

उसके पीरियड में कंटीन्यूटी मेनटेन करने के लिए यह अमेंडमेंट गंगतोक म्युनिसिपल एक्ट था। मैं समझता हूँ कि आपने दूसरी चीजों का जो जिक्र किया है वह तो सभी लोगों को मालूम है कि जहाँ तक हो सुपरसेशन का सवाल नहीं रहना चाहिए। लेकिन इस बिल में यह है कि कंटीन्यूटी मेनटेन रहे। और थोड़े दिन के बाद जब वहाँ प्रसीडेंट रूल खत्म हो जायेगा, तो इलेक्शन कराएंगे, जैसा होगा।

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): The question is:

"That the Bill further to amend the Gangtok Municipal Corporation Act, 1975, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): 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.

SHRI ABDUL GHAFOOR: Sir, I beg to move:

'That the Bill be passed.'

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): The Representation of the people (Amendment) Bill will be taken up tomorrow. Now we shall take up the Foreign Contribution (Regulation) Amendment Bill.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ORDINANCE, 1984 (NO. 12 of 1984).

AND

II. THE FOREIGN CONTRIBUTION (REGULATION) AMENDMENT BILL, 1985

श्री जगदम्बी प्रसाद यादव (बिहार):
उपसभाध्यक्ष जी, मैं मूव करता हूँ कि:

"यह सभा राष्ट्रपति द्वारा 20 अक्टूबर, 1984 को प्रख्यापित विदेशी अभिदाय (विनियमन) संशोधन अध्यादेश, 1984 (1984 का सं० 12) का निरनुमोदन करती है।"

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Sir, I beg to move:

"That the Bill to amend the Foreign Contribution (Regulation) Act, 1976, as passed by the Lok Sabha, be taken into consideration."

Sir, I will be very brief. The Foreign Contribution (Regulation) Bill had been introduced in 1984 in this House. This august House had considered and passed and the Bill at its sitting held on 25.8.84. Unfortunately the Lok Sabha could not take up the Bill for consideration during its sitting on 27-8-1984 on account of paucity of time before its adjournment *sine die*. The provisions of the Bill had to be brought in force through issue of an Ordinance on 20th October 1984, the reasons for which have already been circulated separately. The rules framed under the Ordinance were notified on the 5th November, 1984. The same have been laid on the Table of the House. Sections 4 and 6 of the Ordinance were brought into force with effect from the 1st January, 1985 through issue of a notification on the 21st November, 1984. The contents of the Bill are the same except for that updating of reference to a notification referred to therein. The Bill seeks to:

— enlarge the definition of the terms 'foreign contribution' and 'political party';

— bring Judges within the ambit of the Act;

— make registration of an association having a definite cultural, economic, educational, religious or social programme and its acceptance of foreign contribution through a specified branch of a bank, a pre-requisite failing which making it incumbent on it to obtain

prior permission of the Central Government;

— empower the Central Government to audit the accounts of a recipient association in certain circumstances; and

— bar receipt of foreign contribution by an association for three years after its second conviction for contravention of the relevant provisions of the Act.

These are laudable objectives and I am sure all sections of the House would welcome them. With these words, I would request this august House to consider this Bill.

The questions were proposed.

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): The resolution and the motion for consideration of the Bill are now open for discussion.

SHRI P. N. SUKUL (Uttar Pradesh): On a point of order. As has been said just now by our hon. Minister, this Bill has already been passed by this House. We have passed it already.

AN HON. MEMBER: Only for technical reasons.

SHRI P. N. SUKUL: For technical reasons it has been introduced all right. When it was passed, it was passed in the presence of many more Members here than are present now. Then why this avoidable rumination on the same subject? If there is a technicality, that technicality must be pointed out and the Bill passed straightway without any discussion. There need not be any discussion because we have already passed it once. That is all I wanted to submit.

उपसभाध्यक्ष (श्री सैयद रहमत अली) :
हाउस चाहता है तो बोल सकते हैं,
दो-तीन स्पीकर हैं, बोल लेंगे।

***SHRI O. J. JOSEPH (Kerala):** Mr. Vice-Chairman, Sir, this Bill was passed by this House earlier, but it could not be

be passed by the Lok Sabha. Now therefore it has been brought again with two minor amendments.

