

The Information and Broadcasting Ministry has already violated these guidelines.

MR. SPEAKER : No. I do not think so. I do not think like that. As far as we are concerned, we have given the exclusive right to Doordarshan. I have said that if Doordarshan wants to give a footage to any other agency, they can give it subject to Parliamentary privileges. So, it is for them to take care of it.

SHRIMATI SUSHMA SWARAJ : But the Budget papers are given to them after it is presented ...*(Interruptions)* But the word being spread is that it is a pre-recorded thing.

MR. SPEAKER : But the way they are advertising it, it seems that it is misleading. I think the Information and Broadcasting Ministry should take appropriate action on that. I will find out how it happened like that.

Now, Question No. 101, Shri Ram Kripal Yadav.

#### ORAL ANSWERS TO QUESTIONS

11.12 hrs.

*[Translation]*

#### Persons Detained under FERA

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\*101. SHRI RAM KRIPAL YADAV :

SHRI MOHAMMAD ALI ASHRAF FATMI :

Will the Minister of FINANCE be pleased to state :

(a) whether many persons detained under FERA have been released;

(b) if so, the details thereof during the last three years, State-wise;

(c) whether the action being taken in matters of FERA has been reviewed by the Government; and

(d) if so, the details thereof?

*[English]*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.P. VEERENDRA KUMAR) : (a) to (d) A statement is laid on the Table of the House.

#### Statement

(a) and (b) Persons arrested under section 35 of the Foreign Exchange Regulation Act (FERA) are produced before the Magistrates who either remand them to judicial custody for specific periods or release them on bail.

Zone-wise figures of persons arrested under FERA and released subsequently during the last three years

are as under :

Year Zone	1994	1995	1996
Mumbai	151	116	90
Calcutta	103	13	29
Delhi	40	32	19
Jalandhar	13	13	28
Chennai	58	54	47
	365	228	213

The data regarding persons arrested under FERA are not maintained State-wise.

(c) and (d) No, Sir. However, the Government regularly monitors the action taken by the Enforcement Directorate to prevent harassment.

SHRI SONTOSH MOHAN DEV : Maiden reply by the new Minister!

*[Translation]*

SHRI RAM KRIPAL YADAV : Mr. Speaker, Sir, through you I would like to say that in reply to my question the hon. Minister himself has admitted that in spite of strict enforcement of Act like FERA, since long FERA is being violated on large scale. I feel that economic position of our country will shatter if stringent action is not taken to check this trend. In the reply he himself has admitted that number of cases of FERA violation has declined marginally during 1994-96 but these cannot be contained or curtailed to the expected level. As per the figures given by hon. Minister in 1994 in Mumbai area 151 cases of FERA violation were registered which declined to 116 in 1995; and upto 90 in the year 1996. In Calcutta 103 cases of FERA violation were registered in 1994, 13 cases were registered in 1995 and 29 in 1996. In Delhi 40 such cases were registered in 1994, 32 in 1995 and 19 in 1996. In Jalandhar, during 1994 and 1995, 13 such cases were registered and in 1996 this number was 28. The number of such cases have increased. In Chennai 58 cases were registered during 1994, which declined to 54 in 1995 and 47 in 1996.

*[English]*

MR. SPEAKER : Ask the question now, please.

*[Translation]*

SHRI RAM KRIPAL YADAV : So far 213 cases of FERA violation have been registered and I would like to know from the hon. Minister as to how much money is involved in these cases. You have told about the number of cases but my question is about the amount of money embezzled in these cases.

MR. SPEAKER : It is a very good question.

[English]

SHRI M.P. VEERENDRA KUMAR : I am answering for the first time in the House. So, I want your indulgence if at all there is anything.

SHRI SONTOSH MOHAN DEV : Nothing to worry.

SHRI M.P. VEERENDRA KUMAR : With regard to FERA, the first thing the hon. Member wanted to know was why the cases are decreasing. He quoted the figures given in the written answer about Mumbai and all that. The RBI regulations now are not the same as before. What does FERA do? Whenever RBI regulations or RBI restrictions are violated by anybody, the Enforcement Directorate swings into action.

Then only FERA is invoked. This is what happens regarding FERA violations.

[Translation]

SHRI G.L. KANAUJIA : Mr. Speaker, Sir, the hon. Member has asked a very specific question by hon. Minister is trying to evade a clear-cut reply ... (Interruptions)

[English]

MR. SPEAKER : Please let him answer. The specific question which the hon. Member has asked is, what is the total amount of money involved. It is enough if you could just give that figure.

SHRI M.P. VEERENDRA KUMAR : The amount involved in FERA violation cases on which show cause notices have so far been given is Rs. 2600 crore.

[Translation]

SHRI RAM KRIPAL YADAV : Mr. Speaker, Sir, my question was whether the action being taken by the Government in the FERA violation cases have been reviewed so far or not and in the hon. Minister had replied in negative. I feel that some officers register weak and vague cases of FERA violation deliberately and thus, culprits get themselves released on bail. FERA is an stringent Act and therefore, I could not understand as to how a person can be granted bail under it. The detainee under this Act must be punished. I think that such a situation arises due to non-reviewing of the action taken under it.

I would like to know whether there is any provision to keep surveillance of such officers or not? Due to some corrupt officials, the actually guilty persons can not be apprehended under FERA. They are released on bail because case against such culprits are not registered properly. It is essential to review such cases because due to some corrupt officers and vague F.I.R.'s the culprits are released on bail. I would like to know the number of officers booked under it if there already exists provision of surveillance of such officials. It is a laxity on the part of Government if review has not been done so far, sir, through you, I would like to submit that these cases should be reviewed.

[English]

MR. SPEAKER : I think, you have put the question.

