MESSAGE FROM THE LOK SABHA

Ihe Small Coins (Offences) Amendment Bills, 1974

SECRETARY-GENERAL : Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of Rule 120 of the Rules of Procedure and Conduct of Buisness in Lok Sabha, I am directed to inform you that Lok Sabha at its sitting held on the 10th December, 1974, agreed without any amendment to the Small Coins (Offences) Amendment Bill, 1974, which was Passed by Rajya Sabha at its sitting held on the 28th November, 1974."

MR. DEPUTY CHAIRMAN : The House stands adjourned till 2.15 P.M. today.

The House then adjourned for lunch at thirteen minutes past one of the clock.

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

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCE, 1974 (No. 11 of 1974)—contd. II. THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES BILL, 1974—

contd.

DR. V.A.SEYID MUHAMMAD(Kerala): Mr. Deputy Chairman, Sir, yesterday the hon. Member Mr. Shekhawat with considerable frill a ud embroidery made certain remarks about two of the former Chief Ministers of Rajasthan. Those remarks are highly objectionable from three points of view. In the first place neither of the ex-Chief Ministers was present in this House.

भ्वी राजनरायण (उत्तर प्रदेश) ः यहां यह क्यों रखा हे ? यह गांधी जीकी मूर्ति कांग्रेस सरकार ने तुड़वाई है।

DR. V.A. SEYfD MUHAMMAD What is this, What is this ?

MR. DEPUTY CHAIRMAN : Mr. Rajnarain, please take your seat. This is nol the way to bring all kinds of things and plac< them on the Table. You throw it outside.

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श्री राजनारायणः यह मैंने चेयरमन के आहर पर यहां रखा है।

MR. DEPUTY CHAIRMAN : Please throw it outside.

DR. V.A. SEYID MUHAMMAD : Now Mr. Shekhawat is there in the House. I was referring to the attack he made against the two former Chief Ministers of Rajasthan. That attack is objectionable from three points of view Firstly, none of the Chief Ministers involved was present in the House. Secondly, one of the Chief Ministers is no more in this world. Ordinary decency requires that you should not attack a person and that too such a scurrilous attack against a person who cannot reply by the very fact that he is no more in this world. I do not want to get myself lost in the corridors of elaborate rules, regulations and procedures. I leave it to the conscience of Mr. Shekhawat...

श्री भैरों सिंह शेखाबत : उप सभापति जो, मैं स्पन्टीकरण देव ...

MR. DEPUTY CHAIRMAN : Let him speak.

DR. V.A. SEYID MUHAMMAD : You can reply in your turn.

श्वी भैरों सिंह शेखावत : चूंकि माननीय सदस्य को इस बात का ध्रम है कि मैंने श्री बरफतुल्ला साहब के ऊपर किसी प्रकार के चार्ज लगाए है...

DR. V.A. SEYID MUHAMMAD : Please, you will get your chance to reply.

MR. DEPUTY CHAIRMAN : Please take your seat. Even if you want to interrupt you can do so only from your seat

DR. V.A. SEYID MUHAMMAD : I leave it to his conscience and I leave the matter at thai. I do not want to make an issue out of it.

Now, Sir, coming to ihe debate proper, a fear seems to be haunting some Members of the opposition, a primordial fear. They are haunted by an apprehension. What is that fear and what is that apprehension? They think that if this Bill is passed into an Act, it wil! be abused and it will be used to persecute and prosecute the members of the opposition on political grounds. 1 do not know how such a fear can arise. It is well accepted that the val/dity, propriety or the effectiveness of law, any law for that matter- is not tested by

[Shri V. A. Sevid Muhammad] ihe fact As whether a particular law can be abused. the courts say the mere possibility of abuse is no ground for finding fault with any law. This is not a wisdom specially revealed to me. This fact is known to everyone. If that is the basis of law, any law can be abused. The Penal Code is there. Various other preventive laws are I do not understand simply because there there is a possibility of the law being abused, it should be opposed. It is not a fact unknown to them. So, when they oppose the law on that ground, there must be some reason. There must be some reason why they hide behind the facade of fear. There must be some reason why this mask i; put on. The reason is obvious. The reason is they do not want any action to be taken against the smugglers, but they do not dare to come and say that they oppose the law because it is directed against So, they hide behind the the smugglers. facade of a self-imposed or self-generated fear, it is a self-generated apprehension. All of us know full well what is the object of their attack against this law. Everyday they cry that the Congress party and the Government are helping the smugglers, but when we bring forward a Bill, behind a mask, behin.1 the facade of pretended fear they attack the law ilself, the proposed law itself. The rsason is obvious- If they want to leave in a delusion, it is none of my concern, but Jo not be under the impression that you can delude the country. You cannot delude the electorate, you cannot delude the masses by this false facade of your presumed fear

Now. Sir. coming io the provisions of the Bill, we know that the smuggler is really only one of the elements or wheels in the entire machinery of smuggling. They are the last link in the process of smuggling. Smuggling has international remifications, especially by the manipulation of foreign exchange, by payment made abroad and compensatory payment made in India. Secondly, big financial interests are behind smuggling on an international scale. Thirdly, I understand there is a secret bank, smuggler's bank with a sum of about Rs. 2 or Rs. 3 crores at their disposal, to support this transaction. Fourthly, some of the officials, whether in the customs department or at different levels, are also involved in it. Fifthly, some industrialists and the commercial classes in the country are also behind this smuggling. Lastly, there is also smuggling out

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from India ot stiver, various medicines, fine cloth, rice and various items. Unless a comprehensive law, which can deal with all simultaneously, is brought forward, tackling the last link, viz., the real smuggler who is bringing in or taking out goods will not help. After examining the proposed law, I find there is a provision in the sense that not only smuggling but also abetting smuggling is covered. When the provision relating to the abetment portion is put into operation, there can be some legal and technical difficulties.

One has to examine whelher tlie expression 'abetting smuggling' wili cover all the seven items which I have enumerated. To my mind, certain items may not be covered by thai. The Finance Minister may examine that and if he finds that the expression 'abetting smuggling' does not cover the entire gamut of the seven tentacles of this octopus, he must take appropriate action by bringing forward an anuadmsn! to that section so that it .covers the entire operation.

There is one thing that I would like to say in this connection. It has been suggested in this House and outside also about the confiscation of the smuggler's property, landed property, immoveable property and other types of property. I think the Finance Minister some time ago said in an interview that most of these properties are hidden behind benami transactions so that it would be difficult to trace the real owner and to catch hold of him and get at that property. I do not think it is a formidable difficulty. I understand that in the Soviet Constitution there is a provision which gives power to the State to confiscate property which has been acquired by anti-social activities. The Minister can examine article 31 under Fundamental Rights and see whether an amendment is necessary in order to include a provision which will give constitutional power to the Government to confiscate both the direct property and the benami property. There is also another method of doing it. Without amending the Constitution, an ordinary law of this law legislature may provide for this confiscation and make a provision shifting the burden of proving that the particular property is not benami property, on the holder of that propertv.

SHRI KALYAN ROY (West Bengal) : But the hon. Member must consider that this is a heavy burden on the young Minister.

THE MINISTER OF STATE IN THE J MINISTRY OF FINANCE (SHRI PRANAB MUKHERJEE) : There is an erstwhile partner to share the burden.

DR. V. A. SEYID MUHAMMAD : Once that action is taken, he will have to prove that it is not benami property and that it has been acquired by him properly. The jurisprudence is. when the court takes over a property, or appoints a court receiver or whatever authority it decides upon, it is not the Government which really takes over the property but it is the court itself which takes it over on behalf of the property-holder. Even for confiscation for a temporary period, there may be a provision that the court may appoint a receiver so that it may not be attacked that the Government is taking away a property without compensation even for a limited period. This may be necessary because of many Supreme Court judgements. And while the litigation is going on. somebody may contest that it is my property. So, when you examine the various constitutional provisions, the possibility of shifting the burden of proving to the benami-holder and giving power to the court to appoint a receiver may be looked into. I think a comprehensive law can be made without much difficulty. This may be examined by the Finance Ministry in consultation with the Ministry of Law to see if this can be done without any legal difficulty. Unless this is done, merely catching hold of the last link, the man who carries the smuggled goods-the hewers of wood and drawers of water—is of no use and the real ten tacle, the real culprit, will be outside the law. If you do not catch hold of the real man, it becomes difficult.

About the point that Mr. Kalyan Roy was making, it must have come to the notice of the young Minister that some apprehension has been there in the country, among a section of the people, that the change in the personnel of the Ministry has created some difference in the intensity of the attack against smugglers.

1 have no doubt in my mind that it is ihe decision of the Government and not the decision of any particular Minister who was occupying the office then. Let me make it clear to the people who have any apprehensions that the change in individuals would change the policy of the Government that this is not so. And I am sure the Minister will also assure the House to this effect because it affects his personal prestige. He should assure the House that the policy against smugglers will continue vehemently.

DR. K. MATHEW KURIAN (Keraia) : He has been smuggled into the Finance Ministry.

DR. V. A SEYID MUHAMMAD : For the purpose of the party, for the purpose of the Government and for the purpose of his owr. prestige he must give an assurance that the change has not made any change in the policy and that he will continue the policy even more vehemently and will take into consideration the various suggestions I have made. He should not stop at catching hold of the last link, he should catch hold of the entire octopus and cut it limb by limb and annihilate it.

SHRI BABUBHAI M. CHINAI : Mr. Deputy Chairman, let me first see what the Conservation of Foreign Exchange and Prevention of Smuggling Activities Bill, 1974 seeks to do. It is intended to repeal the Maintenance of literal Security (Amendment) Oidinance, 1974. It has been so drafted as to be supplementary to the provisions of Article 22 of the Constitution of India relating to preventive detention. The Bill specifically provides for preventive detention in certain cases for the purposes of conserving foreign exchange and prevent;ng smuggling activities and matters connected therewith.

Before commenting upon the provisions of the Bill, I would submit smuggling is a symptom of the ills that have overtaken our society. What is worse this smuggling activity was not frowned upon by the authorities either. Even now the confiscated goods are sold in the market by the Customs Department. Moreover, the consumers, the general public, are anxious to go in for foreign goods- The grant spirit of Swadeshi which thrilled us when Mahatma Gandhi was the mentor of the nation has given place to a false sense of modernism. The fact is that many offences precede and follow smuggling. Dealing in black money, clandestine operations in foreign exchange, tax evasion, corruption and many other offences are directly or indirectly connected with smuggling. These activities impede national progress and bring calamity to masses-

As we all know, the country is faced with the difficult problem of inflation at this time. The prices of all goods, consumer as well ;is

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producer, have gone up sharply. Tile Government is doing its best to overcome this situation. But so far it has got little success-Increased production, both agricultural as well as industrial, seems to be the only way out. But production cannot be increased. There are many reasons for it but one among them is that no foreign exchange is available for the import of essential inputs like fertilisers, industrial raw materials, etc Moreover, the country has to export the articles of daily consumption like sugar, tea, cement, etc. under compulsion to earn foreign exchange. This further creates scarcity of such commodities and the prices go up further. Thus it becomes a vicious circle which becomes difficult to breakf And foreign exchange which is earned, with such great difficulty and sacrifice and which is, so to say, the life-blood of the national economy, is bartered away for individual benefit. It is estimated that smuggling drains away about R_s. 1,000 crores of foreign exchange every year. This activity is carried out like an organised industry, perhaps even better in that no rules and regulations are observed.

The operators have established empires and they exercise considerable influence also. In this context, I would like to ask, when the Government has brought this Bill before the House, whether the Government is really serious about implementing the Bill. But my own problem, Sir, is that I find-and you must also be reading it in the newspapers-that so and so has been arrested under ths MISA for violation of foreign exchange regulations, so and so has been arrested under the Customs Act, and so on. But we have never heard as to what has happened to al' those cases, whethet ihey have gone to the court, or they have been compromised, or a fine has been imposed, or a penalty has been imposed or the persons have been put in jail. Nothing is heard about those cases, with the result that the people have a general impression that the Government is not at all serious...

THE MINISTER. OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPART-MENT OF PERSONNEL AND ADMINIS-TRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): We are serious.

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SHRI BABUBHAI M. CHINA I: 1 want to cite some examples, Mr. Om Mehta, and tliat will show how serious you are.

DR. K. MATHEW KURIAN : On the Republic Day awards will be given to them.

SHRI BABUBHAI M. CHINAI : What I am saying is, I am ail for the Bill. I am not opposing it. 1 am all for the Bill. But my point is, 1 will just quote one example. In June Ordinances were issued by the Government of India for wage freeze, bonus freeze and dividend freeze. But some of the big speculators took advantage when it was leaked out. On the floor of the House 1 had said so and 1 was assured that an enquiry would be made. I took up this matter in the Financial Consultative Commtitee also and the then Finance Minister assured me tliat an enquiry was going on. Sir, I wrote a letter to the then Finance Minister on the 17th July and with your permission I want to read that letter for the benefit of the House.

'Dear Shri Chavan Sahib.

At the meeting of the Consultative committee of Parliament on the 9th of this month. I expressed the apprehension that the Ordinance restricting dividends seemed to have leaked out in as much as on the eve of the ordinance, a few important shares were unloaded in tl'e market in a big way. You were good enough to say that you would institute an enqtiiiy and also invite the Members to bring to your attention information and facts in this behalf.

It has been brought to my notice that the following two companies which are engaged in share-broking in Calcutta had indulged in such sale of shares :

- 1. G.P. Kanodia &Co.,
- 2. Vishwanath Jhunjhunwala & Co.,

Thest companies, it is said, belong to a very important person in the country. My information is that it requires to be looked into."

SHRI BHUPESH GUPTA : Who fe that ?

SHRI BABUBHAI M. CHINAI : I do not want to name anybody without the permission of the Chair.

SHRI BHUPESH GUPTA: Mr. Sinehania ?

"I submit that your Department should make the neeessary enquiries and do the needfull. The need ior such an enquiry is all the more urgent because a VIP is involved. The prestige of the Parliament has to be upheld and in this case you are in Ihe best position to do so."

Sir, this was on the 17th July. Even to-day we do not know what has happend.

Coming to the various clauses of the Bill, clause 3 is the operative clause. It prescribes the authority which may issue orders of detentions and specifies the offences to prevent which such orders may be issued. But this clause has some drawbacks of drafting. The meaning of t he words "acting in any manner prejudicial to the conservation or augmentation of foreign exchange" is not clear. The use of these words has made the field of this Bill very wide and vague. The Bill is intended to apply to habitual offenders as the hon. Finance Minister observed in the Lok Sabha the other day. While the intentions are well conceived, the provisions of the Bill are very wide and the scope of its misuse is very large. As it is, the Bill may be used against any person carrying on genuine business activities. Suppose a person engaged in export trade was exporting commodities worth about Rs. 1 crore a year. If, for any reason, national or international, his exports remain consent at Rs. 1 crore or fall to, say, Rs. 90 lakhs, he may be detained under the provisions of the Bill as he may be said to have acted in a manner prejudicial to the augmentation or conservation of foreign exchange. But the intention of the Bill is not that.

Hence il should be made clear in the clause itself that the Bill wiH be used only against those persons about whom the detaining authority is satisfied that he habitually and in an organised manner engages in smuggling activities. Also, to meet the requirement of natural justice, the person who is being detained must be informed in writing by the preventing authority about the specific charges against him. The clause should include such provision..

SHRI OM MEHTA : Before arrest or after arrest ?

SHRI BABUBHAI M. CHINAI : As soon as you arrest hirn, you should inform him. Before arresting, you cannot do it.

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Clause 8 (e) provides that a person against whom an order of detention has been made is not entitled to appear by any legal practitioner in any matter connected with reference to the Advisory Board. I think that it is a harsh provision. A person who is detained may be in a very agitated s'ate of mind and he may not be in a position to defend himself adequately. Otherwise also it is an elementary right of an accused to be represented by a lawyer irrespective of the nature and seriousness of the offence. I hope that Government would change the clause accordingly.

The second operative clause is clause 9 of the Bill. It seeks to retain person agamsts whom an order of retention is made before 31st December, 1975 and who engages in smuggling activities in areas highly vulnerable to smuggling or their associates. These persons may be detained for six month; without their cases being referred to AdvLory Boards for opinion. If the Advisory Board approves their denention. they may be detained for a period of two years. The only change regarding this clause which I would suggest is that let the officer of the Central Government while making a detention order set out the precise causes for such detention in the order itself.

The last thing that 1 would say is that the pronouncement of many judgements by various High Courts have demonstrated that though the law is alright, yet the Central or State Governments in many cases have behaved in a most callous and casual manner in passing defective orders of detention on smugglers. Because of this, in many cases the persons detained were set free by courts. It may also be that the intentions of the Government in using the provisions of MISA Ordinance were not good, in either case, it has brought disrepute to the Government. Let it be a lesson for the future to Government to use the provisions of the present Bill more cautiously and judiciously. Thank you.

श्री नवल किशोर (उत्तर प्रदेश): उपसभापति जी, मैं इस विधेयक का समर्थन करता हूं और श्री शेखावत जी ने जो प्रस्ताव पेत्र किया है इसके डिसएप्रूवल के लिये उसका विरोध करता हूँ। श्रीमन्, जितने भी भाषण विरोधी पक्ष से हुए हैं उनमें सब ने इस बात को माना कि सरकार को स्मयलस के खिलाफ सख्त से सख्त कार्यवाही करनी चाहिए। इसके बावजूद भी उन की शिकायत यह थी कि यह जो विधेयक आया है यह विधेयक मुनासिव नहीं है। श्रीमन,

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नारे भाषणों में एक ही बात थी और इस बात को साबित करने की कोशिश की गई थी कि एक जमाने से स्मगलिग वल रहा है और गवनेमेंट ने उस पर कोई ऐक्शन नहीं लिया । यह भी माबित करने की कोणिण की गई कि कुछ पालिटीशियन्स उन से संबंधित रहे हैं या हैं और उसके पीछे जो भावना थी वह यह थी कि यह तमाम पालिटीशियत्स और इन सारे राजनीतिको का वास्ता केवल एक ही पार्टी से है, शीमन, भपेश गप्त जी ने बड़ी खुबसूरती के साथ अपनी म्पीच में एक नाम लिया। इन्तफाक की बात यह है कि उन को बही नाम याद आये जिन का बास्ता कांग्रेस पार्टी से रहा है और है और उन्होंने शरुआत की थी के० के० शहर से। उन्होंने कहा कि श्री के० के० शाह ने एक ब्यान दिया ग्रीर श्रीमन मैंने उस को समाचार पत्रों में पढा था। उसमें श्री के०के० शाह ने यह कहा था कि श्री भपेण गप्त जी ने जो ब्यान दिया और मुझ पर जो लांछन लगाया है वह उन्होंने हाउम में लगाया है, राज्य सभा के अन्दर लगाया है । अगर बहु इस लाछन को राज्य सभा के बाहर लगाये होते तो मझ को भी उनके खिलाफ काननी कार्यवाही करने का मौका मिलता ।

SHRI BHUPESH GUPTA : Why so, Mr. Nawal Kishore ? I have seen that statement. All that I mentioned in my speech is his name only. There are allegations that during his tenure as the Treasurer or the leader of Bombay Congress Committee, Bombay Pradesh Congress Committee, these people grew up. All that I said was this one line only. But Mr. K. K. Shah has made a long statement. If he has anything to say in explanation, why should he ask me to go to a court just as the monopolists are asking me to go to the courts? He can write to the chair. All the allegations are there. I do not know whether they are right or wrong. But serious allegations have be;n made in Bombay and elsewhere that Mr. S. K. Patil and Mr. K. K. Shah, who were the leaders of the Pradesh Congress Committee of Bombay, gave every possible help and assistance and encourgement to these people, to People who are now called Mastan and all that, who had earlier been arch smugglers, but who were known as social workers I

श्री नवल किशोर: श्रीमन्, मैं यह कह रहा था कि गप्ता जी यह लांछन अगर हाउस के बाहर लगाते तब ठीक था-मुझे इसमें सापत्ति नहीं है कि उसकी जांच हो. इंक्बायरी हो, मैं तो कहता हूं कि कोई भी खादमी हो. किसी भी पार्टी का हो, जिसके खिलाफ जरा भी सन्देह है उसकी जांच होनी चाहिए, उसके खिलाफ कार्यवाही होनी वाहिए---लेकिन मैं यह कह रहा था कि भूपेश गुप्ता जी ने

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जो अपनी बात को दोहराया वह हाउस के अन्दर ही दोहराया हाउस के बाहर नहीं दोहराया और उन्होंने ऐसे आदमियों का भी नाम लिया जिनके बारे में इंक्वायरी हो चुकी है ग्रीर उनको ग्रविवटल मिल चका है, जैसे मुखाडिया माहब के बारे में कई बार जांच हो चकी है।

/ RAJYA SABHA J

SHRI BHUPESH GUPTA : Why so ? He says, "Go to the court; I can prove in a court of law". I can tell you. Mr. Nawal Kishore, I have no smugglers to finance my legal case or foot my bill. But Mr. K. K. Shah can be sure that he can go to the court. But I have no such persons to help me.

SHRIN R. CHOUDHURY (Assam) : Sir, Mr. Bhupesh Gupta is himself a lawyer. Why should he have a lawyer for his case?

SHRI BHUPESH GUPTA : You have not understood the point. I need such a lawyer because if I conduct my own defence, 1 will lose the case. But Mr. K. K. Shah also is a lawyer.

MR. DEPUTY CHAIRMAN : But Mr. Bhupesh Gupta is a very successful lawyer in the House, Mr. Choudhery. though he may be losing cases outside.

SHRI BHUPESH GUPTA : Sir, 1 do not know whether I can win a case in your court. But Mr. K. K. Shah is himself a lawyer. Bui he has to resign his governorship and goto the courts unlike Mr. Palkhiwala.

SHRI SUBRAMANIAN SWAMY : Sir, Mr. Bhupesh Gupta says that he will lose his case if he conducts his defence. But, later on, he may change his stand. These words should be expunged, Sir.

