[भी सत्यनारायण जटिया]

इसलिए पिटाई की कि बह पुलिस प्रज्ञासन के बारे में अपने समाचार पत्र में वास्तविक घटनाओं को बैसा का बैसा ही प्रकाजित करते हैं जिसमें पुलिस की अनियमितताएं भी प्रकट होती हैं।

उक्त स्थिति अत्थन्त चिंताजनक है जिसकी और केन्द्र सरकार को ऐसी आतंकित करने वाली गतिविधि को नियन्त्रित करना चाहिए।

SHRI H.K.L. BHAOAT: Sir, I have histened to the points mentioned by all the hon. Members. It is really a question of availability of time. In any case I will bring it to the notice of the Business Advisory Committee.

12.28 brs.

STATUTORY RESOLUTION RE : DIS-APPROVAL OF CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ORDINANCE AND CONSERVATION OF FOREIGN

EXCHANGE AND PREVEN-TION OF SMUGGLING ACTI-VITIES (AMENDMENT) BILL

MR. DEPUTY-SPEAKER : Now the House will take up item Not. 10 and 11 together. Dr. Subramanism Swamy.

DR. SUBRAMANIAM SWAMY (Bombay North-East): I beg to move :

> "That this House disapproves of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1984 (Ordinance No. 8 of 1984) Promulgated by the President on the 13th July, 1984."

Sir, I have given a notice of Statutory Resolution to oppose the Ordinance because I do not accept the argument given by the government that this tightening of the COFEPOSA law would lead to any progress in handling the smuggling matters. The statement explaining the circumstances which had necessitated this immediate legislation by Ordir snce states :

> "The provisions of the COFEPOSA Act, 1974, have had a deterrent effect and had been useful in combating smuggling activities. However, in view of the recent trends in smuggling activities, as indicated by the intelligence received,...."

I do not know where it had deterrent effect! In the last ten years of the functioning of COFEPOSA has smuggling actually gone down? Have they put an effective stop ? That is the question I want to know.

Sir, I find every time they bring a law of this kind, all that happens is that new opportunities are opened up and new loopholes are provided by which the smugglers whom they catch come out scot-free. I do not know how they organised themselves by this new Ordinance because the Bill says :

> "9 (1) Notwithstanding anything 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 July, 1987, may be detained..."

This must be wrong. It must not be 1987. It must be 1977. How can it be 1987 ? This may be a loophole. Again the PIB release of the Government of India states :

> "That the maximum period of detention in such cases will be two years instead of normal period of one year."

In the Bill there is no reference at all to the detention period being extended from one year to two years.

I do not know what is happening in the Government. Today the PIB is putting out one release and in the Bill it is mentioned as 1987 which does not make any sense and they come forward and say that we want to

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tighten the laws against smuggling. But these are the loopholes. The smugglers know how these loopholes can be used. One of the sections of the COFEPOSA says that the detention orders should be served to the person in the language he understands. So, they will catch a Gujarati and give the detention order to him in Marathi language and cases after cases are there in the High conrt where the order has been set aside on the ground that the person arrested was a Guiarati and the detention order was in Marathi. I say this is a deliberate connivance and these are ways how the law has been subverted and if the Government had come forward with the list of cases, list of detainees under COFEPOSA for the last ten vears. What is the record ? How has the High Court set aside the cases against them ? The Courts are letting them out and I want to know the ground on which they have been let off. I want to know the reason why the detention order has not been properly served. There must be a collusion I can't understand this principle where if you catch a man named Mr. Patel. his language will be Gujarati and there is no need to know what his language is. If you cotch a man called Mr. Varadarajan, his language must be Tamil. It does not require much intelligence to know. Therefore, these are framed with ulterior purpose.

Since 1974, when the first Act came into force, smuggling has actually gone up. According to knowledgeable Bombay source, smuggling in 1983 was twice the level in 1982 and the smuggling in 1982 was 66% higher than the level in 1981.

SHRI YESHWANTRAO CHAVAN : Because the value of the supee is dropping.

DR. SUBRAMANIAM SWAMY: The value of the rupee has not dropped that much. So, Sir, smuggling has gone up in this rate and today they say the smuggling is less and it is running at the rate of Rs. 7000 crores per year. The hon. Minister has asked us to help them to tighten the laws which infringe liberty with a little further. But then they should give us (some kind of background note. It has been stated here that on 3rd July they had arrested 124 smugglers. I would like the Government to tell us how many of them are still in jail, how many have been released and if released, why? This is what something the Government must tell us and if they place that fact on the Table can we really know what has gone on behind. In Bombay, you know the smugglers are arrested under the COFEPOSA, but they spend the day in jail and in nights they go home and sleep at home and then come back the next day. This has been going on in Bombay. You can find it out.

