

of opinion in the United States against the continuance of this form of aid to India. So was this matter also discussed?

SHRI AWADHESHWAR PRASAD SINHA : Madam, mine will be the briefest question. As I stand for goodwill among all nations of the world I have very much liked this dialogue between India and America on the various issues facing us bilaterally and the world at large. Actuated by this sentiment, I would venture to ask the hon. Minister to tell the House whether this exercise, involving discussions between the two countries on the various issues, has led to greater understanding and goodwill between India and America.

SHRIMATI LALITHA (RAJAGOPALAN) (Madras) : Madam, the leader of the U. S. team, in his Press conference, stated that US economic aid to India had not been affected up to the end of June this year. Besides he suggested that this law might be changed in future. He stated previously in his Press conference that the amendments would not affect US economic aid to India, but in the end he said that the law might be changed in future. I would like to know from the Minister if any indication has been given as to whether the changing of the law will help in giving more economic aid to India or it will in any way affect India.

Secondly, about arms for Pindi, he has stated that arms have not been supplied to Pakistan since 1965, though the US have been supplying arms to Pakistan through various countries, even after 1965. Now he has stated this—and I am quoting from the papers :—

“However, he was not prepared to say that the US was bound to continue this attitude, since it is provided that the US could authorise such resale on a case to case study.”

I would like to know from the Minister whether any indication was given that the US has any intention of sending arms to Pakistan either as sale or as aid and whether the Government of India has in any way indicated to them that this attitude is injurious and will increase tension between the two countries.

SHRI B. R. BHAGAT : Taking the last question first, they said that they have not supplied arms to Pakistan after 1965. That is what has appeared in the papers also. As for the change in the law, well they did not give any indication to us. Then, the first question was whether the talks were held under pressure or any

fear was prevailing upon us. I entirely agree with the hon. Member, Dr. Anup Singh, and I can say there is no fear in such a matter. Our policies are known and our Government and this country cannot be pressurised by anyone. Of course, we accept friendliness, we accept friendly advice. We can judge things. If advice is given, we judge it independently always. If the advice is good we accept it, but not under pressure. Therefore, a talk of this nature was very frank, very cordial, between two equal countries and it was an exercise in trying to know things. Many misunderstandings exist between countries because we do not understand the background of certain policies or attitudes or postures. In that respect this talk has been very useful. It has certainly led to more understanding, goodwill and friendship, because even on matters where our attitudes are different or we do not agree with each other, we know each other's position. It has led to understanding.

Then, another question was whether they asked us about the public and private enterprise. They did not raise any such matter. PL-480 we did raise, but in the context of explaining our position that we have resolved and we are trying to achieve self sufficiency in food and agriculture and probably after 1971 we will not require any imports under PL-480 or otherwise. In that context it was raised.

श्री राजनारायण : माननीया, माननीया . .

THE DEPUTY CHAIRMAN : That is over. Now, I only want to ask whether I have the permission of the House to cut down the lunch-break by half an hour.

HON. MEMBERS : Yes.

THE DEPUTY CHAIRMAN : The House stands adjourned till 2 P.M.

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

The House reassembled after lunch at two of the clock, **THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN)** IN *THE Chair*.

THE GOLD (CONTROL) BILL,
1968—Contd.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Achutha Menon you were speaking Please continue.

SHRI C.ACHUTHA MENON (Kerala): Mr. Vice-Chairman, as I was observing the other day, I do not wish to enter elaborately into the history of this Gold Control Order. At the same time I do not accept the contention that a reference to the sufferings of the goldsmith community and other connected things is totally irrelevant because, as you will admit, Sir, it was because of the untold hardships that this Gold Control Order as it was originally conceived inflicted upon this community that there was a great agitation in this country, and ultimately Government themselves were compelled to make certain changes in the whole concept of the Gold Control arrangements. Now why I am referring to this thing is this that even after all these modifications have been made, even in the present Bill according to me, there are various provisions of a very drastic nature, very vexatious, uncalled for, and of a very draconian character, which impede the freedom of the goldsmiths to practise their profession, thereby spreading unemployment and other difficulties among them. I will refer to those things later on. But the objectives of the Gold Control legislation as such I do not question because after all when it is admitted on all hands that there is a large amount of smuggling going on in this country and all sorts of nefarious practices with regard to gold, black-marketing, hoarding and what not are going on in this country, it is very necessary in the interests of the economy to have some control over the gold business, and it is also a desirable objective of public policy to discourage the wasteful uses to which gold can be put, so that all the gold available in this country will be utilised for the development of the economy and for other socially progressive and necessary purposes. I do accept this concept, but how far the provisions of the Bill will enable the Government to do it is another matter. I need not go into that at length.

The whole conception of the Bill as I see it, is this. So far as primary gold is concerned, the Bill seeks to absolutely prohibit its possession or control or use or sale or manufacture or other connected transactions so far as the private citizens are concerned unless it is in accordance with the provisions of the Bill. So far as gold, as articles or ornaments, is concerned, private citizens are enabled to possess it to a certain extent and handle it to a certain extent, but beyond a certain specified limit they have to declare

it before public authorities, and whenever they have to use it, they have to account to the Government so far as their possessions above the declared limit are concerned. All these things will be necessary. It is also provided in the Bill that refiners and dealers will be licensed. There is also a further provision for the issue of certificates to goldsmiths and also for the purpose of controlling in a certain way even artisans who are employed under the dealers. We have to examine how far these provisions are necessary and how far these provisions impinge upon the right of the goldsmiths to practise the profession, whether they are vexatious or whether they are absolutely necessary in the interests of the economy, and so on. These are things to which I should like to refer.