श्री नवल किशोर : श्रीमन्, में कभी यह नहीं चाहता कि भूपेश गुप्ता कोर्ट में जायें। मगर मैं एक बात जरूर चाहता हूं और यहां भी एक नियम है, एक परंपरा भी है कि जो हाउस के मेम्बर नहीं हैं, जो बाहर बैठे हए हैं उन के नाम नहीं लेना चाहिए क्योंकि हमको इस बात का प्रिविलेज है कि हम उनके खिलाफ जो चाहें कह सकते हैं मगर वह सफाई नहीं दे सकते हैं, लेकिन मेरा कहना यही था । और मैंने यह नहीं कहा कि वह कोर्ट में जायें. मनासिब यह होगा कि हम अगर उन लोगों के नामों को बचा सकें तो ज्यादा सच्छी बात है।

इसी तरीके से जितने भी भाषण दिए गए, चाहे शैखावत जी का था या मिस्टर कुरियन का था, उनका मकसद एक समान है । राजनारायण जी बैठे हए हैं । ओमन, साज भी उनकी पार्टी के एक एम॰ पी॰ है, पहले भी एम० पी० थे। उन्होंने यह बयान दिया था कि यसुफ

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पटल, स्मगलर मर पास आया जब उनका झगढ़ा हाजा मस्तान के साथ हुआ था और कहा कि उनकी जान को खतरा है। उन्होंने उनसे मांग की कि उनकी जान को बचायें। चंकि यसफ पटेल उनके पास जान बचाने के लिये आये ये तो क्या में इस बात से यह मतलब निकाल ल कि उनका बास्ता यसूफ पटेल से है ? तो इस किस्म की बातें बेबुनियाद हैं। जैसा मैंने जुरू में कहा, जैसे कुरियन साहब ने कहा, मंत्री महोदय इस बात का बायदा करेंगे कि प्रगर उनको सूचनायें दी जायें उन प्रादमियों के बारे में तो जो लोग ऐसी सूचना देंगे उन लोगों की हिफाजत कर सकोंगे ? मैं समझता हं कि मंत्री महोदय को इस बात का आख्वासन देना चाहिए ।

जो लोग भी सरकार को इस बात की इत्तला देंगे कि फलां आदमी समगलिंग करता है, फलां आदमी फारेन एक्सचेंज रैकेट में है तो सरकार उन लोगों की हिफाजत करेगी और सगर उनकी सूचना सही हई तो उनको इनकेजमेंट भी देगी ।

मैं टिट फार टाट में नहीं जाना चाहता । अभी 4ुछ रेड्स हुई। पटनायक साहब के भी यहां पर रेड हुई। कहा जाता है कि यह पालिटिकल वैंग्डेंटा है । लेकिन जो लाख, डेंड लाख रुपया वहां निकला, कहा जाता है कि बह श्री राजनारायण की पार्टी का है। कैसे यह साबित हो कि यह उनकी पार्टी का रुपया है। श्री पटनायक के घर से 300 बोतलें शराब की निकली । यह कहा गया कि यह उनके संबंधी छोड़ गये थे। मैं कैसे मान कि जिन्होंने तमाम जिन्दगी कांग्रेस में बिताई उनके मकान नो सेफ समझा गया यह बोतलें रखने के लिए। मैं यह कहना चाहता हं कि इस तरह जो प्रापस में लांछनों का आदान-प्रदान हो रहा है, एक दूसरे पर लांछन लगा रहे हैं यह ठीक नहीं है। यह बात भी कही गई है सौर हाजी मस्तान को बार बार कोट किया गया है कि उसने कांग्रेस को इतना रुपया दिया। मगर उन्होंने यह भी कहा है कि कोई भी पार्टी हिन्द्रस्तान में ऐसी नहीं है जिसको मैंने रुपया नहीं दिया है ।

थी राजनारावण : नो ।

श्रो एन० झार० चौधरी : हमने भी झखबार में 97ET 1

थी नवल किशोर : वह कहते हैं कि जनसंघ को छोड़ कर सब की इन्कवायरी होनी चाहिए। मुझे को यकीन है कि यदि जांच होगी तब सब से प्रधिक रुपया जनसंघ को ही मिला होगा, यही पाया जायेगा ।...

भी राजनारायण : बीज् पटनायक का मामला ग्रापने छोड़ दिया उन पर भी कुछ बोलो । इन्दिरा जी ग्रीर क्षेज पटनायक का लव लेटर भी स्मगल हवा उस को भी तो पढ़दी।

MR. DEPUTY CHAIRMAN ' Mr Rajnarain, this is not the way. We are not concerned with any letters here.

SHRI RAJNARAIN : Why not ? That was smuggled.

श्री नवल किशोर : यह बात भी कही गई कि मीसा का इस्तेमाल जो पालिटीकल ग्रोपोनैन्ट्स हैं उनके खिलाफ भी किया नया। यह बात सही है कि कुछ पालिटीकल बादमियों को भी भीसा के अन्तर्गत गिरफतार किया गया । मगर हमारे भाई भूल गए कि दोनों में अन्तर है। जिन लोगों को मीसा के अन्तर्गत गिरफ्तार किया गया पालिटिकल आफेन्सेज के लिए किया गया। यहां इस बात का आण्वासन दिया गया है फाइनैन्स मिनिस्टर के द्वारा कि मीसा का इस्तेमाल केवल इकोनोमिक झाफ़ै-डर्स के खिलाफ होगा ग्रौर किसी के खिलाफ नहीं होगा। हमारे साथी जानते हैं कि पंजाब में जांग्रेस पार्टी के चीफ मिनिस्टर ने कांग्रेस पार्टी के एक एक्स एम० एल० ए० की मीसा के झन्तगंत बन्द किया। यहां सवाल पार्टी का नहीं है, सवाल इस बात का है जो इकानामिक ब्राफ़ेन्डर्स हैं उनके खिलाफ मीसा का इस्तेमाल किया जाएगा ।

शैखावत जी ने कहा कि हम चाहते हैं कि सख्त से सख्त उन् के खिलाफ काररवाई होनी चाहिए। श्रीमन, उनका जो प्रस्ताव है मान लीजिए यह सदन इसको डिस-ग्रमुव करता है तो इसके माने यह हुए कि जो सब तक साढ़े चार या पांच सौ मादमी गिरफ्तार हुए वे छोड दिए जाएंगे मौर उसके बाद भी ग्रगर हमारे साथी यह कहें कि इनकी हमदर्दी उनके साथ है तो गलत लया है।

में इस बात को मानकर चलता हूं कि हमारे विरोधी भाई स्मग्लरों के हिमायती नहीं हैं और इस बात में हमारे साथ हैं कि उनके खिलाफ सख्त से सख्त कदम उठाया जाना चाहिए । लेकिन मैं पूछना चाहता हूं कि इस मामले में अन्दर पोलेटिवस क्यों लाया जाता है ? ग्रगर ये लोग इस बात में कम्पीटिंगन करते कि तस्करों के खिलाफ सख्त से सख्त कदम उठाया जाये, तो बात समझ में आती ।

मैं इस बात से इतफाक करता है कि ग्रगर इस बात के सबुत हों कि तस्करों के पीछे पोलिटिकल आदमियों का हाथ है तो चाहे वे लोग इस पक्ष के हों या उस पक्ष के हों, उनके खिलाफ एकशन होना चाहिए। मैं इस बात को मानने के लिये तैयार नहीं हूं जैसा कि श्री राजनारावण जी का यह कायदा है कि जो हमारे साथ है वह गुनाहगार है और वो उनके साथ हो।जाता है वह दूध का ध्ला हमा है, ईमानदार है, नेक है। मैं किसी का नाम नहीं लेना चाहता, लेकिन यह कहना चाहता है कि कांग्रेस गवनैमेंट में ही यह हिम्मत है कि उसने कांग्रेस वालों के खिलाफ ही इन्क्वायरी बैठाई है । जी कांग्रेस के एक्स-मिनिस्टर थे उनके खिलाफ इन्क्वायरी बैठाई

| श्री नवल किमोर |

है। मैं जानता हं कि हमारे देश में एस० बी० डी० की गरकारें भी रही हैं। श्री राजनारायण जी खद मिनिस्टर नहीं बने, लेकिन उनकी पार्टी के लोग मिनिस्टर बने । क्या कोई ऐसा एक्जाम्पल है जिसमें उन्होंने पार्टी के झादमी के खिलाफ कोई इन्ववायरी बैठाई हो ?

डा० रामझपाल सिंह (बिहार): क्योंकि उनके खिलाफ कोई केम ही नहीं था।

ओ एन० मार० चौधरी : श्री बीज पटनायक का क्या हमा ?... (Intersuption)

श्री राजनारायण : श्रीमन, क्या इस सदन में नही में बोलना जायज है ? मैं जानना चाहता हूं कि श्री कर्पुरी ठाकुर के खिलाफ क्या बात है, कर्पुरी ठाकूर के खिलाफ क्या केस है 🥍 अगर कोई मादमी नशे में हो---नशा शराव का भी हो सकता है, पान का भी हो सकता है, सुपारी का भी ही सकता है, तो क्या किया जाये ? मैं चाहता ह कि इन सदन में जरा कायदे से बोलना चाहिए ।

श्री मवल किसोर : कोई ग्रादमी पागल हो जाये तो उसको जगह पागलखाना है ।

श्री मैरों सिंह शेखायत : उपसभाषति जो, आप यह फ़ैमला कर दीजिए कि इन दोनों में वहां कौन जाएगा ।

श्री उपसभापति यह फ़ैसला करना बहत मुख्लिल ≓ागा ।

DR. V. A. SEYID MUHAMMED: Mr. Rajnarain asks what is against Karpoori Thakur. If I am permitted, I will tell what is against him. 1 will iell what has been found against him. It has been found that it is dangerous <o allow such persons to be in the Government.

श्री राजनारायण : ओमन्, कर्पुरी ठाकुर के विरुद्ध वह केम है कि उन्होंने ललित नारायण मिश्र के खिलाफ इन्क्वायरी नहीं बैठाई। कर्प्री ठाकूर के बिरुद्ध यह केस है कि जब प्रधान मन्त्री उनकी स्टेट में गई तो उनको उन्होंन गिरपतार नहीं करवाया । कर्परी ठाकुर के विरुद्ध यह केस हे कि उन्होंने जो श्री गफर याज मध्य मंत्री हैं, उन जैसे लोगों को पकडा नहीं।

श्रो नवल किशोर : थोंमन्, मैं यह कह रहा था कि 31 वन्तूबर, 1974 तक जो हमारे पास फीगर है उसके हिसाब से 4,608 बादमियों को मीसा के ग्रन्दर गिफ्तार किया गया है या नजरबन्द किया गया है। इन में से 3,808 ग्रादमी ऐसे हैं जो उन प्रदेश के हैं जहां से हमारे बिल राज्य मन्त्री आते हैं ग्रथांत वेस्ट बंगाल के हैं, वहां की स्थिति वया रही है यह सभी जानते है। मैं आपसे यह कहना चाहता हं कि सगर एक आदमी बाब जय प्रकाश जी के

आन्दोलन के सिलसिले में यह कहता है कि तमाम पुलों को तोड दो, पटरियों को उखाड दो तो उसके खिलाफ मीसा के उपयोग को कैसे रोका जा सकता है... (Interruption)

डा० रामहपाल सिंह : ऐसा नहीं कहा गया है।

श्री नवल फिसोर : अगर ऐसा नहीं कहा गया है तो मीमा के ग्रम्बर गिरफ्तारी भी नहीं की गई है।

टाः रामकृपाल सिंहः श्री झटल बिहारी वाजपेयी को क्यों गिरफ्तार किया गया ?

श्री भैरों सिंह रोखावत : उनके खिलाफ चार्ज यह था कि उन्होंने बलक्टोरेट के मामने एक कविता पढ़ी ।

श्री नवल किशोर : श्री जेखावत जी कह रहे हैं कि उन्होंने एक कवितां पही । मैं यह कहनां चाहता हं कि कविता शांतिप्रिय भी हो सकती है और कविता लोगों को भडका भी सकती है। श्रीमन, मैं यह मानता हं बौर यह बात मही है कि स्मग्लिंग का स्नौफेन्स पिछले साल दो माल से ही नहीं हुआ है, यह काफी टाइम पहले से चलरहा है।

हम यह भी जानते हैं श्रीमन, कि ग्रदालतों में काफी 3 p.M. कानूनी पेची दगियां होती है--- जहादत लाइए, सब्त लाइए,बौर छोटे छोटे ग्राउंड पर बादमियों को छोड दिया जाता है। हालांकि प्रासीक्युणंस हजारों के हुए लेकिन कांविनगन कभी 300 का हुआ, कभी 400 का हुआ कभी 600 का हजा । इसी लिये ला कमोणन की यह सिफारिण थी कि ऐसे लोगों के लिए प्रिबेटिव्ह डिटेन्शन की व्यवस्था की

जाए । सरकार ने मीसा को उनके लिये एक्सटेन्ड किया । यहां भी थीमन, इस बात की मांग होती थी कि सरकार मोसा को स्मगलस के खिलाफ इस्तेमाल क्यों नहीं करती और जब उन्होंने इस्तेमाल किया तो उनको इस बात की ग्रापत्ति है कि ऐसा क्यों कर रहे है ।

धब थीमन्, मैं दी-चार सुझाव देना चाहंगा। प्रेसीडेंट के नोटिफिकेजन के बाद भी काफी लोगों को छोड़ दिया गया है । श्रीमन, सबसे पहले तो यह दिक्कत हई कि जो हमारे एकजीक्युटिव्ह के लोग है उन्होंने जो ड्रापिटग किया चार्ज-शीट का उसमें काफी लपहोल्स थे जिसकी बजह से उनकी छोड़ दिया गया। इसके बाद जो प्रेसीडेंट का नोटिफिकेशन बाया, मुझे तो ऐसा महसून होता है कि उस नोटिफिकेशन के बाद भी कहीं न कहीं कुछ बात की कमी है कि जो इसके बावजूद भी लोगों को छोड़ा जा रहा है। मेहरबानी करके उसको देला जाये...

श्री ग्रोम मेहता : इसी लिये यह बिल साया है कि जितने लुपहोल्म हैं उनको ज्लग किया जाए । ग्रुव जो यह बच निकलते हैं उनको कानन को गिरपन मेंलाया जाए।

श्री रबी राय: आपका कांग्रिहेमिव्ह बिल कहां <u>4</u>. 2

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थी श्रोम् मेहत्ताः आगे श्रागे देखिये होता है स्था?

SHRIBABUBHA1 M. CHINAi : Sir, we are given an assurance by the hon. Finance Minister in the Consultative Committee meeting that there was nothing wrong with the drafting of the Bill. Simply because the implementation was given to the State Governments who were careless and did not go into it before framing the charges, we have been put into this position. This may be got verified by Mr. Om Mehti with Mr. Subramanian!.

श्री नवल किशोर : और, श्रापने जो कहा, ठीक है. मैं भी इस बात को जानता हूं। तो श्रीमन्, दूसरी बात मैं यह कह रहा था कि ला कमीशन की सिफारिश यह भी थी कि समरी दायल्स हों और स्पेशल कोर्टस बनाए जाएं। मैं चाहता हूं उस सुझाव को भी इंप्लीमेंट किया जाए । (Time bell rings) श्रीमन, बस में खत्म कर रहा हूं। एक बात जरूर है----लोगों ने कहा भी---मुझे भी महसूस होता है कि इस बिल को लाने के बाद ऐसा लगता है कि जो पोलिटिकल ग्राफेंडर्स है या पोलिटिकल प्रिजनर्स है. मीमा के अन्दर, उनके साथ ग्रीर ये जो स्मगलर्स हैं उनके माथ 2 तरह का ट्रीटमेंट किया जा रहा है, मिसाल के तौर पर यह जो हमारे सामने बिल है इसके हिसाब से जोइट सेकेटरी से कम हैसियत का माफिसर (सेन्ट्रल गवर्नमेंट का) ग्रीर सेत्रेटरी से कम हैसियत का ग्राफिसर(स्टेट गवर्तमेंट का) डाइरेक्टिक्ट नहीं दे सकता कि किसी बादमी को गिरफ्तार किया जाए, लेकिन पोलिटिकल को डी० एम० भी बन्द कर सकता है। इसरी बात यह है कि हर छः महीने के बाद उनके केसेज का रेव्हयु होगा यह स्थिति पोलिटिकल आफेंडसं के लिये भी हो, उनको भी यह सुविधा हो । इसके साथ ही, इसमें जो यह लिखा हुआ है कि मैक्सिमम पीरियड आफ डिटेनमन एक साल होगा या ज्यादा से ज्यादा दो साल होगा. जबकि राजनीतिक बंदियों के वास्ते कोई मीयाद नहीं है, तो यदि यह इस्प्रेशन बने कि पोलिटिकल झार्फ़ेडर्स के लिए दुसरा कानन है, यह उचित नहीं है। उनके लिये भी एक स्रण्ट कानून हो---यहबिल सख्त नहीं बल्कि साफ्ट कातून है मैं यह चाहता हं कि यह जो स्मगलस हैं श्रीमन, चंकि वे सोशल आफ्रेंडसं भी हैं झौर एंटी-नैशनल किस्म के लोग हैं, उनके साथ किसी किस्म की हमददी का मवाल न हो । जहां तक फण्डामेंटल राइटस की बात है मैं भी उन बादमियों में हं जो फण्डामेंटल राइट्स के हक में हैं (Time bell rings) में चाहता हं फण्डामेंटल राइटस को हिफाजत की जाए लेकिन जो लोग फारेन एक्सचेन्ज का रैकेट करते है. स्मगलिग का कार्य करते हैं, उनके लिए ऐसा करने के लिए फंडामेंटल राइट नहीं होने चाहिए क्योंकि इन लोगों की कार्य वाही से देश को माधिक हानि होने के साथ साथ कई प्रकार की हानि होसी है । इस लिये, चाखिर में यह बात कहकर

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अपना भाषण समाप्त करता हूं कि सरकार ने जो कदम इस सम्बन्ध में उठाये हैं वे प्रपनी जगह पर सही है ।

श्री बाबू भाई एम० चिनाई । सरकार को इहें सीरियमली इम्पलीमेंट करना चाहिए ।

श्री नवल किशोर : इस लिये मैं कहना चाहता हूं कि इन्हें सीरियसली इम्पलीमेंट किया जाना चाहिए । कस्टम, एक्साइज और पुलिस विभाग के जो झाफिसर इन कार्यौ में सहयोग देते हैं, उनके खिलाफ भी सख्त से सबत कार्यवाही की जानी चाहिए ।

इन णब्दों के साथ मैं इस विधेयक का समर्थन करता है।

SHRI M. KADERSHAH : Mr. Deputy Chairman, Sir, I am greatful to you for permitting me to express my views on this important but controverasial legislation; simply because of the inefficient handling of the Government and as a result thereof the unwarranted Ordinance was issued after a few days of the adjournment of the las¹ session. Nobody doubts and questions the necessity of such a legislation but the contempt and tre disrespect shown by the Government to this august House is a black paragraph in the history of our Parliament. The Bill which has been brought for the consideration of this House is to replace the Ordinance for detaining persons connected with smuggling under ',the MISA. The question naturally in my mind is whether the intentions of the Government are sincere. The past record of the Government indicates that they are more interested in political handling of the problem at a time convenient to the Congress Party. The failure of Government in all walks of life and the impending General Elections have necessitated the Ordinance and the steps against smugglers and not a genuine intention to curb the most nefarious activity perpetuated by a few hundred persons for the last several decades with the express connivance of persons in authority. Abraham Linclon defined a popular government as "government of the people, for the people and by the people". But here we see 'that this is a government backed by smugglers, financed by exchange racketeers and patronised by black-money tycoons. It is not a« overnight development and nor if was alarming for the Government on a particular day to go in for an ordinance. Government was never serious to curb this activity and is neither serious today even as is noticed from the general slackening in ihe steps immediately after the

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[Shri M. Kadershali] dinatice was issued. The general purpose of 'he measure was to break the circle of the smugglers and to round up the second ladder of the entire mechanism. The initial detention of the persons under the MISA no doubt created a stir and publicity, but the detained persons were, and are still, biing given special privileges by several Governments which are not even available to political detenus, 1 broadly support the intention of the Bill, but have my own reservations and doubts about its implemen-i.-ition. The machinery to implement i₅ ralf-er very much handicapped. In Bombay alone I am told that the turnover of smuggled goods exceeded Rs. 2,000 crores per year; and these smuggled articles are sold in opermarkets even now in Bombay.

Sir, what is smuggling .'it is nothing but an illegal foreign trade without the Govenment concurrence, and the running of a parallel Reserve Bank by the people of the underworld. Police arid Customs Officials who are the Chief implementing agencies are said to be getting a 10 per cent deal and let them go scotfree. They may even catch a person redhandcd, but the lacuna in the pros 'cution is deeprooted. Other Officials who are straight forward are done away by the smugglers and the Government does not show any responsibility to the family of the deceased.

This is the case here. The ultimate question arises whether we are going to prosecute these persons in a court of law or not. The Government have not taken this in to account. How long are you going to keep them in detention without proper trial ? Why is the Government hesitant to institute trial proceeding ? The setting up of tribunals to try eennomic offences has not yet materialised. The work in the High Courts and other courts is already heavy and they will not be able to cope with these cases, if at all the Government is wanting to punish them. Many things which the Government want to do have not been done because the execution of the policies has not been given due consideration and weightage. Senior Ministers do not have time for this important aspect. The result is that the deliberations and views of this hon. House become routine in nature and are lost in the pages of history. My most important emphasis for this- legislation is how the Government propose to deal with the smugg-

lers detained under MISA after a certain period. Secondly, what we are going to do with those persons who have given patronage and shelter to the smugglers so far ? Thirdly, how are you going to curtail their activities in future and check prospective smugglers tempted by their success in the profession. This Bill does not bring out any answer to this fundamental questions and 1 am doubtful that the Minister will refer to it in a general way and in a vague manner which is a common practice with persons on the Treasury Benches to save that we will take possible steps and the steps are bein? taken and a direct answer to details will be avoided and is still being avoided. If you go through the record of parliamentary services of eminent personalities of the world, you will find with the general principles of legislation that they used to pilot, it was necessary for them to check up the minute details of implementation and be satisfied with it. I do nol now whether the Minuter of Firjance is going to do this. He will not do it and he will leave it to be done by officials subordinate to him. I am warning the Government that this legislation will be passed because they have a majority, but the smugglers once freed will not sit idle. They will turn the table against the Government and the mess will be further confused.

Before I sit down I would request the Government that the three points, which I have mentioned for implementation, may be seriously considered and necessary supplementary legislation may be brought forward for effectively controlling this nuisance which is causing damage to the entire eennomic fibre of our democratic structure. It is said that even persons who hold high posts are giving support to smugglers. Recently I happened to see in a paper that a Minister of State in the Punjab Government went to the central jail to meet a detainee. This shows that the Government is interested in and is supporting smugglers.

SHRI HA.M1D ALI SCHAMNAD (Kerala) : He went there to see the condition of smugglers.

SHRI J. S. ANAND (Punjab) : No, please. The Minister saw ex-MLA Jainder Singh, who was anested under MISA, in jail and when an explanation was called for, he said that he was like a son to him and how he could keep back from seeing him. This caused a political furore in Punjab.

SHRI M. KADERSHAH : This sort of thing should not happen, whoever he may be, whether he is a person holding a high position or not.

With these words. 1 finish my speech.

