

**SHRI MANUBHAI PATEL** (Gujarat): Sir, what happened to the papers to be laid on the Table by Mr. Salve? He has gone away. Does he not know that his name was on the List of Business (*Interruptions*). On a point of order. (*Interruptions*). It is a serious matter. (*Interruptions*)

**Report and Accounts (1982-83) of the Hindustan Zinc Limited Udaipur (Rajasthan) and related papers**

**THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND MINES (SHRI N. K. P. SALVE)**: I apologise for having left the House without laying the papers on the Table of the House. (*Interruptions*).

I beg to lay on the Table, under sub-section (1) of section 619A of the Companies Act, 1956, a copy each (in English and Hindi) of the following papers:—

(i) Seventeenth Annual Report and Accounts of the Hindustan Zinc Limited, Udaipur (Rajasthan), for the year 1982-83, together with Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Company.

[Placed in Library. See No. LT-7260/83 for (i) and (ii)].

**REPORT OF THE COMMITTEE ON GOVERNMENT ASSURANCES**

**SHRI HARKISHAN SINGH SURJEET** (Punjab): Sir, I present the Twenty-fourth Report of the Committee on Government Assurances.

**REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION ..**

**SHRI MADAN BHATIA** (Nominated): Mr Deputy Chairman, I beg to present the Fifty-fifth Report of the Committee on Subordinate Legislation.

**CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE**

**Alleged irregularities in regard to the Import of gun parts by some persons in Jammu and Kashmir**

**SHRI R. MOHANARANGAM** (Tamil Nadu): Sir, the Tamil Nadu Chief Minister's broadcast...

**MR. DEPUTY CHAIRMAN**: Just a minute. First we have to take up the Calling-Attention. After that you can speak. I have already allowed you. Your name is there for Special Mentions.

**SHRI R. MOHANARANGAM**: Just one minute, Sir, it won't take more than that. I wanted to finish it during the Zero Hour...

**MR. DEPUTY CHAIRMAN**: If you are allowed like this, other Members also will ask for the same. Kindly wait. I have allowed you; there is no problem. Your time will come. Now, Calling-Attention...

**SHRI A. G. KULKARNI** (Maharashtra): Sir, before I call the Attention, you are aware that we were assured that the Home Minister was asked to attend the Calling Attention, because, actually this was to be dealt with by the Home Ministry but a via-media was found that the Commerce Minister was involved in this. I have no objection. Though this was not an assurance but was an understanding with the opposition parties, may I hope that it will be carried out.

**THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE)**: I was not aware of that. I do not know whether the Minister of Parliamentary Affairs knows anything. I do not know that this is the arrangement.

**MR. DEPUTY CHAIRMAN**: All right, you inform him now.

SHRI A. G. KULKARNI: Sir, I beg to call the attention of the Minister of Commerce to the alleged irregularities in regard to the import of gun parts by some persons in Jammu and Kashmir and the action taken by Government in this regard.

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI P. A. SANGMA): Mr. Deputy Chairman, Sir, according to the information furnished by the Government of Jammu and Kashmir to the Ministry of Home Affairs, a case FIR No. 364/83 under Section 3/25 of the Indian Arms Act has been registered against M/s. Shiva Gun Factory, Industrial Estate, Gandhi Nagar and another case FIR No. 366/83 under Section 3/25 of the Indian Arms Act has been registered against M/s. Khairuddin and Sons, Jammu.

Under the Import and Export Policy (Vol. I), if items of raw materials, components and consumables do not appear in Appendices 3 to 9 and 15 of the Import Policy, import is permissible under Open General Licence by Actual Users (Industrial) subject to the conditions laid down in Import Trade Control Order No. 1/83 OGL No. 1/83 dated 15th April, 1983 which *inter-alia* lays down that "The licence does not confer any immunity, exemption or relaxation at any time from an obligation or compliance with any requirement to which the Actual Users (Industrial) may be subject to under other laws or regulations. The importers should comply with the provisions of all other laws applicable to them. None of the components of a gun appears in the Appendices referred to above. Component has been defined in the Import Policy to mean one of the parts or sub-assemblies or assemblies, of which a manufactured product is made up and into which it may be resolved and includes an accessory (or attachment).

Both the cases are reported to be under investigation.

SHRI A. G. KULKARNI: Sir, the hon. Minister has taken a reference to the Import and Export Policy, April, 1983-84. And, Sir, if I understood him correctly—he should correct me if I have not understood him correctly—that none of the components of a gun appears in the Appendices referred to above, that means, Appendices 3 to 9 and 15. Am I right?

SHRI P. A. SANGMA: Yes.

SHRI A. G. KULKARNI: That means, these components can be imported.

SHRI P. A. SANGMA: Subject to other laws.

SHRI A. G. KULKARNI: That is all right. Then, Sir, the import of Spanish guns of Astelerra by the Shiva Gun Factory owned by the famous Dharendra Brahmachari is in the papers for the last one fortnight or so after a raid on the Shiva Gun Factory in Jammu and Kashmir.

Sir, it is stated that the import of items and components for assembly, etc., can be done subject to other laws prevailing in the country or in the State, whatever is the case. Sir, I find that Dharendra Brahmachari is moving with impunity for the last so many years because of his high level connections, and it has become difficult for the Government and the Ministries to deal with him. Sir, Dharendra Brahmachari, if I am quoting him correctly—it has been quoted in many papers, particularly the 'Sunday' and the 'Probe', who have made an investigative reporting—has been quoted as the 'Rise of Rasputin'; such type of mafiaism is being practised by Dharendra Brahmachari.

Then, Sir, I will deal first with the arms. Though the Home Minister is not here now, he may come at any time. Sir, I want to draw your attention to highlight how Dharendra Brahmachari is taking benefits

out of the Import Control also. But before I go to that, I would like to highlight the gun factory and his licence. Sir, it is an old story and Dharendra Brahmachari has no scruples whatsoever. He has displaced the original person, Mr. Dharam Pal or Mr. Dharam Chand or somebody.

AN HON. MEMBER: Dharam Chand.

SHRI A. G. KULKARNI: Somebody like that, who was a gun repairer and who had the licence for repairing only the guns. Then, Sir, another partner was introduced. Sir, I do not want to take the time of the House to narrate all this because many other Members also would like to speak. Otherwise, I would have quoted all those licence numbers and how the Swami owned the factory; etc. I would have quoted all that. But, in short, the point seems to be that he made an attempt to change the small scale industry of Dharam Chand into a small scale industry of Brahmachari, and ditched both the other partners, and made an illegal entry with the connivance of the Home Ministry—I charge, Sir. And it is reported here—I quote from the 'Probe'—that the "licence was renewed five years later in 1976, but only for the repair of guns—Licence No. so and so—and not for their manufacture." It is said, Sir, that the then Home Minister, and our friend Mr. Om Mehta, objected to the partner being given a manufacturing licence but as soon as 1980 approached, Brahmachari got a licence in his own name, ditching the two partners, to manufacture 3,000 guns. This is how, Sir the ruling party is connected with Brahmachari.

Then, Sir, about the land grab etc. I do not want to deal with it here but I only want to mention it to you and to the Minister, who should convey it to the Defence Minister and to the Home Minister, that this Mantalai or whatever that area is, that helipad and these aeroplanes that he is using, is near the technical area.

Nobody gets permission to go there. Only two permissions are granted as far as my knowledge goes. One is for the Maruti car and the second is for Brahmachari's gun factory in Jammu near the technical area, near the sensitive border area. Brahmachari is hypnotising the Defence Ministry, the Commerce Ministry and, for that matter any Ministry, and getting whatever he wants to be done. This is because of his relations and because of his connections with No. 1 Safdarjung Road, that he is opening all the doors of various Ministries he desires.

Sir, in this connection it is stated again in Current that the land was owned by Mrs. Thapar and it is stated that she made that land available to him by unscrupulous means. Sir, this Aparna Ashram or whatever that is called in Mantalai is a very cosy place. It is reported, because I have never gone there. Only VIPs are allowed to go there. You might not have gone, Sir.

MR. DEPUTY CHAIRMAN: You better go there and then say something.

SHRI A. G. KULKARNI: I have not gone there. But the newspapers have reported it.