Sir, I welcome this Bill. However I am not of the view that this Bill is going to achieve all the objectives for which it has been brought. It has been provided in the Bill that in future foreign contribution should be accepted only through a specified branch of a bank and also will the prior permission of the Government. That is a good thing as far as it goes. But sir, here in Delhi you can find agencies financing all kinds of political, religious and communal activities endangering the very security of the country. It is not routed through any bank. It is an open secret and the Government is, I think, well aware of this situation. Therefore I do not think that this measure alone is going to eradicate such evil practices.

Sir, another thing which has come to my notice is that such contributions are always not in the shape of money. Such assistance is coming in the guise of milk powder, medicines and in many other ways to religious communal and all other kinds of associations or organisations. All these things are done in the name of poor people and the goods thus received are sold out in the market. The money thus collected is utilised for anti-social and anti-national activities. Sir, often the real purpose behind the free supply of milk powder etc. is to project the image of the donor country and also to project India as a poor and backward country. This is an affront to the dignity of the country. In many places scientific instruments are supplied for setting up hospitals etc. A few poor persons might be benefited by free treatment or financial assistance. But by and large such institutions ultimately exploit the poor patients by overcharging them and the money thus collected would ultimately be diverted for anti-national activities. There are many such organisations in the country today. I am not referring to any particular organisation. This is an insult to the country. Sir, in the name of promoting education, printing presses and other facilities are given. Even such things are used against the interest of the country.

*English translation of the original speech delivered in Malayalam.

Many countries and foreign agencies are vying with each other in the matter of extending such assistance to this country. Sir, if they are sincere about helping this country such assistance would be welcome if it is on a government to government basis. I can understand if the people of one country want to help people of another country. On the other hand if such assistance is allowed to flow from all kinds of agencies to all kinds of persons or organisations in the country, then it would certainly endanger even the security of the country. Sir, some countries are financing the Khalistan movement. When such assistance starts playing havoc in the country, the same countries would come forward with the offer of their good offices for solving the problem. Sir, this reminds me of the practice often resorted to by certain unscrupulous persons in my State who would instigate the police to arrest and beat up certain poor and innocent persons and once their purpose is served they would come forward to offer their help to bail out those poor persons. This is the kind of practice that is going on in the name of assistance in various forms from foreign countries. This practice must therefore be put an end to. It has been provided in the Bill that organisations failing to intimate the receipt of foreign contribution for three years would be debarred from receiving foreign contributions. Sir, it is a fact that all such contributions are not received with the permission or knowledge of the Government. Sir, I can understand a government to government level assistance. Any assistance other than this from different kinds of agencies to different kinds of agencies here are dangerous to the interests of the country and therefore it is high time such contributions are put an end to. I am conscious of the fact that all these objectives cannot be achieved overnight. This Bill certainly seeks to impose some restriction on these activities and to that extent it is welcome. Therefore, Sir, I support this Bill. Thank you.

SHRI RAMESHWAR THAKUR (Bihar): Mr. Vice-Chairman, I rise to support the Foreign Contribution (Regulation) Amendment Bill, 1985. As has already been stated, this Bill has been

brought forward to replace the Ordinance and to amend the Foreign Contribution (Regulation) Act, 1976. This Bill, as you are aware, was passed by us in May, 1984 and as has been rightly suggested there was a full-fledged discussion. But since there are some slight amendments in this Bill, for technical reasons a debate has been initiated.

I would like only to mention that there should not be any apprehension in the minds of the Members, as was mentioned just now by an Hon'ble Member opposite. The basic object of the Bill is very important. This is only to regulate the acceptance and utilisation of foreign contribution or foreign hospitality by certain categories of persons or associations with a view to ensuring that Parliamentary institutions, political associations and academic and other voluntary organisations as well as individuals working in important places of national life may function in a manner consistent with the values of sovereign democratic republic. This is the background. The amendments were necessitated on account of developments in the course of administration of this law. This was brought at the request of various Hon'ble Members in both the Houses. First it was in May, 1969 and Mr. Chavan then had mentioned this in the House and the Bill was brought in 1973. It took a long time in passing this Bill. This time also it was passed by this House and not passed by the other House. It was introduced in the Rajya Sabha long back, in the year 1973, that is, on the 24th December 1978, but passed by both the Houses in the year 1976 only because, in between, it was referred to a Joint Select Committee of 60 Members of both the Houses.