श्री भैरों सिंह शेखावत : उपसंभाषति महोदय सब से पहले मैं उन माननीय सदस्य के भ्रम का निराकरण करना चाहंगा जिन्होंने कल मेरे भाषण के उस बंग के सम्बन्ध में आपत्ति की जिसका सम्बन्ध राजस्थान के स्वर्गीय मुख्य मंत्री श्री बर्कतुल्ला खां साहब से था । उपमभाषति महोदय, मैं यह बान स्पष्ट करना चाहगा कि श्री बरकतूल्ला की इंटेग्रिटी पर मुझे इस सबंध में किसी प्रकार का कोई संदेह नहीं था और न स्नाज ही मझे किसी प्रकार का संदेह है, लेकिन जिस प्रसंग में मैंने उनके नाम का उल्लेख किया था वह प्रसंग बहत महत्वपुणे है और मैं ऐसा समझता हूं कि यदि उस प्रसंग का थोड़ा सा विशलेषण न किया गया तो इस सदन को उन तथ्यों की पूरी जानकारी नहीं होगी। इस संबंध में उपसभाषति महोदय, मैं आप की आजा से राजस्थान सरकार की उस फाइल के दो नोटस सदन में पढ़कर सुताना चाहता हूं जिसके पृथ्वात माननीय सदस्य को भी किसी प्रकार की आपनि नहीं रहेगी और इम सारे ममले का स्पष्टी-करण भी हो जाणगा ।

पहला नोट इस प्रकार है

MR. DEPUTY CHAIRMAN : But how can you read notes '?

SHRI OM MEHTA : He cannot read notes.

MR. DEPUTY CHAIRMAN : You cannot read them.

श्री भैरों सिंह शखाबत : फाइल का नोट है और मैं गारंटी लेता हं बगर यह झठा हो तो मेरे खिलाफ बाप प्रिविलेज मोशन ले आइये।

MR. DEPUTY CHAIRMAN : How am 1 to be sure about it?

श्री राजनारायण : ग्राप नोट रेफर कर दीजिए । MR. DEPUTY CHAIRMAN : You can refer to something but do not rend it.

SHRI B.S. SHEKHAWAT : 'I inaugurated the water supply... "

MR. DEPUTY CHAIRMAN : You cannot quote.

श्री भैरों सिंह शेखावत : मैं जिम्मेदारी लेता हं कि इसके तथ्य मही हैं।

MR. DEPUTY CHAIRMAN : You cannot quote. If you have to say something say.

oj Smuggling Activities Bill. 1974.

But do not quote any notes. You cannot say, "I... " Who is that T? It is Mr. Shekhawat? It will not go on reaord if you give that kind of quotation,

श्री भैरो सिंह शेखावत : मैं कोट कर रहा है।

MR. DEPUTY CHAIRMAN : I cannot allow you to quote from any notes. Don't you understand the position ? If you want to say something you can say. But there should be no quotation.

श्री राजनारायण : इस पर जरा विचार होन। चाहिए कि अगर हम स्टेट गवर्नमैंट के किसी नोट को यहां पर पद्वें तो..

MR. DEPUTY CHAIRMAN : You cannot quote notes. And anybody can get up in the Rajya Sabha and quote notes . I cannot allow that

SHRI BHUPESH GUPTA : I am very sorry, Sir. He cannot quote from a note in the sense that it cannot be laid on the Table of the House. But certainly Members can quote from any document.

SHRI OM MEHTA : The file is also secret.

MR. DEPUTY CHAIRMAN : What is the document ? I am not aware of any document. And you cannot quote from something.

SHRI BHUPESH GUPTA : Let him say which document.

MR. DEPUTY CHAIRMAN : No, he cannot quote; he can refer.

SHRI BHUPESH GUPTA : I do not know what it is. This trend is developing. You may or may not like it; 1 may not like his document. But I have a right to quote. 1 am not asking for protection. I can read a document. What you can do is, you can compel me not to lay it on the Table of the House. (Interruptions)

श्री भैरों सिंह शेखावत : मैं यह मर्ज कर रहा हं कि ममाचार पत्रों में यह डाकमेंट छपे हैं ।

श्री राजनारायण : मेरा प्वाइंट ग्राफ ग्राडंर है ग्रीर वह यह है कि जब मैं प्वाइंट आफ आईर पर खड़ा हुआ हूं तो उसे न सून कर ग्रापने भपेश गुप्त जी को सून लिया श्रीर में खडा का खडा रह गया। मैं जानना चाहता हं कि श्राखिर इस सदन की क्या व्यवस्था है। श्री भूपेण गृप्त के लिये कोई विशेष स्थिति पैदा की जाती है कि भले ही एक ग्रादमी प्वाइंट 167 Conservation of Foreign श्री राज नारायण]

भूपेश जी खड़े होकर अपना प्वाइंट आफ ग्राईर कह जायें?

SHRI MAHAVIR TYAGI (Uttar Perdesh) : MR. DEPUTY CHAIRMAN : He never If a document has been published in the papers raised any point of order. What is your point of then that can always be quoted. order?

श्री राजनारायण : मैं ग्राप से निवेदन कर रहा हं कि इस प्वाइंट पर आप विचार कीजिए। संसदीय प्रथा को जानकारी सब को है। यहां हमारे ऊपर एक ही लाय-बिलिटी है कि अगर हम कहें कि हम सरकार की फाइल से नोट पढ़ रहे हैं तो हम को चेयर कह सकती है कि यह सरकार का फाइल आयेंटिक है या नहीं। उसकी रेस्पंसिबिलिटी किस की है। हम जिम्मेदार हैं। हम उसको टेबिल भर ने करेंगे । और कहेंगे कि अगर आप हमको गलत साबित करो तो जो सजा चाहो देना। वरना मैं प्रायको बताऊं कि जब फखरुद्दीन साहिब मंत्री थे तो सरकार की सारी फाइल को ला कर मैंने सदन में ले किया था, लेकिन कुछ नहीं हुआ । यह ग्राप कह सकते हैं कि वह फाइल है। वह जिम्मेदारी लेते हैं और उसके साथ उसे वह रेफर कर सकते हैं ।

श्री उपसमापति : उन्होंने कहा कि यह फाइल है, उसका नोट है ।

श्री राजनारायण : श्रीमन्, हमारा प्वाइट सुन लीजिए । केन्द्रीय सरकार की किसी फाइल को, मान लोजिए, हमने अपने पोजेशन में ले लिया किसी तरह से और उसमें केन्द्रीय सरकार का पूरे तरीके से फैसला है, क्या मैं उस फाइल को कोट कर सकता हं ?

MR. DEPUTY CHAIRMAN : 1 am very clear on this. Unless it is a public document it cannot be laid or read out.

श्र**ो राजनारायण :** हम टेबुल पर लेकर सकते हैं । श्रापकी इजाजत ले सकते हैं झौर कह सकते हैं कि उस फाइल में नोटिंग है। यह व्यवस्था तो ललित नारायण मिश्र को बचा देगी ।

MR. DEPUTY CHAIRMAN : if it is a public document, yes.

श्री रवी राय: ले कर सकते हैं।

MR. DEPUTY CHAIRMAN : If you want to quote newspapers you are free to do that but not from a secret file.

SHRI BHUPESH GUPTA : You, Sir, protect us. I can quote. Suppose you have a lover and the lover writes a letter which relates to smuggling. Surely, I can quote that letter. You cannot stop me frum quoting. That can always be auoted.

complete.

श्री भैरों सिंह शेखावत : मैंने वाटर वर्कस के सम्बन्ध में यहां कहा था। उसका मख्य मंत्री श्री सुखाड़िया ने उदघाटन किया स्रौर उसके पश्चात जब उनको इस बात की जानकारी मिली कि चोरड़िया ब्रदस को स्मग्लिंग के मामले में सजा हई है और वह मामला सुप्रीम कोर्ट में गया है। सप्रीम कोर्ट में जाने पर उस सजा में तबदीली हई है। इस को उन्होंने अपने विभाग से जानकारी कराई । जब जानकारी

SHRI BHUPESH GUPTA : He knows all

से यह पता लगा कि ये स्मगलर हैं चारों भाई तो उन्होंने ब्रादेश दिया कि इस वाटर-बर्कस के पत्थर पर जहां चोरडिया बेदसं लिखा हम्रा है, यह हटा दिया जाए । उनको उसका पैसा भी न दिया जाए । यह प्रश्न कई दिनों तक वहां चलता रहा। लेकिन जब बरकतउल्ला साहब मुख्य मंत्री बने−मैं यह स्पष्ट कर देना चाहता हूं कि बरकत उल्ला साहब की इंटीग्रिटी पर मुझे कोई शक नहीं है, लेकिन उन्होंने जो इस सम्बन्ध में निर्णय लिया वह मैं आपको बताना चाहता हूं। वह निर्णय संकित किया गया है, जिसके स्राधार पर वाटर बर्कस का उदघाटन हुआ ग्रौर उस नाम को उसी तरह से रखा ग्रौर उस पर उसी प्रकार से नाम श्रंकित किया गया। वह डिसीजन मैं भाषको सूना रहा है।

these things but he got a little tired.

'I had called for this file as the Begraj Bhanwarlal Choraria Charitable Trust was representing to me that the Trust was keen to donate for this water supply scheme and that the misgivings against acceptance of the donation of the Turst were not well-founded. I have gone through the record and I find that this Turst is a public charitable Trust devoted to social and phi Ian thropic work and that it receives public donations for its activities. The Trust has made donations to the Prime Minister's Defence Fund and has also contributed Rs. 2 lakhs to Lala Lajpat Rai College, the foundation stone of which was laid by the late revered Prime Minister Shri Lal Bahadur Shastri. The Trust has also been making donations for the famine relief works in our State ... "

इन सम्बन्ध में में निवेदन कर रहा हं कि यह ट्रस्ट इन चोरहिया श्रवसं का ट्रस्ट है और ये स्मगलर हैं। उनको MR. DEPUTY CHAIRMAN : Now let him मीसा में गिरफ्तार किया गया । इस दुस्ट के बारे में.

सभाषांत महादय, आखोर में में सरकार के फ़ेसले के बार ऐ जगहा र महादर केवल करना नजरा जातना ह

में ज्यादा न कहकर, केवल इतना कहना चाहता हूं---

"I am therefore, of the view that we may accept the donation of Rs. 5 lakhs and the land from this Trust for the Bidasar Water Supply Scheme and name that scheme as Government Begraj Bhanwarlal Choraria Charitabl Trust Water Supply Scheme."

मतलब यह हैं कि सरकार श्रीर स्मगलर दोनों के नाम से यह बाटर सप्लाई स्कीम रहे ।

SHRI BHUPESH GUPTA : Only thing. You come from Rajasthan. You should kindly address the Government as Government (Smuggler). This suggestion we can make.

श्री मैरो सिंह शेखाकत : मैं इस संबंध में निवेदन करना चाहता था। मैं समझता था कि इस मांति का माननीय सदस्य स्वयं निराकरण कर लेंगे कि बरकतउल्ला खां साहब के ऊपर मेरा किसी प्रकार का खारोप नहीं था। मेरे कहने का ग्राशय केवल यह था कि सरकार स्पष्ट रूप में किसी प्रकार से मिली हुई है और इससे जीता जागता प्रमाण और नहीं हो सकता। जिस वक्त सुप्रीम कोर्ट से सजा मिली है वह व्यक्ति ट्रस्ट के नाम से सरकार को किसी प्रकार प्रभावित करता रहा। जनता की वाह वाह लेता रहा। अपने इस प्रस्ताब के संबंध में जो मैंने कल प्रस्तुत किया था इस सदन में कोई खास विरोध नहीं हुछा। मेरे मुख्य रूप मे दो बारोप थे...

SHRI BHUPESH GUPTA : Ou a point of order. An important document, purporting to be a note by the former Chief Minister of Rajasthan, has been quoted. Now I think it is very relevant to the discussion and I think public interest will be best served if the document is laid on the Table of the House. Sir, you may question this document. You have not questioned it.

MR. DEPUTY CHAIRMAN : I certainly question the authenticity. How do I know ?

SHRI B.S. SHEKHAWAT : I take full responsibility.

MR. DEPUTY CHAIRMAN : That is different. You may take full responsibility. Suppose you had satisfied me earlier...

SHRI B.S. SHEKHAWAT : I will satisfy you.

MR. DEPUTY CHAIRMAN : Not now.

SHRI B.S. SHEKHAWAT : I will put my own signature.

of Smuggling Activities Bill. 1974

SHRI BHUPESH GUPTA : I am making a submission. We are all living under tension, you live, I live, everybody lives. All I say is, this document should be laid on the Table of the House.

MR. DEPUTY CHAIRMAN : No question of laying it. He has read it and that is more than enough.

SHRI BHUPESH GUPTA : This document will throw some light and will inform Parliament about the real situation with regard to this particular Trust. I have made allegations about it. Mr. Sukhadia had denied it in the past. I think the letter of the Cheif Minister mentioned here substantiates the materia' point, namely, that the trust belongs to a gentleman smuggler. I think many people have gone on the Table, lying or otherwise. Let this document relating to this issue also lie on the Table.

MR. DEPUTY CHAIRMAN : Let him continue.

SHRI

में यह पढ़ क

सुनाद्ं ।

श्री उपसभापति : नहीं ।

श्री मैरों सिंह शेखायत : सिर्फ अहरी चीज पढ़ रहा

हूं । केवल चंदा यहां तक ही नहीं दिया गया . . .

B. S. SHEKHAWAT :

"The Trust ha* also been making donations for the famine relief works in our State. The accounts of the Trust are regularly audited. "

सबसे मजेदार चीज यह है कि :

•'And the Trust his also been granted the permissible exemptions by the Income-tax authorities.'"

यह स्मगलजं का ट्रस्ट है इसी लिये शायद इस लैटर को पढ़ने में झापको झापत्ति हो । रेलेवैन्ट चीजें ब्रब ब्रागे ब्रा रही हैं :

"When the donations made by the Trust, which is a public charitable trust, are being accepted at the national level and when its accounts are subjected to regular audit, I think it wou'd not be improper *or* irregular to accept its donation for a public utility scheme."

•The Trust is keen that its donation for this water supply scheme should be accepted by us and its name associated with it. 1 find that the present estimated cost of the Bidasar Water Supply Scheme is Rs. 21.50 lakhs. According to existing instructions, a donor has to contribute more than 50 per cent of the cost of the

[Shri B. S. Shekhawat J project if his name is to be associated with it. But in the case of certain water supply schemes, like the Sujangarh Water Supply Scheme, we have in the past accepted contributions on a lesser scale and associated the name of the donor with the scheme. I feel that if the donation is of a substantial order, and is at least 25 per cent of the cost of the Scheme, we could relax this provision. In this case, the Trust had originally agteed to contribute Rs. 2.50 lakhs for this scheme, but now it is willing to contribute Rs. 5 Iakh in cash for it. In addition, the Trust is also making available substantial land for the scheme. Accor jing to the Trust, the value of the land itself is Rs. 1 Iakh, but we need not go into the valuation of the land, but accept the whole of the land offered by the Trust. Taking the cash and land contribution together, the total Jonation of the Trust for the scheme will be over 25 per cent of its present estimated cost ol Rs. 21.50 lakhs.

1 am, therefore, of the view that we may accept the donation of Rs. 5 lakhs and the land from this Trust for the Bidasar Water Supply Scheme and name that Scheme as '-Government Begraj Bhanwarlal Choraria Charitable Trust water Supply Scheme."

SHRI BHUPESH GUPTA : Is there any suggestion or recommendation in the end that Chordia should be awarded Padma Bhushan *I*

MR. DEPUTY CHAIRMAN : Let him continue with his speech.

श्री मैरो सिंह सेखावत : उपसभापति जो, मैं ज्यादा डिटेल में नहीं जाना चाहता, लेकिन यह कहना चाहता हूं कि चोड़रिया में स्माप्लिंग के 51 हजार रुपये कांग्रेस को मिले हैं। आप अपने राजस्थान कांग्रेस कमेटी के दफ्तर में जाकर इसको देख लीजिए । वहां पर 51 हजार रुपये जमा है ग्रोर चोड़रिया के एकाउन्ट में कही पर भी जमा नहीं हैं। ये रुपये सब कांग्रेस के खाते में है। मैं इसकी ज्यादा डिटेल में नहीं जाना चाहता ह

श्री एम०ग्रार० भौधरी : ग्रापके खाते में कितने हे?

श्री भैरों सिंह गेखाबत : मेरे खाते में उतने ही रूपये है जिनने मायके शरीर पर कपडे है ।

उपसभापति महोदय, तो मैं यह निवेदन करना साहता हूं कि ग्राप तस्करों के खिलाफ किसी प्रकार की कोई सक्स कार्रवाई करें तो इसमें किसी को कोई धापत्ति नही हो सकती है। कल मैंने इस बात को स्पष्ट कहा था कि ग्रार भाप स्मग्लरों के खिलाफ सक्ष्त कार्यवाई करें तो इस

में किसी को कोई आपत्ति नहीं होगी बल्कि हमें बडी खणी होगी। लेकिन माथ माथ मैंने यह भी निवेदन किया था कि जिन लोगों के सहयोग से, जिन लोगों के संरक्षण से ग्रीर सरकार की अकमंण्डता से यह तस्करी का व्यापार बढा है. क्या उसके लिये झापने कोई काननी व्यवस्था की है ? - ब्रापने एक झाहिनेन्स इस कर दियां स्रोर उसके बाद यापने जो बिल यहां पर इन्टोडयस किया है, मेरी यह मान्यता है कि इससे तस्करों का व्यापार इस देश में समाप्त होने वाला नहीं है। इस प्रपराध को रोकने में इस बिल से किसी प्रकर की कोई सहायता नहीं मिलेगी । जब तक म्राप उन लोगों के खिलाफ भी कोई सखत कानुनी प्रावधान नहीं करेंगे जिन लोगों ने तस्करी के व्यापार को समर्थन दिया या संरक्षण दिया है. तब तक इस समस्या का समाधान होने बाला नहीं है। आपको इस बात की भी जानकारी होगी कि जब से ग्रापने तस्करी के मामलों को हाथ में लिया है, जनता के बन्दर इस प्रकार की धारणा बन रही है कि सरकार इन लोगों के खिलाफ ग्रदालतों में प्रोसेक्यशन इस लिये नहीं कर रही है कि जब ये लोग घदालतों में जाएंगे तो यह बात बता देंगे कि किम व्यक्ति ने किस प्रकार से इनसे पैसा लिया है और कौन कौन राजनैतिक नेता ऐसे हैं जिनका इनको संरक्षण प्राप्त है स्रौर कोन से लोग इनके महयोग से मंत्री बने हैं। में यह कहना चाहता हं कि अब तक आप यह धारणा दर नही करेंगे तब तक चाहे झाप साढे पांच सौ आदमियों को

of Smuggling Activities Bill, 1974

उपसभापति महोदय, सब को यह माल्म है कि तस्करी का व्यापार हमारे देश में किन-किन कारणों से चल रहा है ग्रौर किन किन काननों का बोयलेशन हो रहा है। मैं समझना हं कि लायसेंसिंग प्रोसस के बोयलेशन से, एक्साइज ला के बोयलेजन से, इन्कम टैक्स ला के वायलेजन से, कम्पनी ला के बोयलेणन से और फारन एक्सचेंज रेगलेशन एक्ट आदि जितने भी कानन है. उनके उल्लंघन के कारण ही हमारे देश में यह इएराघ हो रहा है। लेकिन म्रापने इस बिल के ग्रन्दर इस बारे में कुछ भी नहीं कहा है। कान्नों के ग्रन्दर जो लेकुना हैं, इन्कम टैक्स के अन्दर जो लपोल्स हैं उनको प्लग करने के लिये ग्रापने कोई कार्रवाई नहीं की है । जब तक आप इन सारी बातों को ध्यान में रखकर कोई कोप्रेहेंसिव व्यवस्था नहीं करते हैं तब यह समस्या हल होने वाली नहीं है। में सापका ध्यान कोल कमेटी की रिपोर्ट की तरफ भी दिलाना चाहता हूं। कोल कमेटी की रिपोर्ट 1971 में बा गई थी. लेकिन सरकार बाज तक उस पर नहीं चली । इस लिये मैं यह निवेदन करना चाहता हूं कि जो भी बाकी काननों के अन्दर लपोल्स हैं जब तक झाप उनको प्लग नहीं करेंगे तब ग्राप इस तस्करी के धंधे को रोक नहीं सकते हैं। अन्त में फिर मैं यह निवेदन करना चाहता हूं कि सरकार को इस संबंध में एक कम्प्रेहेंसिव ला बनाना चाहिए झौर ऐसी

गिरफ्तार कर या डिटेन्शन में ले, चाहे एक हजार बादमियों

को गिरपतार करें इसमे वातावरण बदलने वाला नहीं है।

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व्यवस्था करनी चाहिए कि घ्रयर पब्लिक का कोई घादमी चाहे कि किसी तस्कर के विरुद्ध घ्रदालत में जाया जाये तो जा मके ग्रौर मारी बातें ग्रदालन के मामने रख मके।

ग्राज ग्रापने केवल सरकार का प्रश्न रखा है। मैंने कल भी निवेदन किया, ग्राज भी निवेदन करना चाहता ह कि इस बिल में भी आपने कलाज 12 रखकर वे अधिकार ग्रपने हथ में ले लिए कि किस प्रकार से तस्करियों का शोषण किया जा सके, किस प्रकार से तस्करियों को अपने काब में किया जासके । इस तरह की स्थिति के ब्रान्दर झाज कई लोग जेल से छटे हैं । तो मैंने कल भी कहा, ग्रीर मैं उसको रिपीट नहीं कहंगा, आज कोई कानून की गलती से नही छटे हैं, प्रशासनिक गलतियों के कारण से छटे हैं, तो क्या वे गलतियां सुत्र र नहीं सकती । जो तस्करी झाज तक छट गए उनको गिरफ्तार क्यों नहीं किया ? कुछ को पकड़ा. कछ को नहीं पकडा, यह जो डिस्टिंक्शन अप्लाई करते है इसके कारण तस्करी आज यह समझता है कि सरकार के ग्रमक व्यक्तिको खण करना चाहिए । जो ग्रापका संरक्षण प्राप्त नहीं कर सकते हैं वे जेल में पडे हैं। तस्करियों की हिन्दस्तान में कमी नहीं है, बाउंर स्टेट के ग्रन्दर गांव गांव में तस्करी बैठे है। ग्राप मेरे साथ गजरात ग्रीर राजस्थान में चलें. बंगुली लगाने की ग्रावण्यकना नहीं, मरकारी रिकार्ड में माबित कर सकता हूं कि कितने लोगों ने तस्करी व्यापार किया है. उनके खाते पकडवा सकता हं लेकिन दर्भाग्य यह है कि उनको पकडने के लिये आप तैयार नहीं है, बड़े बड़े राजनैतिक नेता तस्करियों से मिले हुए हैं, जिस तस्करियो का सरकारी रिकार्ड में उल्लेख है, कागजों में जिनके एंटि-मिडेंटस का उल्लेख है।

प्रंत में मैं निवेदन करना चाहूंगा कि यह जो कानून प्रापने बनाया. इसके जरिए प्रदालत से बाहर निर्णय करने का ग्रधि-कार प्रापने प्राप्त किया ग्रोर प्रदालनों में लोग नहीं जा सके इस प्रकार की जो पावंदी लगाई है यह बहुत ग्रापत्तिजनक है. ग्रोर यह केवल इस ग्राधार पर नहीं कि याप उनके फण्डामेंटल राइट्स के ऊपर इनकोच कर रहे हैं बल्कि इस लिये ग्राप्ति-जनक है कि उनके सारे कारनामें जिनके कारण ये लोग बंधे है, जिनके करण्य से तस्कर ध्यापार प्रपताया है, वह पब्लिक लाइफ में नहीं ग्राएगा ग्रोर जव तक पब्लिक लाइफ में नहीं ग्राएगा तब तक हिन्दुस्तान से तस्कर ब्यापार नहीं बत्म किया जा सकता है ग्रोर इस आधार पर मैंने प्रस्ताब रखा है ग्रोर में समझता हूं इसके मुख्य उद्देश्य से सदन में कोई विरोध नहीं हुग्रा है ग्रोर इस लिए ग्राणा करता हूं, सदन इसको स्वीकार करेगा ।

SHRI PRANAB MUKHERJEE: Mr. Deputy Chairman. Sir. I am grateful to the honourable Members, belonging to both the sides, for having provided to the House their thoughtful suggestions during the course of the discussion on this piece of legislation.

