो ऐसा यह साबित कर दें। अपनी गलती की वजह से यदि किसी को इनाम

न मिला हो तो उसको जिम्मेदारी संस्था पर कैसे जाली जा सकती है।

MR. DEPUTY CHAIRMAN: Mease conclude. You have already taken six minutes.

THAKUR JAGATPAL SINGH: I have to explain the charges point by point. I have got documentary proof. I have got all the names of lottery persons.

हमारे महान् नेताओं को जिन्होंने हिन्दुस्तान की सेवा की है, आज भी कर रहे हैं उनका चरित्र हनन कर, आप जनता को बरगला नहीं सकते। इस संस्था ने सभी रिकार्ड सरकार को समयावधि के अन्दर दिये हैं और इंकम टैक्स की छूट नियमानुसार दी गयी है इसलिये उन आदेशों को वापिस लेने का सवाल नहीं उठता। हमारे वित्त मंत्री ने लाटरी वालों की जांच की बात कही थी उसी के अनुसार लाटरी बेचने वाली फर्मों के यहाँ तलाशी ली गयी। मैसर्स ए० ए० एन्टरप्राइजेज के यहाँ भी तलाशी ली गयी और यहाँ के इस संस्था के 51 लाटरी टिकट इंकम टैक्स वालों ने इनाम देने से रोके। छानबीन के बाद जिन कैशों को इंकम टैक्स ने रिलीज कर दिया उनके इनाम का पैसा उन लोगों को दे दिया गया और बाकी लोगों का इंकम टैक्स से रिलीज होने के बाद पैसा दे दिया जायेगा। पिछली बार प्रश्न काल में लाटरी के टिकटों पर इनाम न मिलने वालों के कुछ नाम दिये गये थे, ये बात सही नहीं है। नियमानुसार सबको इनाम दिये गये हैं। विरोध पक्ष के एक माननीय सदस्य ने कहा कि इस संस्था का कोई आफिस नहीं है, यह भी सही नहीं है। लाटरी टिकट पर इनाम निकलने के बाद जिस व्यक्ति को इनाम न दिये जाने की बात कही गयी है उसने इनाम प्राप्त करने के लिये लाटरी के नियमों के अनुसार 45 दिन में इनाम की मांग नहीं की फिर भी संस्था ने उसके मामले को कंसीडर किया और उसका भुगतान किया गया। इससे ज्यादा ईमानदारी और सच्चाई क्या हो सकती है? इसके अलावा कुछ और लोगों के नाम

दिये गये थे मेरी जानकारी के अनुसार उन सबका भुगतान कर दिया गया है। विरोध पक्ष के माननीय सदस्यों ने जो आरोप लगाये हैं वे बेबुनियाद हैं। मिसाल के तौर पर आज मैं कह दूँ कि चूहा हाथी को खा गया इससे अखबारों में नाम निकल जायेगा, परन्तु जनता बहुत होशियार है वह ऐसी बातों पर विश्वास नहीं कर सकती। हमारे यहाँ कहावत है मनुष्य अपने कार्यों से जो नतीजा दिखाता है उससे पहचाना जाता है बातों से नहीं। हमारे नेताओं ने जो नतीजे दिखाये हैं वे किसी से छिपे नहीं हैं हिन्दुस्तान की जनता हमारे साथ रहेगी चाहे आप कितना भी झूठा प्रचार करें, जितनी भी बेबुनियाद बातें कहें, जनता आपके बहकावे में नहीं आयेगी। आप बहके हुए हैं मैं ज्यादा समय नहीं लूँगा। आदरणीय अटल बिहारी वाजपेयी जी, मैं आपका सम्मान करता हूँ। सम्मान इसलिये करता हूँ कि आप एक विरोधी पार्टी के नेता हैं, लेकिन आपकी जो नेगेटिव एप्रोच है वह आपकी पार्टी को डबा देगी। आप जिस तरह से हमारे नेताओं का चरित्र हनन करते हैं मेरा आपसे निवेदन है कि आप ऐसा न करें। कम्युनिस्ट पार्टी के हमारे नेता बैठे हैं वे समाजवाद में विश्वास करते हैं, हम भी समाजवाद में विश्वास करते हैं। हम समाजवादी हैं, लेकिन कहीं तो आप समाजवादियों के साथ मिल जाते हैं और कहीं आप रियेक्शनरीज का साथ देते हैं। देश के हित में आप भी ऐसा करना छोड़ दीजिये, अन्यथा आप की पार्टी को भी काफी ठेस पहुँचेगी। धन्यवाद।