Sir, this Bill has been in force since 1976. But it had certain deficiencies and this amending Bill seeks to remove those deficiencies only.

Now, there are a number of organisations, nearly four thousand voluntary organisations, which have registered themselves and which are getting nearly two hundred crores of rupees annually. But there are a large number of organisations which are not registered at all and

[Shri Rameshwar Thakur]

they were not submitting any reports. Some of the institutions, even if they were receiving foreign money, were not submitting reports or returns and it was because of certain deficiencies in the definition. So, Sir, the first thing that they have done is to give a proper definition of the term "foreign contribution" which means any foreign contribution received not only by an individual or an association directly, but also received through some other agency or institution. This is also now covered which was not earlier covered. So, this amendment comes now in clause 2 of the present Bill.

Secondly, with regard to "political parties" also, with regard to their definition, there was a deficiency because those political parties which were registered and which contested the elections as per the provisions of the relevant rules and which were registered with the Election Commission were covered. Now, under the present amendment, those parties which are not registered, but which have contested the election, are also being covered.

The third important thing is the definition of the term "association" and the requirement for the associations to get themselves registered with the Home Ministry before they receive foreign contributions and to get the foreign contributions through a bank. The honourable Member from the other side asked about the foreign contributions received in kind and through the bank. The definition covers not only money, but it also covers securities and any other kind of benefit received though the money will come through the banks only.

Now, Sir, these institutions were not submitting their reports earlier and now they are required to submit reports. Earlier, the power of seizure was there. But there was no power to audit. Now, the new section 15A provides for the power for making an audit of the accounts of the books and the returns when foreign money has been received, but returns and audited accounts have not been submitted. These are all great improvements contained in the present Bill and they are

laudable objectives really and I support all these amendments.

Now, Sir, there are one or two suggestions that I would like to make. Concern has been expressed by the Members on the other side and also in the Press to the effect that some voluntary agencies may be subjected to certain difficulties and subjected to same harassment. But I think there is no such intention in this. In fact, any public institution or individual or political party or any other person receiving foreign money is squarely accountable for the funds received and this amendment only ensures that all those persons who receive directly or indirectly foreign contributions or hospitality are made accountable and they render proper accounts and submit their returns in time as prescribed under the rules made under the Act. Therefore, this is a laudable thing. I think any person who has got national pride will support this aspect of it and will not consider that this can become a harassment.

I mentioned about the inadequacies earlier. I feel that these inadequacies which were there have been properly dealt with and there should not be any difficulty even if there are some difficulties, now the rules have been made more comprehensive and I don't think that there will be any difficulty. Even if there are any difficulties with regard to the returns, I think if they can put them on a computer, all the information will be available with the Government and there will be no difficulty.

There is only one other aspect which I would like to mention here. Some voluntary agencies are doing a very commendable work in the rural areas in different parts of the country, particularly in the States like Tamil Nadu, Maharashtra, Gujarat, Bihar and M.P. These institutions are working for the tribals, for the Harijans, for the weaker sections, the poorest of the poor and they need encouragement and all kinds of support. In the Approach to the Seventh Five Year Plan it has been indicated that there will be the involvement of voluntary agencies in the policy making of the Government and there should not be any apprehension.

on that score. There is also a body called People's Action for Development sponsored by the Government. It is under the Ministry of Agriculture and Rural Development. It canalises foreign contributions and in turn gives this foreign money received to various agencies, voluntary organisations, (*Time bell rings*) and they are working in a commendable manner. I personally feel that more Indian money—not only foreign money—should be given to them and this could also be channelised to agencies.

Now, one other aspect, lastly, I would like to point out is this. It has been pointed out that the articles received are not properly distributed. I think the institutions should be required to maintain account of articles received. They should be properly accounted for and a certificate submitted to the Home Ministry. On that score there should not be any difficulty.

Sir, with these few words, I support the Bill. There should be no apprehension in the minds of voluntary agencies and others, so far as the implementation of the Bill is concerned. In the national interest, we all support it.