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Sir, whatever might be the tone of the speeches and the angularities of the visions of the Members here, our approach to the problem of tackling this menace in our social and econo-mi; life is known and, by and large, it has been appreciated by all the speakers, perhaps without any exception, that this menace has taken a serious dimension in our economic life and no stone should be left unturned in taking care of this problem. At the same time, Sir, from particular political angles, certian things have been brought in on the floor of this House wliich have no direct relevance and reference to the present subject of discussion.

Sir, ihe mover of this Resolution, disapproving of this ordinance, his stated <u>th.it</u> there IMIO necessity for the MISA to be brought in here. I would just like fo point out that the Maintenance of Internal Security Act is basically to preserve the security of the nation igaiust external and internal dangers and. Sir. il'there are certain forces which try to distort the economy of the country, which try to distort the very valuable foreign exchange position of the country, and which try to distort the forces of economic development of the country, then, according to my understanding of the connotation of this word "Security", ji applies to this aspect also.

To mv understanding of the copnotation of the word "Security", it applies to this aspect a'so. Theiefore, to bring the cases of smugglers within the ambit of the Maintenance of Internal Security Act is not out of context or is not beyond die purview or scope of the Act itself.

Sir. it has been pointed out nuny a time on the floor of this House and on the floor of the other House that the situation is rot an ordinary one. It is an extraordinary situation, and that it is an extraordinary situation has been admitted by various Members, including the mover of the Resolution himself when he suggests that almost in every village of Rajasthan...

SHRI B.S. SHEKHAWAT : Not in every village. . .

SHRI PRANB MUKHARJEE : I heard the English translation of your speech; the word used was "every".

SHR1 B.S. SHEKHAWAT : I slid, every village on the border.

SHRI PRANAB MUKHERJEE : Anyway. India has a very vast border on land and

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sea. There are smugglers in Rajasthan and Gujarat. We have such a vast coast-line. Is it possible to take care of smugglers within the ordinary laws which we have at our disposal? I would like to quote a few figures which would indicate what has been the dimension of smuggling operations in the country. Various figures have been quoted. 1 would not like to indulge in the jugglery of figures.

SHRI RAJNARAIN : Do not go into details.

SHRI PRANAB MUKHERJEE : Various figures like one thousand crores to a few thousand crores per year have been quoted. Actually, according to the Kaul Committee, the foreign exchange involved in smuggling would be of the order of Rs. 166 crores to Rs. 170 crores per year...

(hit er ruptions)

SHRI B. S. SHEKHAWAT : That was in 1969.

SHRI PRANAB MUKHERJEE : Now it is 1974. Not much difference. 1 would like to quote a few figures. The value of the goods seized in 1966 was of the order of Rs. 6.61 crores. After three years, in 1969, it was of the oider of Rs. 25.01 crores. In 1973 it was of the order of Rs. 35.48 crores. In 1974, up to August, firs' eight months, it was of the order of Rs. 40.15 crores- Therefore, Sir...

SHRI BABUBHAI M.CHINAI : What about jute smuggling?

SHRI PRANAB MUKHERJEE : I am not going into it sector-wise.

SHRI BABUBHAI M. CHINAI : That will give you the dimension.

SHRI PRANAB MUKHERJEE : Anyway, this would indicate two factors: First, in what proportion smuggling is increasing, ano second, it would give answer to some of the criticisms which have been put forward by some of the hon. Members that the Customs Department and o'her departments concerned are not doing anything. If they did not do anithing, even prior to this Ordinance and prior to these measures which have been taken, perhaps the quantum of seizures would not have gone up from Rs. 6.61 crores to Rs. 40.15 crores within the last six or seven years (Interruptions). This is an extraordinary situation. And an extraordinary situation cannot be tackled. canDot be taken care of. by the ordinary laws which have been suggested by the hon. mover of the Resolution. We have made amendments. In my introductory remarks I have cited in what ways we have made amendments. The Foreign Exchange Regulation Act was passed in 1973. The Customs Act has been amended, not once but several times—in 1962, 1966 and 1969.

SHRI B.S. SHEKHAWAT : After 1971, there has been no progress.

SHRI PRANAB MUKHERJEE : Mr. Shekhawat, you spoke for a longer period. When I am making my point, it is no use smuggling into the debate. I hope you will have the patience. Sir, what I was trying to point out is that it is not a fact that the Government has not taken due measures after 1971. In 1973, the Foreign Exchange Regulation Act was passed and a comprehensive Bill covering the direct taxes is before the Select Committe just at the moment. Therefore, il is not a fact that the Government has not done anything.

SHRI BABUBHAI M. CHINAI . By the time, the Bill is passed, perhaps the Parliament will pass away.

SHRI PRANAB MUKHERJEE : Mr. Chinai and many other lion. Members are there.

SHRI BABUBHAI M. CHINAI : 1 am not there.

SHR1 PRANABI MUKHERJEE : So, it is not merely that the Ministers are present there. It is not the responsibility of the Minister only, but the responsibility of the Parliament as a whole. Mr. Chinai knows that the Select Committee is a replica of the Parliament itself Sir, my point is that it is an extraordinary situation an J in this extraordinary situation, the people who are behind the screen and who are the kingpins of the whole operations, who pose as the best of the citizens and open charitable trusts to have the maximum benefit from the society should be brought to book. It is not possible to bring these people to book under the ordinary law. This ordinance is meant for them. This piece of legislation which seeks the approval of the august House is meant for them. I have never said of the Government has never said that everything has been done. This is a constant exercise. This is a constant endeavoir. It was found that the existing laws are not sufficient to cope with the situation and therefore, the Government came forward with the ordinance and

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Exchange and Prevention now the Government has come forward with this Bill to replace the oridnance. One hon. Member suggested that the ordinance should not have been brought in and it should have been done by passing lie law in the normal way. It could not have been done because the ordinance was issued on the 17th of September and within a couple of weeks, it was possible to take care of a good number of the kingpins and to put them behind the bars. Had this been passed in the normal way and all the news of these discussions come in the newspapers, perhaps all these people would have smuggled themselves to some neighbouring countries. Now, only one or two have managed to go abroad. Therefore, some sort of surprise was neeessary and, therefore, this ordinance was issued. It would be appreciated by the hon. Members that measures like this where surprise is necessary and a sudden action has to be taken, could not be taken by passing a legislation in the normal way. It has been suggested by some hon. Members 'hat it would be utilised by the ruling party against their political rivals. This point has been sufficiently answered by my colleagues belonging to this side and particularly by Shri Nawal Kishore ji. Therefore, I would not like to dwell on that point in detail. What I want to point out is that this piece of legislation is meant for the economic offences and from the common man's point of view it would not be easy to stamp the political leaders of the country as smugglers and to put them behind the bars by resorting to the provisions of this Act. If the ruling party or the administrator wants to put these people behind the bars, there are various other provisions.

And, therefore, 1 would not like to go into the question. Whetiier the Congress does it alone becaus?, in the last seven or eight years, we have the experiences of the non-Congress governments, and we hive seen how the preventive detention msasuris were being resorted to by both the left coalition governments and the right coalition governments. We know how a State Government, under the leadership of a veryredical, progressive person, appealed to thi Central Government for the extension of the Preventive Detention Act. And I would not like t_0 go into the details of all those things because th; hon. Members who took part in this discussion also shared the power belonging to the ruling parties in the State-, and not in one State, but, of course, in various States. And we know how they have utilized the preventive

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Activities Bill, 1974 detention measures to suit their purposes Therefore, it is no use making blanket charges, particularly against the ruling party, th« Congress, that it is misusing its power.

Mr. Deputy Chairnun, Sir, it has been suggested that Government is not taking any measures against the defaulting officers, and an attempt has been made to create an impression, that this is an eyewash and nothing more than that, and that is wl y the Government is merely passing some legislation and strengthening its own hands but not taking adequate measures in other areas. Sir, the figures which I have quoted about the seizures would indicate that if the organization had not been vigilant and had not been active, it would not have been possible for the Government to bring these people behind the bars and it would not have been possible to increase the number of seizures to increase the number of raids and to take various other preventive and punitive measures in various sectors. In spite of that, it is a constant exercise at the administrative level to see that whenever there is some doubt, whenever there is some suspicion, due care is taken to get rid of those persons against whom suspicion or doubt arises. 1 can give some figures which can indicate what action has been taken by the Government in regard to overhauling the administration and to get rid of the guilty officers. Various punitive measures have been taken against the defaulting officers. I am giving the figures which relate to the period upto 30th September, 1974: In the ranks of gazetted and non-gazetted, the dismissals are 2 and 31; compulsory retirement-Zero and eleven; reduced in rank/pay-7 and 25; iossto Government recovered from pav-Zero and 14: increments withheld-3 and 32; promotion withheld-3 and 20; censured-13 and S3; pension withheld-27 and 3; warned—3 and 52; and total 43 and 241 respectively. This is only in relation to the officials of the Customs and Centra' Excise Department.

AN HON. MEMBER : What about the Income-tax officers?

SHRI PR YNAB MUKHERJE : : Therefore, Sir, it is not a fact that we are not taking due care to overhaul thi organization. But at the same time one should appreciate that it is no use making blanket charges against all sorts of officers and naming them on the floor of the House whenthjyhavj no opportunity to defend themselves. I am sorry Dr. Kurian is not

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[Shri Pranab Mnkherjee! here. The other day, he mentioned about one j of the very senior officers-Mr. Ganapathy. | I am working with them. So far as we know, they are of highest integrity and*cf highest order of efficiency. It is n o use making charges against them when you have no positive evi-, dence, concrete evidence against them. And j mentioning their names on the floor of the House is no use. Dr. Mathsw Kurian has found nothing but political camouflage. The^e is no need for making any political camouflage. What we can do, what we intend to do has been very clearly pointed out many a time on the floorof this House and on the floor of the other House.

There is no question of political camouflage. It has been denied many a time. But in spite of that, even while speaking yesterday, he brought up the old episode of Hazi Mastan's meeting with the Prime Minister, p has been denied by the Prime Minister herself, it has been denied by the Minister of State in charge of Home Affairs, Mr. Om Mehta himself, it has been denied by eyerybody in the Government, that there was no meeting between Hazi-Mastan—or Coolie Mas^{(an} or whatever his name may be—and th; Prime Minister. But still he went on harping on the same point.

श्री राजनाराण : श्रीमन्, पाइंट आफ आडंर ।

SHRI PRANAB MUKHERJEE : I have listened to all of them with much patience.

श्रो राजनाराण : श्रीमन्, प्राइम मिनिस्टर ने कट्रेडिक्ट नहीं किया । प्राइम मिनिस्टर ने यह कहा है कि वह नोइंगली उनसे नहीं मिली ।

ग्राप ग्रंग्रेजी को जानते हैं।

SHRI PRANAB MUKHERJEE : 1 appreciate Mr. Rajnarain's acumen as an able parliamentarian but 1 do not know whether he is an able grammarian.

श्री राजनाराणः ग्रामेरियन क्या है ं जान-बुझ कर नहीं मिली, सिला दी गई

The word js 'knowingly". Read it minutely.

 \dots (Interruption) \square

SHRI PRANAB MUKHERJEE : Sir, 1 have listened to hon. Members with much patience and I expect that they would listen to me with some amount of patience.

Sir, it has been pointed out particularly by Dr. Seyid Muhammad that after the reshuffle of the Ministry, ou efforts against lie smugglers would perhaps be slackened. I do not know how this impression could come into the mind of hon. Member or anybody else.

DR. V. A. SEYID MUHAMMAD : Not my impression.

SHRI PRANAB MUKHERJEE : Anyway, you reflected...

DR. V. A. SEYID MUHAMMAD : I specifically said that I have no such impression.

SHRI PRANAB MUKHERJEE : Anyway, he conveyed the impression of others. But I can tell you, it is not a question of one individual. It was the decision of the Government of India and this decision was taken at the highest level—that smuggling has assumed such dimensions that unless we take care of it, it would eat up our entire developmental process. Therefore, the shifting of one individual from one Ministiy to ano? her Ministry does not indicate shifting of the policy.

Further. Sir, it has been pointed out by Mr. Bhupesh Gupta that the Finance Minister, Mr. Subramaniam is not taking due care to issue instructions to the officers. That is not a fact. After coming over to this Ministry, personally I have met Customs Officeis and Income Tax Officsrs of almost all ths important charges. We have issued instructions and there are arrangements for periodical meetings. Whenevc j-occasion arises, neeessarv instructions are issued. Well-set-out rules and principles have been laid down by our predecessors and we are working within the framework of the rules and procedures set out. Therefore, there is no question of either slackening of effort or shift in policy. Shift in of personnel does not indicite shift policy and I cu assure the hon. House that there will be no shift in the campaign and measures. All positive steps to deal with this menace are continuing and will continue.

SHRI BHUPESH GUPTA : Will you give us one information ?— nobody said about this. Wi'l you kindly tell us. while you are dealing with the Conservation o^T Foreign Exchange Bill, how is it that Mr. D K. Guha, your officer ol the Income Tax Department who was on deputation in the Directorate of Enforcement and who investigated frhe case of G. D. Birla in the United Commercial Bank and discovered a fraud of foreign ex-

change to the extent of ten million pounds or so-all the documents were found, the case was being got ready and we weie informed that the Chairman of the United Commercial Bank was not only removed but arrested-we find j that not only Mr. Guha had been reverted to i the Income Tax Department but he is on the way out from service ? He had been demoted ' also. Yet we are told nothing has been done to him. Wil! you kindly tell us, before the adjournment of the House why Mr. D. K. Guha, whose house has been burgled in order to get at the papers, is in such a state today?

4 р. м.

SHRI PRANAB MUKHERJEE : It is a very specific case and until 1 look into the papers it is not possible for me

SHRI BHUPESH GUPTA : Kindly find it out.

SHRI PRANAB MUKHERJEE : Anvway I will look into it. Even the number of arrests and the number of seizures during these days has gone up and a new momentum has been created. With all seriousness the campaign against smugglers is going on.

Shri Gupta has made a reference about speed boats. It is a fact that hundred speed boats are to be acquired but at the same time our indigenous Garden Reach Shipyard has undertaken the job of constructing similar type of speed boats.

SHRI BHUPESH GUPTA : How long will it take?

SHRI PRANAB MUKHERJEE . I will come to that. Therefore, we are going to place orders for 10 speed boats with Garden Reach and we are making arrangements to get some more speed boats from Norway. Two hive already reached and by April of the Next year it is expected that additional 18 speed boats will be available with the Customs Department to take care of the west coast Area. But Sir, merely by taking punitive and preventive measures it will not be possible to do away with the menace of smuggling altogether. Certain other measures have also to be taken. We have augmented our staff, we have made arrangements for providing sophisticated instruments like binoculars etc. to the customs and other officers, we have made arrangements for offshore guarding and yet certain other measures are also being taken to

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see that effective steps are taken aganist these smugglers.

SHRI SARDAR AMJAD ALI : May get one clarification from the hon. Minister ? Tie hon. Minister was referring to the point which has been asked by my colleague here that the sPeed of tlie anti-smuggling operations has slackened compared to what was being done during the period of the other Minister. The hon. Minister has clarified the position but would he kindly convince the House whether he has any statistics in his possession to show that there is no variation in the number of arrests, raids etc.?

SHRI PRANAB MUKHERJEE : So far as the number of raids and the quantum of seizures are concerned I do not have ready figures but I can give some figures about arrests. In the month of November alone 150 arrests have been made, and this would indicate that there is no slackening. In our first round we got a large number of people and we are waiting to give this Ordinance the shape of an Act. We are waiting to feet it passed with the approval of Parliament and with the assent of the President and I can assure the hon. Members, as I have already done, that there would be no slackening of the efforts. It would continue with the same speed set up by our predecessors and the tempo would be maintained.

Now I willcome to one point which the hon. Members have mentioned and that is about the properties, particularly the benami properties of the smugglers. While answering, a supplementary on the floor of this very House it has been pointed out by my senior colleague that We r.re looking into the various legal aspects of it, h: what way we can bring those properties under some sort of discipline and whether it could be arranged to confiscate these properties but, sir, I have already explained the difficulties within the framework of the existing laws. Al! legal aspects will have to be taken into account and if neeessary, a comprehensive legislation will have to be brought in.

SHRI BHUPESH GUPTA . We are

making a suggestion. Vou issue a proclamation taking cover under the Emergency provision. You know we are not for Emergency but so long as it exists, a provisian could be made in order to cover these properties. You can take cover under the Defence of India Rules which you have got or under the Emer-

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[Shu Bhupesh Gupta J gency provisions. That is to say, under the Defence of India Rules or under the Emergency provisions you get hold of these properties. At least so long as the emergency period continues you will be in a position to retain those properties under the Government custody and the smugglers or tlie benami holders will not be able to go to the court. I think pending a final solution with regard to confiscation of the property, some such step should be taken, so that you get physical control of the properties and preclude judicial review and judicial intervention. The Courts inevitably would be moved, but you should

SHR] PRANAB MUKHERJEE : The hon. Member has made a good suggestion

prevent it.

SHRI HAM1D ALI SCHAMNAD : ls reading a newspaper in the House allowed ?

SHRI RAJNARAIN : It is concerning the subject under discussion. srf'Mi ^T T^^;^ I, ^rftrrr <re T^T g I

MR. DEPUTY CHAIRMAN : You are aot going to speak on it any more. What is the use of reading it.

SHRI PRANAB MUKHERJEE : Anyway, the whole difficulty is that it is not possible and it is not easy to indentify the properties of these smugglers because it is scattered and it is transferred *mala fide*. If we could indentify the properties of the smugglers, at least we could tax them.

SHRI BHUPESH GUPTA : I would help you ...

SHR1 PRANAB MUKHERJEE : Anyway, that is a matter which we can discu s later on.

SHRI BHUPESH GUPTA : You put peop'e in detention without trial, without actually identifying their crime or proving it. On suspicion you do it. Therefore, so 'ong as the Government is satisfied that the property held by an individual is actually the property of a smuggler, on suspicion you have power to take physical control of it.

MR. DEPUTY CHAIRMAN : Let him proceed.

SHRI PRANAB MUKHERJEE : Anyway, that is a separate matter. J have a'ready indicated that my senior colleague has said on the floor of the House that these points would be looked into. Whatever is possible we shall try to do.

Mr. Anvjad Ali, while making some observations, suggested and asked why a cell is not being created to look into the activities of the officers. I can assure him that a'ready a cell exists and it is undei the administrative control of the Home Ministry. They constantly make various exercises and endeavours. They have taken various steps and I have indicated some of the steps which have already been taken.

Two or three things have been suggested by various Members. Unfortunately some of these old names have been brought in again during the course of the discussion. No new point has been made out in the case of Mr. Sukhadia or Mr. Nityanand Kanungo or in the case of Mr. K. K. Shah . ..

SHR] BHUPESH GUPTA : Mr. S. K. Pati'.

SHRI PRANAB MUKHERJEE: ... or Mr. S. K. Patil. All these things are repeated. 1 would like to draw the attention of the House to one important aspect, *viz.*, how character assassination and maligning of individuals is going on. In tie case of Mr. Mohanla' Sukhadia the photograph alleged to be of a known smuggler was printed in various weeklies and newspapers in different parts of the country. It was suggested that the photograph of a person, alongwith Mr. Mohanlal Sukhadia was printed as 'Mohanlal Sukhadia and Nainma' Shah* in the 'Current' weekly on 28-9-1974.

SHRI BHUPESH GUPTA : It J_s under whom ? It is under Mr. Umashankar Dikshit.

SHRI PRANAB MUKHERJEE : I do not know. Again, same photograph was published, in the Rising Sun, of Mr. Mohanlal Sukhadia with the same photograph of the same person showing Mr. Mohanlal Sukhadia and Yusuff Patel...

SHRI BHUPESH GUPTA : Mr. Salve, a Member of the other House, is in-charge of that.

SHRI PRANAB MUKHERJEE : Again, it was printed and published in the newspaper •Pratipaksha' showing Mr. Mohanlal Sukhadia with Bakhia. The person is the same, but sometimes it appears as Mr. Bakhia; sometimes it appears as Mr. Yusuff Patel and some-

limes appears with Mr. Nainmal Shah This is the way in which character assassination and maligning is going on.

श्री भैरों सिंह शेखावत : नैनामल पुंजा का जो फोटो छपा है, जिस समय मिले थे नटराज होटल में ... यह कहीं नहीं लिखा है भाखिया है : ...

(Interruption) SHRI PRANAB MUKHERJEE : I do not know Nainmul Punjaji nor do I know of the photograph. Today it may be the photograph of somebody and tomorrow it may be the photograph of a smuggler. It is no use bringing it . . . (Interruptions) What I wanted to emphasise is that in spite of the clarifications given by the persons themselves the same old charges are being repeated day in and day out on the floor of this House. It is no use there is no new point. All these points have been discussed on the floor of Parliament and on the floors of the various State Lagislatures, and some of these matters are still under investigation by the CBI. Therefore it is no use bringing all these old points and maligning those who cannot defend themselves on the floor of the House. But I want to emphasise, if there be any connection with any political parties or any political individuals, whenever Government gets information, they will take care of it. But it is no use taking this opportunity of discussion to malign-ning those . • .

SHRI BABUBHA1 M. CHINA 1 : If it has appeared in a certain paper, the Member can take action. If Mr. Sukhadia's photograph or sombody else's photograph has appeared in the current or any other papir, a defamation suit can be filed by Mr. Sukhadia or somebody else. Why is the hon. Minister unnecessarily saying these things ?

MR. DEPUTY CHAIRMAN : Mr. Chinai, when something is said on the floor of the House, the Minister has to reply.

SHRI PRANAB MUKHERJEE : .It ig my duty to defend him. What I wanted to emphasise is that no new points have been brought. All these were discussed on the floor of this House, on the floor of the other House and on the floors of the respective State Legislatures. Therefore, what is the use of harping the same tune, when the tune is not at all having any rhythm or symphony '•'

SHRI BHUPESH GUPTA : The paper Current when owned by Mr. Karaka was not

reputable; neither is it reputable under Mr. Urnashankar Dikshil.

SHRI PRANAB MUKHERJEE : Anyway, that is nol the question now.

MR. DEPUTY CHAIRMAN : We are not discussing that paper.