SHRI M.P. VEERENDRA KUMAR : Sir, the way how it is dealt is this. The Enforcement Directorate have their own powers to impose penalties and things like that. It is under the general law. That is one way.

The second is, they chargesheet them under FERA and take them to the court. And what do the courts do? They release them on bail.

Thirdly, they can use all options regarding detention. There could be a detention when an FIR is filed in a criminal court. There is another Act known as COFEPOSA. People are detained and that detention is not done as a matter of routine. When there are perpetual offenders, when we notice that somebody is going on committing some violation throughout, then, we book him under COFEPOSA. When they are held under COFEPOSA, there is a Board to review that once in every two months. They can be kept under detention for two years. But under Fundamental Rights, they can go to a High Court. In Sessions Courts, there is no appeal for this; they can go to a High Court or the Supreme Court. For the information of the hon. Members, I would say that many people whom we have detained as perpetual offenders have gone to courts.

[Translation]

SHRI RAM KRIPAL YADAV : Mr. Speaker, Sir, I have not got reply to my question. I would like to know as to what action has been taken against the officers who have registered weak cases under it... (Interruptions)

[English]

MR. SPEAKER : Mr. Minister, you do not have to answer that. I have not allowed it.

DR. T. SUBBARAMI REDDY : Sir, the Congress Members should also get a chance.

SHRI NIRMAL KANTI CHATTERJEE : Sir, this statement relates to those who were arrested and released. This figure 213 refers to the number of persons released. My question is: How many people were convicted under FERA and how much money has been collected by the authorities because of FERA violations? If the hon. Minister has got the figures, let him give it.

MR. SPEAKER : Do you have the figures?

SHRI M.P. VEERENDRA KUMAR : With due notice, I will provide the figures... (Interruptions)

MR. SPEAKER : It is his maiden reply. Why do you not keep that in mind? He is answering for the first time.

(Interruptions)

MR. SPEAKER : Dr. Debi Prosad Pal is a Finance Minister. He should be more knowledgeable. That is

why I am giving him an opportunity. You will also get a chance.

DR. DEBI PROSAD PAL : When the detention is made under the COFEPOSA Act for the alleged violation or the threatening of violation under the Foreign Exchange Regulation Act, is there is any consideration of the entire matter at a higher level. I am asking this because of the fact that in many instances where the proceedings had been started against some persons under the COFEPOSA Act, ultimately it was found that there was not even a *prima facie* case against them. It depends upon the sweet will and the whims of the particular officer concerned. So, I would like to know from the hon. Minister whether there is any high-powered committee to consider whether COFEPOSA would be applicable to a particular individual. That is my first part of the question. Number two...

MR. SPEAKER : Please complete your question. There is no number one, number two, number three etc. You yourself were a Minister. You have been answering questions. You should understand the position of the hon. Minister.

DR. DEBI PROSAD PAL : I would like to know another thing. It is not correct to say that when the arrest has been made or the detention has been made under the COFEPOSA, it is not possible to go to the court until the Advisory Board has considered the matter. So, in how many cases have the persons gone to the court and in how many cases has the party or the detainee been released by the court? Will the hon. Minister answer?

SHRI M.P. VEERENDRA KUMAR : The hon. Member has asked for the figures. In 1994, under COFEPOSA, 119 detention orders were issued, 77 persons were detained and 21 persons were released by the Advisory Board and the High Courts. In 1995, 70 orders were issued, 17 persons were detained and 19 persons were released. In 1996, 53 orders were issued, 48 persons were detained and 10 persons were released. Regarding COFEPOSA, it will be considered by the high-powered committee.

SHRI G.A. CHARAN REDDY : The FERA has been there for a long time. In 1973 an amendment was brought to the FERA. I would like to know whether the Government has any intention to bring further amendment to the FERA Act or to abolish it.

SHRI M.P. VEERENDRA KUMAR : I have already said that it is under consideration of the high-powered committee. I cannot give you any more details.

MR. SPEAKER : The hon. Member's question is, do you have any plan to amend the FERA Act in the near future?

SHRI M.P. VEERENDRA KUMAR : It is under consideration... (Interruptions)

MR. SPEAKER : You cannot ask the question. You have no permission to ask.

[Translation]

SHRI G.L. KANAUIA : Mr. Speaker, Sir, through you, I would like to know the number of cases in which officers were pressurised to register F.I.R. on weak grounds courts has also commented that these cases can not be pursued further as FIR has been lodged on weak grounds.

[English]

SHRI M.P. VEERENDRA KUMAR : The hon. Member has put a specific question. I cannot say as to in how many cases the courts have commented. I only said that some people are released. When they are released, there is no case against them.

SHRI G.L. KANAUIA : It was commented by the court that in some cases your FIR are not properly framed and in certain cases FIRs were not lodged at all or there is a lacuna.

SHRI M.P. VEERENDRA KUMAR : Since the Member has asked this question, we will collect the information and furnish it later on.

[Translation]

#### Printing of Notes

\*102. SHRI THAWAR CHAND GEHLOT : Will the Minister of FINANCE be pleased to state :

(a) whether the Government propose to award the contract of printing of higher denomination notes to a Japanese company;

(b) if so, the reasons therefor;

(c) the printing capacity of Bank Note Press, Dawas and Currency Note Press, Nasik;

(d) the number of high denomination notes printed in these presses during the last two years;

(e) whether the Interpol has warned the Government that the Japanese printed notes can be easily forged; and

(f) if so, the reaction of the Government thereon?

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.P. VEERENDRA KUMAR) : (a) No, Sir.

(b) Does not arise.

(c) The existing printing capacity of Bank Note Press, Dawas and Currency Note Press, Nasik is as under :

BNP, Dawas	-	1875	million pieces per annum.
CNP, Nasik	-	4000	-do-