SHRI P. BABUL REDDY (Andhra Pradesh): Mr. Vice-Chairman, Sir, I support the objectives behind this Bill, but with reservations and caution. The Bill seeks to amend the 1976 Act in three important ways. It seeks to spread the net to bring within its operation certain institutions, organisations and persons who are not covered by the original Act of 1976. Firstly, the original Act applied only to the receivers of foreign funds directly from foreign sources. But it did not apply to those who received funds from those organisations who have already received funds from foreign sources. Now that class of institutions or organisations which receive funds which are originally from foreign sources routed through other organisations which have received foreign assistance are also brought in. Secondly, political parties which were not registered, with the Election Commission for allotment of symbols and who were outside the scope of this Act are also brought in.

Thirdly, and it is here that I have got some reservation, the Judges of the High Courts and the Supreme Court are also brought within this net. There is another aspect which the Bill seeks to bring in, that is, all funds have to be routed only through a particular branch of a bank. I think this is a wholesome measure and there is nothing wrong about it. Sir, I personally feel that there is every need for an amendment of this nature when there is so much talk of Khalistan in Punjab and it is well known that the leader of the Khalistani movement are operating from foreign countries, and there is a great suspicion—may be true also—that a lot of funds are flowing through those people who are now so called extremists, etc. receiving help from outside. But what is not clear to my mind is why the Judges of the Supreme Court and High Courts are also included in this amendment. What made the Government, what provoked the Government to do this. Sir, it may be—I do not want to dispute it—that they have some information that some Judges of some High Courts have received Rs. 30,000 or Rs. 40,000 to make foreign trips. I have also heard it and I have also read some articles. Nevertheless, in the largest interests in democracy and independent judiciary is very much necessary and no reflection should be cast and no attempt should be made to mar that noble concept of an independent judiciary. So I would request the hon. Minister to reconsider this provision, if possible, and then drop it. Whatever good is achieved by this measure is outweighed by the suspicion. It is much better to avoid such suspicions out of the scope of the provisions of this Bill.

Sir, in the year 1978, it was estimated that about 200 crores were being brought to this country by way of these contributions or gifts. Now it must have increased enormously. It must be a minimum of 400 crores. I personally feel that there should be a total ban on receiving these contributions because this is the basic principle. It is true that nobody gives anything for nothing. Even the persons who believe that they are doing real charity are desirous of reserving a seat in the heaven. Whatever gifts are given,

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there must be some hope behind it. Other nations say that we should not interfere in the internal matters of other countries. This is for public consumption. The fact remains that most nations interfere with the affairs of other nations. I am talking of mostly the so-called big powers. They are doing so directly or indirectly. There are cases where they are interfering directly. I do not mention them because it would immediately introduce an element of controversy which is not presently necessary for the scope of the Bill. So I will avoid them.

Sir, this Bill is certainly necessary. This unchecked flow of foreign money should be restricted. Even as it is, large transactions are taking place clandestinely. Everybody knows that they give some code and transactions worth hundreds of crores of rupees take place. Somebody comes from Bombay. He purchases a dollar for Rs. 14 from people from America. A message is sent that he has paid the money giving a code. Then they are paid Rs. 14 per dollar whereas the official rate is only Rs. 12 per dollar. This is well known. Such things must be done away with.

I want to caution about one more thing. So far as political parties and other things are concerned, there is a suspicion that it may be used as an instrument of oppression or harassment. That should be avoided. No decision should be taken at a lower level. The decision to prosecute or penalise must be taken at a higher level exercising care and caution. This should be borne in mind in implementing it. Then whatever might be the justification or information, the Judges of the High Court and Supreme Court should be taken out because it will be an odium.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra): Mr. Vice-Chairman, Sir, I am extremely grateful to you for giving me two minutes. Nobody can deny that this amendment is altogether wholesome. We must really check the inflow of foreign hospitality and foreign contribution. But there is

one disturbing factor to which I want to invite the attention of the hon. Home Minister and that is the inclusion of the word "Judge" in section 4 and Section 9. Section 4 deals with donations and Section 9 deals with foreign hospitality. The Judges of the High Court and Supreme Court hold constitutional offices. I have never known a Judge accepting any donation at all. If he does so, he may be the Chairman of an Association or something like that and that will come under some other clause. This sort of suggestion is an insinuation. The very suggestion that Judges take donations in their individual capacity is far from reality. Then, there is prior permission to be taken for foreign hospitality. High dignitaries holding constitutional offices are invited by foreign Governments in connection with prestigious conferences such as International Law Conference. They are invited to foreign countries. Our administration of justice, and particularly the writ jurisdiction under articles 32 and 226 has really opened the eyes and opened new vistas for the rest of the world in the field of legal aid, in the field of bonded labour and what not. To require them to have previous permission seems to be a little incongruous. But I do hope that the object of the Bill seems to be that they may themselves not know as to in what manner the invitation is extended. But I can only say this that it is usual for the Judges to inform the Ministry concerned before they leave the country.