SHRI LAL K. ADVANI (Madhya Pradesh): Many people think that Mr. Kulkarni also is a brahmachari.

SHRI A. G. KULKARNI: That is wrong information. I have got five children. Yesterday also somebody mentioned that I am a brahmachari. I am myself very doubtful about brahmacharis, whether they are brahmacharis or not.

SHRI MANUBHAI PATEL (Gujarat): Who told you that brahmacharis have no children?

SHRI A. G. KULKARNI: Who told you that I am a brahmachari? Sir, coming to the point, this Mantalai Ashram or whatever it is called,

[Shri A. G. Kulkarni]  
it is a very cosy place, it is a very comfortable place, it is a very warm place. It provides all types of pleasures right from sex, drugs and what not. I cannot say, Sir, because many of the VIPs are involved. That is why, Sir, this Brahmachari is thriving and thriving only on one connection. He was a Yoga teacher. His history from Bihar you know, Sir, who was his father, and how he got...

MR. DEPUTY CHAIRMAN: I do not know.

SHRI A. G. KULKARNI: Sir, I think now-a-days you are not reading newspapers.

MR. DEPUTY CHAIRMAN: Why should I read. You people quote them in the House and therefore why should I read?

SHRI A. G. KULKARNI: I want to say, Sir, that now-a-days these tantriks and mantrikas have also gone into astrological horizon. Many of my friends attended the Yagnya of Sadachari and he is in jail now.

MR. DEPUTY CHAIRMAN: That is not necessary. Please come to the subject.

**SHRI A. G. KULKARNI:** So, Sir, this Brahmachari, a mafia, a Rasputin, is using his connection with VIPs for getting all types of advantages in this country and flouting all types of laws. Sir, the Minister has given a very clear reply. Sangma is a very clever chap. You will be a very good Minister after five or ten years. You remain with the same party.

SHRI P. A. SANGMA: Thanks for the compliment.

**SHRI PRANAB KUMAR MUKHERJEE:** So, you admit that for the next five to ten years we are going to rule.

SHRI A. G. KULKARNI: Mr. Sangama has drafted a very good re-

ply. Whoever might have drafted it, it neither confirms nor denies. He says if they are not in these appendices, they can be imported, but subject to other laws; and again says: Cases are reported...etc. Now, this is the Arms Act. Arms Act has positively laid down what, under the rules—I do not quote for want of time—or what type of components can be used or manufactured or obtained. Sir, Mr. Sangma has quoted from imports and exports rules; I also quote from there. Sir, to be very brief, we in Parliament do not have the intelligence agency. Mr. Pranab Mukherjee was very much annoyed yesterday that we are quoting many things from the papers. We do not have an intelligence agency. But here, the Members Reference Section in the Parliament Library at least will be more cherishable. It says: It is dated 1-12-1983 "We ascertained from the CCI and E's office; import of gun barrels and accessories at present is not allowed under the OGL scheme." This is what the Parliament Library has ascertained from CCI and E's office, that is, Chief Controller of Imports and Exports office.

· SHRI P. A. SANGMA: Now you can take it that I am more authentic than the Library, at least on matters of policy.

**SHRI A. G. KULKARNI:** You are a young boy; so please don't claim, because Members of Parliament have got more credibility of the Library than of the Government assertions.

SHRI P. A. SANGMA: As far as the policy is concerned, what I have said is correct.

**SHRI A. G. KULKARNI:** Policy can be interpreted, my dear young friend. It will be done in the court, and not in the Rajya Sabha here. What I want to say is, this is a total fraud. Then application from Brahmachari is disposed of at the jet speed. He applied for the code No. on 19th February, 1983. This is again

done by your party; don't blame the Janata again...

SHRI P. A. SANGMA: No, I am not blaming.

SHRI A. G. KULKARNI: ...like beef tallow.

SHRI P. A. SANGMA: I am not in the habit of blaming anybody, not even you.

SHRI A. G. KULKARNI: Brama-chari applies on 19th February; I will show you the photostat copy; and the code Number is made available on 21st February—jet speed. Otherwise, entrepreneurs are languishing for months and years for getting code number either from Reserve Bank or CCI and E's office. This is the position. Then I want to know—whether it will be legal or illegal; to my mind, it is illegal, per information available with us, because these are not spare parts at all—Mr. Sangma, you are in the Ministry of Industry; is it not a fact that any small-scale industry asking for an import licence, has to be suitably recommended by the Directorate of Industries in that State? Am I right that it has to be recommended

SHRI P. A. SANGMA: Yes.

SHRI A. G. KULKARNI: Yes, I am right. Now, would you confirm that Jammu and Kashmir Government recommennded the case of Dharendra Brahmachari for importing these spare parts or components or whatever you say? There is nothing on record. It is here the photostat copy which I have got. He applied for the code number and got it on 21st February; he applied for import licence and got it. Now, customs come in. Perhaps, Finance Minister may let us know—but he is engrossed in his files. Custom duty for unauthorised imports of whatever parts—there is no record—under the OGL is to be levied at penal rate, I am told. I stand to correction. According to my information, it is about 300

to 400 per cent, or 330 per cent. Total value of these parts and barrels which were imported, was about 28,500 dollars, duty levied, Rs. one lakh and fiftythree thousand. It means, about 100 to 125 per cent. Actually, much more duty should have been levied. Would you please tell your counterpart and beg of him to collect more money if it is rightful? Please ask him to collect more money if it is rightful.

Nowadays, Sir, the Radio and Television and the newspapers controlled by the ruling party are going full blast against the Jammu and Kashmir Government. I think, they are interested in destabilising the State Government. It seems so. Brahmachari sent one barrel for testing to Kanpur, of this Astelerra or whatever is the name of the company, completely assembled with three minutes. Mr. Nomani, who is the DIG or IG of Jammu and Kashmir has said that within three minutes, the barrel and other parts can be assembled and a gun can be made. It is being mentioned in the Radio and other thing that Jammu and Kashmir is supplying or that from that State, the Punjab extremists and the Assam extremists are getting guns and so on. Actually, it is the Shiva Gun Factory which is supplying and that Khairuddin; he is likely to make a profit of Rs. 40 to 50 lakhs. And Sir, of all the persons, this Brahmachari, who calls himself a guru or whatever it is, damn fellow, is interested in earning money like this. He can earn money on files and peddling favours from the Government, which he is doing already. He goes to Nepal stays in a hotel, does all this favouring and peddling work, getting files cleared, getting money and so on. Why should he do this in business? This business is also an illegal business. He sent that gun to Kanpur. Now, Sir, I do not understand and that how a defence establishment accepted that gun for testing, without a permission from the District Magistrate, in Jammu:

[Shri A. G. Kulkarni]  
and Kashmir. I am really astonished, with what jet speed this Brahmachari is doing all his mafia activity. I do not know. Now, Sir, it is high-time action is taken. It is reported that he has fallen from grace. I do not know. Perhaps, you also do not know. I also do not know.

MR. DEPUTY CHAIRMAN: You know more than others.

SHRI A. G. KULKARNI: It seems so. Because, I am not being blocked. This is a corroboration, an indirect corroboration, that he has fallen from grace because my friend, my good friend, is not here. It seems so. Now, Sir, the question is, how this gun went there? What is the moral out of this? What should we assume from this?

Of course this Calling Attention Motion is addressed to the Home Minister. But the Commerce Minister has come. I have got no objection.

AN HON. MEMBER: The Home Minister is also here.

SHRI A. G. KULKARNI: That is good. But he is too good a man, too soft a gentleman for this.

SHRI LAL K. ADVANI: He is too good to deal with Brahmachari.

SHRI A. G. KULKARNI: Therefore, Sir, I hope, the Home Minister will take the note of this and find out how this arms licence, which was rejected by the then Home Minister, Mr. Om Mehta, was again given. From whatever had happened, it seems, as if this Dhirendra Brahmachari does not bother for the District Magistrate or any other authority of the Jammu and Kashmir Government. You blame here

that there is insecurity in Jammu and Kashmir. Everytime, you want to destabilise the Government in Jammu and Kashmir. This is not proper.