श्री शरद यादव (उत्तर प्रदेश) :
प्लायंट आफ् आर्डर। ... (व्यवधान)
ज्यादा चिल्लाने की जरूरत नहीं है। मैं सब को जानता हूँ। किराये की आवाज बंद नहीं होती? किराये की आवाज मत लगाइये। मैं भी इस प्रस्ताव पर बोलने वाला था। इसलिये मेरा प्लायंट आफ् आर्डर है। इसमें मेरा नाम था। आपने मुझे समय क्यों नहीं दिया? बाकी लोगों को समय दिया है।

श्री उपसभापति : इसमें आपका नाम नहीं है। मेरी लिस्ट में आपका नाम नहीं है। इसलिये आप बैठ जाइये। आप बैठ जाइये।

श्री शरद यादव : क्या आप बोलने नहीं देना चाहते? क्या आप ओवररूल कर रहे हैं? (व्यवधान)

SHRI PARVATHANENI UPENDRA: He represents a major party.

MR. DEPUTY CHAIRMAN: His name is not here.

SHRI PARVATHANENI UPENDRA: It is there in the Motion itself. He is entitled to speak.

MR. DEPUTY CHAIRMAN: His name is not in the list here.

SHRI PARVATHANENI UPENDRA: He is one of the proposers.

MR. DEPUTY CHAIRMAN: Ail right. I will allow him one or two minutes to establish his right.

श्री शरद यादव : बहुत-बहुत धन्यवाद। मैं ज्यादा समय नहीं लूँगा। मैं दो ही मिनट में अपनी बात को समाप्त करूँगा। उपसभापति जी, जो आदमी सत्ता में रहता है, मैं चाहता हूँ कि कर ने उसको छूट नहीं दी जाए। उसके पीछे मेरा आधार यह है कि जो लाटरी है इसके घपले के बारे में मेरे पूर्व में कई माननीय सदस्यों ने सवाल उठाए और तार्किक ढंग से रखा कि किस तरह से इस सोसाइटी ने पैसे का घपला किया है। मेरा इतना सा निवेदन है कि जब कोई आदमी सत्ता में आ जाता है, शक्ति में आ जाता है तो वह फिर चैरिटी वाली और तमाम तरह के हेरा-फेरी के फंड के लिये अपनी सोसायटी बनाता है। यानी श्री अर्जुन सिंह जी मुख्य मंत्री थे और उनके सब रिश्तेदार इसमें हैं जो कि यह चैरिटी ट्रस्ट बना है। राजा मारतंड सिंह वह उनके बाजू के आदमी हैं, लोक सभा

[श्री शरद यादव]

के मेम्बर हैं। वह जो इसमें नाम है वही वाधक भी है। इनका बेटा जा है वह इसमें सदस्य है, उनका भाई इसमें सदस्य है और उनका दामाद सदस्य है। मेरा आपसे निवेदन है कि यह जो भ्रष्टाचार का सिलसिला चला हुआ है कि जो राज में आयेगा जो शक्ति में आयेगा और इन्हें यूनिफन कारवाइड में भी करोड़ों रुपये का चंदा मिला, अभी आपको मालूम है कि यह आंध्र बैंक में जमा है। यह जो अस्पताल वाला मदर टैरेसा से इनआग्रेशन कराया गया है यह तो बाद में कराया गया, जब पता चल गया कि यह बात दुनिया के लोगों को पता चल गई है। यह बाद में शुरू हुआ यह सारी समस्याओं का निदान और दुनिया के प्रति दया का भाव राज में आने के बाद ही आता है। अर्जुन सिंह जो मुख्यमंत्री बने। ... (व्यवधान)

ठाकर जगपाल सिंह : यह हुए हैं 1981 में और लाटरी रजिस्टर्ड हुई है 1984 में तो यह कैसे बोल रहे हैं ?

श्री शरद यादव : ऐसा है कि वफादारी निभाने में ही इनके नम्बर हैं। यह आये ही इसलिये हैं। बतायेंगे इसलिये नहीं कि इनकी नौकरी चली जायेगी। ... (व्यवधान) मैंने कहा कि मुझे दो मिनट दिये हैं, आप जितना चिल्लाते रहेंगे उतना ही मैं भी जोर से बोलूंगा और मैं भी साथ में मुकाबला करूंगा। तो मेरा यह कहना है कि यह जो कर में इनको छूट देने वाला सवाल है वित्त मंत्री महोदय से, यह अंगुले से कम सवाल नहीं है। ... (व्यवधान)