SHRI PRANAB MUKHERJEE : Sir, unfortunately, again another name has been brought in by Mr. Bhupesh Gupta. That is about Mr. Antulay, a Minister of Maharashtra. And I cm tell him that the whole matter was looked into by an all-party committee of the Maharashtra Legislature itself and they have found nothing against him. Therefore perhaps it would not be proper to mention all these things here again and again. ft was done by an allparty committee of the Maharashtra Legislature because he is a Minister and he is responsible to the Maharashtra Legislature. And it was their duty to go into it and they have done so.

He has also mentioned about another respectable hon. Member of Parliament, Mrs. Gayatri Devi, a Member of the other House. And all that I can say is that I have already replied to a question regarding the robbery of her jewellery and ornaments in New York What I can tell Mr. Bhupesh Gupta through you, Sir, is that Mrs. Gayatri Devi has told our Customs authorities that neither did she take any jewellery from India nor did she bring in any jewellery from New York. About the robbery she has said that one French Viscountess was accompanying her and all the jewellery that was stolen belonged to that French Viscountess. And the robbery news came in the New York Times. However, in the report that came out in the Indian papers, there was a slight distortion. And when a Member of Parliament makes a declartion to the Customs Officer, I expect that the Customs Officer should accept the version of the hon. Member of Parliament at its fac2-value.

SHRI BHUPESH GUPTA : I am not suggesting that. Whether Mrs. Gayatri Devi is a smuggler or not, I do not know. All I said was that the newspaper report says that she was robbed of her jewellery in New York. When 1 asked you whether she made a declaration when abroad that she was taking jewellery your reply was that she did not declare any jewellery to the customs authority. It follows, therefore, that either she did not

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[Shri Bhupesh Gupta] have ;.:iy jewellery or she had which she did hot d-Jare. And if she had, was it declared ? That is all that 1 wanted to say. Everybody knows to day the former princesses, Maharanis i and others in India have accummjlated jewelleries and diamonds etc. which they are taking away atroad. You know all this very well. This is what I wanted to find out because this is a very relevant occasion. Was an declaration made; otherwise how could it happen '.' How is it that gangseters in New York knew that Shrimati Gayatri Devi was an eligible target from whom they could get hold of jewellery ? The Customs did not know that she had any jewellery.

MR. DEPUTY CHAIRMAN : We have been told that the target was not Shrimati Maharani Gayatri Devi but a French Countess.

SHRI BHUPESH GUPTA . In the papers we read that Maharani Gayatri Devi has been robbed. It is not reported that any I French woman is robbed. The report has come from Indian correspondents that Maharani Gayatri Devi has been robbed. Now 1 find another story coming in.

SHRI PRANAB MUKHERJEE : I hope I have covered the various points made ' by the hon'ble Member . . .

SHRI KRISHAN KANT (Harvana): Mr. I Deputy Chairman, before he goes to the next item pointed out by hon'ble Members, I would like to know about the problem which he was dealing with, namely, linkage of politicians with the smugglers and hoarders on v, nich the Government have been very serious to take action. Action has been taken in Punjab. Twice the hon'ble Minister stated in this House as well as in the Lok Sabha that if specific cases are brought to them they will look into them. May I know from the hon'ble Minister, who is now well versed with the subject-whenever smuggling and hoarding take place politicians have been found involved whether il is here or America or elsewhere-that in view of the general climate in the country, whether the Government will wait for specific cases to be brought to them or they will suo morn investigate into the question of relationship between ihe politicians at various levels and the smugglers and hoarders as also the officials who are in league, or will they want specific information in which case they will never be able tv reach any conclusion '.'

SHRI PRANAB MUKHERJEE : There is no difference between what Mr. Krishan Kant said and what stand the Government has taken. When my senior colleague referred to specific information that was not On any particular question. We have never mentioned that the Government would not try to unearth if there is any linkage between a political party-whatever political party it may be-and a smuggler. In this process various steps have already been taken. Until and unless we can do away with the patronage we cannot do away with the smuggling manace at all. Tfieie-foie, it would be our endeavour to unearth linkage, if there be any. But until and unless we are told of a political linkage it is no use making blanket charges like this.

SHRI KRISHAN KANT : There is no assumption here. As we all know nowhere smuggling takes place, whether it i_s India, America or Europe, anywhere without the connivance of the Government. Therefore, *Suo motu* the Government must look into it and take action and report to Parliament at theeatliest what action they have taken.

SHRI PRANAB MUKHERJEE : I have a'ready said that the Government is alive to the problem and they will take action. I will make one or two points more.

SHRI N. R. CHOUDHURY : I would like to know whether the Minister will assure us that if any such cases of collusion are brought to the notice of the Government, action will definitely be taken-

MR. DEPUTY CHAIRMAN : $Th_a t$ is what he has said.

SHRI N. R. CHOUDHURY : I_{s} that an assurance ?

MR. DEPUTY CHAIRMAN: You are only trying to repeat what has been said. SHRI BHUPESH GUPTA : Sir, only a few days ago, I received a letter from a Member of the Lok Sabha-I would not name himenclosing a list of smugglers of Mysore. I enquired from that Member and surprisingly enough that Member told me that it was not his letter. Now people are forging letters of Members of Parliament. A list of smugglers has been submitted to me in the name of a Member of Parliament belonging to the Congress Party and he has disowned the signature. Sir, another Tulmohan Ram thing is coming up. Now, whether the signature is genuine or not, you should enquire

about the list of names of smugglers of Mysore, irrespective of the fact whether that Member has written that letter or not. I was shocked when the Member of the Lok Sabha told me that he had not sent it.

MR. DEPUTY CHAIRMAN : There ave many people in the country who, taking advantage of what is going on, might try to wreak vengeance on somebody.

SHRI BHUPESH GUPTA : The letter was on the printed pad of Lok Sabha and his name was also the e. 1 am not mentioning the name.

SHRI PRANAB MUKHERJEE : Already I have pointed out that the Government is alive to the problem and the Government will try to unearth these things . . .

SHRI SUBRAMANIAN SWAMY : 1 would like to ask the Minister one question. In view of what he has said just now, that the Government is alive to this problem, are they at the movement investigating any specific cases of collusion between politicians and smugglers? Is there any particular investigation going on just now?

SHRI PRANAB MUKHERJEE : Sir, even if I have any information, how can I say it on the floor of the House ? Tomorrow everything will come out in the newspapers.

SHRI SUBRAMANIAN SWAMY : I I do not want names.

श्रीमती लक्ष्मी कुमारी चूंडावत (राजस्थान): बिज् पटनायक पोलीटीशियन हैं, उसके पास इम्पोर्टेंड व्हिस्की मिली। उसके खिलाफ ग्राप क्या एक्शन ले रहे हैं ?

SHRI PRANAB MUKHERJEE : The hon. lady Member is aware of the steps the Government has already taken.

(Interruptions)

MR. DEPUTY CHAIRMAN : No more questions. The Minister will conclude his speach now.

SHRI PRANAB MUKHERJEE : Therefore what I was trying to point out was, there is no scope for lacuna, there is no slackening in the operations. It will go on and it would be our effort that all the Members of Parliament belonging to vario JS parties will create a public opinion and they themselves will render all possible co-operation to do away with this menace because it is not a question merely of

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one party or merely of administrative and legislative measures. With these words, Sir, I commend the Bill for the consideration of the House.

MR. DEPUTY CHAIRMAN : I shall first put the Resolution to vote. The question is :

"That this House disapproves the Maintenance of Internal Security (Amendment) Ordinance, 1974 (No. 11 of 1974) promulgated by the President on the 17th September, 1974." *The motion was negatived*.

MR. DEPUTY CHAIRMAN : 1 shall now put the motion to vote. The question is:

"That the Bill to provide Ior preventive detention in certain cases for the purposes of conservation and augmentation of foreign exchange and prevention of smuggling activities, and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN : Now we shall take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 3 {Power to make orders detaining certain persons).

SHRI BABUBHAI M. CHINAI : Sir, 1 move:

"7. That at page 2, lines 28 to 30 for the •words that with a view to preventing him from acting in any manner prejudicial to the conservation or augmentation of foreign exchange' the words 'who is known to habitually engage himself in activities prejudicial to the conservation or augmentation of foreign exchange, that, with a view to preventing him from engaging in such activities' be substituted."

Sir, in support of my amendment, 1 only want to say that this Bill is intended to aoply to habitual and highly organised persons and groups involved in smuggling and clandestine operations in foreign exchange. In order thabusinessmen carrying on genuine buisness activities may not be detained, this amendment is moved. *The question was proposed*. stionis:

"7. That at page 2, lines 28 to 30 for the words 'that, with a view to preventing hirn from beg to move: acting in any manner prejudicial to the conservation or augmentation of foreign exchange' the words 'who is known to habitually engage himself in activities prejudicial to the conservation or augmentation of foreign exchange, that with a view to preventing him from engaging in such activities' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN : The question is:

"That clause 3 stand part of the Bill."

The motion was. adopted.

Bill.

Clause 8 (Advisory Boards).

move:

"8. That at page 4,-

(i) line 19, for the word 'five' the word 'two' be substituted: and

'five' be substituted."

डा० रामकृपाल सिंह : श्रीमन, मेरा यह संगोधन है कि यह जो बोर्ड का गठन होगा, यह एक भ्रामक व्यवस्था है क्योंकि झभी भी जो मीसा का कानून है उसमें एक सलाहकार बोर्ड का गठन होता है ग्रोर उस सलाहकार बोर्ड में कुछ ोता नहीं। जैसे बिहार में सलाहकार बोई बनः झौर बहां 600 लोगों पर मीसा लागू किया गया, उनके केसेज उसके सामने जाते रहे और उम दौरान वे जेल में बन्द रहे और हाई कोर्ट ने ऐंसे केसेज को छोड़ दिया और मजेदार बात यह है कि इन मलाहकार बोर्डों में जो लोग होते हैं वह खद एग्जीक्युटिव आफिससँ होते हैं खानापुरी के लिये एक हाई कोर्ट का जज बहाल होता है। तो मेरा निवेदन है कि जो फंडामेंटल राइटस हैं वह तो समाप्त हो ही जाते हें ग्रीर इसमें समय भी लगता है। इसलिये मेरा संबोधन है कि 5 की जगह पर दो किया जाये यानी 5 सप्ताह के भीतर करेगा, उसकी जगह पर दो सप्ताह के भीतर उस को किया जाए, जल्दी से झौर दूसरा जो झमेंडमेंट है वह यह कि 11

सप्ताह का जो समय दिया गया है रिपोर्ट पेश करने के लिय सलाहकार बोई को उसे घटा कर 5 सप्ताह किया जाए MR. DEPUTY CHAIRMAN : The que- भौर इसलिये मेरा सुझाब है कि मेरे इस संगोधन को

The question was proposed.

SHRI BABUBHAI M. CH1NAI : Sir. I

"9. That at page 4,—

(i) line 40, the word 'not" be deleted; and

(ii) lines 42 to 44, the words 'and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential' be deleted."

In regard to the first part of my amendment I want to say that in order to provide natural justice to the person, the Advisory Bo-

Clause 3 was added to the Bill. Clause 4 to 6 ard should state in clear words thereasones as to were added to the Bill. Clause 7 was added to the why the alleged accused is guilty of the charges levelled against him and what are those charges. So far as the second part of the amendment is concerned, it is necessary that DR. RAMKRIPAL SINHA : Sir, I beg to the alleged accused must know the full facts of his detention and the opinion of the Advisory Board thereon

The auestion was proposed

श्री राजनारायणः ओमन्, यह महत्वपूर्णं विषय है। देखिये, जो लोग डिटेंशन में रह चुके हैं यह इसकी (ii) line 34 for the word 'eleven' the word नजाकत को समझते हैं स्रोर जिनको कभी डिटेंगन में नही रहना पड़ा, जो आजादी के मूत्रमेंट में कभी नही रहे उनको इसकी जानकारी नहीं है। मैं इस संशोधन का समयंक हं और कहना चाहता हं कि बिहार में जो एडवाइजरी बोर्ड बना या उसमें जितने मामले गये, उनको मैं झायके सामन रखना चाहना हं । - श्रीमन, उसमें एक कपुँरी जो का मामला लिया जाय, उनके मामले के बारे में तरह-तरह की बाते कही जाती हैं और हमारे कुछ सम्मानित सदस्य बनावण्यक ढंग पर कर्पुरी जी के बारे में जिसकी जानकारी उनको नही है जो चाहते हैं बोल देते हैं । पटना में जो एडवाइजरी बोर्ड रहा है उसने सर्वदा सरकार के इजारे पर काम किया है । सरकार ने जिसको कहा छोडो, एडवाइजरी बोर्ड ने रपट कर दी छोड़ों। सरकार ने जिसके लिये एडवाइजरी बोर्ड को कहा इसको रोको, बोर्ड ने रपट कर दी रोको। इसी लिये मैं इस संगोधन के समर्थन में खड़ा हुया हूं कि इसकी ग्रवधि को ग्रवश्य घटा दिया जाता चाहिए ग्रौर उन्होंने जो संगोधन रखा है, ठीक रखा है। 5 की जगह दो और 11 की जगह 5 होना चाहिए, यांगी 15 दिन काफी है

एडबाइजरी बोर्ड को उनका गोटिस लेने के लिये, उनके केसेज को समझने के लिये। रिपोर्ट करने के लिये 5 सप्ताह काफी है। इससे ज्यादा समय ठीक नहीं है। ऐसा लगता है कि सरकार चाहती है कि लोगों को ज्यादा दिनों तक डिर्टेंगन में रखें। 3 महीने तक ऐसे मामले ग्रीर परिस्थितियां जिन्में व्यक्तियों को सलाहकार बोर्ड की राय प्राप्त किये बिना निरोध में रखा जा सकेगा, यह तो गजब है। इमलिये हम इस बंगोधन के पक्ष में हैं।

MR. DEPUTY CHAIRMAN : The quesiton is:

"8. That at page 4,—

(i) line 19, for the word 'tive' the word 'two' be substituted; and

(ii) line 34 for the word 'eleven' the word •live' be substituted." *"he motion-was negatived.*

MR. DEPUTY CHAIRMAN : The question is:

9- That at page 4,—

(i) line40, the word 'not' be deleted; and

(ii) lines 42 to 44, the words "and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential' be deleted."

The motion WW negai ived. MR. DEPUTY CHAIRMAN : The question is:

•That Clause 8 stand part of the Bill." *The motion was adopted.*

Clause 8 was added to the Bill.

Clause 9—(Cases in which and circumstances under which persons may he detained for longer than three months without obtaining opinio" of Advisory Board.)

SHRI B. S. SHEKHAWAT : Sir, 1 beg to move :

"10 That at page 5, line 13, for the words on; year' the words 'six months' be substituted-"

12. That at page 5, lines 34-35 for the words 'the States of Gujarat, Karnataka, Kerala, Maharshtra and Tamil Nadu' the

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words 'Andhra Pradesh, Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal' be substituted."

उपसभापति महोदय, मैं ग्रपने दोनों संशोधन प्रस्तुल करता हूँ । क्लाज 9 में यह व्यवस्था है—

"Notwithstanding any thing contained in this Act, any person (including a foreigner) in respect of whom an order of detention is made under this Act at any time before the 31st day of December, 1975 may be detained without obtaining, in accordance with the provisions of sub-clause (a) of clause (4) of article 22 of the Constitution, the opinion of an Advisory Board for a neriod longer than three months but not exceeding one year..."

किन्तु इसमें मैंने संशोधन किया है कि एक इयर के स्थान पर 6 माह रखिये । इसका कारण साफ है । वैसे तो मैं इस क्लाज के विरोध में हं। आप एक कानन में डिस्कि-मिनेशन नहीं कर सकते । स्मगलर्स की एक क्लास है, उसमें एक वर्ग को ग्राप प्रोटेक्शन दें कि ग्रमक तारीख के बाद जो स्मगलर डिटेन किये जायेंगे उनके केसेज एडबाइजरी बोर्ड को रेफर किये जायेंगे झौर झम्क तारीख के पहले जा स्मगलर डिटेन किये गये हैं या किये जायेंगे उनके केसेज सरकार चाहे तो एडवाइजरी बोर्ड को रेफर नहीं कर सकती । में समझता हं कि अगर किसी प्रकार के किसी व्यक्ति के ग्रधिकार हैं तो उन पर इससे ज्यादा कोई कूटाराधात नहीं हो सकता । उपसभापति महोदय, स्नाप जानते हैं कि तस्कर का व्यापार और तस्कर का घंधा जितना बरा है उतना ही इंडियन पेनल कोड के म्राफेंसेज बुरे हैं। एक ग्रादमी किसी का सहर करता है उसको भी कोर्ट में प्रपना केस प्रस्तुत करने का अधिकार है, उसको भी अपना वकील लेकर ग्रपने केंस को कोर्ट के सामने रिप्रजेन्ट करने का ग्राध-कार है। यहां स्मगलर्स का प्रश्न छाता है। ठीक है यह इस तरह का आफेंस है जिसके पक्ष में कोई बादमी बोलन को तैयार नहीं है। न कोई चोर के एक में है. न कोई डकैतों के पक्ष में है, न कोई मईरर के पक्ष में है। लेकिन उनको ग्रधिकार हैं । उस ग्रधिकार से सारे स्मगलर्स को वंचित किया गया है। लेकिन उनमें भी श्राप दो श्रेणियां बना कर उनमें डिस्किमिनेशन करने की व्यवस्था कर रहे हैं। उसमें सबसे ज्यादा खतरा यह है कि सरकार जिसको चाहे उस केस को एडवाइजरी बोर्ड के पास भेजेगी और जिसको चाहेगी उसका केम एडवाइजरी बोर्ड के पास नहीं आएगा। सरकार के पास इस प्रकार के डिस्क्रियनरी पावसे हैं और में समझता हूं कि यह बहुत घातक है । जिस वातावरण में देश में तस्कर का व्यापार चला है, जिसके कारण सरकार के उपर इस बान का झारोप लगाया जा रहा है

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the detention and the offence committed by him.

The question was proposed.

श्री राजनारायण : यह वड़ा फंडामेन्टल है । मैं इस क्लाज का घोर विरोधी हूं थ्रौर मेरे मित्र भी गेखावत ते जो संगोधन पेश किया है वह हमारी मंगा के अर्ध पुरक है, वह पूरा पूरक नहीं है । मैं समझता हूं कि ग्राज भी जो भारतीय संविधान का विद्यार्थी होगा थ्रौर जो भी स्वाधीनता का प्रेमी होगा वह इस काले विधेयक का श्रीर इस क्लाज का घोर विरोधी होगा । बापकी जातकारी के लिये मैं इस समय संविधान के 22वें अनुच्छेद को पढ़ना चाहता हूं :

"कोई व्यक्ति जो बन्दी किया गया है, ऐसे बन्दीकरण के कारणों से यथा शौध्न ग्रवगत कराये गये बिना हवा-लात में निरुद्ध नहीं किया जायेगा और न ग्रपती रुचि के विधि-व्यवसाय से परामर्श करने तथा प्रतिरक्षा कराने के श्रधिकार से वंचित रखा जायेगा।

प्रत्येक व्यक्ति जो बन्दी किया गया है और हवालात में निरुद्ध किया गया है, बन्दीकरण के स्थान से दंडाधि-कारी के त्यायालय तक याता के लिये झावण्यक समय को छांड कर ऐसे बन्दीकरण से 24 घंटे की कालावधि में निकटतम रडाधिकारी के समक्ष पेण किया जायेगा, तथा ऐसा कोई व्यक्ति उक्त कालावधि से झागे दंडाधिकारी के प्राधिकार के बिना हवालात में निरुद्ध नहीं रखा जायेगा।"

श्रीमन्, ब्राज जिस संविधान के अन्तर्गत लोक सभा चल रही है, राज्य सभा चल रही है, उस भारतीय संविधान के निर्माताओं की आत्मा कितनी दुःखी होगी, पीड़ित होगी, बह यह नहीं समझ रही होगी कि इस संविधान को चलाने बाले ऐसे लोग आएंगे, सरकार में बैठेंगे जोकि संविधान में दिए गए मानव की स्वतन्त्रता, फंडामेन्टल राइट्स को छीन लेंगे।

मैं ग्राण्चयं चकित हूं कि मेरे मिल जो रिसेन्टली कायेंस में गए हैं और कांग्रेस में जाने माल से उनके दिमाग में इतनी उलझन हो गई। मैं तो समझता था कि वे इस विधेयक के पायलेट करने वालों को देख कर इस्तीफा दे देंगे और कहेंगे कि हमने बड़ा बुरा किया जो रूलिंग पार्टी में ग्रा गए बल्कि उन्होंने तो इसकी हिमायत की ।

वैसे तो मैं इस विधेयक का विरोधी हूं, लेकिन इस क्लाज का तो घोर विरोधी हूं, क्योंकि 22वां ग्रनुज्छेद कहता है :

'No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by. a legal practitioner of his choice."

कि सरकार तस्करों को संरक्षण दे रही है, मैं समझता हूं कि उन आरोपों की पुष्टि इस कलाज से स्वतः ही होती है कि सरकार के दिसाग में है—हाजी मस्तान हो सकता है, युगुफ पटेल हो सकता है या दूसरे स्मगलर्स हो सकते हैं, जिनको गिरफ्तार कर लिया गया है—उन में से कौन सा ऐगा है जिसका केस एडवाइजरी वोर्ड के सामने भेज दिया जाये और असूक स्मगलर का केस एडवाइजरी वोर्ड के सामने न मेजा जाए। मैं समझता हूं कि इस पर मदन को विचार करना चाहिए।

"engages oris likely to engage in transporting or concealing or keeping smuggled goods in any area highly vulnerable to smuggling, and makes a declaration to that effect within five weeks of the detention of such persons..."

The questions were proposed.

"...makes a declaration to the effect setting out the reasons"—

आपने प्रोविजन नहीं रखा। मैं समझता हूं किसी आदमी को, जिसको आप डिटेन करने हैं, इस बात की जानकारी होनी बाहिए कि उसे डिटेन क्यों किया गया, उसके ऊपर किस प्रकार के आरोप हैं। जायद सरकार इसलियें विलम्ब करना चाहनी है कि अगर उस को इस प्रकार के कारण बना दिए गए नो वह कारणों का जवाब जल्दी देगा और एक इस प्रकार का अटमासफियर बनेगा, जिससे सरकार के ऊपर निरन्तर आरोप लगते रहेंगे। इन जब्दों के साथ मैं चाहंगा :

SHRI BABUBHAI M. CHINAI : Sir, I beg to move:

यह इसमें जोड़ दिया जाए ताकि सारी जानकारी उन लोगों को मिल सके। यह दी संशोधन मेरे हैं।

"11. That at page 5,— (i) line 26, the words 'or keeping* be

deleted; and (it) line 28, after the word effect' the

words 'setting out the reasons' be inserted."

Sir, the words "or keeping" make (he scope of the clause very wide, so that even an ordinary person buying unknowingly smuggled goods and keeping them maybe detained for the offence. Hence these words should be deleted.