Sir, I have already said, how he applied for this code and how he obtained it, how he evaded customs duty and so on. He is a man with a doubtful character and a mafia. Therefore, I would request the Minister of Commerce and the Minister of Home Affairs, to be very strict against this gangster and see that he is brought to book because such persons are bringing a very bad name to the Government and, therefore, they have to be very careful with such persons.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : श्रीमन्,...

श्री उपसभापति : बहुत सी बात कह दी गई हैं कृपा कर के उन बातों को न कहें ।

श्री जगदीश प्रसाद माथुर : आपने तो प्रारम्भ में ही टोक दिया ।

श्री उपसभापति : टोका नहीं है, अनुरोध किया है आपसे ।

श्री जगदीश प्रसाद माथुर : धीरेन्द्र ब्रह्मचारी का प्रश्न इतना नहीं है जितना कि इस कालिग अटेंशन में सीमित कर दिया गया है । इससे एक ऐसा पिंडोरा बाक्स खुला है जो छिपा हुआ है । कुलकर्णी जी ने कहा कि कहा गया,

कैसे गया आवश्यकता तो इस बात की है कि मैं गृह मंत्री महोदय से चाहूंगा कि वे इस बात पर प्रकाश डालें कि ब्रह्मचारी जी बिहार से आकर कहाँ कहाँ आकाश में कैसे पहुँच गए ? क्योंकि सन्देह यह हो रहा है कि केवल एक ब्रह्मचारी की ही फैक्टरी का सवाल नहीं है लेकिन इस के साथ बहुत से राजनीतिक दांव-पेच छिपे हैं, बहुत से बड़े-बड़े घरानों के सम्बन्ध छिपे हैं। इसलिए आवश्यकता इस बात की है कि ब्रह्मचारी जी की सारी कहानी जिस दिन से बिहार से आए और प्रधान मंत्री के घर में गये और आज से बीसियों साल पहले योग सिखाने गये और आज गन फैक्टरी पकड़ी गई है इसका सारा इतिहास बाकायदा खुलेआम आना चाहिये। मैं तो यह कहूंगा कि इस एपीसोड के बारे में पूरा वक्तव्य दें। यद्यपि इतने महत्व का विषय यह नहीं है लेकिन फिर भी सरकार इस सम्बन्ध में एक व्हाइट पेपर दे ताकि पता चले कि यह सारी कहानी क्या है ? क्योंकि जब-जब भी ब्रह्मचारी जी पर कठिनाई आई तब-तक ही विशेष प्रकार से 1, सफदरजंग रोड से रुकावटें दूर की गईं। पहले जो बराबर में गुरुद्वारा है सेन्ट्रेटेरियेट के पास में इसकी जमीन इनको दी जाने वाली थी। (व्यवधान)

**श्री उपसमापति :** क्यों बीस साल पहले का इतिहास दोहरा रहे हैं।

**श्री जगदीश प्रसाद भाथुर :** जितनी देर आप रोकते हैं उतनी देर में तो मैं कह देता हूँ। श्रीमन्, अकालियों ने नहीं लेने दी। फिर यह जमीन दी गई लाल बहादुर शास्त्री के समय में तब अड़चन आई तो उसे दूर किया गया। फिर जनता सरकार आई जनता ने इसको जप्त कर लिया लेकिन जैसे ही जनता सरकार

गई वर्तमान सरकार आई फिर इनको लाइसेंस दे दिया गया। इसका कारण है कि इनके सम्बन्ध ऊँचे स्तर पर हैं। प्रधान मन्त्री के कार्यालय से और उनके घर से हैं। इसलिए यह रहस्य साफ नहीं है। इसलिए इस पर पूरी तरह से प्रकाश डालना चाहिये। गृह मंत्री महोदय आ गये अच्छा हैं लेकिन डिफेंस मिनिस्टर को भी इस पर जवाब देना पड़ेगा और फाइनेंस मिनिस्टर को भी जवाब देना पड़ेगा। मन्त्री जी ने जो जवाब दिया है मैं उसमें से सवाल निकालना चाहता हूँ। उन्होंने उत्तर में कहा है कि 15 अप्रैल, 1983 का एक सर्कुलर है, ठीक बात है लेकिन जो लाइसेंस इनको मिला इम्पोर्ट का दिया गया है वह 19 फरवरी को एप्लीकेशन दी गई और 21 फरवरी को दे दिया गया। मैं पूछना चाहता हूँ कि अप्रैल, 1983 में सर्कुलर निकाला गया उससे पहले लाइसेंस निकल चुका है तो इससे पहले स्थिति क्या थी ? इसके बाद यह सर्कुलर निकालने की आवश्यकता क्यों पड़ी ? सर्कुलर निकालने से पहले जब इनको लाइसेंस दिया गया उस समय स्थिति क्या थी ? क्या यह सच नहीं है कि जो हाई स्पीड आयरन है उस पर बन्दिश है और ये जो गन्स हैं उसी प्रकार के आयरन से बनी हैं। तो यह कौन-सी केटेगरी में आई हैं और जो लाइसेंस आपने दिया है उसमें कौन-सी केटेगरी है, इस पर स्पष्टीकरण किया जाना चाहिये। कुलकर्णी जी ने कहा है नार्मली जो इस प्रकार की चीजें हैं उनके ऊपर 130 परसेंट कस्टम ड्यूटी लगती है। मेरी जानकारी है यह समाचार-पत्रों में भी छपा है कि इतनी कस्टम ड्यूटी नहीं दी गई, केवल माइनर सी, थोड़ी सी, एक या डेढ़ लाख रुपये कर के दिया गया है तो क्या यह सही है ? ब्रह्मचारी जी ने खुले आम कहा है मैं लाया और कस्टम को मैंने

[श्री जगदीश प्रसाद माथुप]

दिखा दिया और जम्मू काश्मीर में जब बन्दूकें ले गया तो मैंने इस बात की आवश्यकता ही नहीं समझी कि जम्मू के मेजीस्ट्रेट को बताऊँ। लेकिन बताता कैसे? ब्रिटिश एअर-वेज में ये आई और इनका अपना जो हवाई जहाज है उसके द्वारा वहाँ का जो टेक्नीकल एरिया फ़ैक्टरी का है, उसके अन्दर इनको उतारा गया और इस प्रकार वहाँ ये बन्दूकें ले जाई गईं। सच है या झूठ। जम्मू और काश्मीर के अन्दर और खास तौर से काश्मीर में हवा चल रही है, जो नेशनल कान्फ़ेंस के मेरे मित्र हैं वह भी बताएंगे, कि ये गन्स खास तौर से केन्द्र सरकार के द्वारा लायी गयीं और वहाँ पर रखायी गयीं और इनका उपयोग बेचने के लिए शायद न किया जाता क्योंकि बेचकर फायदा नहीं होता। जो कीमतें हैं इसकी वे बहुत ज्यादा हैं महंगी हैं, अगर अपनी बनाकर बेचते तो शायद नुकसान हो जाता। कहा यह जाता है कि गन्स इसलिए आई कि इनको कहीं न कहीं किसी प्रकार से रख करके छिपा करके और छपा मार कर दिखाना था कि ये गन्स जम्मू काश्मीर सरकार अकालियों को दे रही है। यह छपा मार करके दिखाया जाता और जम्मू काश्मीर की सरकार को बदनाम किया जाता।

I hold no brief for the J & K Government.