According to me some of the provisions which regulate the profession of goldsmiths are very very drastic in effect preventing a number of persons belonging to that community from practising the profession. I will draw the attention of the House to clause 40. Clause 40 provides that every goldsmith will have to get a certificate for working as a goldsmith, and the procedure prescribed for obtaining the certificate and the enquiries and other matters connected with it are very elaborate and are very vexatious. For instance, the conditions under which a certificate can be issued or the reasons for which a certificate can be refused also have been laid down in clause 40, sub-clause (6) (a) to (h), and a reading of each provision will be very revealing. One cannot obtain a certificate for carrying on his profession or business of a goldsmith unless he had been carrying on the business of goldsmith for more than a year before the commencement of Part XIIA of the Defence of India Rules, 1962. So it means that only those persons who have been in the profession before 1962 are enabled to continue their profession afterwards. That is a very drastic provision because lots of people are there in that community who are unemployed. If you think that they can go to other professions there are not enough employment opportunities in this country. You can say that they have the liberty of entering other professions and seeking their livelihood. But such is not the condition of this country. So if they have to continue in the profession as goldsmiths, they have to prove that they have been in that profession from 1962 or a year before.

So far as the other members of a goldsmith's family are concerned, in clause 40(6)(b) it is provided, he has to prove that :

"the applicant is a member of the family of a person referred to in clause (a) and had been assisting such person in his work as a goldsmith for not less than one year immediately preceding the commencement of Part XIIA of the Defence of India Rules, 1962, "

Now, what does it come to? Suppose a goldsmith has a son of his own. Suppose, when the Gold Control Order of 1962 came into force he was at school, he was not assisting his father in his profession. Does not this clause mean to say that though now he wants to become a goldsmith and practise that profession, he cannot do it because he cannot prove that he was assisting his father for a year previous to 1962 when the Defence of India Rules were promulgated? May I ask why here should be such a provision? Why should certain restrictions be placed upon these people? Of course, if the goldsmith is in a position to send his boy to the medical college or the engineering college or some other lucrative profession he can get a well paid job in this country. That is a different matter. Many of the goldsmiths are not in a position to do so. And we know the position, in this country even qualified engineers are unemployed. So, here is a question, a problem, of a boy belonging to a family of goldsmith who have been traditionally following this profession, he wants to enter that profession but he is prevented from doing that. What interests of our economy, what interests of our nation demand such a provision, I should like to understand. There are other provisions also which are similarly harsh.

Then, the question whether he will be given a certificate or not will be dependent upon the decision of the Administrator appointed under this Act. And what are the considerations which the Administrator will take into account before issuing a certificate? These are laid down here. These are the considerations which will weigh with the Administrator before deciding whether a particular person should be issued with a certificate to practise his profession or not—

"the demand for ornaments, as estimated by the Administrator, in the region "

Now, the Administrator has to decide whether there is a sufficient demand for ornaments in a locality and whether he will issue a certificate or not will depend upon his assessment of the demand for gold ornaments in that particular locality. How he is competent to assess this thing, I do not know.

Then,

"the desirability of increasing the number of goldsmiths in the region."

If the Administrator thinks that no more goldsmith should enter that region, he automatically refuses a certificate.

Then,

"suitability of the applicant, having regard to his antecedents and competence for the grant or renewal of a certificate,"

These are very difficult conditions.

Then finally,

"the applicant belongs to a category or class to which, in the opinion of the Administrator, such certificate may be granted in the public interest,"

So public interest comes there. The question whether a particular goldsmith should be issued a licence or not is to be decided in the public interest. It is a fantastic provision.

All these things are very vexatious, very arbitrary and are liable to be abused also.

Then there is a very strange provision. I will draw the attention of the Minister to clause 40(4) which says—

"Where any person has received any loan from the Government under any scheme for the rehabilitation of goldsmiths, he shall not be eligible for obtaining a certificate recognizing him as a goldsmith unless he has, within a period of seven months from the commencement of the Defence of India (Fourth Amendment) Rules, 1966, or within such further period as the Administrator may on sufficient cause being shown, allow, repaid such loan "

So, if a goldsmith has taken a loan from the Government under the scheme of rehabilitation of goldsmiths and he has not repaid that loan, he will not be eligible to be issued a certificate for practising his profession. This Bill, this legislation, is being used as a sort of pressure to collect whatever is due to the Government. Is that not the position? There are loans of money with other people which the

[SHRI C. Achutha Menon]

Government can legitimately collect and which is not being collected. We know that crores and crores of income-tax arrear is there, which has not been collected. The Government is not in a position to collect it, to realise it. Even on the question of rehabilitation, crores and crores have been spent. Some of these amounts have not been expended for the benefit of those people for whom they were intended. We know as a matter of fact that there have been large-scale defalcations of such money or misuse of such money. If a certain goldsmith had taken a certain loan of Rs. 1,000 or Rs. 500 when he was thrown destitute on the street without any employment and was compelled to starve, and if he now wants to renew his certificate or wants to take out a new certificate to practise as a goldsmith, the Government compels him, "Now give us the money, here and now. Otherwise you will not be able to practise your profession. You will have to starve." I do not know why such fantastic provisions are included in this Bill.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : This Bill is going to the Select Committee, as you know.