All in all, I would only say and I want this assurance—this is the reason why I have risen to speak—that the requirement of a permission would not in any way be an irritant and would not be in any manner used to lower the dignity of the high office because the Law Minister himself has said that the first task of the Law Ministry would be to restore the full dignity of the Judges. I hope it would be in consonance with the new policy which has been announced by this new Government.

With these words, Sir, I commend this Bill for the acceptance of the House. Thank you,

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): Now, Shri Jagdambhi Prasad Yadav will reply.

श्री जगदम्बी प्रसाद यादव : माननीय उपसभाध्यक्ष जी, यह बिल राज्य सभा में 1984 को पारित हुआ था, 1976 के अमेंडमेंट के रूप में। लेकिन लोक सभा में पारित न होने के कारण आर्डिनेन्स के रूप में फिर आया है। लेकिन इस बीच में सरकार को कुछ सुवृद्धि आई और उसने इसमें कुछ और चीजों को जोड़ दिया। जहाँ तक पोलिटिकल पार्टीज को जोड़ने का सवाल है, तो भारतीय जनता पार्टी ने पहले ही यह डिक्लैयर किया था कि हम तो अपना एकाउन्ट, पार्टी का खाता बैंक-अप के लिये खुला रखना चाहते हैं और चाहते हैं कि सभी पार्टियाँ ऐसा करें तथा सर्वप्रथम कांग्रेस पार्टी स्वयं अपने खाते को अपन करे। इसलिये सब पोलिटिकल पार्टीज या किसी पार्टी को इन्क्लूड करना हमें बुरा नहीं लगता। लेकिन जब कानून बनता है तो उसको कार्यान्वित करने के लिये रूल होते हैं। डिजायर ठीक है, नेसेसरली डिजायरेबल है लेकिन उसका मैनर, उसका इम्प्लीमेंटेशन, उसका कार्यान्वयन रूल के द्वारा होगा और यह नौकरशाही करेगी। लेकिन इस पर कभी चर्चा करने का अवसर नहीं मिलता है। इसलिए इसका कुछ न कुछ विवेचन माननीय गृह मंत्री अगर कर दें तो अच्छा रहेगा।

दूसरा सवाल जो उठाया गया है, लोकसभा में और यहाँ माननीय सदस्यों ने भी जज, न्यायाधीश, चाहे वह उच्चतम न्यायालय का हो, चाहे उच्च न्यायालय का हो या अन्य न्यायालयों का हो, उनके ऊपर भी हमारी सरकार का भरोसा, विश्वास नहीं रह गया है। श्रीमान्, देश में न्याय-पालिका ही एक ऐसी चीज है जहाँ हम जो गलत कानून बनाते हैं उनको चुनौती देते हैं, अगर सरकार हमें चुनौती देती है तो हम वहाँ जाते हैं न्याय पाने के लिये। सरकार अगर उसको भी किसी न किसी प्रकार अपने शिकंजे में ले ले तो वह भी एक अविश्वसनीय संस्था हो जायेगी और तब मैं नहीं समझता हूँ कि इस देश में प्रजातन्त्र की रक्षा हो सकेगी। मैं इसलिये