लेकिन नेशनल कान्फ़ेंस के कुछ लोग यह कह रहे हैं। मैं यह भी जानना चाहूंगा कि क्या इसमें सिचाई है? इसमें दोनों तरफ से गलतियाँ हुई हैं, केन्द्र सरकार से भी हुई हैं और जम्मू काश्मीर सरकार से भी हुई हैं। जम्मू काश्मीर सरकार की जानकारी के बिना जमीनें दी गयी हैं, हवाई अड्डे बने हैं, यह आज तक नहीं हो सका है। काश्मीर गवर्नमेंट

के कानून के अनुसार कोई भी व्यक्ति जमीन ले नहीं सकता जो कि वहाँ का नागरिक नहीं है। जो मैं पूछना चाहता हूँ वह प्रश्न यह है कि ये जमीनें जो उनके पास मानतलाई में हैं और गन फैक्ट्री हैं ये कितने नाम हैं। नाम मेरे पास हैं, हो सकता है गलत हों, इसलिए मैं नाम नहीं लूंगा। उनके नाम से है अगर हैं तो क्या उनको सेंट्रल गवर्नमेंट के प्रभाव के कारण ट्रांसफर किया गया? क्योंकि कुछ साल पहले जो जमीनें उनकी थी वे जमीनें जम्मू काश्मीर सरकार ने स्पेशली आर्डर लेकर लीज कीं। क्योंकी? अगर कीं तो सेंट्रल गवर्नमेंट ने क्या यह कहा था कि वहाँ बन्दूकें बननी चाहिए आप इसकी परमिशन दें? अगर आपने यह नहीं कहा तो जमीनें कैसे दी गयीं और क्यों दी गयीं? दूसरी मेरी जानकारी यह है कि अब भी एजुकेशन मिनिस्ट्री की तरफ से यह जो इनका शिवायतन आश्रम है इसको एक या सवा करोड़ रुपये की सालाना ग्रांट दी जाती है। हाऊ इज इट? यह गवर्नमेंट की ग्रांट कैसे है और क्या उन्होंने खोजबीन की है कि यह ग्रांट शिवायतन आश्रम को दी जाती है जिनका केन्द्र दिल्ली में भी है और वहाँ भी है, उसका उपयोग कैसे किया गया? मैं समझता हूँ कि शिक्षा मंत्री जी यहाँ होते तो शायद उचित होता। यहाँ हमारे वित्त मंत्री जी बैठे हैं वे इसका जवाब दें।

दूसरा एक यह भी समाचार है और कोर्ट में भी आया है कि 112 बन्दूकें अभी भी दिल्ली के हवाई अड्डे पर बंद हैं। मैं पूछना चाहता हूँ कि क्या ये 112 बन्दूकें अभी भी हैं? रिलीज की गयी हैं या नहीं की गयी हैं? नहीं की गयी हैं तो क्यों नहीं की गयी हैं? सरकार उनके खिलाफ क्या कार्यवाही करने जा रही है?



द्वारा खैरुद्दीन नाम की एक कम्पनी है जिसके साथ मुहम्मद अफजल बाबू और धीरेन्द्र ब्रह्मचारी के साथ गये थे, उसे यह जानकारी है। मैं पूछना चाहता हूँ कि यह वाक्यें गृह मंत्री महोदय कि क्या उनको जानकारी है कि धीरेन्द्र ब्रह्मचारी और मुहम्मद अफजल बाबू गये थे और कब गये थे तथा क्या वे सीन के पंजर डाले थे? मुहम्मद अफजल के बारे में कहा जाता है कि ही इ. ए. पाकिस्तानी साई। पाकिस्तानी साई करके उड़ रहा गया है, यह कहा जाता है। तो मुहम्मद अफजल, जो खैरुद्दीन कम्पनी एण्ड मन्स के सहयोगी हैं और जिसको कि इन्होंने गन्स बेची हैं? यह जो धीरेन्द्र ब्रह्मचारी जी की गन फैक्ट्री है, खैरुद्दीन वा कहना है कि हमने इनको गन्स बेची हैं और हमारा उनका लेना देना है। तो उस मुहम्मद अफजल के साथ, जो पाकिस्तानी साई करके प्रसिद्ध है, क्या वे गये नहीं गये? अगर गये तो कब गये और क्या किया? सरकार उसके बारे में क्या कहना चाहती है?

एक चीज और कहकर खतम करूंगा जहां पर जो है लीपेड बना है कटारा में और मानतलाई में अब बलाया जा रहा है, जब एयर फोर्स ने उस पर आब्जेक्शन लिया था, तो क्यों सेंट्रल गवर्नमेंट की तरफ से इनको हैलीपेड बनाने और हवाई जहाज के अड्डे बनाने की इजाजत दी गई? फिर टेलीकम्युनिकेशन का सवाल है। आज इनके पास हाट लाइन है जम्मू तक मानतलाई तक वायरलेस है। यह सारी सुविधा गवर्नमेंट ने क्यों दी और क्या इन सुविधाओं को सरकार वापस लेगी? इसलिए मैंने गृह मंत्री महोदय से जैसे पहले निवेदन किया था, जो मैंने सवाल उठाये थे, उसका जवाब तो वे देंगे; लेकिन पूरी जानकारी ब्रह्मचारी जी के जीवन की और उनकी कथा की

दी जाए, तब यह मसला हल होगा। वरना नहीं तो आज मैं कह नहीं सकता, किन शब्दों का प्रयोग आज गलियों में किया जा रहा है, किस प्रकार से आज जित बिगड़ गया है—पहले ही बिगड़ा हुआ था, घात और बिगड़ गया है। गलियों में कहा जा रहा है, रसपुतिन। यह शब्दावली इस्तेमाल हो रही है, प्रधान मंत्री के लिए—तो यह बड़े दुर्भाग्य की बात है।

श्री जगदम्बी प्रसाद यादव (बिहार) : ब्रह्मचारी जी के चेले भी हैं कि नहीं, यह तो पूछ लीजिए।

श्री जगदीश प्रसाद माथुर : ब्रह्मचारी जी के चेले भी होंगे, बच्चे भी होंगे।

श्री जगदम्बी प्रसाद यादव : यह स्वयं मंत्री जी उनके चेले हैं।

श्री जगदीश प्रसाद माथुर : यह मैंने नहीं कहा कि मंत्री जी चेले हैं कि नहीं।

श्री शिव चन्द्र झा (बिहार) : उपसभापति जी, यह बातें अखबार में आ गई हैं कि यह धीरेन्द्र ब्रह्मचारी कैसे छोटे स्तर से उठ करके अहिंसा-ग्रहिस्ता—वह पहले पं० जवाहरलाल नेहरू की नजरों में आया; फिर उसके बाद लाल बहादुर शास्त्री ने बंद कर दिया, जनता ने उसके धंधे को बंद कर दिया। पहला जाल उसने फका पं० जवाहरलाल नेहरू पर और पंडित जी जैसे आदमी जो वैज्ञानिक दृष्टिकोण के थे, बात समझ में नहीं आती कि वह कैसे प्रभावित हो गये। उन्होंने उसको ग्रांट दी और उसने अपना आश्रम चलाना शुरू कर दिया, धंधा शुरू किया।

[श्री शिव चन्द्र झा]

लाल बहादुर शास्त्री के बाद फिर मौजूदा प्रधान मंत्री के कान्फ्रेंस में आया और जैसा कि अखबारों में बातें आती हैं कि वह संबंध बढ़ता गया और मैं तो यह भी सुनता हूँ और सुनता रहा हूँ कि प्रधान मंत्री उनसे योग सीखती रही हैं। ब्रह्मचारी उनको योग सिखाता रहा है, रेगुलर शिष्या के रूप में प्रधान मंत्री रही हैं। तो घनिष्ठता बढ़ती रही और घनिष्ठता के प्रताप से और फायदे उनको दिये गये। अब जहाँ तक यह गन फॅक्टरी का संबंध है—यह व्यक्ति मधुबनी जिले के हैं। मैं भी मधुबनी जिले का हूँ। वह तो खैर लम्बी कहानी है, मैं उसमें नहीं जाऊँगा : उनके बनारस से यह भूके भागे थे। बल्लभता गये, उस समय इनके पास आठ आने भी पैसे नहीं थे। उसके बाद फिर इन्ना सितारा चमका और यह हैलिपेड की बात यहाँ हो रही है, वह अपने गांव में भी हैलिपेड बनवा रहे हैं और बड़ार उनका हिसाब-बिताब है। वहाँ सब लोग हैरान हैं कि यह वहाँ से पैसा लाया है और वहाँ वह सब बन रहा है, सभी की जमीन भी ले रहे हैं जबरदस्ती, कानून-विवाद भी चल रहा है वहाँ पर। तो यह इतना जाल—मेहनत कहें या घनिष्ठता की बदौलत—यह जाल चलता गया और अब यह जिस बात को लेकर के हमारे सामने आए हैं और मंत्री जी ने जवाब दिया है, उसके संबंध में मैं पूछता चाहता हूँ कि क्या यह बात सही नहीं है—आपने जो रेगुलेशन बताया है इम्पोर्ट लाइसेंस का उसमें यह लाजमी है कि जो कुछ भी इम्पोर्ट किया जाए, गन-बैरल को, गन-पाईप को, बंदूक के पुर्जों को, कम्पोनेन्ट्स को, उन सबों का बाबायदा हिसाब फार्म में भर कर जो स्टेट इंडस्ट्रीज डाइरेक्टर होता है, उसको दिया जाए और डी० एम० को दिशा जाये—क्या आप बतायेंगे कि