SHRI C. ACHUTHA MENON : I am pointing out these things precisely so that the Select Committee members may note them and take them into consideration.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Those things will be decided in the Select Committee.

SHRI C. ACHUTHA MENON : There are other provisions also of a similar nature. I have no time to go into them.

Similar provisions are there with regard to the artisans also. An artisan is even a poorer or a weaker person than a goldsmith because he has to work under the dealer as an ordinary worker. Various restrictions have been placed upon him also. He has to get an identity card. And here there is a very extraordinary provision. Even if a dealer decides to employ a certain artisan, he has to get the counter-signature of the Gold Control Officer on his identity card. And if the Gold Control Officer decides that he is not fit to be an artisan, he does not give

the counter-signature. The result is, he cannot be employed as an artisan. Why should there be such provisions? After all, the dealer is very much interested in his business. He will employ such persons as are competent to do the business. And if he decides that such and such person is fit to be employed as an artisan and employs him, why should the Gold Control Officer decide otherwise and deprive the artisan of his employment? It is very difficult for me to understand why all these provisions are there.

I think these provisions with regard to control of the profession of goldsmiths and artisans are very arbitrary. It will tell very harshly upon the members of this community.

Then, Sir, the Government have spent lots of money upon their rehabilitation but I do not think all that money has been spent over them. The waste or misuse is all due to administrative reasons into which I need not go. I myself know of certain cases where the goldsmiths formed co-operative societies. In my home town they organised a society for the purpose of manufacturing some small items for supply to hospitals, steel furniture etc. They collected Rs 8,000. They got a petty loan of Rs 5,000 from the Government which was not enough. The hospital order of Rs 50,000 they were not in a position to supply. They applied for a loan of Rs. 50,000 but they did not get it for five years. On my intercession, I am happy to say that at least in 1968, after six years, they got a loan of Rs 30,000. So much difficulty was encountered by a small co-operative society. Therefore, I wonder how many people have really benefited by the rehabilitation schemes.

Sir, the question of unemployment is a terrible problem. In our country lakhs and lakhs of youngmen are being thrown into the employment market. Therefore, the Government should, as far as possible, not choke the channels of employment. I can understand the provision for licensing of goldsmiths or issuing certificates to them but the procedure should be automatic and simple. There should not be such a provision that some administrator or bureaucrat is in a position to deny the certificate at his sweet will or pleasure. It will work great hardship on the community. All these matters should be gone into by the Select Committee in their deliberations.

उपसभाध्यक्ष (श्री अकबर अली खान) : श्री राजनारायण ।

श्री राजनारायण (उत्तर प्रदेश) : बालकृष्ण गुप्ता जी कमेटी के मेम्बर है और मैं समझता हूँ कि पार्लियामेन्टरी पद्धति में ऐसा कोई कन्वेंशन नहीं है कि वे न बोलें। वे अपनी राय यहाँ भी दे सकते हैं और कमेटी के सामने भी रख सकते हैं।

श्री ओम् मेहता (जम्मू तथा काश्मीर) कन्वेंशन तो नहीं है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : If he does not want to speak, you should not insist. Only one man from one party. I think the convention should be respected. You speak, Mr. Rajnarain.

श्री राजनारायण : पहले गुप्ता जी को बोलने दीजिये और बाद में हम बोलेंगे।

श्री बालकृष्ण गुप्त (बिहार) : उपसभाध्यक्ष महोदय, देश की महिलाओं के दिमाग और मन में सोने से प्रेम रहा है। जब सीता ने राम से सुवर्ण मग मारकर लाने की इच्छा जाहिर की थी क्योंकि हिन्दुस्तान की औरतों का एक यही तरीका रहा है कि उनके पास धन रहे और उनके मन में सोने के प्रति बड़ा भारी प्रेम रहा है। सोना ही उनका धन रहा है।

फारेन एक्सचेंज के लिए सोने के ऊपर इतना बड़ा नियंत्रण लगाने के लिए यह जो कानून 70 पेजों का है, जिसे काला कानून कहा जाता है, ऐसा कानून दुनिया में कहीं नहीं है। फारेन एक्सचेंज इंग्लैंड में भी खराब है, अमेरिका में भी खराब है। वहाँ पर करोड़ों रुपये का मोना खुले में बिकता है और लोगों को लेने का अधिकार है। इस तरह से वहाँ बैंकों और दूसरी जगहों पर सोना पड़ा हुआ है। यहाँ पर घर का सोना अगर बाहर निकाला जाता है तो उसके लिए गोल्ड कंट्रोल आर्डर लागू कर दिया गया है। बाहर और अन्तराष्ट्रीय सोने के दाम 100 रुपये तोला है

जबकि हिन्दुस्तान में वही सोना 200 रुपये तोला है। करोड़ों रुपये का सोना तमकरी के रूप में हिन्दुस्तान के अन्दर आता है और बिकता है। यह सोना जो तमकरी के रूप में आता है बिस्कुटों की शकल में बिकता है, छोटे छोटे पैसों की शकल में बिकता है और कई तरह से यह सोना बाहर से अलग अलग शकलों में आने रहता है। हमारे देश की जो इतनी लम्बी सीमा है और समुद्र तट है, तमकरी के रूप में बाहर से सोना इन रास्तों से आता है। पाकिस्तान, नेपाल और जगह जगह से सोना इस देश के अन्दर आता है लेकिन इस गोल्ड कंट्रोल के होने पर भी सोने का जो तमकरी व्यापार चल रहा है, वह नहीं रोका जा सका है।

