

MR. CHAIRMAN : Now, Statutory Resolution seeking disapproval of the conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) 1 Ordinance, 1975. Shri Prakash Veer Shastri, Dr. Ramkripal Sinha and Shri Subramanian Swamy not here.

**THE CONSERVATION OF FOREIGN
EXCHANGE AND PREVENTION OF
SMUGGLING ACTIVITIES (AM-
ENDMENT) BILL, 1975.**

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI PRA-
NAB MUKHERJEE) : Mr. Chairman, Sir, I
beg to move:

"That the Bill to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, as passed by the Lok Sabha, be taken into consideration."

As i.iii. Members are aware, prevention of smuggling and the conservation of foreign exchange are of vital importance to a country like ours. In December, 1974 the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 was enacted by Parliament to immobilise, by detention, the persons connected with smuggling, foreign exchange racketeering and related activities and to disrupt the machinery established for furthering these activities. Hundreds of persons have been detained under the provisions of this Act, both by the Central and State Governments. Detention of some of these persons was challenged in writs of habeas corpus in the various High Courts of the country. In view of the clandestine manner in which such persons carry on their activities and the consequent difficulty in securing the type of evidence needed to comply with the rigid standards insisted upon by the Courts, some persons against whom orders of detention were made under the Act have succeeded in getting such orders set aside. These orders were set aside in a number of cases by following the case law that has developed in regard to detentions under the Maintenance of Internal Security Act, 1971, principally relating to persons detained for acting prejudicially to

public order: the orders were set aside by reason of the finding that some of these many grounds of detention urged by the Government in support of an order of detention were vague, irrelevant or otherwise invalid.

Considering the special category of persons being dealt with under the Act, the clandestine methods adopted, and the organised nature of their activities, it is found necessary to clarify that the grounds are separable so that the non-acceptability of one or more grounds does not result in automatic release, and thus defeat the aim of Government to disrupt the operations of these anti-social elements.

Some persons had obtained release on bail or otherwise from Courts contrary to the intentions of the Government regarding temporary release as contained in Section 12 of the Act.

The President issued a Proclamation of Emergency on 3rd December, 1971. Another Proclamation of Emergency (due to internal disturbances) was issued on 25-6-1975. Some of the persons engaged in smuggling and foreign exchange racketeering have been posing a serious threat to the economy and to the security of the nation owing to their large resources and influence. In the present Emergency, the disclosure of grounds of detention to such person, and compliance with the usual procedures of reference to the Advisory Boards would not be in the larger interests of the nation.

In order to deal with the above and in view of the urgency of the matter, the President promulgated on 1-7-1975 the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975. The Bill seeks to replace the provisions of the Ordinance.

I move that the Bill be taken up for consideration by the House.

The question was proposed.

SHRI S. G. SARDESAI (Maharashtra): Sir, the title of this Bill is far more comprehensive than the provisions contained in the Bill. The title speaks of the conservation of foreign exchange. As we know, the question of the conservation of foreign exchange is very directly connected with the entire nature and character of our foreign trade, of our imports and exports, and also with the nature and character of the foreign aid which we receive. I will come to that question later. For, obviously, it is connected with the title of the Bill, though it is not included in the contents of the Bill.

First and foremost, if you take the contents of the Bill, I should say that if there has been one Bill introduced in this Session on which I think there should be no controversy whatsoever—and not only in this House but I would say even between any two decent persons in this country—then it is this Bill. One cannot imagine anyone excepting the smugglers themselves objecting to a Bill of this nature. And yet, I am rather surprised to find that there is a Statutory Resolution opposing this measure. Sir, just now you read out the names; they have tabled a Resolution disapproving of the Ordinance which is now embedded in this Bill. I wish very much that they were present in the House today; I would have liked to listen to their speeches which, in any case, would have been quite amusing and interesting, because it is very difficult to imagine what possible grounds these gentlemen could have put forth in opposing a Bill of this nature. That is what I am saying.

Therefore, so far as the contents of this Bill are concerned, there is no complaint; It is so obvious and it is very necessary. And surely, these are not the people about whose rights and liberties we should think, when we know that they have been abused so badly during the last 1-1/2 years.

"Now, what exactly are the proposals? The proposals really arise from the actual experience of the implementation of the

earlier measures taken against these smugglers, absolutely crooked and criminal kinds of people about whose activities we all know so much. The Minister has himself pointed out what are the loopholes which they exploited in the past. If you give them half a dozen reasons and then if one of the reasons is faulty, because it is faulty, the whole thing is set aside and they are released.

I Then they are securing bails and that a lot of different kinds. All these things we know have been done. Naturally, such I loopholes ought to be closed. There are no two opinions that so far as these gentlemen are concerned, everything must be done to see that they do not get out of I jail and escape and do all these kinds of I things. In fact, one of the experiences of ' the last year has been that some of the ' topmost smugglers in India managed to I get out either on bail or because of some sort of a defect in the detention order and J then within a short time we found that in cities like Bombay, Goa and other places, the smuggling activities increased. In fact, in the last session it seems some of us raised the question that this drive against smugglers which was started, I think, about a year and a half ago, which went on for some time when a large number of them were arrested, had abated. After that the drive declined for some reason or another or it was thought that a large number of them had been arrested and so more were not arrested. But, meanwhile all of us were feeling extremely anxious that during the period which followed after the earliest drive when so many of them had secured' their release, these activities had started again. Their rackets had started again, their activities had started again and their clandestine organisations had started again and all these kinds of things had started again. Therefore, it is very necessary that drastic action should now be taken against them. That is one point.

There is a reference here in the Statement of Objects and Reasons attached to the Bill that their activities are not only

clandestine but they are also connected with the economic and political security of this country which indicates the type of foreign support that they have got which not only distorts our economy and does all these kinds of things but which also seriously endangers the security of our country itself. I would come to this point later.

Now, apart from the question of not releasing them, which is very correct, we all know and the Minister himself also must be knowing that they have secured extremely good treatment in jails by clandestine methods, obviously by bribery and by resorting to other things. I have even known cases where the Government has put them in A class jails. Now, I think that some of these thing* the Government must absolutely stop. When you put them in jails, put them like any other criminals. Where is the question of giving them a special treatment? They have been given special treatment in hospitals also. You see many of these people are accustomed to taking narcotics. So, they get out of jails to get into hospitals for medical treatment where we know what sort of things they do. I would say that you may strengthen the administrative machinery and see that they are not given any special treatment in jails.

Now, Sir, coming to the first point, that is with regard to the foreign exchange racketeering, about which there is a reference in the Statement of Objects and Reasons also, which is not the same thing as smuggling, foreign exchange racketeering of a vast magnitude is done by people who are not smugglers. The Government ought to know most of this thing and we also know it that where the question of foreign exchange racketeering is concerned, some of the biggest firms of India are involved and not any ordinary criminals. Vast sums of foreign exchange are accumulated abroad. It is an old disease. It has been discussed in Parliament. As we all know, this is being done by misinvoicing exports and over-invoicing imports. So far as this under-invoicing of

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exports and over-invoicing of imports is concerned, it is going on even today. Imports are not so large, but this over-invoicing is being restored to.

Similarly, as- we all know, there is a large scale foreign travelling being done by big businessmen and the members of their families and others absolutely on false pretences and the quantum of foreign exchange which they spend when they are abroad is far more than the quantum of foreign exchange that is sanctioned to them when they go abroad.

This is done by officials; this is done by big businessmen. So, we should also like to know, apart from smugglers, how many people of this type you have caught and put in jail. We would like to know about it. This measure should not be reduced to merely taking action against smugglers, against merely some scoundrels and crooks. Action should also be taken against people who are supposed to be respectable and honourable in society and who have plenty of money, who indulge in these things. I hope the Minister will inform us how many actions of this type have also been taken.

Then I go to the very basic thing I know the Minister is going to say that that thing goes beyond the scope of the Bill. I want to say it does not go beyond the title of the Bill. It goes beyond the content of the Bill but when you speak of conservation of foreign exchange, what is the basic issue involved? The basic issue involved—it has also come up in budgetary discussions, in foreign trade discussions, in this House itself—is still the vast amount of colonial loot to which our country is subject, to which all the countries of the third world are subject. And we are subject to it because of the loot carried on by the American imperialism, by West Germany and other imperialist countries. That is the crux of the problem of our foreign exchange headache; that is the crux of the problem of our foreign exchange crisis with which we have been faced again and again in recent years. And you meet it by securing some loan from the International Monetary Fund or the

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World Bank or from somewhere. Only recently it was stated not only by the Finance Minister but, I think, even the Prime Minister made a reference to it, that at present our foreign exchange position is not so bad. What does it mean if you say that our foreign exchange position is not so bad? It means that it is quite good. It is good because of huge borrowings; it is not because basically our export-import trade is such that we are in a sound position. Not at all. Every time you have a huge foreign exchange deficit, you borrow vast amounts from this Fund or that Fund, which are credited to your account and which increase constantly the foreign debt of the country, and then you claim that the foreign exchange position is quite good. This is self-deception. So, will the hon. Minister be in a position to tell us that in this emergency, with these huge powers that they have got, in the ensuing months and in the shortest time possible, they will take firm action against certain other things which are going on, which involve a tremendous drain of our foreign exchange? For instance, foreign concerns in India still manufacture baby food; they manufacture soaps, they manufacture cigarettes, they manufacture cosmetics. There is a tremendous amount of foreign capital involved and they repatriate to their countries in foreign exchange the profits that are made. We have got to pay them in foreign exchange. In this emergency, stop this. So much foreign exchange will be saved.

Then there is the question of the prices which we pay for foreign goods—capital goods, spare parts, raw materials and so on. Take the question of the prices paid by India and the countries of the third world for their imports, even for food, leave aside capital goods. Extortionate prices are demanded. But when India or any third world country exports its goods, its raw materials and other things, then hopelessly poor prices are paid. This is an issue which we have been fighting and fighting and fighting for years together. Now, on this question also, the Government

should take some firm position if we are talking of conservation of foreign exchange and all these things. So, all these things are involved.

Now, with regard to smuggling, particularly I would like to mention that the Minister is right when he says that action against these people is needed because our security is involved. The words security and integrity are used in connection with the smugglers. Normally one should think "It may be a crime, but what has integrity and security got to do with it?" But the Minister is right when he says that it involves the security and integrity of the country. Very recently, Mr. Kissinger openly threatened all the third world countries in the United Nations saying "You fellows want to gang up because you want to increase the prices of the goods which you want to sell us". Is it a terrific crime? Open threats were given: if you continue like this, we will take action against you. All sorts of iiUioii; are being discussed in the United States of America Economic sanctions, political sanctions and even military intervention in the Arab countries are being discussed. Why? Because the third world countries have decided; Let us raise our prices and see that we get proper price for our goods. Btit similar threats have been given by the United States not only to the oil producing countries, but those countries which export mica, tin and rubber. It is not the question of oil alone. Political threats are being given to all of us and others connected with the question of trade. These kinds of threats are being given to us. That is why I am saying that there is a political aspect to this question. It is indicated by the hon. Minister himself. This political aspect is clear from the tremendous support which the foieign imperialists are giving to the internal right reaction economically, politically and militarily and this emergency is intended only for them.

That is why I would like to say that the question of conservation of foreign exchange should not be brought down to the level of catching a few smugglers. So

many issues are involved in this. If we are really serious about it and if you want to fight against this menace, other kinds of action will have to be taken and these I have mentioned.