इन्होंने कब-कब दिया है वह इन्फर्मेशन ? पहले लीगर बात तो सामने आये, बाद में वह आया कि इल्लीगल क्या है। यह इन्फर्मेशन देना आपकी रेक्वायरमेंट में भी आता है।

दूसरे, क्या यह बात सही है कि बंदूक का कारखाना जहाँ बंदूकें बनती हैं, हर बंदूक को वहाँ कानपुर का जो डिफेंस डिपार्टमेंट है इन्स्पेक्शन का, उससे उसकी जांच होनी चाहिये। जांच के बाद उपरका प्रमाण सर्टिफिकेट हो, सब जाकर वह वितरण के लिए या बिक्री के लिए जा सकती हैं। क्या यह बंदूकें कानपुर भेजी जाती थीं इन्स्पेक्शन के लिए ? इल्लीगल बात तो बाद में आयी। लेकिन वह बंदूकें, जिनके लिए यहाँ जयसिंह जी ने लाइसेंस दिया 500 यह एक हजार बंदूकें बनायें, क्या वह कानपुर में भेजी जाती थीं डिफेंस डिपार्टमेंट इन्स्पेक्शन के लिए और क्या उस डिपार्टमेंट ने कभी उनको पकड़ा कि इनमें बाहर के पुर्जे हैं और यदि नहीं भेजा, तो क्यों नहीं भेजा ? क्या आपने अपने कानून के मुताबिक इसकी कभी जिज्ञासा की या खोज की ?

मेरा तीसरा सवाल है कि अब जो भी पकड़ा है उस पर वास्टम का कितना दायित्व है, जो आपका एस्टीमेट है, इतना गलमाल हैं उसमें कस्टम ड्यूटी कितनी है ? इल्लीगली बनाई उसके लिए तो अलग कानून है लेकिन वास्टम का कितना उसको देना है ? उपसभापति जी गैर-कानूनी ढंग से उसके पुर्जे स्पेन से आये, बंदूकें बनी, फिर उसकी बिक्री इल्लीगली कैसे हुई इसको आपने चेक किया ? इन्होंने बताया कि बहुत सम्भावना है कि 99 परसेंट ये बंदूकें, आतंकवादियों की पहुँचायी जाती हैं मिस-क्रिएन्ट्स को, गलत इस्तेमाल करने वालों को पहुँचायी जाती हैं। तो मैं जानना

चाहता हूँ कि इल्लोगल ढंग से इसकी जो बिक्री हुई उसका कभी आपने लेखाजोखा किया ? चौथा और आखिरी सवाल, स्पेन से पुर्जे आये, और भी दूसरी जगह से उनके कम्पोनेंट आये थे लोगलो ही तो बिना-बिना मुक्तों से आये थे ? हमारा पेरिस से सम्बन्ध है, हमारा एम्बेडेडर जो पेरिस में रहता है वही स्पेन को भी डील करता है । इनको रासपुतिन ठीक ही कहा गया जो रूस में जार के वक्त में हुआ, उसकी लम्बी कहानी है, उसी रूप में इनका आसार हुआ लगता है । तो क्या आपने अपने फारेन मिशन से पता लगाया कि उन लोगों के पास कोई रिगर्ड है कि बिना और मुक्तों से धीरेन्द्र ब्रह्मचारी के पास यह सामान गया और किस साल में गया ?

**SHRI DIPEN GHOSH** (West Bengal): Mr. Deputy Chairman, Sir, I want to put certain specific questions, and I expect that both the Deputy Minister for Commerce Mr. P. A. Sangma, and the Minister of State for Home Affairs, Mr. P. Venkatasubbaiah, to reply to these questions.

First I want to deal with the statement given by Shri Sangma. In the statement it has been stated:

"Under the Import and Export Policy (Vol. I), if items of raw materials, components and consumables do not appear in Appendices 3 to 9 and 15 of the Import Policy, import is permissible under Open General Licence by Actual Users..."

It has been stated that it is subject to other rules and regulations of the country, because it deals with arms. And the last sentence is:

"Both the cases are reported to be under investigation."

May I know whether, after the public came to know of this incident through various newspapers and the Jammu and Kashmir Government's case against the Shiva Gun Factory and its partners, the Central Government in the Ministry of Commerce has instituted any investigation about this particular licence having violated the provisions of the import policy. And particularly, as Mr. Kulkarni has stated, since the Shiva Gun Factory is a small industry registered under the small and cottage industries rules and if any import licence is needed to be granted to such small scale industries a recommendation from the Department of Industry of the respective State Government is essential, so, I would like to know naturally whether while granting this licence to the Shiva Gun Factory and its partners the rules were followed.

Second is that the components are allowed to be imported under OGL, not the whole gun, it appears in the newspapers that they can be re-assembled into a new gun and a foreign one.

So it appears to anybody that by importing such components under OGL they could be assembled into a full complete, foreign-made gun and sold in the Indian market. Particularly with Punjab and Assam exploding and the Chambal valley ever hungry for arms, how has the Government of India left such a loophole in the scheme of OGL for components of this type? Now, after this incident has come in the press, is the Government prepared to investigate into it, or has it been investigating into it? Does it propose to review the grant of import licence for these components? This is for the Minister of Commerce.

My next question is for the Minister of Home Affairs. It is not that this is the first time that the Jammu and Kashmir Government has raided this Shiva Gun Factory. This was unearthed as far back as the 4th and

[Shri Dipen Ghosh]

5th November last year. First the Insight story in the Statesman came out at to how a yogi could be an industrialist, could be converted into a gun-maker. The whole story about how this Brahmachari could get these licences came out. Particularly it was revealed that one Dharam Chand was granted a licence to repair one gun at a time as far back as in 1952 and that licence was allowed to lapse and that man had been asking the Government to renew the licence. The licence to repair was refused by the Ministry of Home Affairs. But after Mr. Dhiren Brahmachari entered into a financial deal with Dharam Chand, after 28 years, this licence was granted for manufacturing 3,000 guns a year. This licence was refused amended modified or cancelled five times. After five times of revision or modification or cancellation, by the magic wand of Dhiren Brahmachari, the Ministry of Home Affairs granted this licence. I quote from the letter written by the Ministry of Home Affairs in reply to the application made by one Dharam Chand:

"I am directed to refer to your petition dated 23-12-83 addressed to the Union Home Minister on the subject mentioned above and to say that your request has been reconsidered carefully and in the exceptional circumstances mentioned therein, the Government of India have agreed to accept your request."

And what were the exceptional circumstances? Will the Minister of Home Affairs, Mr. Venkatasubbaiah explain, because this letter was written from the Ministry of Home Affairs when Mr. Zail Singh, now President of India, was the Home Minister? What were the special circumstances under which a licence obtained by an obscure man to repair one gun at a time 28 years ago, and five times revised or modified or cancelled, could be renewed to manufacture 3,000 guns a year? This is a very specific question to the Minister of Home Affairs.

The third question is, everybody knows that Dhiren Brahmachari, who started his life from scratch, has now amassed wealth and power like anything. Is the Government of India—I do not know who is going to reply to this question, the Finance Minister or the Home Minister or the Commerce Minister; all the three Ministers are present here—prepared to investigate as to how this yogi, an obscure yogi who started his career as a part-time teacher on yoga, who started his life from the scratch, could amass so much wealth and power in our country?