इस गोल्ड कंट्रोल की वजह से लाखों लोग बेकार हो गये हैं और लाखों का धन्धा खत्म हो गया है। इस कानून की वजह से सैकड़ों लोगों ने आत्महत्या कर ली है। मगर इतना होने पर भी सोने के प्रति लोगों का मोह बढ़ नहीं हुआ है। दुनिया के हर मुल्क में लोगों के घरों में सोना रहता है, लेकिन हमारे मुल्क में जिम आदमी के घर में सोना रहता है उसकी पुलिस तलाशी लेती है। आज हालत यह है कि हर पुलिसमैन गोल्ड कंट्रोल के मातहत किसी भी घर में सोने की तलाशी के लिए घुस सकता है तथा उसका सोना जब्त कर सकता है। सोना जब्त करने के बाद उसके ऊपर मुकदमा चलाया जा सकता है जिसका वर्षों तक फैसला नहीं होना है। जिस आदमी के घर में सोना होता है वह कहीं से चुराकर नहीं लाता है, न गवर्नमेंट उसको देती है, बल्कि यह सोना लोगों को वाप दादाओं के जमाने से मिला हुआ होता है। लेकिन हमारे देश में ए. ए. भी मुख्य मंत्री है, सुखाडिया जैसे जिन्होंने काफी सोना इकट्ठा कर लिया है। छोटी मादरी के मामले में उन्होंने 55 किलो सोना चुराया और आज तक उन्हें कोई दंड नहीं दिया गया। छोटे छोटे आदमियों से कहा जाता है कि 40 ग्राम से अधिक सोना मत रखो। यह मात्र

[श्री बालकृष्ण गुप्त]

पांच तोले से भी कम होती है। तो मैं यह कहना चाहता हूँ कि यह किस तरह की चीज हो रही है और हमारे देश में यह क्या हो रहा है। क्या इस चीज से समाज को लाभ पहुंच रहा है ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT): Mr. Vice-Chairman, may I point out that he is referring to the Chief Minister of a State who is not present in the House. How far is it consistent with the rules to refer to any high dignitary of a State Government when he is not present here? It should not be referred.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I would suggest to you not to mention names.

श्री राजनारायण : यह सवाल इस सदन में कई बार उठ चुका है। श्री सुखाडिया इसमें बड़े बदनाम हो गये हैं। उन के बारे में कुछ कहना कोई आपत्तिजनक नहीं है।

THE VICE-CHAIRMAN : (SHRI AKBAR ALI KHAN) : I will not allow it. Please do not refer to it. The name of the person will not be taken down.

श्री बालकृष्ण गुप्त : तो मैं यह कह रहा था कि हमारे देश में बड़े बड़े लोग और बड़े बड़े अधिकारी तो 20 किलो तक सोना रख सकते हैं और छोटे लोगों को इतनी बड़ी परेशानी में डाला जाता है। हर शहर में कोई मुखबिर या पुलिस का दलाल पैदा हो जाता है और उसके मन में आई तो वह रिपोर्ट कर देता है और इस तरह से किसी की पकड़ हो जाती है। इस तरह से पुलिस वाले मकानों में घुसकर महिलाओं का अपमान करते हैं और इस तरह से उनके घर तथा उनके हाथों से गहनों को निकाल लाते हैं। सरकार ने जो यह कानून बनाया उसका एक ही नतीजा यह हुआ कि इस देश में भ्रष्टाचार और बदमाशी बहुत बढ़ गई है। इसके द्वारा अनाचार और तसकरी भी देश में बहुत बढ़ गई है। इस कानून का एक नतीजा यह हुआ कि देश में घूसखोरी और भ्रष्टाचार भी बहुत बढ़ गया है।

जहां तक सुनारों का संबंध है, सुनार अब भी गहना बनाते हैं और हिन्दुस्तान के मध्यम वर्ग, निम्न वर्ग और ऊंचे वर्ग के परिवारों में सोने के गहने अब भी बनते रहते हैं और पहने जाते हैं। आज हालत यह है कि बाजार में रोज नये गहने बनते रहते हैं। पहले गहनों की बनाई 4 या 5 रुपया तोला होती थी अब 20 और 25 रुपया तोला होती है। जो सुनार इस तरह से गहने बनाते हैं वे पुलिस को घूस देकर रात में बनाते हैं; इस तरह के जितने भी गहने बनते हैं उनमें बहुत ज्यादा खोट मिला हुआ होता है जिससे साधारण जनता को नुकसान हो रहा है। हमारे कांग्रेस के लोग कहते हैं कि हम साधारण जनता की भलाई के लिए यह कानून लाये हैं। लेकिन ऐसा काला कानून पास करके समाज को कोई लाभ नहीं हुआ है।