SHRI KAMALAPATI TRIPATHI (Varanasi) : How does it happen ?

DR. SUBRAMANIAM SWAMY: You are in Government. You should tell us.

SHRI KAMALAPATI TRIPATHI : I want to know the detail.

DR. SUBRAMANIAM SWAMY : Yes, I can also brief the Working President of the Congress I, after the House is over today.

MR. DEPUTY-SPEAKER : You can give him the information secretly.

DR. SUBRAMANIAM SWAMY: Yes, I do not want to violate the Government rule. So, Sir, whether this news item which sppeared in today's paper is correct. The headline reads like this.

"Pranab pulls up Dada :

smugglers' release

"Finance Minister Pranab Mukherjee is understood to have pulled up Maharashtra Chief Minister Vasant Dada Patil for releasing Haji Mastan and other smugglers arrested on charges of fomenting communal violence in Bombay and distributing arms to trouble-makers."

Then, it goes on to say :

"Mr. Mukherjee in bis letter, obviously written after consultations with Mrs. Indira Gandhi and colleagues, has said that the Maharashtra Government's action was indefensible [Dr. Subramaniam Swamy]

as it ran counter to the Centre's efforts to curb smuggling."

Now, this has come in the newspaper. It has appeared in today's Patriot. I would like the Government to say whether this is correct or not.

I want the Government to come forward and tell us in what way they have managed to curb smuggling and what is the guarantee that by this tightening, it will be further curbed. In fact, all the statistics show that new kinds of smuggling has started. For some years, gold had stopped coming into this country by smuggling, but it has again started. There is also smuggling of silver that has been going on. The seizures of silver, I am told are of 4.8 tonnes, whereas according to London based bullion merchants, 400 tonnes of silver is exported out of this country. Smuggling has become so brazen that our national newspapers give advertisements for things which you cannot get in this country. Here is an advertisement which appeared in the Times of InJia on Friday, August 3, 1984. In fact, today's Times of India has also got it. It reads :

> "Casio Pocket Television with Big Screen and AM/FM Stereo."

Where can you buy it ? According to this, you can buy it from Gibson Trading Co. Ltd., Safat Square, Kuwait, Al-Jazira Al-Arabial Library, Kuwait, then there are addresses of Karachi and Dubai. These are the addresses given, where you can buy these. This is appearing in the Indian press. I am surprised at this. Then, a number of more advertisements are there. I have not copies with me. Even the Indian Aiplines magazine called Swagat which is available on domestic flights has advertisements of things which you cannot get in this country, except in the smugglers' market. There are advertisements after advertisements. Some of the statistics which I got recently show that small countries in the neighbourhood of India are importing certain things which they would never need. For example, there are 400 million people in Dubai and they

import more polyester and synthetic fabrics than the United States. What does that mean ? These are the statistica of a Japanese magazine, and I can give a copy of that to the Minister if he is not aware of them. If you see has items smuggled in this country. these are gold, fabrics, gadgets, heroin etc. I am told that they had a Conference in February when the United States had to call the Government of India that India has become a major centre for routing illegal drug trafficking, and India has become a centre. They did not know about it. In the recent Conference in February they had to be told about it. The smuggling has been going on openly and India is the target for it. All this means that we are going to have a huge foreign exchange crisis in the coming ve rs.

MR. DEPUTY-SPEAKER : By your speech, you are justifying this amendment.

DR. SUBRAMANIAM SWAMY : I am saying that they have no intention of using it at all. I am saying what has been happening. They say that 1974 amendment had a deterrent effect. It did not have. This amendment is going to give further loopholes to the smugglers.

SHRI MOOL CHAND DAGA (Pali): You say that smuggling is going on. To curb that further, this ordinance has been issued. You are attacking the ordinance. Please give reasons for that.

MR. DEPUTY-SPEAKER : As usual, he approaches the positive side first and then ages on to the negative side.

DR. SUBRAMANIAM SWAMY: Mr Daga scems to be unduly concerned about the smugglers. He must know that his Government has no intention of curbing it.