About my second amendment, in order to provide natural justice to a person, the detaining authority must tell him the exact causes of

संबिधान के अनुच्छेद 22 के पहले कालम के मुनादिक पह क्लाज णुद्धतः अवैध है और मैं माननीय मन्त्री जी से यह कहूंगा कि जिनको पकड़ा जाये उनके कारण बताने के लिए आप जो लमय ने रहे है, चाहे वह 15 दिन के अन्दर हो या तीन हफ्ते भीतर हो, वह बिलकुल तानाणाही है, णुद्ध बान्युनिस्टी व्यवस्था है, णुद्ध कसी व्यवस्था है और यह व्यवस्था आज हमारे देश में या रही है।

श्री सीमेन्द्र जामां: क्या यह स्मस्तिन नहीं ही रही ह ?

श्वी राजनारायण : आगसे सौर हमसे बढ़कर स्मग्लर कौत ही सकता है ? मैं यह कहना चाहता हूं कि स्मॉन्लिंग को सभी तक कोई परिभाषा नहीं हुई है। स्मॉन्लग किस बीज को कहते हैं, मैं यह बताना चाहता हूं। आ भूपेक गुप्ता भी स्मग्लर हो सकते हैं सगर वे किसी चौज की स्मग्लिंग करें। इस पर मैं तीसरे वाचन के नमय बोलगा।

श्री योगेन्द्र शर्मा (बिहार) : संयुक्त सॉक्वलिस्ट पार्टी से श्री चरण सिंह की पार्टी में चले सये. यह भी स्मॉन्लम है और इसीलिये यह बाल कह रहे हैं।

श्री राजनारायण: भारत सरकार घोर प्रधान संवों भी स्मग्लर हो रहे हैं। मेरे पान यह साप्ताहिक पक्ष है---मार्च आफ दी नेजन... Interruption इसके प्रधान सम्पादक हैं लोक सभा के सम्मानित सदस्य श्री पीलू मोदी जो कांग्रेस के उम्मीदवारों को करारी हार देकर हर बार नोक सभा में चुनकर खाते हैं। इसमें यह लिखा है:

"Not Indira, Not Ganesh, But IMF. The cat is out of the bag. The decision to crackdown on smugglers was neither the brainchild of Mrs. Gandhi nor was it a result of K. R. Ganesh's initiative.

The '-war" against the smugglers was launched at the behest of the international Monetary Fund which his taken serious note of the Government of India blind-eyeing smugglers who were eating up vital foreign exchange reserves.

<u>ThelMF.it</u> is understood, was convinced that much of .the smuggling activity was financed by Indians holding illegal foreign exchange. It is not known if the IMF also complained about Indians piling up huge amounts in Swiss Banks.

But f_0r the IMF's firm attitude, Mrg. Gandhi may not have moved against the "financiers" of her party. She had to make a good show of it to convince the IMF of her sincerity, for the Fund ha started monitaring the Indian economy with greater vigilance."

प्रो० एन० ग्रार० वीधरी : मेरा पाइन्ट साफ वार्डर है । औं राजनागयण जिस पेपर "मार्च ग्राफ दी नेजन" को पढ़ रहे हैं, वड एक पार्टी का पेपर है । इसी प्रकार से कांग्रेस पार्टी का भो पेपर निकलता है । अगर इस तरह से पेपर पड़ने यहां पर जुरू हो जाएंगे नो हाउस की प्रोसीडिंग किस तरह से चनेगी ।

MR. DEPUTY CHAIRMAN : You have to conclude now. You are speaking on the amendments. You cannot give a long speech.

SHRI S. P. GOSWAMI (Assam) : On a point of ordei. Sir. It is a serious point of order. The paper which Shri Rajnarain is reading is edited by Piloo Mody who is a Lok Sabha Member. Piloo Mody has brought out these charges. Why should he recite these charges at the behest of Piloo Mody ?

MR. DEPUTY CHAIRMAN : It cannot go on like this- Mr. Rajnarain, 1 will be giving you one more minute. There will be no interruption.

श्वी गुणानन्द ठाकुर (विहार): श्री पीलू मोदो जारतीय लोग दल के नदस्य है...(Interruption).

धी राजनारायण : वन् मिनट किसका है ? वन मिनट ब्रह्मा । औसन्, मैं यह बताना चाहता हूं अपने पाइन्ट को समझाने के लिये कि इस समय 2 उदाहरण हमारे पास हैं । इस नदन के सन्मानित सदस्य उसको पहने भी जानते ये, प्रब भी जानते हैं । अगर पाकिस्तान का कोई हार्थ-जास्वी है ग्रोर आधिक व्यवस्था पर कोई बाटिकल लिखता है घौर प्रगरप्रधान मंत्री उस बाटिकल को धीझाति-शीझ घपना बना घर देती है तो यह स्मयलिय है या नहीं ? यह स्मर्गलिय है घोर प्रधान मंत्री को इसके बालगंत फौरन से फौरन जल में बन्द करना चाहिए ।

"Prime Minister Indira Gandhi has a Hobson's choice to make, which Piloo Mody has put before her : Is she a plagiarist or is she plain dishonest ? Mr. Mody offered these options to the Prime Minister in the Lok Sabha on November 22. The occasion was the debate on the licence scandal and the event wag Hie citation of Nehru Award to the French writer Andre Malraux.

तो कुछ साइट किया है, वो कुछ कोट किया है उसका प्रधान मंत्री भी कह रही है।...(Interruption), 199 Conservation of Foreign [RAJYA SABHA] of Smuggling 200 Exchange and Prevention Activities Bill, 1974

श्रो रबी राष: जो फांम से आए हुए थे फेन्च इंटेलेव- to the rules. I give you two minutes and you must च्यल श्री मार्लीव उमी को तो प्रधान मंत्री ने कहा । finish in two minutes.

SHRI SUBRAMANIAN SWAMY : I will MR. DEPUTY CHAIRMAN : You need not interpret for Mr. Rajnarain. He has got his follow the kind of" example set before me hy Mr. Rajnarain. own interpretation.

श्री राजनारायणः देखिये ये लोग डिस्टरबैन्स नहीं MR. DEPUTY CHAIRMAN : You cannot quote that as an example. 1 am sure, Mr. करेंगे तो हम खत्म कर देंगे ।

देखिये साइटेणन को कैसे कोट कर रही हैं प्रधान मंत्री : SHRI SUBRAMANIAN SWAMY : Sir, 1 "Andre Malraux burst upon European literature not as a writer but as an event. One ii_se in s lpport of the amendment given here. U is of Marlaux's own book has this quotation : not a trivial amendment. At page 5, line 30. it is 'Malraux entered European consciousness not said :

as a writer but as an event'."

ž :

"Andre Malraux burst upon European वो उसने अपनी किताब में लिखा, वह हबह इन्दिरा नेहरू गांधी ने लिख दिया कि वह लेखक की तरह नहीं बल्कि एक घटनाचक को तरह झा गया ।

MR. DEPUTY CHAIRMAN : amendment ?

को गिरफ्तार करके उनको इतने दिनों तक डिटेन्शन में रखा जाए, इतने दिनों के ग्रन्दर नोटिस दिया जाए, इतने दिनों के अन्दर उनकी रिहाई की जाए और अगर सरकार का जाइन्ट सेवेटरी या कोई सेवेटरी या उसके समकक्ष कोई चाहे नोटिस न दे, इतना भयंकर, इतना तानाणाही करने

MR. DEPUTY CHAIRMAN : Now, you please take your seat ? I will put the AN HON. MEMBER : Assam also. amendment to vote.

have an amendment on it. I have to speak-

Swamy, you can never imitate Mr. Rajnarain.

"In this sub-section, "area highly vulnerable to काणेल्स में राइटर की तरह नहीं इंटर किया है बल्कि इवेंट within the territories of the States of Gujarat, की तरह. घटना की तरह । इन्दिरा जी भी कोट करती Karnataka, Kerala, Maharashtra, Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry. .'*,

> Now m this enumeration three States in particular have been left out-Andhra Pradesh, Orissa and West Bengal. Now I wonder on what basis these States have not been included. When I look tt rough the available material. I find that tn

Mr. Andhra Pradesn there have been several arrests by Rajnarain, has it got any relevance to the the Enforcement Directorate of the Finance Ministry for foreign exchange violations. In श्री राजनारायण : इसका रेलेवेन्स यह है कि स्मग्लसं particular, three or four missionaries were sent off because for orpha-nages they had collected huge sums in foreign exchange. I am not against missionary activity, but I think that should "be legitimate missionary work and not of this kind. According to Finance Ministry's own report, अफसर जिस आदमी को जब चाहे गिरफ्तार कर ले और Andhra Pradesh has a large volume of foreign ex-तरकार जब जिसको चाहे छोड़ दे, जब चाहे नोटिस दे, जब change violations. But Andhra Pradesh has been left out. Similarly, West Bengal. What is the grouse of Bangladesh ? The grouse ofg बाला विधेयक कोई हो नहीं सकता । मैं चाहता हूं, इस Bangladesh is that Bengal has become a hot bed of विवेयक का परिपालन करना है तो सब में पहले प्रधान मंत्री foreign exchange and other smuggling act vities.

SHRI SUBRAMANIAN SWAMY : Of SHRI SUBRAMANIAN SWAMY : Sir, I course, 1 take your word for it. West Bengal has

also been left out. And finalK Orissa. After all the things that have been said about Orissa

MR. DEPUTY CHAIRMAN : There is no leaders, Orissa coastal area with several ports has amendment. Mr. Shekhawat moved both the also been left out of enumeration. I should say amemfpi mt-.. We have to go according that it is not bureaucratic slip but there seems to be a

political design behind it. it i_s obviously to tell the smugglers that in these particular States you can now operate, leave the other States atone. Sir, if the Government indeed is serious about doing something about smuggling, then I would suggest that they should accept my amendment without much protest.

SHRI PRANAB MUKHERJEE : Sir, there is no political design, as has been suggested by Mr. Subramanian Swamy. If he just looks into geography, he will find that we have covered the entire western coats and part of Tamil Nadu, entire eastern coast above Tamil Nadu, has been left out.

SHRI SUBRAMANIAN SWAMY Andhra Pradesh and Orissa have been left out.

SHRI PRANAB MUKHERJEE: Because they come after that. Just imagine the map of India and you will find the entire western coast, which is the most vulnerable area, and a part of Tamil Nadu, adjacent to Sri Lanka, which are the most vulnerable areas. There is no question of pol tical motive behind excluding the area contigous ...

SHRI MAHAVIR TYAGI : What about West Bengal ?

SHRI PRANAB MUKHERJEE : When a ship comes from Dubai, it has to come....

SHRI SUBRAMANIAN SWAMY : Singapore is a very big centre of foreign exchange smuggling.

SHRI PRANAB MUKHERJEE : Mr. Subramanian Swamy, it is no use exchanging words. I worked in the Shipping Ministry and I know about the ports. Whichever ships call at the Indian ports from Gulf area, they have to come to Bombay or Cochin or Madras. No ship can go straight to Calcutta. Similarly very few ships can go directly to Paradeep. Practically, Paradeep a second port of call. And, moreover, the smuggling operations are taking place through Dubai, and there too the ships are coming through the western coast. Therefore, these are the areas which have been taken into account. There is no political motive behind excluding Andhra Pradesh, Orissa and Bengal

MR. DEPUTY CHAIRMAN : The question is :

"10. That at page 5, line 13. for the words 'cmeyear' ihe words 'six months' be substituted.

The motion was negatived.

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MR. DEPUTY CHAIRMAN : The question is :

"11. That at page 5,-

(i) line 26, the words 'or keeping' be deleted; and

(ff) line 21, after the word 'effect' the words 'setting out the reason' be inserted."

The motion was negatived

MR. DEPUTY CHAIRMAN : The ou tion is :

"12. That at page 5, lines 34-35, for the words 'the States of Gujarat, Karnataka, Keraia Maharashtra tnd Tamil Nadu' the words'Andhra PradesS Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal' be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That Clause 9 stand part of the Bill." *The motion was adopted.*

Clause 9 was added to the Bill, Clause IO was added to the Bill. New Clause 10A

SHRI SUBRAMANIAN SWAMY : Sir, 1 move :

"13. That at page 6, after line, 22 the following be inserted, namely,—

"10A. All persons detained shall be prosecuted within thrje months after the date of issue of detention orders according to existing laws dealing with the activities connected with smuggling'."

If you look into the Bill you will find that tt is a very shoddy exercise or a very clever political document. At page 6 after line 22, there is no mention of any time-limit for prosecution. So, 1 would like to put in a paragraph as shown in my amendment. Now, Sir, this is necessary. Il I may say a few words in support, I have to speak about the performance of the Government. They pass

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[Shri Subramanian Swamy] laws- but I do mt know whether thev do any serious followup work. For example, even under the existing laws, the position is as follows:

N	lumber arrested in	Number	Number of
	customs cases	acquitted	prosecution
			dropped
1969	1,701	3	97
1973	2.373	208	104

Most of them indirectly involve foreign exchange regulations. You will find that a large number of prosecutions were simply dropped. From the records of Parliament it is apparent how Ihe Government deals with big smugglers and small smugglers. 1 would like to read the replies of Shri K. R. Ganesh on the floor of Parliament to two questions. One is Question No. 2049 dated 9-8-1974 in Lok Sabha. Mr. K. R. Ganesh stated that two individuals, Tripal Virmani and Surendra Nath, tried to take out Rs. 62,000 in foreign exchange in Kuwait Air on 4-5-1974. They were caught at Palam airport. They were put in jail and let out a bail of Rs. 20,000 each. This is one case. There was another question in Rajya Sabha, Q. No. 767 dated 6-8-1974. Mr. K. R. Ganesh was asked if a member of the Modi family was caught when trying to take foreign exchange out of the country. He stated : Yes. In fact Rs. 3 lakhs worth foreign exchange was involved, but this particular member of the Modi family was let out on a bail of only Rs. 7,000. Here' is an example how the Government, tn the matter of bail makes a discrimination between politically important smugglers and politically unimportant smugglers. {Time bell rings). Therefore, 1 would suggest

SHRI RANBIR SINGH (Haryana) : It is the Magistrate who grants bail.

SHRI SUBRAMANIAN SWAMY : I say that the Government should be committed to having public trials of all those they arrest, so that the entire record is made available to the public.

MR. DEPUTY CHAIRMAN : You will have to conclude.

SHRI SUBRAMANIAN SWAMY : I suppose the purpose is not to have a man in jail for years together. 1 would like a three-month time-limit to be set. *The question was proposed.*

SHRI PRANAB MUKHERJEE : The only thing I wish to say is that if we accept this amendment, the whole purpose of the Bill will be lost.

MR. DEPUTY CHAIRMAN : The question is :

"13. That at page 6, after line 22. the following be inserted namely :-

'IOA. All persons detained shall be prosecuted within three months after the date of issue of detention orders according to existing laws dealing with the activities connected with smuggling'." *The motion was negatived.*

MR. DEPUTY CHAIRMAN : Now, clauses 11 to 14 __

श्री भैरों सिंह शेखावतः मैं क्लाज 12 को अपोज कर रहा हूं मैं उस बारे में बोलना चाहता हूं।

MR. DEPUTY CHAIRMAN : There is no amendment here.

श्री भैरों सिंह शोखावतः हमने एमेंडमेंट लिखकर दिया तो कहते हैं कि निगेटिव एमेंडमेंट है। ब्रब ब्राप कहते हैं कि बोल नहीं सकते। मैं इस पर प्रोटेस्ट करता हं।

Clause H to 14 were added to ihe Bill.

Clause I and the Enacting Formula were added to the Bill.

5 P.M.

Tlie Preamble

MR. DEPUTY CHAIRMAN : Amendment No. 6. Mr. Swamy.

अो भैरों सिंह शेखावत : प्वाइंट आफ आहंर । मैं उपसभापति महोदय आप से यह जानकारी करना चाहूंगा कि इस सदन में मैंने पहले भी अमेंडमेंट दिये हैं क्लाजेज को डिलीट करने के बारे में और मुझे यह जानकारी दी गई कि क्लाजेज को डिलीट करने के बारे में जो अमैंडमेंट दिये जायेंगे वह सर्कुलेट नहीं होंगे और वह इस लिए कि डिलीट करने के बारे में जो अधिकार है सदस्यों को वह उस के बारे में बोल सकते हैं

MR. DEPUTY CHAIRMAN .- n is a negative amendment.

श्री भैरों सिंह शेखावत : तो मैं इसके विरोध में बोल रहा हं।

MR. DEPUTY CHAIRMAN : You can vote against it. Mr. Swamy, do you want to move your amendment No. 6 *1*

श्री मैरों सिंह रोखावत : यह व्यवस्था तो ग्राप को मर्जी की बात है, लेकिन किसी भी तरह मे लेजिस्लेटिव विजनेस के लिए यह वाजिब नहीं है।

MR. DEPUTY CHAIRMAN : Mr. Swamy, are you moving it ?

श्री राजनारायण : श्रीमन्, मेरा भी एक व्यवस्था का घण्न है कि ग्राज जो यह व्यवस्था कर रहे हैं यह तो स्रव्यबस्था है। हम लोग ग्रमेंडमेंट देने रहे हैं कि यह क्लाज निकाल दिया जाये...

MR. DEPUTY CHAIRMAN : But there is no amendment before us here. Yes, Mr. Swamy.

SHRT SUBRAMANIAN SWAMY : Sir, I move:

"6. That at page, line 4, after the word 'State' the words and also vitiating the political morality jn the country, be inserted."

Now, Sir, it is very clear that the main problem ol'smuggling, its root, is obviously the political immorality in the country. If it is purely a technical problem of catching the smugglers, it can be done. But the main problem that lias arisen out of smuggling is the political immorality that il has created in the country. I am glad that Mr. Shekh iwat has very cogently, precisely, in a very documented manner presented case after case how the political immorality is being created by smuggling. And I would say that in fact, even in this Bill into a clause which M'\ Shekha-wat wanted to delete, political immorality is built. For example, clause 12 says-

(1) The appropriate Governmen! may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release."

SHRI B. S. SHEKHAWAT : It Isonly to bargain with the smugglers.

SHRI SUBRAMANIAN SWAMY : [t ig popularly said—and 1 think also believed that the ruling party offers slogans to the common man and loopholes to the vested "-'crests. I can imagine the smugglers running 'ic leading lights of ihe ruling party and ling party saying, "Do not worry. We i. jot clause 12 for you. As far as the

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further activities are concerned, you can carry on in West Bengal and Orissa and in many other States which we have conveniently left out for you." We do not have to make character assassination. It has been admitted by the Minister. Mr. Gokhale, in the Lok Sabha that unknowingly he Bave a certificate to a worker "who happens also to be caught in the smuggling operation." Now, it nas also been admitted that unknowingly the Prime Minister met Haji Mastan, that unknowingly Sheikh Abdulla met Haji Mastan in Bombay and lived in his house in Bombay and that Haji Mastan lived in his house when he came to Kashmir. Here is a clear case of admission on the part of a Minister, on the part of an important political leader of Kashmir and even on the part of the P ime Minister that she did meet Haji Mastan but that she did not know that he was a smuggler. I must say to the Home Minister that the security arrangements in the Prime Minister's house be improved a little further.

We also know the politica¹ implications ol such smuggling operations as have taken place in Kerala such as nun-running, boats that come from A^rab countries to Keraia and the participation they have in politics in Keraia, the interview that Haji Mastan gave to Mr. Shamim which was published in the Illustrated Weekly. We know that in this vast country the provision for catching smugglers is either very inadequate or the facilities Ior catching smugglers arc very poor. The senior Finance Minister on the floor of this House the other day said that we need a hundred boats for an effective job on the sea. The parliamentary Committe in 1972 said that we need a hundred boats to do this job on the sea to curb smuggling. And how many boats do the Government of India have ? Just one boat. This report of the Parliamentary Committee has not been published. This shows political immorality on the other side" The question basically is this. Smuggling is not for economic reasons. This Bill gives the impression that somehow it is only on the economic side. This Act is termed as an anti-smuggling Act. But we know that it is basically a way of doing smuggling in a respectable way. This Act is primarily meant to divert the attention of the public, to create an impression that this is purely an economic problem. It is not aa economic problem. This has been stated over and over again. 1 will have to go iir

IShri Subramanian Swamy] sreat deal of लिये में प्रपत्त मिन्न, जिनको में कुछ स्वयत करता ह. facts on this. The Government is hiding the C.B.I, report which we have all been demanding over and over again. That is a report about political contributions, foreign political contributions to political parties. We have been demanding it. It should be laid on the Table of the Houss but it has not beer done. The Government is reiusing to do so. What has the Government to hide ? ls the Government show sudden concern for the trying to Opposition, sudden affection for the Opposition 2 The Opposition is demanding tt at it should be put on the Table of the House. Unless that particular report is placed on the Table of the House, I'ow is this House going to know facts about protection to smu-

gglers ? Smuggling K in fact, creating political immorality in the country. Therefore, I would urge the rubber stamps sitting over there to think with their heads for once instead of their thumb in voting for tl'is Bill. The quest ion was proposed.

थी राजवारायण : श्रीमन, मैं इसका समयेन करने के लिये थोड़ा समय बापसे चाहता है।

अमल में इस विधेयक का मूल यही है जो कि स्वामी जी बाहते हैं कि उनके संगोधन से इसमें जोड़ा जाए । मैं इस बिधेयक को बहत ही प्रच्छी तरह से पडने के बाद बहत ही दुखी हैं। अगर इसका सार देखा जाए तो यह करण्यन को दूर करने के लिए नहीं हैं, स्मगलिय को दूर करने के लिए नहीं है, स्मर्गालग को बढाना है, स्रोर स्मर्गालग को बढाकर नवीन रूप में रखकर रूलिंग पार्टी के लिए फण्ड कियेट करना है।

थीमन, मझे मालम नहीं कि कल्पनाथ को आज क्या हों गया। खाली एक दिन की डांट से इनकी सकल ठीक हो गई : मुझे मालुम हया कि प्रधान मंत्री ने इनको बुलाकर कहा कि तुमको हमने इसलिये यहां भिजवाया था कि राजनारायण को जुप कराओ ... (Interruption)

श्री कल्प नाथ (उत्तर प्रदेश): श्रीमन, पाइंट ग्राफ आईर । मैं प्रापसे निवेदन करता हं कि ग्राप इस तरह को बाते न कहें।

श्री राजनारायणः इमारी मान्यता क्या है? हम कहां से इंसपिरेंगन लेते हैं ? हमारी प्रेरणा हमको कहां से मिलती है ? उसके लिये में चाहंगा कि कुछ पंक्तियां गीता की पढ़ दूँ। स्मगलर कौन है ? मैं परमों से लोगों से कह रदा हं कि स्मगलर कौन है।...(Interruption) यहां पर बडे बडे पंडित सोग बैठे हुए हैं । बहुत से लोग गीता, रामायण और महाभारत की बात करते हैं। इस

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प्रणब बाब के कोमल स्वभाव को लेकर, पहले बिरोध में ये बोलते थे, इनको एक ही श्लोक भगवत गीता से सुनाना चाहता हं ।

ग्लोक यह है: यावदमियेद जठरतावदं स्वत्वम देहिनाम ग्रधिकयोऽमि मन्येत सस्तेनोदणउम ग्रहेति ।

अपनी अठराग्नि की पुति के लिए जितनी आवश्यकता ही उतना ही रखी और अगर उससे ज्यादा रखने की इच्छा रखते हो तो। तुम चोर हो, तस्कर हो ग्रौर तम को वहीं मजा मिलनी चाहिए जो एक चोर को मिलती है । हम जब ह यगो को पढ़ते थे तो उसमें यह या जिसके पास प्रोपटीं है वह एक डर्कत है । मैं जाहूंगा कि प्रणव कुमार जो जब इस तरह का विधेयक लाए है तो उनके दिमाग में यह बात क्यों नहीं म्राई कि कोई एक विभि दे दें। यह पता लगाया जा सके कि प्रधान मंत्री के परिवार के पास इतना पैसा कहां से आया ? दूसरे मंत्रियों के परिवार के पास पैसा कहां से आया । उत्तर प्रदेश का बाजरा कांड इसमें क्यो नहीं ग्राया । . (Interruption) गिडले बैंक जो एक विदेशी है और उसकी शाखाएं यहां पर हैं जब फारेन एक्सचेंज के रैकेट में पकड़ा गया तो उसका डायैरैक्टर बहां से भाग कर भारत ग्रायां । तमाम ग्रखबारों में इस चीज को झापने पढ़ा होगा कि दो करोड़ रुपये मारुलि कंपनी को दिए जिससे फारेन ऐक्सचेंज का रैकेट का मामला दब सके ...(Interruption)

क्षाजमगढ की बात में कहना चाहता हूं। आजमगढ के सम्मानित भवस्य यहां पर बैठे हुए हैं मैं नॉम नहीं बता रहा हूं ।

SHRI N. R. CHOUDHURY : On a point of order. On this particular Bill, Rajnarairji has not moved any amendment. And ev^-ry time on this pretext or that pretext, he rises to speak ami indulges in scandal mon-gering, and that is also against a particular person and against our party. Sir, should he take advantage of your indulgence to misuse the right to speak in this House in this way ? Has he got the only monopoly right to speak in this House ? If he behaves in this way, then we will also speak (Interruptions). There must be certain norms in speaking and every Member should follow those norms while speaking. You gave him two minutes and now five minutes are over. And he does not listen to the Chair.