मैं भी यह बताना जानता हूँ कि सोने में पूंजी लगी हुई है और यह चीज बड़ी हानिकारक है। लेकिन इस कानून के पास होने के बाद कितना सोना बिका और कितनी पूंजी बाजार में आई तथा देश में फैक्ट्री और कारखाने लगे ? इस चीज का हिसाब हमारी सरकार आज तक नहीं दे सकी है। इस तरह से जो यह सोने का कानून है, शराब-बन्दी का कानून है, चकबन्दी का कानून है, गो हत्या बंद करने का कानून है, ये सब निरर्थक कानून हैं। इसलिये मेरा सुझाव यह है जितने भी निरर्थक कानून हैं उनको पार्लियामेंट के दोनों सदनों की बैठक 6 महीने के अन्दर करके समाप्त कर दिये जाने चाहिये ताकि जनता को राहत मिल सके। आज इन निरर्थक कानूनों से जनता को बहुत परेशानी हो रही है और पुलिसवाले तथा दूसरे अधिकारी इसका गलत इस्तेमाल कर रहे हैं।

इस बिल के लिए बजट में 30 लाख रुपये की व्यवस्था की गई है लेकिन जनता को इससे क्या लाभ होने वाला है। आज तक भारत की जनता को इससे क्या फायदा हुआ

है, यह बात कोई नहीं बतलाता है। आजादी के 15 साल तक तो कोई गोल्ड कंट्रोल आर्डर नहीं निकाला गया लेकिन एक दिन अचानक शराबबन्दी वाले वित्त मंत्री ने गोल्ड कंट्रोल आर्डर निकाल दिया। शायद स्वप्न में उनको यह बात याद आई या उन्होंने जिद में और बहक में इस तरह का कानून बना दिया। उन्होंने जो इस तरह का कानून जनता के गले में मढ़ा उसकी वजह से उनका पोलिटिकल करियर नष्ट हो गया। आज वे फिर यह ऐक्ट ला रहे हैं और इसके लिए भी उनके लिए नतीजा बुरा होगा।

यह ऐक्ट बहुत सख्त है, निरर्थक है और उसका कोई अर्थ नहीं है। जो भी आदमी अपने पास सोना रखता है यह चुरा कर सोना नहीं रखता है। यह सोना या तो वह अपने पैसे से खरीदता है या फिर उसके बाप दादों द्वारा दिया हुआ होता है। इस तरह का जो काला कानून बनाया गया है, न मालूम किस के दिमाग की उपज है। इस कानून को किस तरह से जन कल्याणकारी कहा जा सकता है। यह सरकार कहती है कि हम जनता के शुभचिन्तक हैं, तो यह बात भेरी समझ में नहीं आती है। मैं यह कहना चाहता हूँ कि सारी जनता वित्त मंत्री जी से नाराज है और हमेशा रहेगी। अभी तक तो यह काला कानून आर्डिनेंस के रूप में था, लेकिन 9 अगस्त से पहले वह खत्म हो रहा है। अब सरकार अचानक इसको इतनी जल्दी पास करवाना चाहती और इसके द्वारा अधिकारियों को घूसखोरी, तसकरी और भ्रष्टाचार करने के लिए सक्षीदार बनाने जा रही है।

यह सब कहने के बाद भी हम लोग जो कुछ कहते हैं मुझे बड़ी निराशा होती है कि उसका कोई असर नहीं होता, सरकार तिलमात्र भी विचलित नहीं होती। यह नौकरशाहों अफसरों की सरकार, जिस से अफसरों के पेट मोटे होते हैं, उनकी कोठियां बड़ी होती हैं उनके सोने के भंडार बढ़े होते हैं

जैसा कि सुखाडिया साहब का हुआ है, उसी तरह के कानून बनाती है...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No reference to persons.

श्री बालकृष्ण गुप्त : . . . और समाजवाद और जनकल्याण का झूठा नाम ले लेती है।

SHRI THILLAI VILLALAN (Madras): Mr. Vice-Chairman, Sir, we are now discussing the Gold Control Bill. The hon. Minister has stated that it has been brought before this House to supersede the old Act passed in the year 1965. It was a most controversial legislation and it was passed in 1965 in the teeth of opposition from the public. Because the ruling party had a brute majority at that time, they were able to pass it. Now the ruling party has only a slender majority but even then they want to supersede the old Act by passing this legislation.

Under the Defence of India Rules, 1962, the Gold Control Rules were promulgated. Then it was replaced by the Act of 1965. My submission so far as this legislation is concerned, is that it is unnecessary and at the same time it is against the will of the people. It has to be thrown out. Now the motion before us is that this Bill should be sent to a Select Committee. My submission is that the Select Committee in its collective wisdom must come to the conclusion that this Bill should be thrown out.

Now, the main objectives of this Bill are first, to reduce the craving for gold on the part of the people, secondly to stop the drain of foreign exchange, thirdly to stop smuggling of gold and fourthly to reduce the price of gold. These are the main objectives stated by the treasury benches. So far as the first objective is concerned, the lure of gold or the craving for gold is infused in the minds of the people, in the blood, in the veins, in the flesh and bones of the people. It cannot be taken away by a stroke of pen. It cannot be taken away by a piece of legislation. The legislation before us is only a negative way of getting things done. The positive way is to educate the people and make them realise that craving for gold is not good for the welfare of the country, that it is not advisable for people to crave for gold when the country need gold. That is the positive way. Now

[Shri Thillai Villalan]

so far as these legislations are concerned, we must first of all make the people ready to accept these Bills; we must make the minds of the people ready to accept such legislations. Merely placing a legislation before the House or merely adding a leaf to the statute book will not do. First of all, we must consider whether the legislation is necessary and whether we can implement it, every word of it. Otherwise merely swelling the statute book of the country will not serve any purpose.