In the end I would also like to say—my friends here are absent and they would not have liked it—that on the question of foreign exchange, it is the socialist countries who have helped you by purchasing from you goods which the Western countries have refused to purchase, and by agreeing to accept rupee payments and so many other things. Therefore, as I said in the beginning, it is a question of character and nature and direction of our foreign trade. This is the crux of the matter. The whole question of conservation of foreign exchange cannot therefore, be solved in just six months or in a year. But taking advantage of the emergency and taking advantage of the fact that we are fighting right reaction, at least take a new economic action because very powerful foreign forces are behind these people politically and economically and thereby they are aggravating our foreign exchange crisis and foreign exchange difficulties. I have mentioned soap, cigarettes and baby food. You at least stop this but I am not going to electronics and other things. But at least things which are being manufactured by us here should not be produced by foreign capitalists. These are simple consumer goods and articles of daily requirements and these had been manufactured by us even when we were a dependent country. Even in such matters foreign capital is there and foreign profits are there. I would straightway ask the Government to stop them from manufacturing these things for political as well as economic reasons. These steps are necessary to strengthen our economy, to conserve foreign exchange and also to fight the right reaction. If such steps are taken, we will get an idea of your policy matters. So far as this particular step is concerned, we support the Bill. But this is not the whole thing and let us know what other things you are proposing to do.

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SHRIMATJ. SUMITRA G. KULKARNI (Gujarat): Mr. Chairman, Sir, I feel very sad that the Opposition Members are absent from this House. They are not here to participate in this House when we are discussing an important subject. After all they are also representatives of people and they owe a responsibility to the people. They should have participated in this debate and told us what is wrong in this particular Bill which has now been brought before the House by the hon. Minister.

The earlier speaker spoke about this Bill and I also fully agree that if there is any one most important subject which is required to be attended to under the present circumstances, this is the one because this malaise is eating into the vitals of our economy. We are now under an emergency. It is not as if we wanted to impose emergency or we are fond of curtaining the lights of the people. But I would like to ask what exactly were the circumstances which led to the emergency. It is not merely the circumstances of the last two or three months or the last six months. But this situation has been building up because of the economic difficulties created by the anti-social elements in this country and this phenomenon acquired such proportions that it was disturbing the entire economic fabric of this country. This is the main reason why emergency became necessary. I would like to offer some statistics just to illustrate my point.

Sir, about four or five years ago, we used to have what is called the Wanchoo Committee and this Committee found that (here was tax evasion, income-tax evasion, in this country to the tune of about 500 crores of rupees. Since then the figure has come to a thousand crores annually. This huge amount of Rs. 1,000 crores, which is the income available and which should be legitimately in the government coffers, is circulating outside exercising its immense pressure on the economy of this country.

[Shriraati Sumitra G. jKulkarni] The second thing that I would like to point out is that there is gold smuggling in this country and the gold that is smuggled into this country is about four hundred to five hundred crores of rupees and this gold smuggling is done very easily because the Arabian coast is right across from our western coast of Gujarat and Maharashtra and this illegal trade in gold, takes place. We do not require any specialised craft for this or we do not require any special expertise for bringing gold into this country because it can be brought in a small country craft and even in a small craft of wood one can survive and reach the other end in about four days or so and, therefore, in such small crafts such goods are brought in. Now, as I said, there is gold smuggling to the tune of about four to five hundred crores of rupees annually and, in addition to that, there is the smuggling of other goods to the extent of about seven to eight hundred crores of rupees, like nylon saris, watches and all kinds of other fancy goods and other gadgets that we are using in this country.

Sir, I have been repeating these things in this House for the last three years persistently and I have been telling that in Bombay any kind of foreign goods is openly available and there is no restriction and there is no back-door or under-the-table dealing. All these are original goods which are sold with their original fancy packing and ribbons and wrapped in fancy papers and they are available in any number. If you want a dozen of any particular gadget, you can get and, it can be purchased. This was the reason why nearly two thousand five hundred crores of money was circulating in this country exerting its pressure on the economy of the country and this is the reason why this emergency became so very essential. If this had been corrected, and if out of this amount of two thousand and five hundred crores, at least about a thousand crores could be brought on the books, I am sure, Shri Pranab Mukherjee, the honourable Minister of State for Finance, would not have had the necessity to bring forward such a Bill before this

House. We would not also have had a deficit budget and we would have covered all the budgetary gaps and met the deficits and our Five Years Plans would have gone on properly and there would have been no foreign exchange difficulties nor any inflationary tendency. But the root of these problems which have led to this emergency is the economic difficulties which this particular Bill is trying to remove. I would now like to congratulate the honourable Minister because the Bill has been brought forward now and has been brought forward effectively. But I can only say that it should have been brought forward about three years ago rather than now.

Now, Sir, as I view this Bill, I think there are two aspects. The negative aspect of the Bill is this that restrictions are imposed and there are provisions indicating how to stop this thing and how to catch the offenders and so on. The positive aspect is that it says how it should increase the foreign exchange earnings. The wording of the Bill is very interesting. It is called the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act. So, it is conservation of foreign exchange and it is not something negative. Therefore, it is not only the negative aspect of stopping the malpractices is foreign exchange matters, but also the positive aspect of conserving and increasing the quantum of foreign exchange. So, Sir, I would like to divide my remarks into two parts and I would like to bring them under two heads. One is about the restrictive aspect of the Bill and the other is the positive aspect of augmenting our foreign exchange earnings. Sir, under this head, detention has been made without bail. I have nothing much to add to it. Also, under Item No. 13 of the economic programme that the Prime Minister announced, it has been stated that the properties of those persons who are absconding will be attached. My submission is this. It has also been said that *benami* properties will also be attached. The only thing is that under the Evidence Act, as it is today, it is very difficult, it is practically impossible, to prove *beiuimi* possessions.

Sir, there are never sufficient proofs about these. Therefore, it is my humble suggestion to the hon. Minister that under the purview of this Act, we may specify the categories of relatives, or we may list possible categories and put them on the statute. If it is not possible to put them on the statute, it may be done under the rules and regulations framed under this statute, or in the annexures, so that we may know exactly which are the categories who will have to explain the sources of property, from where they acquired a particular property. This will facilitate things. Otherwise, again *benaini* attachment will not be taken up to the courts and this will not be proved. To come back again with an amendment in this behalf would not be the right thing. So it is much better from the very beginning that we may put these categories of the relatives on the Statute Book or in the rules and regulations. We should now envisage the difficulties which we are likely to encounter in implementing this Act.

Now, the second thing is that the foreign exchange racket has been going on for a very long time. Now, as we all know, it has acquired such a proportion that it is killing our economy. One small instance that I would like to bring to the notice of this House is that there is a small regulation whereby any industry or any business which is dealing with foreign countries, has got permission to have 5 per cent of its total investment, given to it in foreign exchange for publicity work and for advertisement abroad. Sir, this is a very innocuous rule. After all, we want to sell our wares abroad. Naturally we want to publicize and advertise. But this is being used tremendously, on a large scale, for creating a foreign exchange racket. There is no foreign publicity. There are no foreign advertisements. False vouchers are made. False vouchers are submitted. These difficulties can crop up. Crores and crores of rupees are being transferred in foreign exchange, without any work of publicity.

Now this is the thing which the hon. Minister may like to take particular notice

of, because, I think about three months ago I in the Reserve Bank there was a slight reference to it that two and a half crores of rupees were involved in a case, of which I my friends in the CPI are taking notice.

What is the progress of that particular case ? This is the time when we make use of emergency powers and get this sort of investigation expedited so as to bring it to light what are the various foreign exchange rackets going on in this country. That is one thing.

Another very interesting case that I would also like to cite is that three years ago in this country—I would like to share this with the House and with your honourable self—there was an Iranian lady who was never born but who was proved to have died on paper. She was supposed to have been in Bombay on a certain date on paper, and 2-1/2 lakhs of rupees were remitted by her to Iran. These sorts of cases are happening. They have to be investigated and looked into. Lakhs and lakhs, and crores and crores, of rupees of foreign exchange are being remitted in this way, through manipulations by interested parties, in the name of persons who never existed, who are never born. Now, it should be easily possible to investigate into such cases.

I would also like to give some constructive suggestions. There are a number of persons who are dealing with foreign countries and they are involved in business and industrial collaboration. They have got foreign bank accounts. There is one method of checking this. That is to improve our information system. The biggest weakness of our information system in the Foreign Exchange enforcement branch and Customs branch is that our information is inadequate, and whenever it is available it is too meagre ; it is not up to date. The entire business is dependent on how fast we get information and how accurately we read in between the lines, because all these things are given in foreign newspapers. What are

fShrimati Sumitra G. Kuikami] the rates
abro.nl ? At what price do you sell ' At
what rate purchasing is taking place ? So,
our Customs Officers

and our Foreign Exchange En-12

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forcement Branch Officers have 10 be trained on these lines. They should read foreign journals and understand what are the business trends going on and what activities are taking place. Now, this information has to be made available in the Ministry of Finance so that we can take action at our end as well as at the foreign end.

Another method is that we can put a moratorium of 90 days and declare that anybody having foreign bank, accounts can bring the money_ to India. This may also . prompt people to bring in their money which is lying locked up. This is the foreign exchange which this country is so much in need of.

There is another point. I do not know how to explain it. It has been perpetrated by our administration. We have got a regulation that anybody who has not gone abroad for 3 years has a right to go abroad and he or she will be given 100 dollars for expenses. If we are short of foreign exchange, we should rather see that nobody goes abroad and we should not allow anyone to go abroad. Suppose, we do want people to go abroad because it is a natural instinct in everybody to travel and educate himself, there is no harm in it. But in that case 100 dollars is a ridiculously low figure. Even a most honest person is pushed to the wall and he has to go and violate the foreign exchange regulations because in 100 dollars you cannot survive even as a beggar in a foreign country. This is the joke about 100 dollars. We will give 100 dollars. Naturally, every man or woman has to write, to 10 persons saying : Please give me money abroad ; I will give you here. Why do we not be realistic ? Why don't we recognise the minimum requirements of every person not for luxurious living, but for ordinary living, in a foreign country ?

Having recognised this thing, it is not proper that we restrict it only to 100 dollars. This is a fatal prompt and encourages | to indulge in these malpractices. We want that in this country we should have businessmen going abroad in order to get contracts. We are a developing country now. We are not v. but we were some 50 years ago when we were doing business only inside the Country. We are an exporting country. Every businessman going abroad has to live there properly and conduct his business. What happens today is that he has perforce to go and purchase dollars in the black market. Why don't we make that money ? Let us issue extra foreign exchange at a higher tax. We, as a Government agency, cannot charge the black market rate. But certainly we can impose extra tax for issuing extra money. There would be many people who will be willing to get more foreign exchange in this way. By and large, a person is a law-abiding citizen. He violates rules only when he is forced to do these things. This is one thing.

Secondly, we know that in our country, we talk of the brain drain. Many students, engineers, doctors, technicians and scientists are going abroad and staying there. They are not living in a sumptuous way. They are not living luxurious lives. They, being Indians, know how to conserve their money. They have accumulated a sizable amount of dollars in foreign countries. Now, we should know how to tap that money, . . . Today, our regulations are such that nobody can bring in dollars to the country with the hope that they can be ever changed later on. We should have free convertibility in this country. If a student wants to come back and wants to bring 5,000 dollars, he feels that he should leave his money outside because after some time, if he wants to go back or his children want to go out, they will be able to use that money. It is a natural instinct. Make him feel that if he wants the foreign exchange later, he will be given. Let him bring the money from outside and later on he should be allowed to change his money up to that extent. At least, you will have 5,000 dollars which are lying locked up and we can make use of

Chal money. This will make people more patriotic. Sir, the pull of the mofet land is so great, the oSectionB ei Hi. i. mii lv is so great that ilic man after coming to this country does not Want to go buck. He will stay here provided he has this confidence and this sense of security that his money, whenever he wants, can be changed to the amount that he had already brought in. After all, he starves there ; he works there like a waiter or a shoe-shine boy or selling the things. Let that money come. What is wrong about letting that money come !' That is a lot of foreign exchange which will run into crores of rupees. Drop by drop, they will come to the country and they will improve the situation.