एक माननीय सदस्य : यह सबजुडिस है।

श्री शरद यादव : जिस तरह अंगुले ने चैरिटी ट्रस्ट बना करके करप्शन किया, भ्रष्टाचार किया और लोगों से चंदा लिया, उसी तरह यह है। यदि इस ट्रस्ट के आदमी के रिश्तेदार मुख्य मंत्री नहीं होते तो

इसमें पैसा जमा नहीं हो सकता था और इतने बड़े पैमाने पर लोग उसमें चंदा नहीं देते। सारे नियम तोड़कर इस तरह से यह लाटरी का काम चलने वाला नहीं था।

श्री उपसभापति : प्लीज सिट डाउन।

श्री शरद यादव : तो इन्हीं शब्दों के साथ मैं बैठता हूँ। धन्यवाद।

SHRI VISHWANATH PRATAP SINGH: Sir, the Motion before the House is for an annulment of a Notification of the Government giving tax exemption to the Churhat Children Welfare Society. I think this issue we should analyse in two aspects. One is the Churhat Children Society to which exemption has been given by the Government, the circumstances under which the Government gave an exemption, the way it applied its mind, whether it took due care and did it do so on reasons which can be objectively justified. This is one set of issues. And it is rightly so, it is the responsibility of the Central Government, when it issues any such exemption, to apply its mind to it and take due care and if the hon. Members are raising this issue, I think they are raising the valid issues and it is within the parameters of the Central Government functions and its responsibilities. This is the highest body of the land and it is our duty to share the processes of Government's decision-making with the House.

Second issue is of Lottery. Now, this again I will divide it in two sets. Lotteries as a subject as such—private lotteries—in fact is the domain and jurisdiction of the State Government So, that is one set. Secondly, in so far as the firm A&A Enterprise which was conducting the lottery is concerned, the Income Tax Department did make a raid on this party and in that connection, the Central Government is in the picture and what are we doing about it. And these are the questions, the bases of the issue. I am just framing the issues so that it can be crystallised and understood.

Now, so far as Churhat Children Society is concerned, it entered into an arrangement with A&A Enterprises, Delhi to conduct lotteries. And it was the A&A Enterprises, Delhi which conducted the lotteries and it had an arrangement, or an agreement, with the Churhat Children Society to give assured amount of Rs. 1 crore out of the proceeds of the lottery. So far as the society was concerned, it was to receive this sum from A&A Enterprises, so one issue is of the A&A Enterprises, what it has done in lotteries. The other issue is, when this amount of Re. 1 crore came into the hands of Churhat Welfare Society, how has it utilised this fund, whether it misutilised it or utilised it within the objects of the society itself. These are the issues on which we should apply our mind and see what the facts are.

Coming to the responsibility of the Central Government, whether it has discharged its responsibility properly and particularly with regard to notification on income-tax. That is another issue before the House. May I submit that this notification which is sought to be annulled by this motion is a renewal notification. It is not for the first time that the Central Government is giving a tax exemption to this society. It was as far back as 31-8-84 that tax exemption was given to this society: it was published in the Gazette of India on 24-11-84 and was placed on the Table, before Parliament, on 23-1-1985. Therefore, the Government of India applied its mind as far back as 1984, two years ago, and came to the conclusion that it is a society worth giving exemption. That exemption notification was placed on the Table of the House. The notification had the tacit approval of the House. The society enjoyed the benefit for two years. This renewal notification which is now being sought to be annulled is merely an extension of the benefit which was extended by the Government two years back. Nothing new has been done.

Even then, before the renewal notification was issued, Government has applied its mind, it has not been done just because it was only a renewal and that a similar notification had been issued earlier.

I do not agree with the implications, the aspersions that have been brought into the debate that Government has done something new out of the blue and shown some favour. I am just mentioning this to put things in the proper context. I totally disagree with the aspersions that have been brought in. Despite all the eloquence and the persuasive power which Mr. Vajpayee has and the power to carry people along with him when he makes his speech, it is not correct that some influential Congress (I) men or their relatives are involved in this and that, therefore, this has influenced the Government to issue the present renewal notification. I would like to point out here that the society applied in the early months of the year 1985. It was not that things have been rushed up and that because such and such person was there, it was given. It was only after one year after being satisfied that there is reason for exemption that it was given by notification dated 25-3-86. Therefore, let not this impression be created that things been rushed up, that influence has been brought to bear upon the Government and, therefore, the notification has been issued. It took one year. Therefore, all this, theory is not correct.