The Gold Control measure, from our experience from 1962 to 1968, is not at all a successful one. We know this by our own experience of the provisions incorporated in the original Act. For instance in regard to quality control, *i.e.* the 14 carat limit, we have left it out now. By that provision regarding quality control, we only made ourselves 14 carat people because we invited dishonesty by formulating provisions which cannot be implemented. Now we have left it out. Our experience from the original measure to the present Act will show definitely that gold control is not advisable. From the original Ordinance to the present Act, we can see how many provisions have been left out. This itself is enough to make us realise that the gold control is not at all necessary. The lure of gold is based on a traditional faith that gold is pure, gold is good and gold is necessary. The possession of gold is treated as a sign of wealth. So if you want to get gold from the people, you must educate them that gold is necessary for the running of the Government or for the welfare of the society, and they must accept it and they must voluntarily give their gold. In this way we must educate the people first and then only we should bring in legislation.

Now so far as smuggling of gold is concerned, smuggling is going on not only in gold but in many other articles. We are not punishing those smugglers by this Act. We are only punishing the goldsmiths. There are more than 2,50,000 goldsmiths here. They have been thrown into the streets. They are not given any employment. They are now suffering; they are now on the streets. We are not punishing the actual smugglers. Owing to our incapacity and inefficiency, we are not able to find out the smugglers. We are only finding out the goldsmiths, the poor workers and artisans, and we are punishing them.

The other objective is to reduce the price of gold. Now we see in the market the price of gold going up and up. We cannot reduce the price by these provisions. And as regards the drain of foreign exchange and prevention of smuggling, this is not done by the poor goldsmith but by the anti-social people, the smugglers, who are having foreign exchange earned through ill-gotten ways, and they are using that money for getting gold at lower rates in foreign countries and they make money here by selling them at higher rates. So the basic objectives cannot be fulfilled by this legislation. For the achievement of the main objectives, the Bill is not sufficient. It is not wanted. This is only a negative way of doing things. The positive way is different. So my humble wish and hope is that the collective wisdom of the Select Committee will come to the conclusion that this Bill should be thrown out. With these words, I conclude.

श्री प्रेम मनोहर (उत्तर प्रदेश) : उपाध्यक्ष महोदय, मेरा कहना केवल इतना ही है कि यह बिल निगेटिव बिल है। आज संसार के सब देशों में जितनी महिलाएं हैं उनको गोल्ड प्यारा है, अन्तर केवल इतना है कि भारतवर्ष की महिलाओं को गोल्ड के लिए फर्स्ट प्रायोरिटी है और दूसरे देशों की महिलाओं को लास्ट प्रायोरिटी है। केवल इतना ही विचार कर लें कि वहां पर लास्ट प्रायोरिटी क्यों है और यहां पर फर्स्ट प्रायोरिटी क्यों है तो इस सारे बिल का अन्तर हमें पता चल जायगा। हमारे देश में किसी तरह की कोई सुविधा नहीं है। दुर्दैव से किसी स्त्री का पति मर जाता है तो उसके लिए गवर्नमेंट की तरफ से कोई सुविधा नहीं है। बच्चों को खिलाने के लिए, अपने को मेटेन करने के लिए, अपनी जीविका चलाने के लिए उसकी हेल्प करने के लिए स्टेट इन्सुरेंस जैसी व्यवस्था गवर्नमेंट की तरफ से नहीं है। ऐसी स्थिति से बचने के लिए हमारे यहां भारतवर्ष में छोटा या बड़ा जिसकी जितनी केपेसिटी होती है उसके अनुसार, सोना खरीदता है, एक तरह फिक्स्ड डिपोजिट करने के लिए, एक मुसीबत से बचने के लिए। दूसरे देशों में भी गोल्ड के लिए प्यार है। आपने देखा होगा की विदेशी महिलाएं भी

एरोप्लेन्स में एक एक स्त्री 25-25,30-30 तोले सोना पहन कर चलती है। मेरी बातचीत हुई है, जर्मनी में बातचीत हुई है, इंग्लैंड में बातचीत हुई है, हर एक को गहने प्यारे हैं लेकिन वहां लास्ट प्रायोरिटी है क्योंकि गवर्नमेंट सारी सुविधाएं देती है। अगर कोई बीमार पड़ गया हो तो उसके परिवार को खाना मिलेगा, सब सुविधाएं मिलेगी, रहने के लिए मिलेगा। अगर किसी का पति मर गया तो उसकी पुरी फैमिली को गवर्नमेंट मेंटेन करती है। अगर रुपया नहीं है तो गवर्नमेंट बच्चों को पढ़ाएगी, इसलिए गोल्ड वहां केवल डेकोरेशन के लिए है। मेरा यही कहना है कि अगर गवर्नमेंट पाजिटिव स्टेप ले, इस तरह की व्यवस्था करे तो हमारी महिलाओं में भी कोई इस तरह का प्रेम न रहे। जो गोल्ड कंट्रोल बिल इस सिलसिले में प्रस्तुत किया गया है वह कोई समस्याएं हल नहीं करेगी, बल्कि समाज के अन्दर जो डिस्सेटि-स्फेक्शन है वह अधिक क्रिएक्ट करेगा।