Sir, I have to point out all these statistics as I have to build up a case. Now, Sir, the extent to which this country's resources have been depleted by this Government is clearly brought out in a World Bank publication to which the data are being provided by the Government of India. I quote from Table No. 4.5. It says that in 1979-80, the net reserves of foreign exchange in our

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country were 7.6 billion dollars. ĩ am quoting from the World Bank statistics which is based on what the Government of India is giving them. Now in December 1983, for which the latest statistics are available today, 7.6 billion dollar net reserve has come down to 1.6 billion dollars only. the lowest for a long long time since 1966. 6 billion dollars of reserves have evaporated and this is not known to anybody. And after next year, all the accumulated loans like the IMF loan have to be paid back. Where is this money going to come from ? It is going to be a first class foreign exchange crisis. The Government has not told the Parliament and not even taken their sanction because of a trick in the laws.

The official exchange rate was 8 rupees per dollar in 1980. What is the rate today ? You ask the Minister. It is Rs. 11.40 per dollar, an acquired devaluation of 45 per cent has taken place and the Parliament does not know about it.

AN HON. MEMBER : The dollar has appreciated.

SHRI SUBRAMANIAM SWAMY : The dollar has appreciated. A wonderful logic. The rupee is devalued. Why don't they accept that ? And the international rate, the black market rate today is Rs. 15 per dollar. Now this is what is happening and it means that the Government is allowing all these things to go on and all these laws and amendments are not there for curbing them. It has got to do something else. In Singapore, I am told that if you give rupees, you will get the dollars right on the spot. there is no curb. So, I feel that this amendment, the upshot of all this is that the COFEPOSA law is only to squeeze the smugglers to behave the way the Ruling Party wants them to behave, and I am not naming which ruling party. Ruling party is a general term. This is not to curb smuggling.

You seem to arrest the saugglers only when the election is round the corner. In February 1977 they arrested some smugglers, who were released later. Here also they arrested some smugglers and they have released them. We heard that Shri Pranab Mukherjee has written a latter disapproving it. If you disapprove, you have the power to arrest them again. So, I do not think that you have any intention of using the law to curb smuggling. It is only a method of squeezing the lime to give more juice and I think the loopholes that are built into the law are well known. The Government should come forward and tell us as to how many detention orders have been set aside and all that. Therefore, I have to disapprove it. Today the only way to curb smuggling is by a radical restructuring of the economic policy in which the Government should ensure that the export import policies are going on the basis of market. Since rupce is anyway being traded freely, if you could make the rupee a convertible currency and make the exchange rate a floating one, you can stop smuggling. Otherwise this Rs. 7,000 crores of smuggling that is going on today will soon double and the corruption that it will induce into the economy will have a harmful effect and the law will not have any effect on it.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.M. KRISHNA): I beg to move⁴:

> "That the Bill further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 be taken into consideration."

The House is aware of the Government's firm resolve to take continued strict action against socio-economic evils like smuggling, hoarding, tax evasion and black money. In consonance with this policy, the Government have, from time to time, taken various cconomic, legislative and preventive. administrative measures. The COFEPOSA Act forms an important element of Government's anti-smuggling measures. As the Members will recall, preventive hon. detention was provided for, as violation of foreign exchange regulations and smuggling activities have a deleterious effect on the security of the State, and also in view of the clandestine manner in which such acti-

*Published in Gazette of India Extraordinary Pt. II, Section 2 dated 10.8.84.

«[Shri S.M. Krishna]

vities and violations are organized and carried on.

During recent years, the enforcement agencies of Government have intensified the anti-smuggling drive, as a result of which the value of contraband goods seized has gone up to Rs. 90 crores in 1983, as against Rs. 66 crores in 1982 and Rs. 40 crores in 1981. The value of seizures during the first six months of 1984 has already exceeded Rs. 50 crores.

The results of the anti-smuggling drive are reviewed from time to time at the highest level, and steps have been taken to reinforce, in terms of manpower and equipment, the preventive and intelligence network selectively in the vulnerable areas of the West Coast, South-eastern coast, Indo-Pakistan and Indo-Nepal borders.

To streamline and strengthen preventive activities in the vulnerable areas, various Collectorates have been re-organized, and a few preventive Collectorates created.

Orders have been placed for the purchase of 10 Customs Patrol Launches for antismuggling operations as a part of the plan to secure 40 such indigenous craft for antismuggling operations. Prop sals for acquisition of more indigenous craft for anti-smuggling operations are also under examination. Some items of sophisticated equipment to facilitate such operations have also been acquired.