Now, Sir, the last thing to which Mr. Sardesai also referred, is about foreign collaboration and the foreign concerns going on in this country. He mentioned about a number of things. I will give you only one instance of the Colgate. Sir, the Colgates are supposed to be a foreign concern and they make tooth-paste and tooth-brushes in this country. I would like to submit for the information of this House that the Colgates do not have any industrial house or industrial set-up or factory in this country. All that they have is only a Marketing Division. They started with seven lakhs of rupees of investment and their annual turnover reached more than seven crores of rupees. Sir, it is the goodwill name. We are accustomed in the morning to the red carton containing the thing and that is called Colgate. Otherwise, they are not manufacturing it. It is the local, indigenous manufacturers who are producing their tooth-paste. They are not able to sell because they do not have the .sooawill name and they sell to the Colgates, and the Colgates put the stamp and sell it at four times the price. Sir, these are the companies which should be stopped forthwith. Why should we have this kind of companies which are Nourishing on the economy of this country? We can survive without the Colgate toothpaste, and let me tell you that the Ame-

rican Colgate taste is very different from the Indian Colgate because, that is riot one and the same formula. So, this is outright cheating. J his is ihc same thing with the Bata. All the shoes are made in Agra and they are stamped Bata'. And here we are forced to pay Rs. 2¹J.M> on each shoe, even of children. These arc the things which the Ministry will have to'take into consideration. But before doing this,—I don't say that this is restrictive measure—we ought to have a national strategy on this issue. We vvant their technical help but the strategy should be laid and enforced. Unless this rational strategy regarding multi-national corporations is though! out. planned and communicated, it cannot be done. So, it is a more important and urgent request to the hon. Minister that we should re-examine this on policy lines and implement it after going into the details of this strategy. Now, T have some positive suggestions about it.

Sir, as you all know, ours is a country which has the largest animal population in the world. Therefore, naturally, our production of hide is the highest. Yet, our leather goods are not at all there anywhere in ihe world market. We send out abroad only raw hide. It goes to Italy which gets it processed. It comes back and we purchase it in the form of various fancy goods. Sir, today, our leather industry is in the hands of very poor, illiterate *modus* who do not know how to improve this proccssss. This should be given the top priority on the Government's list so that we send out only the finished goods and not this raw hide and thereby miss all this foreign exchange which is our right. All over the world, the beautiful leather that is available is actually from the hide from our country, it is only when it is processed in a beautiful way that we get it from abroad. So, this is one thing which can be looked into. Simi larly, the iron ore. We are just exporting our mother earth, mother India, from this country in the bowels of our ships. Why can't we go in to establish the processing industries ? We know the 'tochno-

During emergency if you take some measures, it will not be enough to put some people behind the bars. We must see that the entire smuggling operation ceases. It is not enough to cut down a tree. Though the tree has been cut down the roots are still underground. The tree may be cut down in India but the roots are beyond the Atlantic. So these things should be looked into in their proper perspective. I would suggest to the Minister to have a special committee of a higher level both of the Home Ministry and the Finance Ministry. And there should be some top officers to review every case.

Sir, a visiting tradesman of Kerala who had recently been to the Gulf countries and Middle East told me that there are certain India-based people and Pakistani national who are partners in this business. Are they doing only this business there? The Gulf countries are friendly to us. Our people can go there and find out, in their own way, what business these people are doing, what other business they are doing and with whom they are connected, whether it is America, China or some other country who are not very friendly to us. Therefore, this smuggling was meant not only to disrupt us on our economic front but also to provide money to the dark forces to destabilise our political front. These are the two things which must be looked at in the same picture. They are not two different pictures because the political outlook of our country reflects the economic outlook of the country. Those who were shouting loud that the economy was being disrupted, that the economy was going down and down, that Shrimati Indira Gandhi was completely ruining the economy of this country, had some motive behind it. They knew that by disrupting the economy by sapping the morale of the people and by taking away our self-confidence they will be able to destabilise our political balance and put an end to democracy.

Sir, I will not take any more time because repetition will bore you. This is the only point I have to make, that every case

has to be looked into in its proper perspective to find out whether *nami* or *benami* who are with them either inside or outside.

श्री गुरुमुख सिंह मुसाफिर (पंजाब) : अध्यक्ष महोदय, मेरे से पहले जो साधियों ने कहा है, जो तजवीज पेश की हैं मंत्री महोदय के सामने उनको दोहराना नहीं चाहता हूँ। मैं इस बिल का समर्थन करता हूँ। मेरी यह राय है कि यह बिल सबसे ज्यादा जरूरी बिल है। साथ ही मेरा यह ख्याल है कि इसमें जो अमैन्डमेंट की जा रही है इस अमैन्डमेंट से पूरा इलाज नहीं होगा। इन जरूरत को इमरजेंसी से पहले भी सरकार ने महसूस किया था जब कि पहले राज्य मंत्री श्री गणेश ने एक कदम इसकी तरफ उठाया था। इससे यह जाहिर है कि बीमारी की तरफ तबज्जोह हमारी सरकार ने दी थी मगर उनका जो नतीजा निकला उस नतीजे की वजह से ही यह बिल आज हमारे सामने आ रहा है। जो स्मगलर्स या दूसरे इस किस्म के धंधा करने वाले लोग गिरफ्तार किए गए उनको पूरी-पूरी सजा नहीं मिल सकी बल्कि वे अपने आप को गिरफ्तारी के बावजूद यह महसूस करने लगे और लोगों को यह समझाने लगे, जहां भी क्लब में बैठें या सभा में बैठें वे यही बात करते थे कि हमारे लिए जो चीज इम्पेमान की गई है और हमारी जो गिरफ्तारियां की जा रही हैं इससे बचने के हमारे पास जरिये हैं। उन जरियों से उनमें से कुछ लोग बच भी गए थे, इसका सबूत आपको मिला भी है। यह बीमारी जो है बड़ी खतरनाक बीमारी है। इस बीमारी की वजह से हमारे सामाजिक, राजनीतिक और हर तरह की इकोनोमी को जो नुकसान पहुंच रहा है, उसकी बुनियाद यही है।

इमरजेंसी के बाद जो चीजें सामने आई हैं उसमें हमने महसूस किया है यहां एक बीमारी नहीं है। शायद ने कहा है :

इक चाक हो तो सो लूँ हमदम गरेबां अपन;
जालिम ने फाड़ डाला है तार-तार करके

यानी हमारे यहां खराबियां बहुत ज्यादा हो गई थीं !

[श्री गुरुमुख सिंह मुसाफिर]

अध्यक्ष महोदय, आपको पता है कि आपके घर में मिफं इस बात पर गौर करने के लिये कई मीटिंगें हुई जिसमें मैं भी शामिल हुआ। आप भी बड़े चिन्तातुर थे कि देश की हालत को कैसे सुधारा जाए और जो नाजायज तौर पर फायदा उठाते हैं उनके लिए क्या किया जाए। मेरा तो विश्वास है और यकीन है कि हमारे इस विशाल देश में सब कुछ है। किसी चीज की यहां पर कमी नहीं है। मेजरिटी यहां पर महसूस करने लग गई थी कि यहां पर सब कुछ है लेकिन सब के लिए नहीं है। यह हालत हमारे देश की हो चुकी थी। कुछ लोग भूखों मरते थे, लेकिन कुछ लोग ऐसे हैं जिनकी भूख मिटती ही नहीं। हमारी प्रधान मंत्री को इस हालत में कुछ सकल कदम उठाने पड़े। यह ठीक है कि हमारे यहां पर जो विरोधी दल के भाई हैं, वे आज यहां पर नहीं हैं और ये सामने वालों कुसिया खाती पीड़ी हुई हैं, लेकिन मेरा यह विश्वास है कि अगर उनमें से कुछ यहां पर हों तो इस बिल का जरूर समर्थन करेंगे। हमारे एक बहुत पुराने साथी, माहिल्यकार जोशी जी हैं जो इस हाउस में नोमिनेटड मेम्बर हैं। उस रोज जब उन्होंने अपनी तकरीर दी तो उन्होंने पुराने इतिहास की मिसाल दी और उन मिसाल के मुताबिक उन्होंने कुछ इजारा मेरी तरफ भी किया और कहा कि एक बुराई यहां पर बैठे हुए हैं और वह सच्ची बात नहीं करते हैं और इस वक्त भी सच्ची बात नहीं कह रहे हैं। मैं कहता हूं कि हम तो सच्ची बात कहते हैं, लेकिन वे सच्ची बात सुनने की जरूरत नहीं समझते और आज सुनने के लिए यहां पर नहीं हैं। अब हम सच्ची बात किन को सुनाएं? अमल में सच्ची और झूठी बात का अपना-अपना मियाद है और यह जो डिफरेंस आफ ओपिनियन है, इसको दुश्मनी का कारण नहीं समझना चाहिए, यह दुश्मनी का बायस नहीं है। हमारे देश में जो लोग इधर-उधर जाते रहते हैं, लोगों में मिलने-जुलने रहते हैं वे इस बात को अच्छी तरह से जानते हैं कि हिन्दुस्तान के तमाम

लोगों ने प्रधान मंत्री द्वारा उठाए गए कदमों का स्वागत किया है। हमारे विरोधी दलों के भाई जब दो रोज तक यहां पर रहे तो उन्होंने अपनी तकरीरों की और उनकी तकरीरों को हमने बड़े गौर से सुना। उन्होंने अपनी तकरीरों में इन बात का जिक्र किया कि पहली दफा हमारे देश में आजादी के बाद 28 साल में इस तरह की आन्तरिक स्थिति की घोषणा की गई है और पहली दफा इस प्रकार का स्टैप लिया गया है। मैं समझता हूं कि उनका यह कहना इस बात का प्रमाण है कि हमारी गवर्नमेंट बड़ी सोबर है और बड़ी संजीदगी से चारों तरफ देखकर कदम उठाती है। जब हमने देखा कि इसका कोई इलाज नहीं है तब हमने इस तरह का कदम उठाया।

सितम को हम करम समझें,
जफा को हम बफा समझें
जो इस पे भी वो न समझें,
तो उम धून से खुदा समझें।

जब कोई दूसरी मुरत नजर नहीं आई तो पहली दफा हमारी सरकार को इस तरह का स्टैप उठाना पड़ा। बहुत सोच-विचार के बाद उठाया गया यह कदम इस बात का सबूत है कि उन्होंने इसको खर्चों का खेल नहीं समझा। यह कदम बहुत सोच के बाद और फिक के साथ उठाया गया है। मैं प्रधान मंत्री श्रीमती इंदिरा गांधी की हमेशा उन फूल से तुलना करता हूं जो हमेशा कांटों की नोक पर बैठे रहता है और कांटों ने उसके शरीर को छलना कर दिया है, मगर फिर भी वह हंसता रहता है और खुशबू देता है।

दामन है टुकड़े-टुकड़े होटो पे है तबस्मन

कांटों की नोक पर बैठकर वह सब काम कर रही है। हमारे विरोधी दलों के भाईयों ने कहा कि 28 साल में पहली दफा इस तरह की इमरजेन्सी हमारे देश में लागू की गई है। मुझे तो इस बात का अभिमान है कि उन्होंने वक्त पर ठीक कदम उठाया। हमारे हिन्दुस्तान में श्री जवाहर लाल जी और श्री लाल बहादुर शास्त्री जी प्रधान मंत्री रहे हैं और अब लगभग 10 साल से श्रीमती इंदिरा गांधी जी इस देश की हकूमत को चला रही हैं।

नो जितना भी इस बात का क्रेडिट जाता है कि इन्होंने बड़बड़का विरोधी दल वालों को तंग करने की कोशिश नहीं की, वह क्रेडिट इन्हीं को जाता है। इन्होंने सब और शान्ति से काम लिया और जैसा मैंने कहा कि जब एक हृदय से हान्यत आगे पहुँच गई तो यह बात महसूस की जाने लगी कि इस बारे में जरूर कुछ न कुछ किया जाना चाहिए और तब ही इस तरह की कार्यवाही की गई। आज सब की जवान से यही बात निकलती है यह जो इस तरह की कार्यवाही की गई है वह ठीक तरीके से की गई है क्योंकि आज सब जगहों पर ठीक तरीके से काम चल रहा है और इसी तरीके से हमारे देश का भला हो सकेगा और हमारे देश का कल्याण हो सकेगा।