श्री राजनारायण : श्रीमन्, वास्तव में मैं यह बात साफ कर देना चाहता हूँ कि गोल्ड कंट्रोल को मैं एक प्रोग्रेसिव मेजर मानता हूँ, मगर सिद्धान्त और व्यवहार एक हो तब तो सिद्धान्त गोल्ड कंट्रोल का ठीक है, मगर यदि सिद्धान्त के पूर्णतः विपरीत व्यवहार हो जाय तो सिद्धान्त केवल कहने के लिए रह जाता है और गलत व्यवहार आदर्श सिद्धान्त को भी धूमिल कर देता है। इसलिए गोल्ड कंट्रोल से जितनी अनियमितताएं और बर्बादियां हुई हैं उनको मद्देनजर रखते हुए जिनके जीवन-निर्वाह का यह साधन रहा है उनको जब तक कोई दूसरा समुचित साधन न हो तब तक उनका जीवन-निर्वाह बिलकुल बर्बाद हो जाय इस ढंग से इसे लागू नहीं करना चाहिए।

इसी तरह से शराबबन्दी है। श्रीमन्, मैं आपके साथ गया था राष्ट्रपति जी के यहां परसों। शराबबन्दी रोज सरकार चिल्लाती है लेकिन जितनी शराब की बिक्री शराब-

बन्दी होने से पहले होती थी उससे ज्यादा शराबबन्दी के बाद होने लगी है। शराबबन्दी से पहले उत्तर प्रदेश में 4 करोड़ रुपए की शराब बिकती थी, अब 21 करोड़ रुपए की शराब बिकती है और शराबबन्दी की योजना है कांग्रेस सरकार की। गो-वध-बन्दी के बाद से गो-मांस ज्यादा खाया जाने लगा है। इसी तरह से चकबन्दी है। ये 4-5 बन्धियां हैं। चकबन्दी हो गई किसानों के देह की मगर खेत की चकबन्दी नहीं हुई। अब हो गई सोनाबन्दी। सोनाबन्दी अगर सही माने में होती तो मैं उसको वैलकम करता, मगर सोनाबन्दी है नहीं, जैसा कि हमारे मित्र बाल-कृष्ण जी गुप्त ने कहा। लेकिन प्रेम मनोहर जी ने बात कही उसके बारे में मैं कहना चाहता हूँ कि हमारा कन्सेप्शन उससे भिन्न है। भारत की माहिलाओं को वे किस दृष्टिकोण से देखते हैं। बिहारी को पढ़ों-

“भूषण भार संभारहीं क्यों यह तन सुकुमार,
सूधे पांव न पर सकें शोभा ही के भार।”

बिहारी ने कहा है कि जो सुन्दर रमणियां हैं वे अपनी सुन्दरता के भार से ही अपने पांवों को सीधे नहीं रख सकती, आखिर वे आभूषण सोने के अलंकारों का भार कैसे वहन करेंगी? जो लोग यह कहते हैं कि यह औरतों के लिए अपेक्षित है कि वे जरूर सोने के आभूषण पहने वे जान लें कि हमारे यहां बिहारी कवि हुए हैं जिन्होंने कहा है कि जो सही माने में सुन्दरियां हैं वे अपनी सुन्दरता, खूबसूरती के बोझ से ही दब रही हैं, उनको सोने का कोई गहना पहन कर अपनी खूबसूरती को बढ़ाना नहीं, वे तो उसके बोझ से दबी जा रही हैं। मैं चाहूंगा कि पीपुल्स जी और शुक्ल जी दोनों इसको समझें।

इसलिए औरतें सोना हर हालत में रखें मैं बिलकुल इस राय से महमत नहीं हूँ। मैं समझता हूँ कि इस गोल्ड कंट्रोल का इम्प्लीमेंटेशन प्रापर तरीके से हो। जो इसमें तमाम तूफाने-बदतमीजियां भरी हैं...

उपसभाध्यक्ष (श्री अकबर खान) :
वह बाद में कहिएगा ।

श्री राजनारायण : एक में पढ़ देता ।
जरा 55 पेज देख लीजिए । 118 क्लॉज
में है—

“If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.”

यानी इतनी बड़ी ताकत हिटलर के पास रही नहीं, स्टालिन के पास रही नहीं, ऐसी ताकत जो किसी बड़े से बड़े डिक्टेटर के पास नहीं थी उतनी बड़ी ताकत यह सरकार लेना चाहती है। इसलिए मैं चाहता हूँ कि इसमें बड़ा जबरदस्ती सशोधन होना चाहिए और सशोधन के साथ जो इससे अपनी जिन्दगी का निर्वाह करते थे उन पर कोई आघात नहीं होना चाहिए। गोल्ड कंट्रोल ठीक से चले तो वह हमको पसन्द है ।

SHRI K. C. PANT : Mr. Vice-Chairman, I have heard the speeches with rapt attention. Since the Bill is going to the Select Committee, this is not the occasion for me to go into this measure in any detail and it is for the Select Committee to take note of the many suggestions that have been offered. The Bill will come back to this House later and on that occasion hon. Members will have the opportunity to discuss the measure in some detail.

I have heard some of the speeches which were directed more at the earlier measure, the 1965 Act, than at the present Bill. There was vigorous criticism by my hon. friend, Shri Yadav, and later by my hon. friend from the DMK with regard to the provisions of the earlier Bill. I think it would have been more helpful and more useful to the deliberations of the Select Committee if attention had been concentrated on this measure which is now before us and their energy would not have been dissipated in criticising an earlier measure which is now out of date.