इस बात का सकेत कर रहा हूँ क्योंकि मैं देख रहा हूँ कि जब से नई सरकार आई है तब से बातें तो मीठी मीठी होती हैं, जैसा कि विरोधी नेताओं को सम्मान दिया जायेगी, विरोधी दलों से विचार-विनिमय किया जायेगा। लेकिन विरोधी दलों के लोगों का सम्मान कहा किया जाता है। हम जानते हैं कि अनेक मंत्री आज विरोधी दल के नेताओं के पत्रों का उत्तर देना भी उचित नहीं समझते हैं। ऐसे बड़े-बड़े मंत्री हैं। इसी तरह से जहाँ विवेचन की बात हुई तो आज ही उपसभापति के चुनाव के बारे में बात हुई लेकिन इस पर चर्चा करने के लिये भी वे तैयार नहीं हुए। इसलिये ऐसा लगता है कि जिस तरह तूफान के पहले वातावरण शांत रहता है वैसी ही बात यहाँ है और यहाँ फिर से तानाशाही आने वाली है। इसको कुछ मीठे वचनों द्वारा, व्यवहार के द्वारा ढाँकने का प्रयास किया जा रहा है। इसीलिए ज्युडिशरी (व्यवधान) जो न्यायपालिका है वह भी कल इसके बलोचेज में आ गई तो कठिनाई होगी इसलिए। मैं जरूर चाहूँगा कि हमारे जो गृह मंत्री हैं वह इसका जरूर हिसाब से विचार करें कि कम से कम सदन को सदन के बाहर की जनता को और न्यायाधीशों को भी लगे कि उन के ऊपर कोई अंकुश नहीं है बल्कि यह कानून जो है ऐसा है जो किसी प्रकार से देश में हमारे इस देश की आजादी को स्वतन्त्रता को स्वायत्तता को नष्ट करने का किसी भी प्रकार से प्रयास करे उसका यह देश हर तरह से मुँह तोड़ जवाब देगा इसका निश्चितपूर्वक विचार है, ऐसा उनको अनुभव हो। मैं समझता हूँ कि सरकार कानून बहुत बनाती है और सरकार के पास 1976 का जो कानून है उसमें कोई कम अधिकार नहीं है। उसमें भी सेल थी, रिटन मिलती थी आडिट की भी व्यवस्था थी तो फिर यह बनाने की बात आई तो मैं जानना चाहता हूँ कि कानून का कितना सदुपयोग होगा? कालाधन बढ़ता जा रहा है, वह बेहिसाब है, उसकी एक पेरलल इकोनोमी बन गई है। अब दूसरा पेट्रो डालर्ज का प्रचार हो रहा है। पेट्रो डालर्ज यहाँ चले आ रहे

[श्री जगदम्बा प्रसाद यादव]

हैं। रिलीजियस मनी के रूप में आ रहे हैं। अगर मानव के कल्याण के लिए आता हो तो उसमें कोई एतराज नहीं है लेकिन जैसे मेरे मित्र ने कहा नोबोडो गिव्ज ऐनीथिंग फार नॉथिंग। स्वार्थ मूल मंत्रस्य की बात भी चलती रही है तो यह पैट्रो डालर्ज रिलीजियस मनी अगर यहां धर्मान्तरण कराए और उससे अराष्ट्रीय भाव का प्रचलन हो तो उसको रोकना अनिवार्य है। मैं मंत्री जी से जानना चाहता हूँ कि इस तरह का कितना पैसा गत दो वर्षों में आया है और किस प्रकार से उनमें वृद्धि हुई है। अगर इसकी जानकारी सदन को मिल जाती तो सदन को सचमुच में विश्वास होता कि हमारे गृह मंत्री जी बहुत सावधान हैं। पैसा आने का एक ही रास्ता नहीं है जो आपने इसको छानने की कोशिश की है। जो कटेक्ट होते हैं, उनके द्वारा भी आता है और मल्टी नेशनल्ज. जो है वे किस तरह से देते हैं प्रचार साहित्य के द्वारा और अभी जैसा कहा गया ऐसी अनेक चीजें हैं जो लोगों को भेजी जाती हैं, जैसे दुग्ध चूर्ण है, कई संस्थाओं को भेजी जाती हैं, संस्थाओं के लोगों को दी जाती हैं। इस प्रकार का सवाल उठा कि रूस को परमल चावल की सप्लाई का मामला अखबारों में आया। बासमती चावल की जगह पर परमल चावल रूस को भेजा गया और इस तरह से कई लोगों के कटेक्ट से पैसा बनाने के रास्ते हैं। इस प्रकार हम देखते हैं कई ऐसे रास्ते हैं जिनसे पैसे आते हैं और इनको रोकना और इनके बारे में जानकारी करने का क्या उपाय है? अभी ठाकुर जी ने बताया कि 419 संस्थाएं हैं जो रजिस्टर्ड हैं। जो अनरजिस्टर्ड संस्थाएं हैं उनके द्वारा पहले डेढ़ सौ दो सौ करोड़ रुपये आते हैं लेकिन अब डेढ़-दो सौ करोड़ रुपये नहीं हैं अब चार सौ पांच सौ करोड़ रुपये आते हैं। दूसरे सोसिज से जो आते हैं हजारों करोड़ों उनका हिसाब अलग है। अगर खालिस्तान को बनाने में विदेशियों का हाथ है वह कितना षडयंत्र करना होगा या समुद्र किनारे में हमारे ऊपर सुपर पावर घेरा डाल रही है उन्होंने हमारे किन किन लोगों को पैसा भेजा होगा वह कैसे खर्च होगा। जैसे कि सब जानते हैं कि प्रधानमंत्री के कार्यालय