Now, when were the considerations of the Government, considerations that I weighed with the Government, in issuing the renewal notification. So far as the objectives of the society are concerned, the same. There has been no change whatsoever on the part of which Parliament and the Government had given exemption two years back. Also, we, as a matter of caution, asked the society about the income from the raffle, because a Child Welfare Fund was created. But way of caution, we, the department, asked the society as to the application of this Fund. To this, the Secretary of the society replied that they have put this money in nationalised banks and fixed deposits. They gave an assurance that all this money will be utilised for the purposes for which this society has been created. Further, it was also brought to our notice that work has started on the construction of a hospital and sufficient money has been spent on it. We have

[Shri Vishwanath Pratap Singh]

also been told that eye camps have been organised, mobile hospital vans have been bought and *balwadis* etc. have also been set up. So, the activity of the trust has commenced. Since we did not come across any misuse of the fund by the society of any amount which it had received, there was no plausible reason for us to annual a decision of the Government which had the approval of the Parliament itself. So, this was a very simple reason of the renewal of the existing benefit. Though the society had asked for five-year exemption, the Government gave it for 3 years, two years it had already had. So, this is the part so far as the Churhat Children Society Fund is concerned. Its application for Renewal of benefit under the Income-tax Act and the considerations which went with the Government and the causes and the things which went into it, I have placed them before the House.

Now comes the lottery part of it. The Churhat Children Society had entered into an agreement with A.A. Enterprises. So far as private lotteries are concerned, in fact, they are the domain of the State Government. So, what I can mention on that is the information that we have received from the State Government and that I will share with the House.

SHRI ATAL BIHARI VAIPAYEE :

What about the investigations last year?

SHRI VISHWANATH PRATAP SINGH: I am coming to that. I will come to the State domain part later, first I will finish with the Central Government's domain. After I finish with the Central Government domain, I will come to the information that we have received from the State Government.

Coming to the investigation of lotteries that the hon. Members raised and what my predecessors have said about private lotteries and what action the Government has taken, we had raided 51 firms of private lotteries. We had to take a solid action and one of them was the A.A. Enterprise which was carrying on the

lotteries and the proceeds! If Rs. 1 crore it had contracted to give to the Churhat Society. Coming to this, I assure the House that investigations are in progress and the investigations will be earned to their logical conclusion and the law shall not be condoned, and the law shall be taken.

So far as the relationship is concerned, the directors or the partners of A.A. Enterprises are: Mrs. Jyoti Chopra wife of Shri Amrit Chopra with 34 per cent share, Mrs. Komal Chopra wife of Shri Sudhir Chopra with 33 per cent share, and Shri Ajay Suri HUF son of Shri S. L. Suri with 33 per cent share. So, there is no one related or connected to the Churhat Welfare Society with the A. A. Enterprises. The point raised was that there is inter-connection or inter-relationship with the Churhat Society. This is what we have with us.

Coming to the area of private lotteries as such, it is not in the administrative domain of the Central Government but of the state Government. The information that we have received from the State Government, I would share that with the House. The State Government informs that a licence was issued for lotteries. The Society was registered under the M.P. Societies Registration Act. As for payment to people who were winners of the lottery, may I say that when we raided A.A. Enterprises, several tickets fell in our hand too and certainly when those tickets are in our hand, those cannot be allowed for encashment of prizes. They are in our custody and if through (his process somebody has some problem, I cannot help it both ways: if I raid, then I have to see the documents and when I see the document, you can't did you not give the prize?" So that area is with the State. I know my area. What the State Government has informed us so far as prizes are concerned is as under:

The Churhat Children Welfare Society had earlier reported that it had not paid Mr. Mahalingam his claim of second prize as Mr. Mahalingam failed to surrender the ticket within the stipulated time and submitted it after lapse

of. (here number of days is mentioned, which is a little illegible). The society have taken action to verify the genuineness of the ticket. The State Government had also received a letter from the Canara Bank, Kolaagoda, District Palgrat, Kerala, regarding payment of prize on ticket No. CA 2S67639 which is now reported to be settled by the Society as per a letter from the Auditors of the Society.

Then regarding audit, whether this has - been audited or not, the State Government goes on to say:

Mrs. R. L. Gupta Associates, Chartered Accountants, Bhopal, wrote a letter on 2-12-85 to the Finance Secretary to the Government of Madhya Pradesh on the subject of exemption from tax of the proceeds of the Society, by way of enclosure attached the audited accounts of the Society from its inception upto 31-3-85.

So it shows that the audited accounts were submitted to the State Government from its inception.

As per the forwarding letter of the auditors, as against the guaranteed profit of 1 crore of rupees, the Society has received upto 31-3-85 a sum of Rs. 50.85 lakhs. As per further information furnished to the State Government by the Collector till 17-5-86 the Society has received Rs. 57.05 lakhs. As per the latest letter from the Society's auditors dated 5-8-86, the organising agent has remitted a total amount of Rs. 98.62 lakhs as against 1 crore due from him.