The provisions of the COFEPOSA Act have also been applied with added vigour. As against 360 orders issued and 265 persons detained during the year 1981, and 524 detention orders issued and 443 persons detained during 1982, 563 detention orders were issued and 463 persons detained during the year 1983. In 1984 (upto 21.7.84), 542 orders have been issued and 433 persons detained.

However, inspite of these efforts, there have recently been reports about escalation in smuggling activities, particularly in the highly vulnerable areas of the West Coast, South-eastern coast, Indo-Pak. border and Delhi airport, as also evidenced by the value of seizures of contraband goods in these areas. The statistics show that the major portion of smuggling takes place in and through the West and South-eastern coasts, Indo-Pak. border and the Delhi airport.

As such, apart from preventive, and economic measures, suitable legislative measures are also called for. There can be DO gainsaving the fact that the provisions of the COFEPOSA Act have had a deterrent effect, and have been quite useful in combating smuggling activities. However, in view of the recent escalation in smuggling activities as indicated by the intelligence received. seizures made etc., especially in the highly vulperable areas to which I have referred, it became necessary to acquire the availability of the special provisions of Section 9 of the Act relating to smuggling in areas highly vulnerable to smuggling. Section 9 of the Act was available only in respect of detention orders made at any time before 31st December 1977. It, therefore, became necessary to amend Section 9 so as to make the special provisions available for current cases also.

As the bon. Members would have observed, the Government have been very selective about the scope of Section 9. For instance, in the repealed Section, a person could be detained for one year from the date of detention without obtaining the opinion of the Advisory Board, whereas in new Section 9, the period has been restricted to six months. Further, the definition of the term "area highly vulnerable to smuggling" has been restricted-whereas the whole of the Indian Customs Waters were covered in the repealed Section, in the new Section. Government have selectively restricted it to Indian Custom Waters contiguous to the States on the West-coast and South-eastern coast. Hon'ble Members would have also noticed that the new Section 9 will be applicable only in respect of detention orders made at any time before 31st July, 1987. Tax evaders, after all, make their gains at the cost of the honest tax-payer and the nation at large. While the burden of frustrating the efforts

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of such anti-social elements falls basically on the enforcement agencies of the Government, if I may say so, Hon'ble Members of this House have also an important role to play in creating necessary social awareness about the adverse effect of such activities.

I do not have to over-emphasise that the fight against such activities is a continuous one, in which we would require the support of all citizens of this country.

I, on behalf of the Government, assure this august House that we are continuously reviewing the anti-smuggling measures and have no doubt that in this effort we would have the support of this House.

Sir, I move for consideration of the Bill.

DR. SUBRAMANIAM SWAMY : Has be written to the Chief Ministers ?

MR DEPIJTY-SPEAKER: He will not reply to you just now; it will be done at the end. Every member shall not take more than 10 minutes.

MOLLAH SHRI HANNAN (Uluberia): The Conservation of Foreign Exchange and Prevention of Smuggling Activities Amendment Bill 1984 has been brought before the House just after 10 years of passing of the COFEPOSA Act of 1974. During the introduction of this original Bill on behalf of my party we wade it amply clear that we are against all sorts of detention without trial. Today we stand on the same view, because, this is the philosophy of socialist democracy in which we believe and because of which we uncompromisingly fight against all sorts of authoritarian, antidemocratic steps taken by the ruling classes and their respresentative party in this country. We believe that detention without trial is denial of democracy and freedom of a human being and a gross violation of national justice.

We want to make it clear that we are second to none to curb the smuggling. They should be brought to book properly with the help of the ordinary law of the land;

there should be a trial speedily and we have no objection to any type of punishment that they deserve, those anti-social people. They are destroying our national economy and social life. The government now says that they will look into this matter : they make many big promises; the same thing happened when this Bill was introduced in 1974; and they promised that smuggling will be curbed by this type of an extraordinary law. Because you don't want to make proper use of the ordinary laws of the land, which are sufficient enough to face any situation, but because of your anti-democratic authoritarian nature, you want more draconian power, extraordinary power in your hands. But what is the result of this Act you passed ten years ago ?