तो मेरा कहना यह है कि यह जो फारेन एक्सचेंज की बात है, यह इतनी आम हो चुकी है कि जहाँ भी इस तरह का गुनाह होता है या किया जाता है उसको बुरा नहीं समझा जाता है और यह एक आम चीज हो गई है। इसके बारे में यह स्थिति बनाया जाता है कि यह कोई गुनाह नहीं है। जो लोग फारेन एक्सचेंज का धन्धा करते हैं उनकी एक तरह से पैरल सरकार बनी हुई है। अगर किसी आदमी ने कहीं विदेशों में जाना हो, अगर उसकी सरकारी तौर पर या कानूनी ढंग से फारेन एक्सचेंज का पैसा नहीं मिलता है, तो यहाँ पर इस तरह के गिरोह फिर रहे हैं, जो यह कहते हैं कि आपको जितने डालर या पाउण्ड की जरूरत है, उसका इंतजाम हम कर देंगे, आपको इसके बारे में तकलीफ उठानी नहीं चाहिये और इसके बारे में किसी तरह की कोई चिन्ता नहीं करनी चाहिये। आज यहाँ पर एक पैरल गवर्नमेंट बनी हुई है। यह चीज वहीं तक महसूस नहीं है। मेरी बहिन ने जैसा अभी बतलाया और जैसा पंडा साहब ने नदन की तबज्जो दिलाई, वह बात बिल्कुल ठीक है। मुझे भी इस बात का तजुर्बा है। हमारे लोग जो बाहर के मुल्कों में रहते हैं, खासकर कैपिटलिस्ट मुल्कों में रहते हैं, इंग्लैंड और अमेरिका में रहते हैं—मैं भी कई दफा विदेशों में गया हूँ और घूमा हूँ, मैंने वहाँ पर यह देखा है कि इस चीज को गुनाह नहीं माना जाता है। इस तरह के

आदमियों की, जो स्मगलिंग का धन्धा करते हैं, बड़ी-बड़ी सोसाइटियों में इज्जत होती है और सब तरह की इज्जत होती है।

इसके साथ ही साथ मैं यह भी अर्थ करता चाहता हूँ कि इस तरह के जो लोग हैं वे आपको मार्केट रेट पर डालर और पाउण्ड देने के लिए तैयार नहीं हैं। मैं इस बारे में अपना तजुर्बा कहना चाहता हूँ। मैं चार्टर्ड जहाज द्वारा एक डेलीवेशन के साथ विदेश गया था लेकिन वक्त पर उसके साथ वापस न आ सका। जब मैं वापस आने की तैयारी करने लगा तो मेरे सामने यह मुश्किल आई कि मैं किस तरह मे वापस आऊँगा। वहाँ का हर आदमी मेरी इज्जत करता था। यह जो स्मगलिंग की बीमारी है वह सब जगह पर फैली हुई है और वहाँ पर भी फैली हुई थी। सरकार के खिलाफ जो प्रोपेगन्डा यहाँ पर चल रहा है वह वहाँ पर भी चल रहा था और यह बीमारी वहाँ पर भी फैली हुई थी। मैं एक गुरुद्वारे में बोल रहा था। वहाँ पर एक इशतहार बाँटा जा रहा था कि खून का बदला खून से लेंगे क्योंकि वहाँ की सरकार ने हमारे एक नक्सलाइट भाई को मारा है। इस आदमी का वह नक्सलाइट रिश्तेदार था। इस तरह से यह बीमारी विदेशों में भी फैली हुई है। मेरे कहने का मतलब यह है कि हर जगह पर गवर्नमेंट के खिलाफ करपशन और दूसरी चीजों के बारे में प्रोपेगन्डा किया गया है। मैं इंग्लैंड के एक जलसे में बोल रहा था तो एक सज्जन ने एक सवाल उठाया कि हमारा देश करप्ट है। उसने कहा कि आपके मिनिस्टर करप्ट हैं। मैंने कहा कि मुझे तो करपशन के बारे में पता नहीं है। मैंने वहाँ पर लोगों से कहा कि मुझे वापस आने के लिए इतने डालर चाहिये और मैं घर पहुँचने के बाद सब पैसे वापस कर दूँगा मार्केट रेट के हिसाब से। मगर मुझे वहाँ पर किसी ने इस बारे में मदद नहीं की और इसके बाद मैंने एम्बेसी वालों को इस बारे में कंटेक्ट किया और उन्होंने मेरे वापस लौटने के बारे में मदद की। मैंने फारेन एक्सचेंज जितना वहाँ से अपने आने के लिए लिया था वह मैंने सब वापस कर दिया। तो मेरे कहने का मतलब यह है कि

[श्री गुरुमुख सिंह मुसाफिर]

आज इस चीज को कोई गुनाह नहीं समझा जाता है। आज इस चीज को इस ढंग में किया जा रहा है कि वह कोई बुरी चीज नहीं है। लेकिन उस चीज से ही सारा करणन पनप रहा है और सारी चीजें निकल रही हैं। जो इस तरह का धंधा करते हैं वे इस ढंग की बातें करते हैं मानो वे ही सरकार के बड़े खादमी हैं और लोगों ने कहने रहते हैं कि स्टेट में जब चाहे किसी मिनिसट्री को बदल दें और सेक्टर में जब चाहें किसी मिनिसटर को बदल दें।

मैं एक वाइर स्टेट का रहने वाला हूँ। स्मगलिंग के मुताल्लिक मुझे तजुर्बा है कि उन लोगों को कितनी होशियारी से रहना पड़ता है और कितनी जाने तलफ होनी है और किन्ने लोगों की जानें तलफ कर के उन लोगों के खून से वह लोग बड़ी-बड़ी इमारतें बना लेते हैं सिर्फ इस स्मगलिंग के काम से। तो यह जो आज का बिल है, यह भी उस के लिये कुछ करेगा और बैसे में समझता हूँ कि हर एक चीज का इलाज यहाँ तो एक अमृतधारा की तरह से यह इमरजेंसी है। हमारे भाई गोरे जी ने कहा था अखबारों के मुताल्लिक। मैं खुद अखबारनवीस रहा हूँ और मुझे जर्नलिज्म से बड़ी मुहब्बत है और मैं समझता हूँ कि कई अखबार बड़े अच्छे हैं। गोरे साहब ने कहा कि अच्छे-अच्छे अखबारान खबर देने हैं कि अमरीका ने यह कर दिया, किसी और ने यह कर दिया। ठीक है, और मैं समझता हूँ कि अच्छी खबर देने वाले और गवर्नमेंट की मदद करने वाले अखबार जो हैं उनको कोई रोकता नहीं। मगर रुकावट किस बात में है, उस में जहाँ हमारी गर्बन नीची होती है। जैसा मैंने पहले कहा कि इन्दिरा गांधी जी को देश की बागडोर सम्भाले हुए 9 या 10 साल होने वाले हैं। इस बीच में कभी-कभी फिक और चिन्ता की बात भी आ जाती है। 12 तारीख को प्रधान मंत्री के मुताल्लिक इलाहाबाद हाईकोर्ट ने फैसला किया। इत्फाक से उसी रोज हमारे एक मुअज्जिज दोस्त श्री घर जी का देहान्त हो गया। लोग जानते हैं कि घर जी बड़े जहादोदा और हमारे सोसाइटी

के, हमारी मिनिसट्री के और हमारी फारेन सर्विस के एक बड़े सरकारदा खादमी थे। प्रधान मंत्री ने उनका सम्बन्ध था। उनका उदास होना जरूरी था। 13 जून की बात है कि प्रधान मंत्री जो इसी वजह से उदास बैठे थीं, घर साहब के कुछ संबंधी बैठे होंगे तो उस वक़्त उन का एक फोटो ले लिया गया और उस के बाद एक पखबार में वह फोटो छापा गया जिस के नीचे लिखा है "हुड़को सांचा पड़या कोमी जानमा"। अगर नकल कुफ नहीं है, यह पंजाबी का शब्द है कि ऐ कोमी जानमा, तुम क्या मोन में पाई हो। वह तो घर साहब की वजह से उदास बैठे हैं और उस बात को लेकर पंजाबी में यह लिखा है कि ऐ कोमी जानिम, तुम अब क्यों उदास बैठे हो। यानी मतलब यह है कि यह तुम को अपने पापों की सजा मिली है इसीलिये तुम उदास बैठे हो। तो बतलायें गोरे साहब भूसे, कि जब अखबारों की हालत यह हो गयी है, जब वह इस तरीके से लिखने लगे हैं तो उसके लिये कुछ न कुछ तो होना ही चाहिए या नहीं? उसके लिये कोई कदम उठाना चाहिए था या नहीं? अगर वह कदम उठाये गये तो क्या हर्ज हुआ? पूरे तरीके से वह सारी बात को सोचें और उस पर गौर करें। क्या वह इस बात को भूल गये कि प्रधान मंत्री इन्दिरा गांधी ने अपने देश की बागडोर सम्भालते हुए बड़े-बड़े कदम उठाये और वह सब पीछे रह गये। उन्होंने बंकों का नेशनलाइजेशन किया वह पीछे रह गया। उन्होंने जंतरल इश्योरेंस का नेशनलाइजेशन किया वह पीछे रह गया। उसके बाद बड़ी बहादुरी से प्रोबो पसेज को बन्द करके देश की इकोनामी को ठीक करने की कोशिश की वह भी पीछे रह गया। उसके बाद बंगला देश में एक मोर्चा कायम कर के दिखाया। क्या इस सब को वह भूल गये? सारी बातें तो भूल गये, मगर उनके सामने एक ही नारा आ गया, एक ही बात उनके सामने आ गई, एक ही बात उनके दिमाग के ऊपर की तह में बैठ गई। तो मैं जब इन्दिरा गांधी को देखता हूँ तो मुझे एक फारसी की कहावत याद आती है—

"ऐ रोशन तबा तो बरमन बला जदी"

मेरे जो अच्छे काम थे वे मेरे लिए बना हो गये। वे किसी न किसी सूरन में आ जाते हैं, किसी न किसी शकल में आ जाते हैं। वह शकलें बदल के आ जाते हैं। कोई आर०एम०एन० हो गया, कोई आनन्द मार्ग हो गया, कोई ऐसी जमात में चला गया। तो इतने विशाल देश की यह एक बहुत बड़ी बीमारी है जिसको जवाहरलाल ने पहले रोज ही भाप लिया था। मुझे इस बात का सौभाग्य प्राप्त है कि जब हमारे देश का कंस्टीट्यूशन बना तो मैं उसका शुरू से ही मੈम्बर था। उसके एक-एक आइटम में जिनकी डिफिकल्टी जवाहरलाल को पेश आई, पंडित जवाहरलाल, सरदार पटेल और मौलाना आजाद ने उन डिफिकल्टीज को जिस तरीके से तय किया वह काम एक बड़ा मुश्किल का काम था। मुश्किल इसलिए था कि हमारा देश बड़ा विशाल है। कदम-कदम पर हमारा मजहब बदलता है, जबान बदलती है, तहजीब बदलती है, लिबास बदलता है, आव-हवा बदलती है। इतने बड़े देश को हर तरफ से ठीक रखना और उसको संभालने का ऐसा कंस्टीट्यूशन तैयार करना जो देश के विल्कुल हित के मुताबिक हो, तो यह एक मामूली बात नहीं थी। तो बुनियादी तौर पर उनको इस बात पर कितनी मेहनत करनी पड़ी कि हमारे देश का विधान सेक्यूलर विधान हो, इसकी बुनियाद ज्वाइंट इलेक्टोरेट पर हो और जो सेपरेट इलेक्टोरेट का जहर है, उसको काटा जाए तब हमारा सेक्यूलर निजाम चलेगा। इसके लिए उन्हें काफी मेहनत करनी पड़ी कि यहां से सेक्यूलर निजाम हो। जवाहरलाल जी को वैसे ही कोई आइडिया नहीं था, उनको पता था कि हमारे पड़ोस में पाकिस्तान बन गया है और हमारी पहली जरूरत यह है कि कायदे आजम जिज्ञा का यह क्वाब पूरा न होने दिया जाए कि वह पाकिस्तान को कोरीडोर मानकर सारे इस्लामी सल्तनतों को इकट्ठा करके किसी भी ढंग से सारी दुनिया के लिए एक फिरकादाराना खतरा पैदा कर दें। यह जवाहरलाल जी का आइडिया था। तो उनका पहला काम यह था कि सेक्यूलर निजाम हो और जितने मुस्लिम कंट्रीज हैं वह यह महसूस करें कि पाकिस्तान के साथ उनका मजहबी ताल्लुक