Mr Vice-Chairman, I am surprised that some of the fundamental principles underlying this measure are still not properly

understood and appreciated in spite of the many debates that have taken place in Parliament on this measure earlier. Now the basic points are rather simple. The first is that we have to consider whether it is more desirable that gold should be used for developmental purposes or that gold should be hoarded. I do not think this hon. House will disagree that gold should be used for productive and developmental purposes rather than it should be hoarded.

SHRI BANKA BEHARY DAS
(Orissa) : The third was ornaments.

SHRI K. C. PANT : Ornament is there. It has its place but Shri Rajnarain has already given the reply to that. The other simple point is that there is no dispute about the demand for gold being there. The only question is, where is the supply to come from? The indigenous production is limited. We do not have foreign exchange to waste on the import of gold, because we need raw materials, components, etc. for our industries. Therefore, we have no surplus foreign exchange to spend on the import of gold. The question arises, where does this gold come from? Therefore the logic of the situation demands that some control should be put on the circulation of gold within the country and I think that is such an obvious inference that there can be no objection in principle as far as I can see to this basic policy which underlies this measure.

I shall not take up the various points raised but I would mention only one or two points raised by some friends. Shri Achutha Menon questioned the Government's approach to reduce the number of goldsmiths and not allow them to increase. That is precisely the objective of the Government to reduce the number and to see that new entrants do not come in because if the Government is sincere in its policy to control gold and the business in gold, we should not encourage new entrants to come in and then create the same problem of rehabilitation tomorrow. It is only an honest policy that we discourage the new entrants from coming in and it must be remembered that the employment potential of this business depends on the amount of gold that is smuggled and we do not want to increase the employment through smuggling of gold. Whatever gold is available, whatever comes from legitimate channels, already there are goldsmiths to work that gold.

I will refer briefly to the other point raised by Shri Gupta. He said दुनिया में और कहीं नहीं है ऐसा। I do not want to go into it but I can give the names of countries including the USA, the UK and other countries in Africa and Asia where there is some restriction on the possession and trade in gold. I will not go into details.

SHRI BALKRISHNA GUPTA : Some restriction may be there here and there...

SHRI K. C. PANT : I am surprised that he is disputing it because there is restriction on the possession and...

SHRI BALKRISHNA GUPTA : Very mild restrictions...

SHRI K. C. PANT : He made a sweeping statement which I think he will have reason to correct later on himself. My DMK friend talked about the virtues of educating public opinion in this respect. I share his feelings and I hope he will surely help us to educate public opinion in this respect. I am afraid his speech today did not actually help us in doing it. In the future I hope that he will be more helpful.

As for Shri Rajnarain's speech, I have a particularly soft corner for him but I do not quite get the relevance of Sharab Bandhi in this debate but I do not know whether he is against these things. Is he against Sharab Bandh or Govadh Bandh or Chakbandh for that matter? If he is not then I take it . . .

श्री राजनारायण : मैं बता दूँ। पंत जी अब आप जरा बैठ जाइये, एक मिनट आप बैठ जाइये, जब हमसे आप पूछ रहे हैं।

THE VICE-CHAIRMAN : (SHRI AKBAR ALI KHAN) : He is finishing.

SHRI K. C. PANT : By implication he has supported me and I thank him for that. So far as the progress of rehabilitation goes, since the House is impatient to get on with the other business I shall certainly give all the facts and figures when I next come here. Mr. Reddy spoke about it and also others. I have all the facts and figures about it but since you want to pass on to the next business, I hope they will permit me to explain it on the next occasion.

श्री राजनारायण : श्रीमन्, मैं एक सफाई तो कर दूँ। मैं आपके जरिये केवल एक सफाई करना चाहता हूँ कि मैंने पहले ही कहा कि जहाँ तक थ्योरी और प्रैक्टिस का सवाल है वह एक हो तो मैं उसका विरोधी नहीं हूँ शराब-बन्दो मैं वेलकम करता हूँ मगर शराब-बन्दी यह सरकार नहीं करती, गोवध-बन्दी का भी नारा लगाते हैं लोकन बन्द नहीं करते हैं और उसी तरह से गोल्ड कंट्रोल जो है, गेना-बन्दी जो है उसके लिये सरकार चिल्लाती है मगर बन्द नहीं होता और इसके बारे में हमारे मित्त माननीय गुप्ता जी ने अनेक उदाहरण दिये।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide, in the economic and financial interests of the community for the control of the production, manufacture, supply, distribution, use and possession of, and business in gold, ornaments and articles of gold and for matters connected therewith or incidental thereto and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee :

1. Shri B. C. Pattanayak
2. Shrimati Yashoda Reddy
3. Shri Gurmukh Singh Musafir
4. Shri Dayaldas Kurre
5. Dr. (Mrs.) Mangladevi Talwar
6. Shri Sukhdev Prasad
7. Shrimati Vimal Punjab Deshmukh
8. Shri Dahyabhai V. Patel
9. Shri Rattan Lal
10. Shri Balkrishna Gupta
11. Dr. Z. A. Ahmad
12. Shri Banka Behary Das
13. Pandit S. S. N. Tankha.”

The motion was adopted.

[**THE VICE-CHAIRMAN (SHRI RAM NIWAS MIRDHA** in the Chair)]