SHRI INDRADEEP SINHA (Bihar): I am reminded of a line from Shakespeare where he said, "If he, compact of all jars, grows musical, we shall have discord in the atmosphere." We have a similar case here. A brahmachari has become a gun-maker, probably a gun-runner, probably a power-operator. So I would like to ask only the remaining questions because so many questions have already been put by my colleagues. The first thing is whether any of the guns either manufactured or assembled at the Shiva Gun Factory or containing the imported barrels, had been seized either from the extremists in Punjab or from the dacoits in Madhya Pradesh or U.P. or Rajasthan or in communal riots anywhere? Whether the Home Minister would be kind enough to enlighten the House about it, because then we would know the real dimensions of the operations of this gentleman who calls himself a brahmachari. The second point about him that I would like to ask is that a famous Hindi journalist, rather one of the top Hindi journalists, Kamleshwar, a story writer and a journalist also, who was working for the Doordarshan, was removed from the Doordarshan because he objected to certain obscene acts being performed by the Brahmachari on the TV—he said these are obscene...

MR. DEPUTY CHAIRMAN: How is the Commerce Minister concerned?

**SHRI INDRADEEP SINHA:** The Home Minister is concerned...

**MR. DEPUTY CHAIRMAN:** It is not a Calling-Attention on the life of a person...

**SHRI INDRADEEP SINHA:** He has got an all-sided personality that we are compelled to refer to different aspects of his life....

**DR. RAFIQ ZAKARIA** (Maharashtra): What has it to do with gun-making?

**SHRI INDRADEEP SINHA:** Gun-making and yoga—"compact of all jars". This is what I referred to in the beginning...

**SHRI MANUBHAI PATEL:** Why should Dr. Zakaria object to it?

**SHRI INDRADEEP SINHA:** So, a gentleman, a famous TV script and story writer, was removed simply because he objected to certain so-called yoga practices being demonstrated by the Brahmachari on the TV because they were obscene. Is this a fact?

श्री रामचन्द्र भारद्वाज (बिहार) :  
मान्यवर, कमलेश्वर जी को मलगत चार्जों पर हटाया गया :

**SHRI INDRADEEP SINHA:** Let the Minister reply. I want a reply from the Minister, not from my good friend, Mr. Bhardwaj...

**MR. DEPUTY CHAIRMAN:** Don't bring in so many other questions.

**SHRI INDRADEEP SINHA:** In Bihar itself he comes from the Benipatti Aanchal of Madhubani district...

**SHRI A. G. KULKARNI:** Sada-chari also comes from Bihar.

**DR. RAFIQ ZAKARIA:** You also come from Bihar. Buddha also comes from Bihar.

**SHRI MANUBHAI PATEL:** Dr. Zakaria also had his origins in Bihar.

**MR. DEPUTY CHAIRMAN:** How is Bihar concerned in this unnecessarily?

**SHRI INDRADEEP SINHA:** Let me put my question. Because this gentleman is building something there He is constructing a 1 P.M. ring bund around his house which will make all the houses of the poor people in the village open to annual ravages of floods. There has been an agitation in the surrounding villages and people have courted arrest and the Government of Bihar has been paralysed, unable to take action against this Brahmachari.

Another aspect is that our Constitution stands for secularism. How is the principle of secularism observed if persons like this Brahmachari are given high honour and are allotted land just a few furlongs away from this Parliament and the Central Secretariat, and are allowed to build a gun factory and a helipad? Finally, I would like to know from the Home Minister whether there are any indications to show that the many-sided operations of this Brahmachari constitute some sort of security risk to the country. If that is so, have the Government taken any action or do they propose to take any action?

**SHRI GHULAM RASOOL MATTO** (Jammu and Kashmir): Mr. Deputy Chairman, I have no brief from the Jammu and Kashmir Government on this issue for the moment. But I have to make a few observations on this problem.

My first observation is that the Jammu and Kashmir Government have not at all taken it as a political issue. This is a purely criminal case and how it arose is interesting. On the basis of a licence, 113 persons were employed in a factory to manu-

[Shri Ghulam Rasool Matto]

facture guns. It was supposed to manufacture about 3,000 guns. After three to four months, these workers were given notice by the management and were told that there was no job left for them. So, they were shunted out. Naturally they felt aggrieved and the matter was reported to the Government. The Government then took action and I agree with the Minister that the cases are under investigation. There are only two or three questions.

In the newspapers that I have read last time it was stated that the officials of the Commerce Ministry are not giving due cooperation to Thakur Jaswant Singh, S.S.P. If this report is correct, in order to complete the investigation, will due cooperation be extended to the Jammu and Kashmir Government with regard to the investigation of this case? This is my first question.

My second question is whether it is a fact that....

SHRI DIPEN GHOSH: The Home Minister is going away.

MR. DEPUTY CHAIRMAN: It seems that he has nothing to say.

SHRI DIPEN GHOSH: It was agreed and decided that he is concerned. That is why I have put certain questions.

MR. DEPUTY CHAIRMAN: I think the Minister will reply.

SHRI DIPEN GHOSH: Which Minister?

SHRI PRANAB KUMAR MUKHERJEE: The Commerce Minister.

SHRI DIPEN GHOSH: It is a serious matter. It was earlier agreed.

SHRI PRANAB KUMAR MUKHERJEE: Apart from that, the Calling Attention is meant to call the attention of a particular Minister. You cannot bring four people here.

SHRI DIPEN GHOSH: At that time it was agreed. That is why...

SHRI PRANAB KUMAR MUKHERJEE: It was never agreed. He was called to listen to the debate. That was the understanding. The reply will be by the Minister concerned as per the Rules.

SHRI A. G. KULKARNI: Dhiren Brahamchari is a multi-facial personality.

SHRI GHULAM RASOOL MATTO: The licence was issued for one thousand guns, and...

MR. DEPUTY CHAIRMAN: Don't repeat it. That point has been covered.

SHRI GHULAM RASOOL MATTO: It is relevant here. Licence was issued for 1000 guns. But suddenly when Mr. Dhiren Brahamchari became a partner in the firm, the licence was raised from 1000 to 3000 guns. I would like to know from the Minister if an application had been made by the Company for raising it and whether the concurrence of the State Government and the relevant industries to raise this capacity from 1000 to 3000 was obtained. The third, and the final, question is that the statement says that none of the components of a gun appears in the appendices referred to above. (Interruptions). 'Component' has been defined in the Import Policy to mean one of the parts or sub-assemblies or assemblies, of which a manufactured product is made up and into which it may be resolved and includes an accessory (or attachment) in identification with the word 'component' in its actual meaning, will they cooperate with the State Government so that the word 'component' is fully established actually in its meaning and a case is registered accordingly?

श्री बी० सत्यनारायण रेड्डी (ग्रामप्रदेश) : उपसभापति जी, सभी मेम्बरान

ने लगभग सभी सवाल पूछ लिये हैं। मैं सिर्फ दो सवाल पूछना चाहूंगा। मैं यह जानना चाहता हूँ कि धीरेन्द्र ब्रह्मचारी को यह बन्दूक बनाने की फैक्ट्री कैसे दी गई और सरकार ने किस तरीके से योगाश्रम चलाने वाले व्यक्ति को बन्दूक बनाने और बन्दूक रिपेयर करने की फैक्ट्री लगाने का लायसेन्स दिया? मंत्री महोदय ने अपने स्टेटमेंट में कहा है कि लायसेन्स डज नाट कंफर एनी इम्पूनिटी। आपने यह भी कहा है कि शिव गन फैक्ट्री और खेरुद्दीन एण्ड सन्स के खिलाफ केस दर्ज किया गया है। मैं मंत्री महोदय से यह जानना चाहता हूँ कि इस गन फैक्ट्री का मालिक कौन है और यह कब मजबूद में आई है और धीरेन्द्र ब्रह्मचारी से इसका क्या संबंध है? दूसरी बात यह है कि जम्मू-काश्मीर गवर्नमेंट की तरफ से इन्वेस्टिगेशन शुरू किया गया है। जैसा मेरे मुअतरिम दोस्त ने अभी कहा कि केन्द्रीय सरकार की तरफ से हर तरह की मदद इस संबंध में स्टेट गवर्नमेंट को दी जाएगी। मैं जानना चाहता हूँ कि इस प्रकार की मदद स्टेट गवर्नमेंट को दी जाएगी या नहीं? आपको उनकी मदद करनी चाहिए।

**श्री जगदीश प्रसाद माथुर :** आप यह भी बताइये कि आपको आर्म्स लायसेंस देने की पालिसी क्या है?

**श्री उपसभापति :** यह सब किताबों में छपा होता है... (व्यवधान)

**श्री जगदीश प्रसाद माथुर :** श्री जसवन्त सिंह जो यहां पर बैठते थे उनके भाई को लायसेंस दिया गया... (व्यवधान)। आप पालिसी तो बताइये।

**श्री उपसभापति :** अभी कोई पालिसी स्टेटमेंट नहीं आ रहा है।

**SHRI P. A. SANGMA:** Sir, as far as the matter under discussion is concerned, the Calling Attention is about the alleged irregularities in regard to the import of gun parts. Since it relates to imports, it has come to the Commerce Minister. But most of the questions which have been raised perhaps do not relate to my Ministry and I am afraid I may not be able to give answers. I will only further reiterate the import policy on these items. But before I do that...