के बड़े बड़े अधिकारी इनवालव्ड हुए हैं यह क्या बिना फारेन पावर के इनवाल्व्ड हुए हो सकता है। इसी एक्ट के अन्दर मैं यह चाहता हूँ कि आप इस पर विचार कर के देखें तब तो लगेगा कि सचमुच आप एक डिजायरेबल और आवश्यक बिल को हम लोगों के सामने लाए हैं। श्रीमन, मैं मंत्री जी से यह चाहंगा कि कम से कम जो माननीय सदस्यों ने बातें रखी हैं आज जो पैसा अनाप-शनाप रूप से धर्मान्तरण के लिए या पोलिटिकल पार्टिज के इनवेस्ट-मेंट के लिए आता है इन चीजों को रोकने के लिए अभी भी क्या यह बिल सक्षम है और अगर है तो कैसे है? इसीलिए हमने कहा कि उन स्वयंसेवी संस्थाओं का भी हिसाब लिया जाए तथा उन संस्थाओं में से धन के वितरण पर अगर हिसाब नहीं होगा कि उसने सही वितरण किया कि नहीं किया है या जिस उद्देश्य से वह लिया गया है उस उद्देश्य से काम कर रहा है या उसका उद्देश्य कुछ दूसरा है। इसीलिए मैंने आपकी दृष्टि खींचने का प्रयास किया है। माननीय सदस्यों ने भी जो कहा है मैं समझता हूँ कि आपका दृष्टिकोण उस तरफ जायेगा। सही शंकाएं उत्पन्न की गयी हैं। रिटर्न की भी शंका हो सकती है रजिस्ट्रेशन की भी हो सकती है क्योंकि टाइम डिफाइन नहीं है। तो ये कई प्रोसेस जो इम्प्लीमेंटेशन के हैं वे भी कठिनाई में हैं। इसलिए मैंने रूल का जिक्र किया था कि आप अपनी मंशा को प्रकट कर देंगे तो शायद सदन को और बाहर के लोगों को भी इससे सहूलियत होगी।

SHRI S. B. CHAVAN: Mr. Vice-Chairman, Sir. I am thankful to all the hon. Members for extending their support to this Bill, which was considered earlier and now in the amended form, it is being considered by this august House.

Sir, first of all, I would like to remove the impression which the hon. Member from the other side seems to be entertaining, that while Acts are being passed, rules are not being framed for years together, and that the non-framing of the rules defeats the very purpose for which this enactment has been brought forward before the House. I think, if he had

cared to listen to my introductory speech, he would have noticed that I had clearly mentioned that the Ordinance was promulgated on 20th October, 1984, while the rules framed under the Ordinance were issued on the 5th November, 1984. Therefore, there is hardly any time lag between the two. This should remove the doubts which the hon. Member may be having. The normal practice is that all the rules are placed on the Table of the House and within a stipulated period, hon. Members have the opportunity to discuss the provisions of the rules. He is a senior Member. I am sure he is aware of the technicalities. Perhaps, he just wanted to find out whether I am aware of the fact or not. He is just trying to find out whether I have the full information about this.

Sir, very important points have been raised by Mr. Reddy and also by my friend Mr. Bhandare. They seem to be under the impression that by bringing judges under the purview of section 4 and section 9, we are trying to intrude upon the independence of the judiciary. I must make this absolutely clear, that there is no such intention. Hon. Members will agree with me that so far as section 4 is concerned, it is out of question that they will ever accept donations. Is it the insinuation that all the other categories are suspected of this? I do not think. The reverse is correct. This may be a very good excuse even for judges to go outside and accept donations in some form or other, not only in the shape of money but in the form of gifts also. To refuse the gifts which may be given to the judges and other high dignitaries because their conduct is to be in consonance with the high places of dignity which these people are enjoying, it becomes very difficult for any man to resist and to say 'no' to the host, who, in fairness, would like to give some money or some article or a present. I think, it is absolutely clear that if it is a present meant for an individual, within a particular limit, then, of course, it is exempted. But if it goes beyond a particular specified limit, then, of course, it becomes a matter of concern and we do not want that there should be any scope for any misinterpretation about the

conduct of any member of the judiciary. Hon. Members will appreciate the fact...