अलग हो, मगर रायसी तौर पर हम उनका बैलकम करते हैं। मेरे जैसे जो पुराने मेम्बर हैं या जिन्होंने अच्छी तरह से सारे हालात को स्टडी किया है, देखा है वह इस बात को मानते होंगे कि जितनी मुस्लिम कंट्रीज थीं, इंडोनेशिया, अफगानिस्तान, अरब कंट्रीज, यानी जितनी कंट्रीज थीं, मुकारनो भी अपनी जिन्दगी में जवाहरलाल के पास आता था। अफगानिस्तान का प्राइम मिनिस्टर एक दफा यहां आया। यहां सेंट्रल हाल में उसने तकरीर की तो उसने कहा कि जवाहरलाल के साथ हाथ मिलाकर मुझे ख़ानी खुशी होती है। तो हमारे एक बहुत पुराने मेम्बर थे बिहार के रामनारायण सिंह जी, बड़े अच्छे और भोले आदमी थे, जब एक सफ़िल बना हुआ था वजीरे आजम अफगानिस्तान के सामने, तो कहने लगे कि आपने यह क्यों कहा कि जवाहरलाल से हाथ मिलाकर मुझे ख़ानी खुशी होती है, तो वह बड़ा समझदार पठान था, उन्होंने कहा कि जवाहरलाल वह रैस्पेक्टबुल कंट्री का रैस्पेक्टबुल वजीरे आजम है जो किसी से न डरता है, न डराता है। इसीलिए उनसे हाथ मिला कर मुझे ख़ानी खुशी होती है। यह इस्लामी देश को मिसाल इसलिए दी ताकि पता लगे कि सेक्युलरिज्म हमारे कंस्टीट्यूशन की बुनियाद है। उसकी वजह यह है कि कोई इस को झुटला नहीं सकता। एक साधारण वजह नहीं है इसकी एक बड़ी मजबूत वजह है। जितने इस्लामी कंट्रीज हैं वे पाकिस्तान के साथ नहीं हैं बल्कि हिन्दुस्तान के साथ ही उनका ठीक बतवि है और रहा है। आज भी हमारी कोशिश है कि वे हमारे साथ रहें, पाकिस्तान के साथ नहीं रहे। मेरा कहना यह है कि पता नहीं कितनी डिफिकल्टीज उस वक्त से लेकर आती रहीं। किसी न किसी लिबास में सेक्युलरिज्म के विरोधी भी आते रहे। फारसी में एक शेर है :

बहर रंगे कि खुदही जामा मयपोश
मन अन्दाजे कदम इमे शनासनम

चाहे कोई भी जामा पहन कर आओ कोई भी लिबास पहन कर आओ हम तेरे कद को जानते

[श्री गुरुमुख सिंह मुसाफिर]

हैं इसलिए हम धोखा नहीं खा सकते। यह जो इमरजेंसी के जरिये कुछ स्टेप लिये गये हैं उन्हीं के अनुसार यह बिल आ रहा है और इस बिल के बिना इमरजेंसी नहीं चल सकती। ये चीजें जो साथ-साथ चल रही हैं ये इमरजेंसी को चलाने के लिए बहुत जरूरी हैं। इसी से हम अपने मिशन मकसद की तरफ चलते रहेंगे।

इस वक्त अपोजिशन के दोस्त नहीं बैठे हैं। ये जो थोड़े से दोस्त बैठे हैं उन्हीं की वाकफियत के लिये मैंने यह अलफाज कहे हैं जो जरूरी थे। जो हमारे पुराने दोस्त हैं उनको बैक-आउन्ड का पता चलना चाहिए। जब कृष्णा मैनन का सवाल आया जवाहरलाल जी के सामने तो मुझे पता है उस वक्त एक्जीक्यूटिव कमेटी में बहस हुई थी और बड़े जोरों की बहस हुई थी। मैंने जो अभी फारसी की बात सुनाई कि मैं कद को पहचानता हूं, 1969 के बाद उन लोगों का पता लग गया जब हमने, कांग्रेस ने प्रोग्रेसिव कदम उठाने शुरू किये इंदिरा गांधी जी की अगुवाई में। क्या इन बात को कोई झुठला सकता है कि पार्लियामेंटरी पार्टी की एक्जीक्यूटिव कमेटी में कृष्णा मैनन को घुरा भला नहीं कहा गया? चलो मान लिया कि कहा गया लेकिन जवाहरलाल जी को भी घुरा भला कहा गया। यह कहा गया कि वह कृष्णा मैनन की हिमायत करते हैं चलो यह भी मान लिया क्योंकि वह एक्जीक्यूटिव कमेटी के मेम्बर थे। उनको अपनी राय देने का हक होता है। मगर 'अमेरिकन टाइम्स' में उसके छप जाने के क्या माने होते हैं, इसका क्या मतलब है। ये अलफाज जो अमेरिकन टाइम्स में छप गये थे इससे सब लोग हैरान थे कि ये कैसे छप गये।

एक बात और कहना चाहता हूं कि मैंने दो बार जवाहरलाल जी की आंखों में आंसू देखे। एक उस वक्त जब रावलपिंडी में 1947 में शुरू में डिस्टर्बेंसिज हुईं। जब वह लाहौर से रावलपिंडी जा रहे थे तो उन्होंने मुझे कहा कि मुसाफिर तुम्हें भी हमारे साथ चलना होगा। मैं उनके साथ रावलपिंडी गया और हमारे साथ दिवान चमन

लाल भी थे। जब उन्होंने यहाँ के लोगों को देखा तो उनकी आंखों में आंसू आ गए। उन्होंने चमन लाल जी से कहा कि मैं इन को ज्यादा नहीं देख सकता, तुम जाओ और अपने साथ मुसाफिर को भी ले जाओ। वहाँ जा कर उनकी हालत देख कर, उनसे बातचीत करके मुझे बनाना। दूसरी दफा जबलपुर के फसादों की बातें सुनकर उनकी आंखों में आंसू देखे गये। जब वे वहाँ गये तो उनको इस बात का पक्का आइडिया था कि यहाँ उनके मन को टीस पहुँचेगी। एक्जीक्यूटिव कमेटी में जब वे आए, जिस तरह पंजाबी में कहते हैं,

‘भरे पीने थे भाव’

उनका मन जज्बातों से भरा था। वे कुछ न कुछ कहना चाहते थे मगर खामोश रहे, कुछ न कह सके। जबलपुर फसाद पर जब डिस्कशन हो रहा था तो लोगों ने अपनी-अपनी बातें कही और कहा कि एक इन्क्वायरी कमेटी बनाई जाये जो इसकी जांच करे। इन्क्वायरी कमेटी बनाई गई। उस कमेटी में डा० मुशीला नायर, श्री सुरेन्द्र मोहन हरवानी आदि थे। मुझे इस कमेटी का चैयरमैन बनाया। इस बात को कहने का मेरा मकसद यह है कि उस कमेटी ने जो रिपोर्ट दी उसको रोक दिया गया। यह मैं बहुत पहले की बात कह रहा हूं। मगर हैरानी की बात यह है कि तीन रोज के बाद पंडित जवाहरलाल जी ने मुझे बताया कि मुसाफिर देखो, पाकिस्तान में तो यह रिपोर्ट छप गई है। यह बात मैं अपने कांग्रेसी भाइयों को इसलिए बता रहा हूं कि अब जो आप लोग खालिस कांग्रेस वाले बने हैं, यह आपकी खुशकिस्मती है कि आप आगे बढ़ते जा रहे हैं और मैं आपसे कहूंगा कि आप लोग इस मुल्क को आगे बढ़ाते ले खलिये और इसमें आपकी तरफ से कोई कमी नहीं होनी चाहिए। आपको अपना फर्ज अदा करते जाना चाहिए और हमारी प्रधान मंत्री श्रीमती इंदिरा गांधी मुल्क को जिस तरह से आगे बढ़ाते ले जा रही हैं उसमें उनको अपना पूरा सहयोग देना चाहिए। सभापति जी, मैं आपसे हृदय से क्षमा मांगता हूं क्योंकि मैंने इस हाउस का आज कुछ ज्यादा समय ले

लिया है। इस अध्याज के साथ मैं इस बिल का समर्थन करता हूँ।

पंडित भबानी प्रसाद तिवारी (मध्य प्रदेश) :
सभापति महोदय, सभी आदरणीय श्री मुसाफिर जी इस सारे सदन को अतीत की तरफ ले गये और उन्होंने अतीत की स्मृतियों को ताजा कर दिया।

[श्री उप सभापति पीठासीन हुए]

मैं फिर आपको खींचकर वर्तमान की ओर ले घाना हूँ। इस समय जो आपातकालीन स्थिति की घोषणा की गई है उसके परिणामस्वरूप जैसा कहा गया है, सरकार को बहुत से आडिनेन्स जारी करने पड़े और अब वे एक-एक करके बिल बनकर आ रहे हैं और एकट बनते जा रहे हैं। अब यह बात जाहिर हो चुकी है और छिपी हुई नहीं रह गई है कि आपातकालीन स्थिति की जो घोषणा की गई है और जो आडिनेन्स बिल के रूप में हमारे सामने आकर एकट बन रहे हैं और इस संबंध में जो अन्य कार्यवाहियों की गई हैं उनको सारे देश ने समर्थन मिल रहा है और इस बात को भी सभी लोग मानते हैं कि देश को एक भयंकर विस्फोट से बचा लिया गया है, भीषण रक्तपात से इस देश को बचा लिया गया है। इमरजेंसी की घोषणा कई बार पहले भी हुई है, लेकिन वह इमरजेंसी इस प्रकार की नहीं थी। वह इमरजेंसी एक विदेशी आक्रमण का मुकाबला करने के लिए लागू की गई थी। पिछली बार जो इमरजेंसी की घोषणा की गई थी उससे हमारे देश को दुनिया के राष्ट्रों में गौरव प्राप्त हुआ था और श्रीमती इंदिरा गांधी के नेतृत्व में देश को यश भी प्राप्त हुआ। वह एक चमत्कार था कि 90 हजार सैनिकों ने आत्म-समर्पण कर दिया। यह एक अभूतपूर्व घटना थी। उसके बाद बंगलादेश आजाद हुआ और यह भी एक चमत्कार था। सारे शरणार्थी कुशलतापूर्वक वापस चले गये। मुझे याद है और हमारे अन्य साथियों को भी याद होगा, जब हम लोग सेन्ट्रल हाल में बैठे हुए थे और उस विजय के उपलक्ष्य में श्रीमती इंदिरा गांधी का अभिनन्दन कर रहे थे तो सभी दलों

के लोग जिसमें सभी विरोधी दलों के लोग शामिल थे, एक दूसरे से श्रीमती इंदिरा गांधी के नेतृत्व की प्रशंसा में स्पर्धा कर रहे थे। लेकिन मेरा अपना ध्यान है उसमें वे दुबक कर रह गये क्योंकि उनके पास कोई चारा नहीं था। सच बात तो यह है कि इस तरह का गौरव और यश उनको सहन नहीं हो सका। कहते हैं :