**SHRI A. G. KULKARNI:** Show Licence Numbers and value, etc.

**SHRI P. A. SANGMA:** I will clarify that. Certainly, whatever matters relate to my Ministry, I will clarify. Before I come to the specific points which have been raised by the hon. Members, I must deny the charge that there are people in this country like Dhirendra Brahamchari who have been moving with immunity. This has been said and I deny it. No person in this country, whether he is a citizen of India or an alien, can move with immunity. Everybody is subject to the law of the land. As far as the policy is concerned, import of gun is allowed under two categories, one as a gift and another as a personal baggage. A person can get a gift from a relation who is residing abroad for not less than.....

**SHRI A. G. KULKARNI:** 500 guns?

**SHRI P. A. SANGMA:** Only one, not 500. He can get it from a relation who has lived abroad for not less than 2 years. This is one condition. Secondly, it should not be a gun under the prohibited list under the Arms Act and the C.I.F. value should not exceed Rs. 3000. Also, he should not have imported the same type of gun for less than ten years. Under these conditions, a person can get a gun from a relative as a gift with a customs duty of 192 per cent. The second category is the gun that any passenger who is coming from

[Shri P. A. Sangma]

abroad can get as a personal baggage. These things are known to the hon. Members. I have myself seen that quite a number of M.Ps. have themselves been importing guns from outside under this category. I am not talking about this House. I know about some of my friends. Besides this, there is no other provision in the import policy for import of guns.

As I have stated in my main reply, if the items do not appear in the Appendix which have been specified in the policy from 3 to 9 and 15, then the components can be imported under O.G.L. Under Open General Licence, no licence is required. But these O.G.L. items are also allowed under certain conditions which have been laid in the notification. One hon. Member pointed out that this condition was laid in April 1983 and the licence to him has been issued before that. For the information of the House, this has been in existence for years even before the notification which I have cited. So, there is no change in the policy. That condition was already there. There are 28 conditions. One of the conditions is that all these items will be imported subject to other laws prevalent in this country. In this case, it is the Indian Arms Act. As far as this particular thing is concerned, the policy is.....

SHRI JAGDISH PRASAD MATHUR: I want to know what was the classification made in respect of this particular import licence. I want the definite classification. The permission that was given on the 21st of February was classified under what?

SHRI A. G. KULKARNI: I want to know exactly whether you take gun barrel also as component. Or is it actually *ultra vires* of the laws?

SHRI P. A. SANGMA: Under the provisions of import policy it is a component.

SHRI A. G. KULKARNI: Gun barrel is a component. I ascertained from the Parliament library. Then I am given a wrong information by your Department.

SHRI P. A. SANGMA: I do not know whether this information was really sought. I will check it up. But the position is that it is a part.

SHRI JAGDISH PRASAD MATHUR: Exact classification.

SHRI P. A. SANGMA: I am coming to your point. Sir, if a person wants to import any item, not only this gun or anything, before he imports, he should get a code number under Appendix 34 of the Import Policy. For that, there is a prescribed form. And in that prescribed application form, he applies for a code number. This is applicable for everybody. Well, this Dharendra Brahmachari also has applied for this, which the hon. Member is referring to. And he has also been given a code number as an importer.

SHRI A. G. KULKARNI: What about the recommendation of the Director of Industries of Jammu and Kashmir? Was it there?

SHRI P. A. SANGMA: I will come to that. But this registration or code number which we give to a particular individual is not a licence. This only enables him to get a licence for import. It does not give any authority for him to get a goods imported. He only becomes a member. And after getting this, he has to apply for licence. And it is only then the question of comments of the Director of Industries and all come in. So, at this stage... (Interruptions)

SHRI DIPEN GHOSH: The import licence was there or not....

SHRI P. A. SANGMA: We have not issued any import licence.

SHRI A. G. KULKARNI: You have not issued. The point is whether the Director of Industries has recommended his case.

SHRI P. A. SANGMA: The question does not arise because on this, it is not required. After getting the registration of his name, we give him the code number. (Interruptions)

SHRI DIPEN GHOSH: For importing, at least some quantity must have been mentioned.



SHRI JAGDISH PRASAD MATUR: The question is whether he got a licence or not. Did he get a licence to import or not? The question is whether the Central Government has given a licence to import.

DR. RAFIQ ZAKARIA: Let the Minister finish first. Thereafter, clarifications can be sought.

SHRI A. G. KULKARNI: He said that no licence is required. This is something fantastic. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please let him reply first.

SHRI P. A. SANGMA: As I have stated very clearly in my statement...

SHRI JAGDISH PRASAD MATUR: What?

DR. RAFIQ ZAKARIA: Don't disturb him all the time.

SHRI P. A. SANGMA: This particular thing which the hon. Member is referring to, it does not give him any authority, this itself is not a licence. It only enables him to get other licences. Therefore, the other licences will be issued.....

SHRI A. G. KULKARNI: Has he got the recommendations of the Director of Industries? (*Interruptions*)

MR. DEPUTY CHAIRMAN: Let him finish first.

DR. RAFIQ ZAKARIA: We are also interested in hearing him.

SHRI A. G. KULKARNI: Mr. Minister, the point is whether he has got the recommendation of the Director of Industries or not. Why don't you say yes or no? (*Interruptions*)

SHRI P. A. SANGMA: I have clarified my position. I am concerned with the import policy. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Just a minute. May I request the hon. Member, that you have made your points and you cannot have a cross

examination as in a court of law? You have made your points. Let him reply. If you are not satisfied, then you can later on put a supplementary .... (*Interruption*) No, no. I cannot allow this cross examination. You don't like to hear him first.

SHRI DIPEN GHOSH: While replying, if the Minister supplies any wrong information....

MR. DEPUTY CHAIRMAN: No wrong information. Nobody has said that so far.

SHRI DIPEN GHOSH: The Minister said that the licence was issued before this policy was enunciated.

MR. DEPUTY CHAIRMAN: Have you heard him?

SHRI DIPEN GHOSH: But again he said that no licence is required.

MR. DEPUTY CHAIRMAN: No, no. He is replying to that also.

SHRI JAGDISH PRASAD MATUR: Earlier, the procedure was that he was to reply to every Member.... (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please do not cross examine him. I request you.

SHRI DIPEN GHOSH: We are not cross-examining, Sir.

MR. DEPUTY CHAIRMAN: Then, what are you doing? He utters one sentence, and then you get up.

SHRI JAGDISH PRASAD MATUR: Sir, earlier the procedure was....

MR. DEPUTY CHAIRMAN: Let him finish first.

श्री जगदीश प्रसाद माथुर : पहले प्रोसीजर यह था कि हर मेम्बर का जवाब दिया जाता था और बाद में मिनिस्टर बोलते थे और अब जब कि सब का इकट्ठा जवाब दिया जाता है तो सदस्य खड़े होंगे और पूछेंगे।

श्री उपसमापति : बाद में पूछियेगा हुआ कर के आप नोट कर लीजिये यदि

[ श्री उपसभापति ]

कोई बात छूट जाती है तो बाद में पूछ लीजिएगा । समय तो खत्म नहीं हो रहा है । अपने ढंग से जैसे आपने केस बिल्ड किया है, समझाया है उनको भाँ मौका दीजिए :

श्री चन्दन के० बागची (बिहार) :  
 माँका देना ही नहीं चाहते हैं (व्यवधान)

SHRI P. A. SANGMA: As far as these particular cases are concerned, the information that I have is the information, as I have stated, which has been furnished by the Government of Jammu & Kashmir to the Home Ministry. Now, I can give a little more details than what I have stated in the statement.