MR. DEPUTY CHAIRMAN - Your time is over. Mr. Rajnarain.

SHRI S. P. GOSWAMI : I can also make allegations in the House. When Rajnarian contested against our Prime Minister, he collected lakhs of rupees from Bombay. Where is that surplus money? Did he have his father's money to fight the election ? He spent lakhs of rupees. He collected lakhs of rupees. He is indulging in corruption in elections. 1 say. T can prove that Rajnarain collected lakhs of rupees from smugglers and others to fight the ek-ction. He said "lam fighting the Prime Minister. Give me money". And he collected lakhs of rupees. He has collected it for his own interest. He has surplus money (Interruptions). The Sanskrit sloka he has quoted goes against him. He should search his heart. Where is the surplus money ? It is not his father's money.

MR. DEPUTY CHAIRMAN : Mr. Rajnarain, you have already taken five minutes.

SHR1S. P. GOSWAMI : Let him say if 1 collected five rupees from anybody.

MR. DEPUTY CHAIRMAN : He is obsessed with the Prime Minister.

SHRI S. P. GOSWAMI : It is a with him. ..

(Interruptions)

SHRI N. R. CHOUDHURY : We do not say that he has any obsession. Our point is that he should not take more time.

MR. DEPUTY CHAIRMAN : He has exceeded his time.

श्वी राजनारायण : श्रीमन्, आप माननीय मित्रों को पाइन्ट आफ ग्रार्डर रेज करने की इजाजत देते हैं, लेकिन माननीय सदस्य पाइन्ट आफ आर्डर पर बोलते समय इस तरह के झठे आरोप नहीं लगा सकते हैं ... (Interruption)

SHRI KALP NATH : On a point of order....(/"terruptions)

MR. DEPUTY CHAIRMAN : Shri Rajnarain, he is on a point of order.

श्वी करूप नाथ : प्रावरणीय उपसमापनि जी, क्या इस सदन में जो घादमी जितनी नंगाई करेगा उसको उतना ही ग्रधिक समय दिया जाएगा? प्रगर नंगाई करने वाले को घाव यह प्रधिकार प्रदान करने हैं तो हमें भी नंगाई करने का घछिकार प्रदान किया जाता चाहिए . (Interruption) जो खुद ही गीणे के सकान में रहते हो उन्हें दूसरों के सकान बर पत्थर नहीं फैकने चाहिए । मैं यह प्रछना चाहना हं कि

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श्री बीजू पटनायक से बड़ा भ्रष्टाचारी, स्मगलर, बेईमान घोर जुठा कोई दूलरा नेता है...(Interruption)

श्री राजनारायण : श्रीमन्, मैं ग्रापसे विनम्रता के साथ यह निवेदन करना चाहता हूं कि ग्रापने यह ग्राच्छी प्रथा डाल दी है कि व्यवस्था के प्रश्न उठाकर माननीय सदस्य श्रमेक प्रकार के झुठे ग्रारोप लगा रहे हैं।

MR. DEPUTY CHAIRMAN : wm ?j Tg wen *HT\$ | I You must take only one minute. Let me remind you that you also take advantage of points of order and make speeches in this House. When you begin such things you have to take it back from the other side also.

SHRI S. P. GOSWAMI : I have the list of persons from whom he has taken money.

श्री राजनार, यणः श्रीमन्, हम यह नहीं चाहेगे कि ग्राप हम पर विशेष कृपा करें। जो व्यवहार ग्राप दूसरों के साथ करते हैं, वही ब्यवहार ग्राप हमारे साथ भी करें, यही हम चाहते हैं। पाइन्ट आफ आहेर पर खडे होकर के हमारे मिलों ने यहां पर हमारे ऊपर बहत से व्यक्तिगत सारोप लगाये हैं। मैं व्यक्तिगत सफाई के लिए ग्रापकी सेवा में प्रापकी इजाजत से खडा होना चाहता ह श्रीमन, यह कहना कि रायबरेली के चनाव में जिसमें हमने प्रधान मती को बाटों से हराया है और प्रधान मंत्री बेड्मानी से जीती हैं....(Interruption) उस बारे में कहना चाहंग कि चनाव के सिलसिले में मैं बम्बई नहीं गया, मैंने किसी से कोई पैसा नहीं लिया, बम्बई के किसी बादमी ने मेरे चूनावों पर कोई पैसा खर्च नहीं किया . . . (Interruption) पंडित कमलापनि विपाठी यहां पर बैठे हुए हैं, यद्यपि वे र्ह्सलग पार्टी में हैं, लेकिन वे जानते हैं कि हमारे बाप की हैसियत इंदिग जी के बाप की हैसियत में कई गना ज्यादा थी. ... (Interruption)

श्वी कमलनाथ झा (बिहार): उपसभापति जी, मैं यह कहना चाहता हूं कि माननीय सदस्य ने जो मेरे पूर्व बक्ता हैं, इस बिल के प्रिएम्बुल पर बोलने का मौका लेकर जो विषय सदन के ग्रन्दर विचाराधीन नहीं है उस पर अपना प्रवचन दिया है। इस प्रवचन के सिलसिले में उन्होंने हमारे माननीय प्रधान मंत्री और दूसरे माननीय सदस्यों को अपमा-नित किया है। मैं यह कहना चाहता हूं कि श्री राजनारायण जी का इतिहास यह रहा है कि जब भी वे चुनाव लड़े हैं उनकी जमानत जब्त हुई है....(Interruption)

ऐसा आदमी जिसकी जिन्दगी भर यू० पी० में चुनाव लड़ने में जमानत जब्द हुई, बिहार में जिसकी जमानत जब्द हुई वह भी शब्द का सब से बड़ा नेता बनने का सपना देख रहा है। जब उनकी पार्टी में शक्ति नहीं रही तो चरणसिंह के चरण पकडकर अपनी पार्टी को बचाया, लोहिया

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जो के समाजवाद की अवशा करके। अब इस नरह से ये राज्य सभा में आए हैं।

श्री राजनारायणः अब बैठिये हो गया ।

MR. DEPUTY CHAIRMAN : This is no point of order.

श्री राजनारायण : श्रीमन्, मैं पुन: ग्रापसे निवेदन करता हं एक ही बात को रूलिंग पार्टी को बार बार कह रहा

श्री राजनारायणाः हमारा फिर ग्रारोप है, आप कृपा करके हमें उनके ऊपर स्पष्टीकरण कर लेने दें। लगग जनाग गहाठायार जम

दुर्जन वचन महें मत जैसे ।"

तो इन दुनंनों के वचन को मैं इसीलिये झाज मह रहा हू इसमें किसी की हैसियत नहीं है कि यहां से निकल कर बाहर हमारा सामना करें । और यह भी मैं झाप से कहना चाहता हूं कि मैं उत्तर प्रदेश राज्य में किसों भी जगह चैलेन्ज करने के लिए तैयार हूं, प्रगर जन-सभा हो जाए और प्रधान मंत्री बहां चुनाव में हमसे जीत जाएं तो मैं राजनीति छोड़ दूंगा सदा के लिए ... (Interruption) श्रीमन्, बाप खुद मांशी है।

भी रणबीर सिंह : आपकी जमानतें जब्त हई कि नहीं ?

श्रो राजनारायण : आप इस वक्त डिपुटी केंग्ररमैन की हैसियत से चेंगर पर चिराजमान है, आप जानते हैं कांग्रेम उम्मीदवार को 1952 में हमने उराया और 1957 में...

एक माननीय सदस्य : कहा ?

श्री राजनारायणः बनारम में पंडित कमलापति विपाठी जी, सम्पूर्णानन्द जी ग्रीर जवाहरजाल ने ग्रपनी पूरी ताकत लगा दी थी उस वक्त जब जब कांग्रेसी उम्मीदवार हम से हारा। यहां की प्रधान मंत्री लाखों न र करोड़ों रुपया खर्च करके...

MR. DEPUTY CHAIRMAN : Come to the Preamble of the Bill.

MR. DEPUTY CHAIRMAN : Come to the Preamble of the Bill. Otherwise, I will be asking you to sit down. You are taking the time of the House.

श्वी राजनार।पण : श्राप हमें न बोलने दें मगर क्या स्नाप कहते हैं सदन में रूलिंग पार्टी के लोग हमारे ऊपर सारोप लगाने के लिए खड़े होते हैं।

MR. DEPUTY CHAIRMAN : You started the game. They replied and that is the end of the matter. You come to the Preamble

now. Otherwise, you please lake your seat. You also replied to the other side and now it is over.

श्री राजनारायण: मैं प्रापसे एक निवेदन कर रहा हूं और इपा करके आप सुनने का कष्ट करें। आज तक हमने जितने किसी पर आरोप लगाए हैं, कोई माई का लाल उन आरोपों को झुठा सिद्ध कर दे ?.... (Internation)

MR. DEPUTY CHAIRMAN : Silence please. I am giving one minute to him. Lei him finish saying whatever he wants to say on the Preamble.

श्री राजनारायण : मैं विधेयक पर बालने समय कुछ बानों के सम्बन्ध में, राजनैतिक अध्याचार के संबध में बोल रखा था। यह हमारा पूरा ग्राधिकार था. उसी के लिये ग्रमेंडमेंट भी है कि राजनैतिक अध्याचार रुके। राजनैतिक अध्याचार कैंसे रुकेगा ' इसके बारे में मैं मपनी सम्मति सदन के सदस्यों की सेवा में रख रहा था। उस पर इतना हल्ता मच गया, बावेला मच गया। इसका कारण क्या मैं यह समझ् कि चूकि कल इलाहाबाद के हाईकोर्ट में प्रार्टम मिनिस्टर के खिलाफ पेटोणन गा रहा है इमलिये इन जालबट्टों को बोलने का मारेण दिया है ? इसीलिये प्रधान मंत्री की तरफ में यह दणास हुआ है कि इस पर कुछ बोलें।

श्री रणबीर सिंह : यहां यह इलेक्शन ट्राइव्युकल नहीं है ।

अभो राजनारायण : यह राज्य सभा है, यह इत्दिस सभा गई। है....

श्री श्रीमन् प्रफुल्स गोस्वामी : राजनारायण मभा हे ।

श्री **राजनारायणः** यहदलाल सभा भही है। यह राज्य सभा है।

श्रीमन्, हमने बार बार इस बात को मान्यता को है कि 109, 110 दफा के मातहत जिस तरह में सरकार लोगों को यिरपतार करती है, जिस तरह में इन्डा चलाती है उमी तरह से इन्डा चला चला कर हम लोगों का शिस्फतार करने लगी है और उन्डा चलाने लगी है। आज तस्करी का नाम लेकर नम्करों को बढ़ायां जा रहा है। बाजमगड बीर बनारम में यह मान्यता है, वहा पर यह कहा जा रहा है कि इन्दिरा नेहरू गान्धी की सरक्षण जानृत के मलगंत बहुत से लोगों को गिरपतार किया गया है। वहां पर लोगों को पांच दिन, बाट दिन तक जेलों में रखा जाना है बीर जिस उमके बाद लखनऊ लाया लाता है तथा मुख्य मंत्री जी से बातचीत होती है और बहां पर इलेक्शन के लिए रुपया देने के बारें में सौदा होता है। किसी में पचाम हजार लिया किसी से एक लाख

लिया झौर किसी से दो लाख लिया इलेक्शन फंड के लिए झौर उसके बाद उसको छोड़ दिया जाता है।

श्वो रणबोर सिंह : यह बिल्कुल गलत बात है। (Interruption)

श्री राजनारायण : श्रीमनु, में अब क्लाज 12 में प्राताहं। इस क्लाज 12 को देखा जाये । इस कलाज के मन्तगत सरकार जिस व्यक्ति को चाहे कभी छोड़ सकती है। इसलिए मैं चाहता हं कि अपने भाषण के अन्त में राष्ट्रपिता महात्मा गांधी के सम्बन्ध में यह कहना चाहता हूं कि उन्होंने सपने कायों में जनता को रास्ता दिखलाया, लेकिन ब्राज यह सरकार जिस तरह के कार्य कर रही है उस के लिये तो इतना ही कहना काफी होगा "घन्धे के मागे रोये अपना दीदा खोये।" इस माननीय सदन में बहुत से मिल होंगे जिन्हें गांधी जी की परम्पराग्रों की याद होगी-। मैं उन सब से यह निवेदन करना चाहता हं कि वे यह सोचें कि यह सरकार जो कानून बना रही है, वह हमको कहां ने जायेगा ? श्रीमन्, इस समय नवल किशोर जी यहां से चले गये हैं। उन्होंने क्षो कर्पूरी ठाकुर के बारे में कहा था कि वे रेल की पटरी उखाड़ने के सम्बन्ध में लोगों को उभाइ रहे थे और ग्रगर उन्हें गिरफ्तार किया गया तो क्या हमा ?

MR. DEPUTY CHAIRMAN : Your time is over. . . *{Interruptions)* The Minister.

SHRI PRANAB MUKHERJEE : Mr. Deputy Chairman, Sir, so much has heen said about political morality. There is no one on this side who wiH deny that there is need of creating healthy political atmosphere in the country. But what I want to say is that the Opposition has also an important role to play to build up that atmosphere. It has been pointed out while discussing the various provisions of the Bill that this particular provision is meant for the smugglers, anti-social elements, those who are listorting the economic forces of the country and creating a situation which is practically eating up all our developmental efforts. Therefore, it would be wrong to bring any analogy with the political people there. I feel that some of the hon. Members of the Opposition are inadvertently giving the same status to smugglers by equating them with political persons or political personnel who are detained under the MISA in various parts of the country. Therefore, I express my inability to accept the amendment suggested by Mr. Swamy.

MR. DEPUTY CHAIRMAN : The question is :

"6. That at page I, line 4, after the word 'State' the words 'and also vitiating the political morality in the country' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN : The question is :

"That the Preamble stand part of the Bill."

The motion was adopted. The Preamble was added to the Bill. The Title n_{α} added to ihe Bill. »

SHRI PRANAB MUKHERJEE : Sir. I move :

'•That the Bill be passed."

श्री भैरों सिंह शेखावत : श्रीमन्, जिस प्रकार की कानून व्यवस्था इस बिल डारा की जा रही है श्रीर इस व्यवस्था के सम्बन्ध में सदन में जितनी चर्चा हुई है, उस चर्चा में मुख्य रूप से सरकारी पक्ष श्रीर विरोधी पक्ष, इन दोनों की भोर से एक ही बात कहीं गई है कि सब तक इस सम्बन्ध में जितने भी कानून बने हुये थे उन कानूनों में इस प्रकार के लूपहोल्स थे, इस प्रकार का लकूना था जिसका तस्कर लोग लाभ उठा लेते थे । मैं एक तथ्य झापके सामने यह लाना चाहता हूं कि इस कानून में भी सरकार ने जानवझ कर एक तरह का लकना रख दिया है ।

[The Vice-Chairman (Shri Yogendra Sharma) in the Chair]

इस लक्नूना को वजह से तस्कर लोग फिर लाभ उठाने की चेप्टा करेंगे । ग्राप कहेंगे किस प्रकार ? तो मैं यह कहना चाहता हूं कि कई माननीय सदस्यों ने सम्भवतः क्लाज 12 को नहीं पढ़ा होगा । मैं उसको एक बार फिर पढ़ देना चाहता हूं ताकि वे इसको ग्रच्छी तरह से समझ लें । ताकि जो वात मैं कहना चाहता हूं उसको ग्रच्छी तरह से समझ लिया जाये । इस क्लाज में है :---

The question was proposed.

"12 (1) The appropriate Government may at any time, direct that any person..."

SHRI PRANAB MUKHERJEE : It is with everybody. You are reading from the Bill.

श्री भैरों सिंह शेखावत : इसमें कोई आपक्ति नहीं है. मैं एक मिनट लंगा ।

"..... detained in persuance of a detention order may be released for any specified period either without conditions or upon such

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[Shri B. S. Shekhawat] conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, afd to the authority, specified in the order directing his release or cancelling his release, as the case may be."

ये तीन तो माननीय सदस्यों ने सुन लिये । चौथा मैं जानबझकर इसलिये सुनाना चाहना हूं क्योंकि उसका लेक्यना अपने स्नाप डिटेक्ट होता है ----

'•(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3) he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both."

श्रब माननीय सदस्य श्रीर माननीय मंत्री महोदय दोनों से मैं निवेदन करना चाहता हूं कि एक व्यक्ति, मान लीजिए, ब्रापने ईमानदारी से, गढ राजन्म पर ज्योरिटीज पर बोहज पर छोड़ दिया--चांसेज इस बात के नहीं है, चांसेज बागेंनिंग के हैं, बागेंनिंग के आधार पर आप लोगों को छोड़ेंगे, छोडने के बाद उस आदमी को कानूनी रिलीफ क्या मिलेगा ? झाव झपने ला डिपार्टमेंट के एक्सपटंस को बला लीजिए । एक केस में प्रापने ग्राफेन्डर को ग्योरिटीज पर छोड़ा, उसके कम्प्लायेन्स में बह उपस्थित नहीं हुया तब तो कोर्ट में जाएंगे, मजिस्ट्रेट फर्स्ट क्लास के कोर्ट में जाएंगे----उस कोर्ट में जाएंगे जिससे धबहा कर ग्राप स्पेमल पावर लेना चाहते हैं, लेकिन उसको रिलीज करने का ग्रधिकार गवनेमेंट को नहीं होगा। लोगों को बार्गेनिंग के ग्राधार पर छोडा जायेगा, कहा जायेगा कि तुम एब्सकांड कर जायो, एब्सकांड करने के बाद मामला मजिस्ट्रेट के पास आएगा, मजिस्ट्रेट कह दे कि एवसकांड करने के रीजन्स सफीशिएन्ट नहीं हैं तभी पीननाइज किया जा सकता है। किस तरह से यह लागू किया जाएगा, मेरी ममझ में नहीं झाता ।

SHRI SARDAR AMJAD ALI : How does the question of bail come in under the provisions of this Bill?

THE VICE-CHAIRMAN (SHRI YOG-ENDRA SHARMA) : Sardar Arnjad Ali. no cross talk pleage.

SHRI B. S. SHEKHAWAT : Clause (12) permits the Government to release any detenu.

SHRI SARDAR AMJAD ALI : That is parole agreement and it is always provided in the preventive laws.

एक सादमी को सापने रोक लिया, रोकने के बाद सापने पैरोल पर छोड़ दिया। माननीय सदस्य कह रहे हैं कि पेरोल पर छोड़ने की सब जगह व्यवस्था है। मैं मानता हूं कि पहले कानून में पैरोल पर छोड़ने की व्यवस्था थो, लेकिन इस व्यवस्था में सापने मजिस्ट्रेंट को जो अधिकार दिए हैं— मेन्टेनेन्स झाफ इन्टरनल सीक्योरिटी एक्ट में मजिस्ट्रेंट को पावर है, डी०ग्राई०ग्रार० में मजिस्ट्रेंट ग्रीर गवर्नमेंट दोनों को पावर है—इस कानून में पायर प्रेस-काइच्ड नहीं है कि कौन सजा देने बाला है, कौन फाइन करने बाला है क्योंकि प्रापने कहा है—

"If any person fails withoul sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two vears "

मैं मापसे जानना चाहता हूँ कि सजा कौन देगा ? (Interruption). मैं भी यहीं कह रहा हूँ कि बह कोर्ट आफ ला में जाएगा, मजिस्ट्रेट फस्ट क्लास के पास जाएगा-उस मजिस्ट्रेट के पास जायेशा जिसमें गवर्नमैंट को कान्फी हेंस नहीं था, उस जूडी शियरी के पास जायेगा जिसमें गवर्नमैंट को कान्फी हेंस नहीं है...(Interruption)

उपसभाष्यक (श्री योगेन्द्र झर्मा) : इनको प्रपती बात कहने दीजिए । लेखावत जी, ग्राप प्रपती बात कहिये, समय का भी ध्यान रखिये ।

श्रो भैरों सिंह शेखाबत : मैं निवेदन कर रहा था कि माखिर मजिस्ट्रेट फर्स्ट क्लाम के पास केस जाएगा यह डिसाइड करने के लिए कि इस मादमी ने जो बोन्ड्स पर. क्योरिटीज प: छुटा था उसने उसका पालन किया है या नहीं किया । फैसला मजिस्ट्रेट करेगा । गवर्नमैंट उसको एडबाइजरी बोर्ड के पास नहीं भेजेगी ।

एक माननीय सदस्य वोर्ड पनिष्मेंट नहीं दे सकता । (Interruption)

श्री भैरों सिंह रोखायत : वोधरी साहब, झाप चुप रहिये । मेरा निवेदन केवल इतना है कि किसी व्यक्ति को आपने डी० आई० प्रार० में गिरफ्तार किसा और बाद में उसको आप ने पैरोल पर छोड़ा और उसके बाद वह फरार हो गया तो जब मजिस्ट्रेट के सामने उसका केस प्राया तो मजिस्ट्रेट में कहा कि जो ग्राउल्ड फरार होने के बतसाये गये है वह थाजिब हैं । उसने मेडिकल सटिफिकेट बाहर मे लाकर पेण कर दिया और इस सरह से उसके खिलाफ एक्शन

बाटोंबेटिकली समाप्त हो गया, रद्द हो गया । तो कितने ही तस्कर इस प्रकार से पैरोल पर छोड़े बायेंगे घौर वह फरार होंगे ...