“जो अपनी बुलंदी पर खुश होकर लचकती है,
सैयाद की आँखों में वह शाख खटकती है।”

तो वह शाख खटक गई और उसी समय से तैयारी होने लगी। शिमला समझौते के समय से ये तैयारियाँ और भी जोरों पर होने लगी और जो वामपंथी, दक्षिण पंथी, उग्रपंथी, साम्प्रदायिक तत्व और समाज विरोधी तत्व थे, सब एक साथ मिल गये और सरकार विरोधी कार्यवाही करने लगे। इन समाज विरोधी तत्वों को जमाखोरों, मुनाफाखोरों और तस्करों ने भी सहयोग दिया और स्थिति को बिगाड़ने में मदद की। अब घोषणा के बाद इस तरह के सब तत्वों के ऊपर संकुश लग गया और उन्होंने इस तरह की घोषणा का विरोध किया।

आज हम जिस संशोधन बिल पर विचार कर रहे हैं, वह तस्करों और तस्करी पर संकुश लगाने के लिए है। समाज विरोधी तत्वों के बीच में तस्कर सब से निकृष्ट प्राणी है। वे कानून विरोधी कार्यवाही तो करते ही हैं, लेकिन लुक-छिपकर, स्वार्थ लिप्त होकर प्राण-घातक कार्यवाही भी करते हैं। इस तरह के लोग विदेशी मुद्रा की तस्करी करते हैं और विदेशों से घड़ियाँ, ट्रांजिस्टर, अफीम, गांजा, कला कृतियाँ, मूर्तियों की भी तस्करी करते हैं और न जाने कितनी प्रकार की तस्करी करते हैं। उनका अपना एक श्रम से संगठन है। उनकी अपनी श्रम से सेना है, उनका अपना साम्राज्य है, उनके अपने साधन हैं, जो कभी-कभी सरकार से भी ज्यादा हो जाते हैं जो उनके पास विसृत शक्ति वाली नाबें हैं, वैसी नाबें भारत सरकार के पास भी नहीं थी। यह तस्करी करने वाले लोग काला धन पैदा करते हैं और हर तरह से सामर्थ्यवान होते हैं। श्री प्रणव

[पं० भवानी प्रसाद तिवारी]

मुखर्जी ने इस बिल को पेश करते हुए इस बात को स्वीकार किया है कि ये लोग आर्थिक व्यवस्था तो गड़बड़ करते ही हैं, इसके साथ ही साथ शासकीय स्थिति, राजनीतिक स्थिति, न्यायिक स्थितियों को भी अपने पक्ष में खरीद लेते हैं और इससे जो हंगामा देश में पैदा होता है, वह बहुत खतरनाक होता है। इस तरह के लोग अपनी रक्षा करने के लिए विद्रोही राजनीतिज्ञों को परिपोषण करते हैं अपने साधनों से। इस तरह के लोगों पर संकुश लगाने के लिए पहले भी कानून थे, लेकिन उनमें कुछ त्रुटियाँ थी जिस के द्वारा वे अदालतों से या तो छूट जाते थे या फिर जमानत पर रिहा हो जाते थे। अब इस संशोधन विधेयक द्वारा वे तमाम रास्ते बन्द कर दिये गये हैं। यह आवश्यक भी था और अगर इससे भी कठोर प्रावधान किया होता तो मैं उसका स्वागत करता और समर्थन करता।

जैसा मैं पहिले ही कह चुका हूँ कि तस्कर लोग समाज व देश के अखिल नम्बर के शत्रु हैं। उनके अपने हित और स्वार्थ होते हैं और राष्ट्र का हित उनके सामने कुछ नहीं होता है। अपने विद्यार्थी काल में मुझे एक कविता पढ़ाई गई थी, जो ठीक-ठीक तस्करों पर लागू होती है और जो इस प्रकार से है :

Breathes there a man with soul so dead, Who
never to himself hath said 'This is my own,
my native hind', If breathes there such, go,
mark him well, For him no Minstrel, rapture
swell,

High though his titles, power and pelt,
The wretch concentered all in self,
Living shall forfeit fair renown,
And doubly dying shall go down.
To the vile dust from whence he sprung,
Unhonoured, unwept and unsung.

आशा है कि यह विधेयक समाज की नैतिकता को गिराने वाले इस अधःपतित प्राणी को भू-लुटित करने में समर्थ होगा, तस्करों की शीश और जर्जर होगी, अन्धाशानपर्व मनेगा।

मैं इस विधेयक का समर्थन करता हूँ।

MR. DEPUTY CHAIRMAN : The House
stands adjourned till 2.30 P.M.

The House then adjourned for
lunch at fifty-six minutes past
twelve of the clock.

The House reassembled after lunch at
thirty-two minutes past two of the clock. Mr.
Deputy Chairman in the Chair.

SHRI KHURSHED ALAM KHAN
:(Delhi) : I rise to support the Bill. But
it is an interesting experience to be the
last speaker of the day. with all the ad-
vantages and disadvantages. Advantages
are that whatever is to be said has already
been said. Disadvantages are that there
is nothing more to be said . . .

{Interruptions}

In any case, in fact, this Bill has been
introduced not a day too soon. Frankly. it
seems to me a matter of surprise as to why
we failed to foresee the lacunae, weaknesses
and shortcomings, which frustrated our earlier
efforts which were made by our Ministry and
our Administration. The mover of the
Statutory Resolution had perhaps no legs to
stand and hence adopted the best course of
escapist method by remaining away from the
House.

The smuggling and clandestine trade
operations had assumed alarming proportions
in the country. And this is a very bad
situation. It is unfortunate that we lost very
precious time in realising the seriousness and
gravity of the matter before initiating necessary
effective action.

Sir, it is obviously necessary that when
we embark on tiny such venture or launch
a drive against smuggling operations, we
must have more initiative, more imagina-
tion and drive, otherwise we shall certainly
fail to achieve the desired results. I fail
to appreciate as to why we waited for this
'emergency period, to be more active, in-

stead of realising our responsibilities and taking necessary action to curb this menace in the country.

This is not the thing only with this Department. In fact, many other departments have acted in the same manner, for instance, the railways have done the same mistake. I remember that a number of questions were asked about ticketless travel and the usual answer was that they were aware of the problem and that we have to live with this problem. We find that they are so active today. Why could they not be a little more active at that time instead of taking that passive attitude? This department as well as any other department should realise their responsibilities and take more initiative. Otherwise, this inaction will never pay. A very peculiar situation and atmosphere prevails in the country today. It is normal with the business and trading community that they feel that without entering into clandestine operations and nefarious activities, perhaps they cannot make the necessary profits on their investments. Obviously, they are not satisfied with the reasonable expected return on their investments and perhaps in their desire to become rich overnight at the expense of the common man, they indulge in these nefarious activities which have to be curbed.

Another important question I would like to ask the hon. Member is that a lot of smuggling is done in the country. There are things which are brought into the country from outside and things which are smuggled from one State to another State. When action is taken against the smugglers, their goods are confiscated. Why are the transporters not punished? Why their licences are not cancelled? Why their transport vehicles are not confiscated? Unless this is done, we will not be able to discourage movement of smuggled goods and movement of goods which will make black money. We have to remove this impression both from the minds of the traders and the transporters that they can get away with whatever they like to do. The transporters must realise that they

cannot escape the responsibility. We must do this and face all the difficulties. If any problems crop up, we may bring about fresh legislation, if necessary, to meet the situation.

Sir, a lot of things have been said about the leakage of foreign exchange. I would like to mention one particular source of foreign exchange leakage and that is through the tourists who arrive in this country from abroad. Approximately, 5 lakh tourists arrive in the country from abroad and they spend hundreds and thousands of dollars and other foreign currencies in this country. No doubt, now there are certain restrictions that the foreign tourists have to pay their hotel and accommodation charges in foreign exchange. But a lot of money is utilised otherwise and this has to be stopped. Some definite action has to be taken to prevent this sort of leakage of foreign exchange.

Another important thing is that in all the big cities, wherever you go, you find a large number of shops stocked with foreign imported goods. Why do we fail to find out the source of supply of those things, how did they arrive in India and how did they come into the market? What was the source of importing them and who has imported them?

This has been done for a long time and practically everybody, who is concerned and who is not concerned, knows about it and knows it very well. Yet, they all wink at it.

Sir, another important thing about which I would like to invite the attention of the hon. Minister is the large-scale evasion of excise duty, particularly on tobacco, and the nefarious trade in opium in so many districts in so many States of the country. I suppose, in Uttar Pradesh alone, about Rs. 5 crores of excise duty is not paid by these tobacco dealers, and they smuggle out tobacco from the State or from one district to another district without any difficulty. Who is responsible for taking it out, what the officers of the excise department-

Sir, today, in the Emergency, people are amenable to discipline. Let us bring back discipline. Let us make them more straightforward. Let us make them more honest. And this is the time when we can do it by legislation, by executive action and by involving really good, honest people from the public. If this is done, I,

Sir, the hon. speaker who spoke just before me raised a very salient point, namely, as to why we had to come forward with these provisions in the amending Act

during the emergency and what we were doing when the emergency did not exist. Sir, if he kindly looks into the various provisions of the Bill, he himself will come to the conclusion that the amendments proposed in the Bill have been made as a result of the experiences gained during the course of the anti-smuggling operations. For example, Sir, in the amended provision of section 5A of the Bill we have indicated that if somebody is detained on more than two grounds and if one or two grounds or some grounds are vague, nonexistent or not relevant as per the order of the courts and the other grounds remain valid, it will not be possible for the courts to release a detainee as they used to do on earlier occasions with the result that if out of ten grounds one ground is bad, this is a fit case for detention. This thing came to light through the observations of courts in certain cases and this is a legal matter which could not be foreseen and which cannot be foreseen in a casual manner. Therefore, when these exigencies arose we had to counteract and we took the opportunity of bringing this piece of legislation.

Similarly, Sir, as I have already mentioned while making my introductory remarks, smuggling and foreign exchange racketeering are not merely indulged in by a section of the population to amass their profits and to have a good fortune but at the same time these activities are distorting the economic activities in the country and, as has been correctly pointed out by some hon. Members, contributing to the forces of destabilisation which are against the very basis of the foundations of the structures which we are trying to build up. Therefore, we have taken the opportunity of the emergency and provided that so long as emergency continues, there would be no need of giving reasons of detention to the detainees.

SHRI KHURSHED ALAM KHAN: What happens afterwards?

SHRI PRANAB MUKHERJEE: Afterwards it will lapse because it is a consti-

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i emergency certain fundamental rights j provided in the Constitution remain suspended. I can only resort to these provisions so long as the emergency continues. Therefore it would not be possible for us . . .

SHRI KHURSHED ALAM KHAN: Then you go back to the old position.

SHRI PRANAB MUKHERJEE: We will have to go back to the old position j so far as the reasons of detention being mentioned are concerned. You cannot help j this unless you change the Constitution.

SHRI KHURSHED ALAM KHAN: Amend it.

SHRI PRANAB MUKHERJEE: That is a separate matter.

SHRI KHURSHED ALAM KHAN: And, you are doing it very often.

SHRI PRANAB MUKHERJEE: That i is not the question. But you cannot bring all the subjects within the discussion of j one Bill, particularly a small Bill like i this. Therefore, it is not correct to say i that because there is emergency we have ' come forward with certain measures and when there was no emergency we did i not take any action.