That shows the audit part and the submission of the audited accounts to the State Government.

The Home Ministry had written to the State Government.

The Ministry of Home Affairs vide DO No. 351/38/86 AVD/3 inviting attention to article "Great **VIP** lottery

hoax" appearing in the Sunday magazine of 25—31 May 1986, had asked for a report. Some of the points referred to in the article have been dealt with above. A report on other points mentioned in the article will be sent after ascertaining all relevant facts.

So as regards developmental activities of the Society the Collector has reported that a hostel is presently functioning with four doctors. The Society is also engaged in formulation and implementation of a number of welfare projects like immunisation programme, setting up of Angan Wadis, construction of a working women's hostel etc. So this is whatever information we have received, we have shared with the House.

Summing up, so far as renewal of the exemption was concerned, it was a continuing exemption existing which has been renewed, after the activity has started, after the Society making clear about how it will utilize the income of the lottery and giving assurance for it and also saying that it is deposited. Seeing that the activity has started, we have renewed it for this period. So, it is quite valid. Taking all the precaution, that we have done. No misuse of funds of the society has come to our notice, so far as the lottery is concerned.

So far, as action by the Income-Tax Department is concerned, I have assured you that we would go to the logical conclusion of investigation, and the law will have its course.

So far, as private lottery is concerned, which is in the jurisdiction of the State Government, what information I have, I have shared with the House.

With these words, I request the House to endorse the notification and reject the motion.

MR. DEPUTY CHAIRMAN- Mr. Vajpayee, would you like to reply anything now?

SHRI ATAL BIHARI VAJPAYEE:
Sir, I would like to press my motion.

MR. DEPUTY CHAIRMAN: I shall now
put the motion moved by Shri Atal Bihari
Vajpayee to vote. The question is:

"That this House resolves that, in
pursuance of Section 296 of the Income
Tax Act, 1961, the Government Notifi-
cation S.O. No. 2242, published in the
Gazette of India, dated the 14th June, 1986,
and laid on the Table of the House on the
18th July, 1986 be annulled; and

That this House recommends to Lok
Sabha that Lok Sabha do concur in this
resolution."

The motion was negatived.

MESSAGE FROM THE LOK SABHA

The Suppression of Immoral Traffic in Women and Girls (Amendment) Bill, 1986

SECRETARY-GENERAL; Sir, I beg to
report to the House the following mes-
sage received from the Lok Sabha signed
by the Secretary-General of the Lok
Sabha;

"In accordance with the provisions of
rule 120 of the Rules of Procedure and
Conduct of Business in Lok Sabha, I am
directed to inform you that Lok Sabha, at
its sitting held on the 22nd August, 1986,
agreed without any amendment to the
Suppression of Immoral Traffic in Women
and Girls (Amendment) Bill, 1986, which
was passed by Rajya Sabha at its sitting
held on the 21st August, 1986."

VALEDICTORY REMARKS ON THE CONCLUSION OF THE SESSION

MR. CHAIRMAN: Honourable Mem-
bers, the Monsoon Session of this House will
be coming to an end in a few minutes from
now. Before I adjourn the House *sine die*, I
would like to thank all Members on behalf
of members on the part of Vice-Chairmen
and on my personal behalf for the kind co-
operation extended by all sections of the House
for smooth and orderly conduct of the
proceedings.

Honourable Members, in this Session
about 50 new Members, so-called newcomers,
took their seat in the House and have
shown keen interest in the proceedings of
the House and made their presence felt
with their performance. This has been
a long Session in which we have discussed
many matters of national and international
importance. In all, we had 24 sittings
and the House sat for more than
150 hours. On a few occasions
lunch hour was given a go-by
to get time to discuss important
matters. The House passed 21 Bills, dis-
cussed 9 Calling Attention motions of
urgent public importance. One thing that
deserves special mention is the concern of
the Members in matters of general public
interest. Members made a valuable con-
tribution during the Session. Their
deliberations in the House have been
in a cool and calm atmosphere.
I am glad to say that the Session has
been of high order.

I once again thank all Honourable
Members. Leaders of various parties are
• of the House! the
co-operation extended by them in conducting
the proceedings of the House. I extend to you
heartfelt greetings for the Dussehra and Diwali
festivals and greetings for all the festivals
falling between this Session and the next one.
I wish you good health and all the best in
the inter-session period.

The House stands adjourned *sine die*

The House then adjourned *sine die*
at forty-four minutes past 1 o'clock.