Now, on the information received from somewhere, the police on 18-11-1983, the Jammu & Kashmir Police, went to inspect the Shiva gun factory and there they have found 500 barrels and equal number of body actions. When they were asked to produce the licence, they could not produce the licence on that day. I will give the names. I am sorry. I do not remember the names. You know the people, I think: So, they were arrested. (*Interruptions*). All these guns and barrels have been seized. Then, next day the managing director, I think produced a duplicate licence. Many questions have been raised as to whether this licence was for repairing originally and then it was changed into manufacturing and all that I have no information about this. The only information that I have with me is that on the day of the raid they were unable to produce the licence. But on the next day they produced the licence and that too was a duplicate licence and I have with me a copy of the duplicate licence. Beyond that I have no information.

Then, Sir, after that, in the course of the investigations they also got information about M/s. Khairuddin & Sons. Their factory was also raided and 115 barrels and 40 body actions of Spanish origin recovered from them

also. This is the second case which I have referred to in my main answer and both these cases are under investigation by the crime Branch of the Jammu & Kashmir Government. The hon. Member from Jammu & Kashmir has asked whether it is a fact that we were not giving any co-operation and all that. My information is that an investigating team from J & K has arrived in Delhi and they are very much in touch with the concerned Departments and there is no question of not giving co-operation at all. Beyond this, since the matter is under investigation, I will come before the House only after the investigation is completed.

SHRI A. G. KULKARNI: Mr. Deputy Chairman, Sir, you have just now heard the Minister completely. He said, the police raided the factory. They said, they have not got any licence, import licence, and yet next day they supplied him a copy of the duplicate import licence. The Minister has all along been saying that no import licence is required when it is under OGL. Now, we do not know what is the truth. What we are interested in knowing is whether what you said earlier is true, that is, no licence is required, or whether what the Jammu & Kashmir Police and the managing director has shown, namely, a duplicate copy of the import licence, is true. Secondly, Sir, I want to know whether in that Code Number some alterations were made by the Shiva gun factory as is stated in the report. It is a very serious matter. I quote:

"According to the police sources, the document which pertained to the allotment of an imported code number—I am not talking of the licence—a sentence is interpolated in it".

The sentence, parts of guns, including gun barrels and components, has been interpolated in that code number. Will the hon. Minister kindly, at least, oblige this House and tell us if it is really found that in the original code number it was not there?

And you are all along trying to bail him out by saying that barrels also formed part of the components; but actually as per our information and as per definition, barrel is never a part of a component; you are trying to confuse the issue. I would request you, don't try to save him or defend him.

SHRI P. A. SANGMA: What I am saying is this. According to import policy, this import under OGL is subject to other prevalent in the country...

SHRI A. G. KULKARNI: Other laws, barring the barrels?

SHRI P. A. SANGMA: ...and I added, if you remember, in this instant case, it is the Indian Arms Act which...

SHRI A. G. KULKARNI: So, that bars him.

SHRI P. A. SANGMA: Home Ministry has administrative jurisdiction over the Arms Act, and whether under the Arms Act he has violated any provisions or not, I cannot say at this stage, because the whole matter is under investigation, and if I talk too much, I think the Government of Jammu and Kashmir may not be happy with me saying that I am disclosing too much in this House.

SHRI A. G. KULKARNI: Are you satisfied? What I asked him, I ask him again, through you. Barrels were imported; custom duty was paid, and the hon. Minister is taking protection that under the Arms Act if it is really violated, action could be taken. Then, what type of policy has the Government of India under OGL evolved whereby they can bring in any damn thing, from an aeroplane to howitzer gun? And then you say care should be taken by the Home Ministry. You are issuing licences to import something; you are not very categorical now whether the licence was issued. You say it was not required.

MR. DEPUTY CHAIRMAN: Code No. he said:

SHRI A. G. KULKARNI: And he also says that the Managing Director gave to the police duplicate copy of import licence.

SHRI P. A. SANGMA: I said about manufacturing licence for 3000 guns; I did not say import licence. I stand corrected. Next day, they produced licence for manufacture of 3000 guns, not the import licence.

SHRI A. G. KULKARNI: You are the Commerce Minister. Did it not come to the knowledge of your Ministry that this is a small-scale industry and whether for code No. or for licence or anything, the Director of Industries of the State Government was required to recommend? Have your officers seen it? Have they seen that recommendation? Please tell me, and I will be satisfied.

MR. DEPUTY CHAIRMAN: He made it clear that only code No. was allotted, and after getting the code No., he could apply for import licence, if it was necessary. But in this case, he says, it was not necessary, because it was under OGL. So, code No. was given, and there was no licence.

SHRI A. G. KULKARNI: Capacity to manufacture 3000 guns has to be recommended by the Director of Industries.

SHRI P. A. SANGMA: Commerce Ministry has not given any import licence. Question of recommendation does not arise.

SHRI DIPEN GHOSH: Minister has said that licence was issued before this policy in 1982 was announced. My question is, when was this particular consignment which was seized after the raid, imported, and whether this consignment was imported during the operation of this policy; if not, when was it imported and what was the policy at that time?

MR. DEPUTY CHAIRMAN: Policy was the same, he says. Earlier also, the same policy was there.

**SHRI DIPEN GHOSH:** He says licence was given before this policy was announced.

**SHRI P. A. SANGMA:** I have only quoted what the hon. Member had said; I have not said it; and I denied it.

**SHRI DIPEN GHOSH:** My second point is, Sir, you allowed the Minister of Home Affairs to remain present and to listen, not to reply, because according to the Leader of the House, only one Minister would reply. But the Minister of Commerce, the Deputy Minister of Commerce, Mr. Sangma, has declined to reply on behalf of any other Minister because he does not know.

**MR. DEPUTY CHAIRMAN:** He has said. You are confusing. He has said that the matter is under the investigation of the State Government. Therefore, he is not going to disclose the whole thing. That point is covered.

**SHRI DIPEN GHOSH:** I have put a categorical question to the hon. Minister of Home Affairs as to how this industrial licence was issued, was granted. Now, I would like to know from the Chair whether this has been recorded and noted by the Minister and whether the reply would be supplied to me afterwards? I would like to know from the Chair.

**MR. DEPUTY CHAIRMAN:** Let us be clear on this point. He has replied about the import of this thing, what the policy is, what are the rules and regulations. So far as the crime is concerned, he has said, this is also in the statement, that this is under the investigation of the State Government. Therefore, he cannot disclose all these things.

**SHRI DIPEN GHOSH:** This is about import. My point is, how the industrial licence was issued after five modifications?

**MR. DEPUTY CHAIRMAN:** It will be the job of the investigating officer to look into this.

**SHRI DIPEN GHOSH:** No.

**MR. DEPUTY CHAIRMAN:** How can he look into this?

**SHRI DIPEN GHOSH:** He has said that this relates or pertains to the Ministry of Home Affairs. My point is, the Minister of Home Affairs was present in the House. As per your advice, he listened to it but he could not reply or he did not reply because the rules did not permit. But since it was noted by him, I would like to know whether the reply to my question would be supplied to me after the Session is over? This is my question.

**MR. DEPUTY CHAIRMAN:** The discussion is over.

**SHRI DIPEN GHOSH:** You give your ruling.

**MR. DEPUTY CHAIRMAN:** Mr. Ghosh, as far as the investigation which relates to the licence, what you call industrial licence, is concerned, or that crime is concerned, he has said that the matter is under the investigation of the State Government and the information which he has got from the State Government, he has placed before you. He has given the FIR number etc. He has said that cases have been registered. That part of the offence or whatever it may be, is the subject of enquiry. Therefore, he cannot reply to all those details. There is no need for any reply.

**SHRI DIPEN GHOSH:** What was the necessity then?

**MR. DEPUTY CHAIRMAN:** The necessity was for you to make your speeches. This you have already done. (Interruption) This matter is over.

**SHRI DIPEN GHOSH:** Only to listen and not to reply?

**MR. DEPUTY CHAIRMAN:** The discussion is over. (Interruptions). Hon. Minister to make his statement.