Sir, I would like to quote some figures, ¹ even ' at the risk of bothering hon. Members, only to convince that this is not a sudden spurt of action which Government j has taken up. Since September, 1974 when MISA was amended and applied to (the smugglers and foreign exchange racketeers, it is a continuous process and if anybody takes the trouble of looking at the figures he himself will come to the conclusion that at no stage since September, 1974 Government has slackened its activities. It is known to the hon. Members of this House that MISA was replaced by the Act COFE POSA in December, 1974 which i had the privilege of piloting on the floor of this very House and which came into existence on the 19th December, 1974. On that date, Sir, the total number

of people who were detained was 527. Lip to l'>th July. 1975, 715 addition detention orders have been issued. Therefore, the i number of detention orders has almost doubled. Looking at the figures of seizure | one would definitely come to the conclu- i sion that the number of seizures has in- j creased almost every month, and if we I take the starling point from the month of September, 1974 when vigorous activity starting so far as smuggling and foreign exchange racketeering are concerned, in the month of September. 1974 the total number of seizures was 3,999. In October it was 4,015, in November 4,068. in De- cember 4,701, in January 4,807, in February 4,829, in March 4,762. in April 4,526 in May 5,020 and in June 4,600. These are provisional figures. Therefore, one can reasonably come to the conclusion from these figures that this is not a sudden spurt of action because there was emergency and therefore the Government has come forward with a heavy hand on smugglers and foreign exchange racketeers. Since we started our campaign and action against smugglers in September. 1974, unabated, continuous efforts are going on so far as the raids are concerned, so far as seizures are concerned and so far as detentions are concerned. But, at the same time, it is to be kept in mind that we have to work within the framework of law and while operating, while functioning in om experience if we find that certain difficul-lies are coming in the way, there is nothing wrong if we come forward before the House and try to amend the various provisions of the laws to suit our requirements. This is such a piece of legislation.

Another factor is to be kept in mind. While the number of raids is increasing, the quantum of the total goods seized is decreasing. Somebody may take fancy of saying that perhaps after September-October Government has slackened its activities. Government started dragging its feet and the entire smuggling operations were as they were before the crackdown and our activity came to a halt. But that

is not correct. There are three or four clear indications which can show that smuggling activities are being gradually reduced considerably every month. But if we come to the conclusion that merely by taking preventive measures, merely by detaining people and conducting searches and raids these smuggling activities could be done away altogether, perhaps it Would not be correct. There are certain other factors also on the economic side. If we cannot take care of those factors side by side, we can reduce the smuggling to a certain extent but it would not be possible for us to eradicate it completely.

That is why. a total package deal.

' a total economic programme, is chalked out to lake care of ihe problems.

! My friend has asked, why we do

j not take care of the transporters and transport. I can just give him the figure about the number of vehicles which have been confiscated during the last year, 1974. Il was 763. Therefore, it is not a fact that we allow the transporters to go on smug-

I gling and carrying smuggled goods. Sir, even under the main Act those people who

i are to be detained arc the major traps

j porters, the major dealers of the smug- gled goods and those people particularly

j who are the kingpin, who manage the whole show remaining behind the scene.

These are the people who are to be de- tained under this Act. Therefore, it is not j correct lo say that we are noi taking care of the transporter and we are allowing him j go his own way. I am talking of the vehi- cles which have been caught while operat-

i ing smuggled goods. The total number of j confiscations in the year 1974 comes to ! 763.

I do entirely agree with the hon"b!e i Member that until and unless we take care

\ of the properties which are being created I by the smugglers perhaps it would not be : possible for us to do away with me nace altogether. ft has been pointed j out on many occasions on the

; floor of this House, and recently also

the Finance Minister has announced that ' we are going to bring a very comprehensive piece of legislation to take care of the problems of the properties which are to be confiscated, but we shall have to take care of certain handicaps and certain predicaments. We shall also have to identify the properties; we shall have to locate the properties; we shall have to build up the links with these properties—because definitely these would be *hcnanii*: not in the name of those persons but other persons. It is not a fact that Government is not taking any measures in that direction. I can mention one step which has been taken recently, about surveying the luxury houses in posh areas, where teconte-tjus people are taking care . problems and working in close ion with certain other central agenda.

One hon'ble Member, while making his observations, asked: Why can't the Government have a very high-powered committee to look into various aspects of the economic offences ? I can assure the hon'ble Member that already such committee exists. One official committee is there under the chairmanship of the Cabinet Secretary. And not only that. Sir, a group of Ministers also looks into the problem, including myself and my esteemed colleague Mr. Om Mehta, because the various agencies which are dealing with economic offences are either under the Home Ministry or under the Finance Ministry. A group of Ministers has already been constituted to look into these matters and to coordinate. And I can tell you, Sir, that as a result of these measures, it has been passible for us to take an overall stock of 11',. whole situation.

Mr. Sardesai, while making his observations, has suggested that we should take very deterrent measures against the foreign exchange racketeers. I do entirely Bgre* with him. Foreign exchange racketeering is no' taking place merely by smuggling in or smuggling out goods, but at the same time under various other measures.

even by utilising the normal trade channels, through over invoicing and under-invoicing. These matters are also being looked into. The Foreign Exchange (Regulation) Act which has been passed by this very House contains certain provisions in this regard; and even in this Act we are laying more and more emphasis on racketeering in foreign exchange. Sir, the hon'ble Member wanted to know how many people have been detained on the charge of racketeering. Up to 19th July, 1975, there have been 134 detenus relating to foreign exchange racketeering only out of the total number of detention orders issued till that date.

Therefore, this is a comprehensive measure . . .

3 P.M.

SHRI SANAT KUMAR RAHA: Why not chargesheet them ? They have been detained for gross violence of the laws. Why should they not be chargesheeted and produced before the court ?

SHRI PRANAB MUKHERJEE: If I could produce them before the court with sufficient evidence, then, perhaps, I need not have taken the trouble of coming with a provision like this and being criticised by the hon. Members. This is the type of evidence which could not be established in the court. The whole concept of the preventive detention is that you cannot establish it in the court as there is not sufficient evidence. Particularly, from these types of people, it is not expected that a top smuggler who is even a regular income-tax payee and who has a sizeable quantum of income would smuggle the goods or deal in the smuggled goods directly. These people remain behind the scene. There is no direct evidence against those foreign exchange racketeers, those smugglers and those who are brought under the purview of this Act. There is no direct evidence which could be produced before the court as a result of

[Shri Pranab Mukherjee]

which they could be punished under the ordinary law. That is why this preventive detention...

SHRI SANAT KUMAR RAHA: I want to know whether you have any figures of convictions ?

SHRI PRANAB MUKHERJEE: I have some figures; but we are at present talking of the Preventive Detention. There are various Acts like Foreign Exchange Regulations, Customs Act and certain other Acts. But for the time being we are talking of the Preventive Detention Act and these figures relate only to the preventive detentions of those who have been detained under COFE POSA. But if the hon. Member is interested, he can raise this issue on other occasions. Therefore, this is not a fact that we are not taking care of the problems of the foreign exchange racketeering equally.

Another member while making observations—and if I remember correctly, it was Mrs. Kulkarni—laid much emphasis on the gold smuggling. But, perhaps, she is mistaken. The present trend in gold smuggling has reduced to a considerable extent because of the very fact that the international price is equally high and the trend of the smuggled goods also has changed considerably. If I quote two figures, it would help the hon. Members to appreciate how the patterns of the j smuggled goods are changing gradually. J In 1969, the total seizure of smuggled gold was in the order of Rs. 530 lakhs while synthetic yarn seized was in the order of Rs. 644 lakhs. In 1974, j the gold smuggled has been reduced to Rs. 92 lakhs while synthetic yarn, smuggling increased considerably, to the extent of Rs. 2788 lakhs. Therefore, gold smuggling is not a very big problem for the country today. Same is the case with j silver. These are not the particular types i of goods which are smuggled into the mar- [tet. We are taking care of that. Not only that, we have taken certain other measures | also to see that confiscated goods are I

! not used as cover for further smuggled goods and for that, we have taken some I decisions which are in operation for the I time being. From the 6th of June onwards, the confiscated goods which I were usually to be disposed of through the co-operative societies, have been stopped, except in the case of perishable goods. We want to survey the market j and we are looking into the impact on the j market. At the same time, there are cer-I tain proposals which are under the consi-| deration of the Government to revise the j baggage rules also. In certain areas we I have found that taking advantage of these J baggage rules sometimes, these customs j clearance certificates and other types of documents are used as cover for the smug-J gled goods. Therefore, we are considering in that direction also and very soon it j will be possible for us to arrive at a decision.

Another point has been mentioned by another hon. Member that we are taking measures against the smugglers and foreign exchange racketeers but why we are not taking sufficient measures to clean the administration and to see that the erring officers cannot build up any collusion with the smugglers. In that direction also. Sir, when the operation started from September 1974, we have already taken certain steps and I can assure the hon. Members that there too, we have taken actions against a considerable number of officers.

Of course, the measures which we have taken could not be strictly treaty as all punishment. Some of them are by way of punishment and penalty and some of them have been taken in the routine administrative manner. Since September, 1974 the total number of officers transferred from vulnerable areas is 339. Officers who have been recommended for premature retirement are 106 and officers against whom premature retirement has already been decided are 72. Officers against whom disciplinary action has been initiated are 39. From these figures hon. Members will definitely appreciate that there is quite a sizeable number of officers against whom action has been taken, keeping in view

that this is an organisation which should act promptly. At the same time, there should not be any erring personnel or men of doubtful integrity within the organisation.

Before I conclude, I would like to mention that these are the various administrative measures which we have taken. Even in this Bill where we have taken some drastic powers or important powers, they would be applied judiciously. This has been done out of the experience we have gained during the operation of the Act. These powers are essential and necessary. Otherwise, we cannot take care of the problem. We cannot do away with the menace which has been created by these smugglers and foreign exchange racketeers.

Certain extraneous matters have also been referred to and I would like to touch only one point and that is about the evasion of excise duty. This has been mentioned by Mr. Khurshed Alam Khan. We are aware that there are certain evasions in respect of some commodities and it may be that tobacco is one of the commodities. One point has to be kept in mind. Last year's revenue realisation both on account of direct taxes and indirect taxes—I mean Central excise and customs—was practically an all-time high. Therefore, it is not a fact that there has been large-scale evasion. Still there may be some loophole. We are trying to plug the loopholes and it will be possible for us to take care of the problem.

I hope I have tried to cover all the points which the hon. Members have mentioned. I hope this Bill will get the support of all sections of the House. Thank you.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to amend the Conservation of Foreign Exchange and Pre-

vention of Smuggling Activities Act, 1974, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

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

SHRI PRANAB MUKHERJEE: Sir, I move:

श्री रणवीर सिंह (हरियाणा): उपाध्यक्ष जी, अभी जब मंत्री जी जवाब दे रहे थे तो उन्होंने इस बात का जिक्र किया कि आपातकालीन स्थिति के हट जाने के बाद देश के अन्दर पुरानी हालत पैदा हो जाएगी। मैं इस बात को मानता हूँ कि नज़र-बंदी से तस्करी का सही इलाज नहीं होता है। तस्करी तस्करी करते हैं अपनी ज़ायदाद बनाने के लिए।

उपाध्यक्ष महोदय, हमारे देश के अन्दर राजाओं की रियासतें छीन ली गई हैं, ज़मींदारों की ज़मीनें छीन ली गई हैं और जो खुद खेती करते हैं, 100 एकड़ में, 50 एकड़ में, जो बहुत बड़ी ज़मीन नहीं क्योंकि कनाडा से मेरे पास एक पत्र आया है जिसमें लिखा है कि वहाँ पर साढ़े पाँच सौ एकड़, दो हजार एकड़ के फार्म होते हैं। लेकिन हमने अपने देश की आर्थिक हालत को देखते हुए यह कबूल किया है कि केवल साढ़े बारह एकड़ या अठारह एकड़ और अगर कुछ भूमि है तो 54 एकड़ ज़मीन में खेती करने वाला भाई अपनी खेती कर सकता है। खेती करने वाले भाईयों ने इस देश की कितनी सेवा की है? अगर देखा जाये तो अनाज पैदा करने वालों ने खेती की पैदावार में, हर चीज़ में दुगुनी पैदावार

[श्री रणबीर सिंह]

की है। लेकिन जो भाई शहरों में रहते हैं, उन्होंने क्या किया? किसी ने जायदाद बनाई और किसी ने बच्चे पैदा किये, लेकिन किसी ने भी मेहनत का काम कोई नहीं किया। सब तस्करी करने वालों ने इस देश में बच्चे पैदा किये और इसका नतीजा यह हुआ कि जो खेत में पैदा करने वाला है...