SHRI T. BABUL REDDY: Ministers and judges.

SHRI S. B. CHAVAN: All others are covered. Members of the judiciary are also covered. But a doubt was there whether High Court Judges and Supreme Court Judges are covered or not. This is a kind of anomaly which we wanted to remove. While accepting the hospitality in certain matters

8.00 P.M.

they have to intimate to us, take permission from the Government, I can assure the hon. Members that there is no intention of interfering in the independence of the judiciary, but at the same time it is protecting their status, protecting their prestige. Sometimes when they go out, they may not be aware as to what organisations are inviting them, what their antecedents are, what their motives can be. This is the kind of information which the Government is in possession of. Quite possible and more so in the matters of judges, they may not be aware of the antecedents of the parties who are inviting them. This is just to keep them fully informed that these are the antecedents, these are the activities which these organisations are indulging in. This is in fairness, this is just for information that we have to be careful in dealing with these organisations. Otherwise, your reputation in the country also will be jeopardised. That is a sort of thing, that is the information that I would like to supply them. I can assure the hon. Members that in fact, we will see that these matters are not being considered in any other manner, not to influence or to interfere in their normal duties.

I do not know why hon. Member, Shri Jagdambi Prasad, volunteered for scrutiny of the accounts of the BJP. I am not aware. This Bill deals with foreign contributions. Am I to suppose that BJP are getting some money from outside the country? This applies only to...

श्री जगदम्बी प्रसाद यादव : अकाउंट के लिए मैंने कहा कि जितनी पार्टियाँ हैं, अपना अकाउंट खुला रखें आडिट के लिए, बैंक के लिए ऐसा हो न कि फौरन...

SHRI S. B. CHAVAN: I do not think that is being covered under this Bill. This Bill will be applicable only if you have to get any foreign donation or foreign contribution. If there is no foreign contribution, it is a general question, it will not be covered under this Foreign Contribution Regulation Act.

I think the hon. Member who spoke in the beginning expressed some doubt. Though he expressed full satisfaction about the objectives of this Bill, he said that either milk powder or some of the articles which are being received in different shape by hospitals and other medical institutions, are also being assisted from funds outside the country. These are dubious ways by which people try to influence the judgment of the recipients of this country. I think if the hon. Member were to go through the definition of foreign contribution, even all these articles are now going to be covered, and not only the first recipient but subsequent recipients also will have not only to produce the accounts but also to satisfy the Government that the purpose for which these articles or monies were donated are being used for only that purpose and for no other purpose. That is the kind of thing which certainly will have to be insisted upon. Hon. Shri Reddy said that with these provisions political parties should not be harassed, while launching prosecutions it should not be left to petty officers at the low level, and that it can become instrument in the hands of the Government for harassing the people of the political parties. I do not think there can be any scope for this kind of interpretation. If the hon. Member were to go through the Act, there is a definite section that before launching a prosecution the sanction of the Central Government is insisted upon. So, it is the Central Government who will take cognizance of this. If we are satisfied that there is a *prima facie* case

for launching a prosecution, then only without being vindictive, if the merits of the case warrant, that sanction should be given for prosecution by Government.

I do not think that I should elucidate any other point. Almost all the points which were raised by the hon. Members I have tried to reply to.

With these words I commend this Bill to the House.

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): Now I shall first put the Resolution to vote. The question is:

"That this House disapproves of the Foreign Contribution (Regulation) Amendment Ordinance, 1984 (No. 12 of 1984) promulgated by the President on the 20th October, 1984."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): Now I shall put the motion moved by Shri S. B. Chavan to vote.

The question is:

"That the Bill to amend the Foreign Contribution (Regulation) Act, 1976, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): We shall now take up clause-by clause consideration of the Bill.

Clauses 2 to 10 were added to the Bill.

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

SHRI S. B. CHAVAN: Sir, I move:

"That the bill be passed"

The motion was adopted.