SHR1 N.H. KUMBHARE (Maharashtra) Sir, I just want to make a submission.

उपसमाध्यक्ष (श्री योगन्द्र शर्मा): उनको वोल लेने दीजिए: फिर बाप बोल लेना ।

SHRr N. H. KUMBHARE : Sir, the interpretation given by my hon. friend is not in accordance with the provisions. Sir, the provision relating to the cancellation of bonds as I understand from this, is : "At any time cancel the release." Here, the Government has retained the power to cancel the release. If the person who is released has done anything contrary to the bond, then he is subject to punishment by the court. None the less, the Government has the power to put hin upder detention- There can be no problem.

SHRI SARDAR AM/AD ALI : Sir, the legal interpritatio I as was being placed before us by Mr. Shekhawat is not correct because he is under the impression that a man, before he is put behind the bars, can be released on parole. That is not the position. In preventive laws, a man can lake advantage of parole only when he ts inside the prison. Then only he can take that particular advantage. Now Section 7, as it stands in the Bill contemplates, ia my opinion, that when an order has been passed by the Government that certain individuals have to be kept under detention in accordance with the provisions of this Act. and if the man is not available and is absconding himself, then in that case, how you get hold of him is prescribed Then you have to go through certain here. procedures and those are enumerated in the Criminal Procedure Code. That means, the point is whether a bailable or non-bailable warrant has to be given. Here, a non-bailable warrant has to be given. In this particular provision, there is sub-clause (2), where it has been said that it is a cognizable offence. As far as the Schedule is concerned, where the offence is a congnizable one, the punishment prescribed is two years or more than two years of imprisonment, and the offence should be treated as a non-bailable one. Therefore in this ctse. a non-bailable warrant has to be issued in order to book that individual who is absconding from the detention order. There is no question whether the man should be given a bail or not. And this is a penal provision

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only in that though the warrant of arrest has been issued and if the man is not available, then this is the additional punishment. Rather you could very Well say that it is redundant, that you are raking a man to task twice. But, here, there is no loop-hole as he is thinking. I. believe that there is no scope to think that this is a loop-hole in the Bill. Perhaps, this is an improvement on the Code of Criminal Procedure, and it is required for preventive detention.

श्री भैरों सिंह शेखाबत : श्रीमन्....

SHRI PRANAB MUKHERJEE : Sir, how long will he speak? He was the mover of the Resolution and he replied to (he motion and if only one man goes on speaking in the third reading, it is not proper. Let others speak.

उपसमाध्यक्ष (श्री योगेन्द्र शर्मा): आप बैठ आईये आप बहुत बोल चुके हैं। श्री राजनारायण दो मिनट में समाप्त कीजिए ।

श्री राजनारायण : श्रीमन्, जो पाइंट नहीं उठे हैं उन्हें कहूंगा। श्रीमन्, मैं यह निवेदन कर रहा हूं कि यह एक विल है और नागरिकों की व्यक्तिगत स्वतंवता का प्रस्त है इसको एक मितर यो दो मितर में बौधना नहीं चाहिए ऐसी हमारी पार्थना है ।

सुप्रीम कोर्ट ने बिहार के ब्रान्दोलन में वहां गिरपतार जो लोग हुए थे सरकार के ब्रादेश को रह करने हुए बपनी सम्मति व्यक्त की है---

•'Supreme Court holds peaceful protest a wholesome weapon."

मुप्रीम कोर्ट कहता है कि सरकार के किसी भी कदम का पीसफूल ज्ञान्सिपूर्ण प्रतिरोध करना ग्रह बिल्कुल कामूनी अधिकार है इसको छीना नहीं जा सकता । श्रीमन्, सुप्रीम कोर्ट का आदेग में पढ़ देता हं—

"One of the grounds of detention was that the petitioner was instrumental in passing a resolution by the students of Bihar to start a Gujarat type of agitation'. This ground was vehemently criticised by the counsel for the petitioner as being vague. While the State of Bihar considered thai il had a specific meaning, Justice Chandrachud observed that

'but frankly' we are unaware of true conno tation of Gujarat type of agitation t

he court will see if any court ----- ".

कोई कहता है कि यह कहना कि गुजरात टाइप का ऐजिटेणन बिष्ठार में भूरू करो ...

उपसभाध्यक्ष (श्री योगेन्द्र शर्मा) : ग्रभो हमारा यह विषय नहीं है।

श्री राजनारायण: यहां तो मौसा की जगह है। मैं ग्रापसे यह कह रहा हं कि ततीय वाचन में सरकार से यह निवेदन करूंगा कि सरकार को अब भी सद्बुद्धि झाये। पंडित कमलापति विपाठी बगल में बैठे हैं। कुछ गंगा के दणाश्वमेघ के वालू क कण की प्रतिभा उनके कानों में जाये ग्रीर सरकार ये विश्वेयक वापम लेक्योंकि यह विधेयक जनतंत्र-घाती है. राष्ट्र-घाती है, नागरिक ग्रविकार-घाती है, ग्रीर संविधान-घाती है । ग्राप कहेंगे कैसे । तो यह देखा जाना चाहिए । यहां पर हल्ला मचा रहे हैं कि तस्करों को गिरफ्तार कर रहे हैं। मैं कहता हूं यह बिल्कूल मैलाफाइडी है। जाकर देख लिया जाए। जेलों में तस्करों को देखा जाए कि हाजी मस्तान किस तरह से रह रहा है। थीमन्, माप भी जेल काटते हैं, आपकी जो दुर्दशा होती है उससे 50 गनी हिफाजत तस्कर के राजा की रखते हैं। सरकार का आदेश है कि इनको किसी प्रकार की असूविधान हो, जो सामान चाहें बाहर से मंगा सकें, जिससे चाहें भिल सकें, बात कर सकें। ये सारी की सारी मुविधा उनको प्राप्त है जो स्नापको प्राप्त नहीं है ।

उपसभाष्यक्ष (श्री योगेन्द्र शर्मा): आपका विषय क्या है?

श्री राजनारायाण : विषय है तृतीय वाचन मे सरकार से निवेदन करूं कि इस विधेयक में उनकी क्या क्या खामियां है भौर जो मंणा है सरकार की वह इसके ढारा पूरी नहीं होती इसलिये मैं थोड़ा समय लेकर बताना चाहंगा 1...

उपसभाध्यक्त (श्री योगेन्द्र शर्मा): समय की भी सीमा है ।

श्री राजनारायणः मुझे खुद हो परेशानी है। हम को डाक्टर ने बुलाया है ग्राज देखने के लिए। मैं गांधी जो की दो तीन राय पटकर समाप्त करना चाहता हूं----

"मेरा तो निश्चित मत है कि जेलखाने होने ही नहीं बाहिएं। सब सुधारगृह होने बाहिए । इसी तरह सजा में इमदाद भी नहीं होनी बाहिए । जब कैंदी सुधर जाये तब मानपत्र लेकर छट जाये।"

देखा जाए, जध पंडित कमलापति जो की सरकार ने कानपुर के मजदूरों पर गोली चलाई थी तो गांधी जी ने क्या कहा था----

कांग्रेसो मिनिस्ट्री को पौरुष का उपयोग जब करना पड़ा. षा तो बाप ने कहा था---

"अगर इतनी भी हिसा के बगर राजकांज नहीं चल सकता तो सत्याग्रही सब सुधर नहीं पायेंगे, बन्कि उन पर ग्रंकुण रखकर संतोष रख में ।"

तब से मैंने प्रतिज्ञा कर ली कि में मंस्री नहीं बनूंगा। मैं किसी भी भ्रष्ट सरकार पर श्रंकुण लगाने के लिए जनता के साथ रहुंगा। वह काम मैं कर रहा हूं।

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इसी के साथ-साथ मैं आप से कहना चाहता हूं कि इस क्लाज का अर्थ क्या है, शेखावत जी से मैं कहना चाहता हं कि जो उनकी यंका है उस शंका को इस में ग्जाइश नहीं है । गुंजाइंश तो मूल क्लाज को इटाने की है । यहां पर जो छोडने की बात है उसमें लिखा है कि मरकार एक स्रादेश के तहत किसी को भी छोड़ सकती है। यह भी लिखा है कि बह किसो मतं पर भी छोड़ सकतों है ग्रीर बिना मतं के भी छोड़ सकती है। अपगर गत पर छोड़ेगी तो उसमें लिखा होगा। सरकार यह भी लिख सकती है कि अगर कोई इस थर्त को तोडेगा तो फलां जिले के, फलां तहसील के डिस्ट्रिक्ट मजिस्ट्रेट की अदालत में जानां होगा । इस में शेखावत जो और श्री सुब्रहमण्यम की जो शंका थी उसमें यह नहीं बनाया गया है कि प्रगर कोई किसी चीज को तोड़े तो कहां जाए। वयोंकि इसमें लिखा है कि सरकार अपने डायरैक्टिव के द्वारा किसी भी बंदी को छोड सकती है गर्त के साथ ग्रीर बिना मतं के साथ । जब बह डायरक्टिव देगी तो उस डायरेक्टिव में यह मैन्णन' कर मकती है कि ग्रगर तूम शर्तको तोडोगे तो फला डिस्ट्रिंट मजिस्ट्रेटकी ग्रदालन में लाना होगा। इसलिए इस इस अंका के साथ नहीं है हमारा मुल पाइन्ट यह है कि यह सरकार निरकूंब क्रधिकार अपने हाथ में ले रही है। इतने बड़े घधिकार अपने हाव में ले रही है कि इस विधेयक के द्वारा चाहे तो योगेन्द्र जमां को गिरपतार कर सकती है तस्कर कह कर । - आपके पास कोई गुंजाइण नहीं है। इस सरकार के पास इतने अधिकार हें कि ग्रगर होजी मस्तान पह कहें कि पांच करोड़ ले लो <mark>क्रौर पांच करोड़ चुनाव फंड में दे दिए तो छ</mark>ुट गया । जो विधेयक हमारे फंडामैन्टल राइट को कुचल रहा है में चाहंगा हमारे मंत्री उस पर विचार करें, गौर करें। अगर उनको केबिनेट से राय करानी हो तो आप कहिए कि म्राज इसको <u>थास न करिए इसको हम झागे के लिए छोड रहे हैं । मैं जोरदार</u> गर्क्यों में इस विवेयक क़ो काला विधेयक कहता हूं। यह विधेयक तस्करी को बढ़ाने वाला विधेयक है। यह तस्करी के नाम पर, तस्करी को रोकने के नाम पर तस्करी को बढ़ा रहा है । मैं कहता हूं कि तस्करों को रोकने के लिए इसमें प्रावधान नहीं है। अगर प्रावधान है सो मैं पूछना चाहता हूँ कि 70 से रिपोर्ट प्राई है ब्रोर उम पर मरकार ने क्याकियां े कोई कार्रवाई नहीं की ।

उपसभाष्यक (श्री योगेन्द्र झर्मा) : यह तो कई बार ग्राप कह चुके हैं।

श्री राजनारायण: मैं प्रापके द्वारा यह कहना चाहता हूं कि यह सरकार काले विधेयक को वापस लें और सही माने में तस्करी को रोके। तस्करी को बड़ावा देने वाली प्रधान मंत्री हैं, वित्त मंत्री है, सरकार है।

श्री कमलभाव झाः मैं आपकी ग्राज्ञा से दो जब्द निवेदन करनाचाहता हूं। इस दिल के संदर्भ में इस सदन में कुछ विरोधी पक्ष के सदस्यों ने चर्चाकी है। ग्राज

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सारे देश में, इस सदन के अन्वर और सदन के बाहर अष्टाचार की जबर्वस्त चर्चा हो रही है। समुचा जनसंध, राजनारायण की पार्टी, सी०पी०एम०, तमाम विरोधी दल अध्टाचार का नारा लगाते हैं। सदन में और उप सदन में नारे लगाते हैं लेकिन जब हमारी सरकार और हमारी पार्टी अख्टाचाररियों की कमर में रस्सी ग्रीर हाथ में हथकड़ी डाल कर जेलों के शिकजों में बन्द करती है तब यह सारी पार्टियां अच्टाचारियों का पक्ष लेकर उनकी वकालन करती हैं। यह एक प्रत्यक्ष प्रमाण है भारत की जनता के सामने, विश्व की जनता के सामने कि झाज भ्रष्टाचार को कौन बढ़ाव। देरहा है। यह वही नीति है जैसे कि चौर अपने को बचाने के लिए, जब लोग उसको पकडने के लिए भागते हैं तो कहता है कि चोर को पकडो भागा जा रहा है।

जो लोग इस तरह से हिन्द्रस्तान की राजनीति को समाप्त करना चाहते हैं, जो लोग इस देण में राजनैतिक क्षेत्र में ग्रब्येवस्था पैदा कर रहे हैं, जो इस देश की ग्रथं नीति को समाप्त कर रहे हैं, हिन्दूस्तान के सामाजिक ढांचे को बरबाद करना चाहते हैं उनको जब पकड़ने की कोशिश की जाती है तो हमारे बिरोधी भाईयों के सन्दर चिल्लाहट या जाती है ग्रीर उनकी ५रेशानी बड जाती है। इस बिल पर जिस प्रकार से इन लोगों ने झपने विचार व्यक्त किये है, बह इसका प्रत्यक्ष प्रमाण है । मैं यह स्पष्ट रूप से कहना चाहता हं कि हमारे देश के जनमत के सामने, विश्व जनमत के सामने जब कांग्रेस पार्टी अध्दाचार उन्मुलन के लिये आगे आती है तो हमारे ये विरोधी भाई उसके खिलाफ आवाज उठाते हैं । इसलिये मैं यह कहना चहता हं कि यह जो बिल लाया गया है यह इस बात का प्रमाण है कि कांग्रेस यह चाहते हैं कि चाहे जमींदारों का अष्टाचार हो, चाहे देशी रजवाहों का भ्रष्टाचार हो, चाहे बैंक मालिकों का भ्रष्टाचार हो, चाहे स्मगलरों का भ्रष्टाचार हो, उन सब को समाप्त किया जाना चाहिए। जो लोग राजनीति का दामन पकडकर बंगाल के अन्दर आग लगाने की कोणिम करते हैं ये सी० पी० एम० वाले लोग, इनके खिलाफ भी एक्शन होना चाहिए । राजनीति का दामन पकड़कर जनसंघ वाले हिन्दू मसलमानों के झगड़ करबाते हैं और यहां की सेक्लर बुनियाद को तोड़ना चाहते हैं। इन सब को भी रोकने की भी जरूरत है।

जी रणबीर सिंह: उपसभाष्यक जी, यह जी बिल वहां पर लाया गया है, मैं समझता हूं कि हमारे देश के इतिहासकार इसको एक सुनहरा बिल कहेंने, एक सुनहरा कानन कहेंगे । श्री राजनारायण जो ने इसको काला कानून कहा...(Interruption) । श्री राजनारायण जी इसको काला कानून कह सकते हैं क्योंकि जिन लोगों के घरों से शराब की बोतलें मिली है, जिनके वरों से लाखों क्यबे बरामद हुए हैं, उनके खिलाफ इस कानून के मातहत कार्यवाही हो सकती है। इसलिये वे इसको काला कानून कहते हैं। उनको इस कानून में कोई अच्छाई

of Smuggling Activities Bill, 1974

दिसाई नहीं देतां। साप जानते हैं कि पिछली बार जब इस सदन का सल बत्म हो रहा था तो उस बक्त इस बात का जिक माया था कि हमारे देश में जो तस्कर हैं उनके लिए कोई सख्त कानून बनाया जाए ताकि उनको गिरएतार किया जा सके। इसी बात को ध्यान में रखकर हमारी सरकार यह बिल लाई है। आज हमारे विरोधी भाई तस्करों की हिमायत में खडे होकर यह कहने लगे हैं कि कांग्रेस पार्टी को तस्करों से चन्दा मिलता है। मैं यह पूछना बाहता हं कि जितने भी लोग गिरफ्तार कियें गये हैं, क्या उनमें से कोई भी ऐसा व्यक्ति था जो तस्कर नहीं था? मैं यह भी जानना चाहता हं कि क्या कहीं पर भी इस कानून के अन्दर जो गिपतारी हई है उसमें कहीं पर इस कानन का गलत इस्तेमाल हुआ है ? हमारे विरोधी भाईयों ने इस बारे में कुछ भी जिक नहीं किया।

उपसभाध्यक्ष जी, मैं यह निवेदन करना चाहता हं कि इस कानून का मुख्य उद्देश्य इस देश से तस्करी को समाप्त करना है और उस पर रोक लगाना हमावी सरकार का मुख्य उद्देख्य है। उनकी नजरबन्दी करने के लिये कानून बना रहे हैं।

उपसभाध्यक्ष (श्री योगेन्द्र शर्मा): समाप्त कीजिए ।

श्री रणबीर सिंह: भैरों सिंह झेखावत जी ने जिक किया पैरोल का। वह खद कभी नजरबन्द रहे नहीं: जो भी भाई नजरबन्द रहे हैं उनको मालूम हैं पैरोल की त्रावस्यकता कब होती है ? किसी के भाई की, रिप्लेदार की शादी हो, कोई रिक्तेदार बीमार हो तो 5 दिन, 10 दिन 15 दिन के लिये वह पैरोल पर रहता है। मान लीजिए बह 15 दिन को बजाए सोलहबें, सलहबें दिन पहुंचे सौर उसके ऊपर वह कानून लगे तो वह बदालत में जाकर यह कह सकता है कि में इतने दिन फालत रहा हं, मेरी मजबूरी यह थी----जैसे कल कोई रेल की लाइन बन्द कर देया आने जाने का साधन बन्द हो गया इस वजह से में रह गया, या मैं बीमार हो गया-तो उस पर मजिस्टेंट कोई फैसला दे सकता है। लेकिन नजरबन्दी की मीयाद में कोई फर्क नहीं पडता। राजनारायण जी को मालम है कि नजर-बन्दी तो नजरवन्दी है जिस के मायने है जिसकी कोई ग्रवधि मकरंग नहीं है ग्रीर ग्रवधि मकररं नहीं है तो कूदरती बात है कि जब सरकार समझे कि उसकी नजरबन्दी ठीक नहीं है तो उसको बापस ले सकती है । तो उसकी वापसी के झगड़े को ख्वाहमख्वाह वे कहते हैं सौदागिरी । सौदागरी वे करते हैं जो झाज इसकी बकालत करते हैं।

SHR1 PRANAB MUKHERJEE : Sir, the only point which I want to make out is this. It is an ordinary provision in a preventive detention Act; it is nothing more than that. And the only thing which has been added is. if somebody violates the zation attached to the release on parole, he may be penali-

[Shri Pranab Mukherjee] sed also by a sentence to be extended to two years. It is nothing more and nothing less. And I do not feel that there is any loophole so tar as the construction of this darticular clause is concerned, and it is in absolute conformity with the normal practice of at,y other preventive detention Acts, and it is in conformity with the provisions of ths Bill. Therefore. I do not feel that there is any reason for apprehension as suggested by Mr. Shekhawat or by other hon. Members.

So far as the general remark's are concerned I have already replied to them in detail while discussing the various points raised by the hon. Members. It is not a black Bill; It is an ordinary piece of legislation which takes care of the smugglers who are distorting the economy and preventing the general economic development of the country by and large.

श्री रबी राथ : इमानः पाइस्ट साफ प्राइंट सुन लिया जाए विधेयक पारित होने से पहले । यह विखेयक उँकोनियन है, प्रवर्कास्टिट्यूगनल हैं, पैलाफाइड है । यह उमलिए हम कह रहे है कि हम लोग बाहते हे स्मयानर लोगों के प्रति कड़ी ने पड़ी आपंचाही हो, सबा ही मौर उन का मौरन ट्रायन ही । मैं पारना चाहता हूं, पुंचरा केन के मिलसिले में...

उपसभाध्यक्ष (भी पोलेन्ड मर्गा): यह कॉर्ड नाइन्ट साफ पार्वर नहीं है। कैंठ जाइए (

श्वी रवी राष : इमनिये में कहना बाहता हूं यह काना कानून है. ड्रैकोनियन है (Interruption) हम लोग इसके खिलाफ वाक-प्राऊट करते हैं इसलिए हम इसको गाल होने में सरकार का नाव नहीं देंगे । हम मीबूदा कानून में परिवर्तन करना चाहरे हैं जिससे स्मगलर्म के खिलाफ कार्यवाही हो । (Interruption)

सी राजनारायणः यह कौनों की सरह हम्मा क्यों हा रस हे ?

I 1/ this stave, some hon'ble Members left the Chamber) THE VICE-CHAIRMAN (SHRI YOGENDRA SHARMA) : The question is : -That the Bill be passed." The motion was adopted.

STATEMENT BY MINISTER RE. WITHDRAWAL OF NOTICE FOR INDEFINITE STRIKE IN COAL MINING INDUSTRY

IHE VICE-CHAIRMAN (SHRI YOG-ENDRA SHARMA) : Mr. Pant will now make a statement.

UGIPNLK-2/Raiv* Sabha/75-19-3-75-595 Conies.

Smuggling 224 Activities Bill, 1974

THE MINISTER OF ENERGY (SHRI K. C. PANT) : As hon. Members are aware, a comprehensive revision of the wages in the coal industry was last made in August, 1967 on the basis of the accepted majority recommendations of the Central Wage Board for the Coal Mining Industry. After the nationalisation of the indutsry, at the instance of the Central Government, a joint bipartite negotiating Committee consisting of the representatives of the Cential trade unions and the mangements of the coal producing companies was set up in August, The Committee lias been holding its deliberations since then. I am happy to report that the Committee has now reached an agreement. In view of this agreement, the trade unions have withdrawn the notice for an indefinite strike in the industry with effect from the 16th December, 1974.

6 P.M.

The agreement will benefit about 5' lakh workers in the coal indus!

Members will appreciate the strategic posi tion that the coal industry occupies today in the country's economy particularly in the con text of the energy ais nationalisatio

the Government has assumed direct responsi bility for a massive increase in coal production from the level of 78 million tonnes in 1973-74 to 135 million tonnes by the end of the Fifth The trade union leaders have assured me that with this agreement the workers will give of their best and co-operate fully in raising coal production and productivity. I welcome this assurance.

SHRI SUBRAMANIAN SWAMY (Un sh): On a point of order. This was not a part of the Agenda. It is nowhere stated that he will make a statement. The Minister cannot come at the last minute and make a statement. I think we should be given an opi lity to speak on this. Some time has to be given because this is a very important subject.

THF. VICE-CHAIRMAN (SHRI YOGE-NDRA SHARMA) : The Minister can make a statement. The House stands adjourned til! 11 A.M. tomorrow.

> louse then adjourned at two minutes past six of the clock till eleven of the clock on Thursday, the 12th December, 1974.