एक माननीय सदस्य: बच्चों से क्या शिकायत है?

श्री रणबीर सिंह : बच्चों से तो कोई शिकायत नहीं है और एक ही शिकायत है कि जो खेत में काम करने वाले किसान हैं, जो देश की आमदनी बढ़ाते हैं उसकी औसत आमदनी घट गई है इन बच्चों के पैदा होने से। तो मैं इस बात को मानता हूँ कि जो लोग तस्करी करते हैं और जो नजरबन्दी हैं, उनकी जायदाद को जप्त किया जाना चाहिये।

मेरे भाई सदस्य ने अभी कहा कि जो तस्करी करते हैं, उन पर मुकदमा चलाया जाना चाहिये। उनको इस बात का तजुर्बा होगा कि इस तरह के तस्करों के ऊपर जो मुकदमे चलाये गये थे उनमें कितने टूट गये थे। अभी मंत्री जी ने आंकड़े दिये हैं कि पहले कितने नजरबन्द थे और उसके बाद नजरबन्दी के कितने हुकम निकाले गये और फिर छोड़ दिये गये। अगर 500 के खिलाफ हुकम थे तो 700 नहीं हुए। जैसा कि उन्होंने हिसाब दिया 700, 800 और 900 का तो मैं कहना चाहता हूँ कि 1200 नहीं हुए। मैं इस समय नम्बरों के झगड़े में पड़ना नहीं चाहता हूँ। मैं तो एक बात कहना चाहता हूँ कि जिन लोगों ने नाजायज तरीके से जायदाद बना ली है, इस आपात्कालीन स्थिति में उनकी जायदादों को जप्त कर लिया जाना चाहिये। अगर वित्त मंत्री जी इस तरह का कदम उठावेंगे, तो सारा देश इस चीज का स्वागत करेगा और देश मानेगा कि आपात्कालीन स्थिति का सही इस्तेमाल किया गया है।

यहाँ नहीं, जैसा कि अभी जिक्र किया गया है कि आपके महकमे में जितने आफिसर हैं, चाहे वे एक्साइज ड्यूटी से सम्बन्ध रखते हों, चाहे कस्टम ड्यूटी से सम्बन्ध रखने वाले हों या तस्करों से सम्बन्ध रखने वाले हों, अगर उन्होंने या उनके रिश्तेदारों ने अपनी आय से ज्यादा जायदाद बना ली है, जो जायदाद कायदे कानून के खिलाफ आती हो, उसको भी जप्त किया जाना चाहिये। इसलिए मैं आप से कहना चाहता हूँ कि इस तरह के आफिसरों की तथा उनके रिश्तेदारों की जायदाद को भी देखा जाना चाहिये। 100 में से 80 प्रतिशत आफिसर ऐसे हैं जिन्होंने इस तरह की जायदाद आपके महकमे में रहते बना ली है। इस तरह के जो आफिसर गैर-कानूनी जायदाद बनाने के दोषी पाये जायें उनकी जायदादों को भी जप्त किया जाना चाहिए। हम सीलिंग के मातहत दूसरे लोगों की जमीनों को ले रहे हैं। इसलिए मैं कहना चाहता हूँ कि कुछ लोगों के साथ रियायत करना और कुछ लोगों के साथ सख्ती करना ठीक नहीं है। हमें सभी के साथ बराबरी का बर्ताव करना चाहिए। इसलिए मैं मानता हूँ कि जिन लोगों को इस बात के लिए दोषी पाया जाता है, जिन लोगों ने बड़े-बड़े महल खड़े कर दिये हैं, जिन्होंने गैर कानूनी तरीकों से आभूषणों का बड़ा लोहा, रिश्तत ली है, उन सब की जायदादों को आपात्कालीन स्थिति में जप्त कर लिया जाना चाहिए। अगर यह बात हुई तो देश आपके मंत्रालय की वाह-वाह करेगा। बरना तो अगर आज हमारे देश में देखा जाये तो बहुत ज्यादा नाजायज रुपया कमाने का जरिया जो है वह आपके महकमे से ही पैदा होता है। वह इंस्पेक्टोरेट हैं, वह आफिसर हैं और मुझे मालूम है, मैं जानता हूँ कि हमारे यहाँ के एक महंत है श्रेयोनाथ, उन के खिलाफ आयकर के आफिसरों ने निकाला कि उनको 2 लाख रुपया इन्कम टैक्स का देना है, लेकिन वह जीरो ही गया और हमारे प्रदेश का हर आदमी यकीन करता है कि वहाँ शायद मनो सोना होगा। लेकिन कोई

पूछने वाला नहीं। इन्कम टैक्स मारा माफ हो गया। आज मुश्किल यह है कि गरीब के लिये तो सब कानून है। देहांत में अगर कोई आदमी 50 रुपये चोरी कर ले तो उसके साथ इस देश में मारी आजादी होने हुए भी क्या मलूक होता है वह आप किसी पुलिस स्टेशन में जा कर देख सकते हैं लेकिन जो पैसों वाले भाई हैं, जो नाजायज पैसा कमाने हैं, जिन्होंने लाखों, करोड़ों रुपया बना लिया है उनके साथ वहां क्या मलूक होता है यह देखने की बात है। उनको अच्छे बलास में रखा जाता है, उनकी कोई थप्पड़ नहीं लगा सकता, उनको कोई तंग नहीं कर सकता लेकिन 50 रुपये चोरी करने वाले की तो थाने में पहुंचते ही चार थप्पड़ फौरन लगा दिये जाते हैं। तो जिन्होंने इस देश के साथ अस्थाय किया, इस देश को गरीबी की तरफ जाने के लिए मजबूर किया उनके साथ आज सख्ती करने की आवश्यकता है और उतनी ही सख्ती करने की आवश्यकता है जितनी कि देहांत के 25 या 50 रुपये चोरी करने वाले के साथ होती है। जो लाखों रुपयों की रिश्वत लेते हैं उनके साथ भी आपको उतनी ही सख्ती करनी चाहिए और अगर यह सख्ती हुई और आप के मंत्रालय ने यह काम किया तो अच्छा होगा। शहरों में जो बड़े-बड़े महल बने हुए हैं उनमें से ज्यादातर ने या तो यह पैसा टैक्स में चोरी किया हुआ है या उन लोगों ने तस्करी की है। उनमें से मुश्किल से दस, पांच फीसदी मकान ऐसे होंगे कि जो ईमानदारी के रुपये से बने हों। तो जिन भाईयों ने यह चोरी की है उनको सजा मिलनी चाहिए। आपने आप दादों की जायदादों को छीना है लेकिन दूसरी तरफ ऐसे लोगों के साथ अगर आप रियायत करते हैं तो उससे इस आपातकालीन स्थिति को लागू करने का पूरा फायदा इस देश को नहीं पहुंचेगा। तो मैं आप से प्रार्थना करता हूं कि आप इस बात को छोड़ दें कि आपातकालीन स्थिति समाप्त होने के बाद हमें संविधान में तब्दीली करने की आवश्यकता होगी या नहीं। अगर आप तस्करी की जायदाद जप्त करने लगे, रिश्वतखोरों की

जायदाद का जप्त करें तो बहुत अच्छा होगा। आपने आँकड़े दिये कि हमने ऐसे लोगों को पढ़ने रिटायर कर दिया। यह क्या मजा है। जिस आदमी ने लाखों रुपये की रिश्वत ली हो जो देश की तरक्की के रास्ते में रोड़ा बना उसको आप कुछ पहले रिटायर कर दें यह कोई मजा नहीं है। उसकी मजा तो अगर आप मुझ से पूछें तो यह है कि उसको बाजार में खड़े कर के बेत मारे जाने चाहिए। यह उनकी ठीक मजा है। उसकी जायदाद जप्त की जानी चाहिए यह उसकी ठीक मजा है। तभी लोगों को पता चलेगा कि हम यह आपातकालीन स्थिति किस लिये लाये हैं। हम में से कुछ भाइयों को मिला है कि हम ने इस आपातकालीन स्थिति की घोषणा इसलिए की कि हमारे पास शक्ति रहे, लेकिन वह लोग भी इस बात को मानेंगे कि यह स्थिति दरअसल किसी पार्टी, कुछ व्यक्तियों की शक्ति को कायम रखने के लिये नहीं लागू की गयी है बल्कि यह देश की आर्थिक हालत को ठीक करने के लिए, देश की आर्थिक बीमारियों का इलाज करने के लिए लागू की गयी है। तो मैं फिर दुबारा निवेदन करना चाहता हूं कि ऐसे अफसरों को पेंशन पाने के पहले ही उन को रिटायर कर के घर भेज देना उनकी कोई मजा नहीं है।

यह मजा कुछ सजा नहीं है। इसको सजा के काबिल न समझिए। उनको तो एक दिन भी रहने का हक नहीं था। उनसे तो वसूल करना चाहिए कि जितनी नालायकी से उन्होंने काम किया, उनकी जायदाद जप्त करके उनसे वसूल किया जाए तो वह सजा है। दो साल पहले उसको रिटायर कर दें, यह कोई सजा है? जिसने बेईमानी करके लाखों रुपया लिया, उसको आपने रिटायर कर दिया। यह कोई सजा है? तो आपातकालीन स्थिति में वह लोग इस सजा को सजा मानेंगे, यह सोचने की बात है। हमारी सरकार को कोशिश करनी चाहिए कि ऐसे लोगों को सख्त सजा दे।

इसके साथ ही हमारी सरकार को, जैसा मैंने कहा, बहुत तेजी से कदम उठाने चाहिए। खास तौर पर कम्युनिस्ट भाइयों और दूसरे भाइयों से मैं कहना चाहता हूँ कि वह समाजवाद के लिए, समाजवाद लाने के लिए देहातों में हवाई जहाजों से चलना चाहते हैं तो शहरों के अन्दर समाजवाद लाने के लिए कीड़ी-रफ्तार से नहीं चलना चाहिए। अगर वह कीड़ी की रफ्तार से समाजवाद लाते हैं तो आगे आने वाले जमाने में उनका जीवन भी लॉग लायड न छोड़ें। देहात में आप समाजवाद लायें, उनको मिला हो लेकिन शहरों में आप ईनाम रखें, उनको रियायत दें तो इस रियायत को देश की जनता कबूल नहीं करेगी इसलिए आर्थिक न्याय देने के लिए जितनी आपके मंत्रालय की जिम्मेदारी है, मैं मानता हूँ गृह मंत्रालय की नहीं है। आपको जितनी शक्ति मिली है, वह गृह मंत्रालय को नहीं है। थानेदार तो केवल गिरफ्तार कर सकता है, आपको हक है जायदाद जप्त करने का और जो लॉग लाखों करोड़ों रुपया हेर-फेर करके इकट्ठा किये हैं उसको वापस लेने का आपको अधिकार है। आप हौसला करें, आपात्कालीन स्थिति का पूरा फायदा उठावें ताकि देश आगे बढ़े और

लोगों को विश्वास हो हमारी पादों के ऊपर और हमारी नीतियों पर, धन्यवाद।

SHRI PRANAB MUKHERJEE : I am grateful to the Z7. Member" for his forceful arguments, but unfortunately neither am I to bring socialism through this piece of legislation nor am I responsible for land ceiling and all these things. The only relevant point with which I am concerned is, he has mentioned particularly about some officers of Rohtak. I would like to have the details. If he can kindly give it to me, I would look into it. Regarding attachment of property or confiscation of I property, I have already explained what steps we are going to take.

MR. DEPUTY CHAIRMAN: The question is :

"That the Bill be passed."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. on Monday, the 28th July, 1975.

The House then adjourned at twenty-three minutes past three of the clock till eleven of the clock on Monday, the 28th July, 1975.