Are you able to curb this crime ? But I can say that you have failed even to contain it. You have agreed in the statement that it has been escalated. The citadel of power knows, and the smuggler always lies around the people who are in power and this Central Government and the ruling party members you all take their help, because they represent this class of people. That is the problem. You cannot curb them. And now, you want to extend the period of this Act, again. Anyhow, now you are making the statement that you will be able to curb this crime in the near future. But we have no faith because your future cannot and will not be different from your old record. Whatever legal provisions you make it will not make things better. because what matters is strong will and my charge is that you have none. You have no political will and you' cannot have the political will to curb them because you represent them as a class. You are helping capitalism, you are pursuing your economic policy of disparities and all these things, that is the breeding ground of this criminal situation; so I have every doubt you lack the strong will to act. What you do sometimes is you catch the small fry. You catch the small fry in certain places, at a particular time which is before election or sometimes you want to make use of them to frighten a section of them and you are taking their help in elections. That is the point. Many magazines and newspapers

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say about this, they give hundreds of examples for this. But you do not take proper action. But my doubt is that always you try to protect the culprits. But my question is only about the detention. What is the prosecution doing ? What about the smugglers ? Why are you not confiscating their property ? You know that there are two or three thousand people who indulge in these activities. Why do you not bring them to book ? Many people are connected with the Police and some of them like Haji Mastan have amassed about Rs. 30 crores of wealth ; you know all those things.

Some time back in the Rajya Sabha the Prime Minister was asked why she met some known staugglers like Haji Mastan. She replied that she met them not knowing who they were ? One of your distinguished General Secretaries was recently garlanded in Bombay by a Lalaji and his photograph also came in newspapers. Is this the way you want to fight the smugglers ? One known sumuggler of Bombay was arrested in April under COFEPOSA. But why was he released later ? Is it because he helped a Padayatra organised by your powerful General Secretary. But the point is if the political will is not there these things will go on happening again and again.

13.00 hrs.

So I have every doubt about your sincerity when you raise this jehod against these neople, because even with this jehad smuggling is on the increase. You have told us that in monetary terms also it is on the increase. In 1962 the seizure was of the order of Rs. 65 ctores, in 1983 Rs. 89 crores and in four months of this year it is Rs. 33 crores. The seizure on Pakistan border was of the order of Rs. 50 lakhs in 1978 and Rs. 1.38 crores in 1982, Nepal border Rs. 1.94 crores and 2.32 crores. In this way, the smuggling is on the increase on every border. This is a tip of the iceberg. I do not know whether it is a fact that the total estimated value of the contraband goods is around Rs. 6000 to Rs. 8000 crores and you recover or seize only Rs. 60 crores. In this way, you cannot defend the

economy of this country. Many things are smuggled out of this country. That also causes a big loss to our economy and national exchequer. It is reported in some newspapers that Japan is producing 1000 million metres of synthetic nylon cloth and 50 per cent of that is smuggled into our country. That way, we are losing about Rs. 800 crores. I do not think, in this way you can defend the national interest and national economy.

Everybody knows about the smuggler emperors of Bombay. But you have no political will to keep them under detention. As Mr. Swamy said, they were released on the direction of the Central Government. Since this is an election year, you cannot afford to be their enemy because you require their help.

Mix. DEPUTY-SPEAKER : Your work is simple. You neither arrest them nor release them!

SHRI SATYASADHAN CHAKRA-BORTY: When you say something from the Chair, you should be well informed.

MR. DEPUTY-SPEAKER : 1 never said any State or anybody.

SHRI S.M. KRISHNA: You have made a very profound statement.

MR. DEPUTY-SPEAKER : I am saying, no arrest, no release?

SHRI HANNAN MOLLAH : Mr. Sukur Narain Bhakhia was arrested in Delhi for smuggling of silver worth Rs. 1 crore. But some Cabinet Minister intervened and saved him. It is an open secret. Many people know it. You are in the capital and smuggling is on the increase in the capital itself. Your Prime Minister talks of circumstancial evidence of foreign hand. But you do not have circumstantial evidence April one bere. (Interruptions). Last Varadhan was arrested and within a few bours be was released. This is the situation. I hat man was arrested and then released. What is the result ? He helped your party. It appeared in the press. He is construction a temple and your Chief Minister is in-

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augurating it. All these things are there. This is circumstantial evidence. This is the situation in Bombay, not in Goa, though Goa is also a vulnerable place.

I want to know pointedly why you did not take stringent measures against these people. You know them. Why did you not attach their property? You know they have amassed property. But you are not attaching their property....(Interruptions) It is because of the election fund. I suggest you set up an enquiry committee. They are smuggling to the extent of Rs. 30 to 40 crores and you are not doing anything. Since you are in power, you have to give the answer.

Secondly, why are you not confiscating their property? You have made the law for that and you have the political will and majority in the legislature to do all these things. When you have power with you, you can take action against the smugglers and those who violate the foreign exchange regulations and punish those found guilty.

In my view, this Act will not be applied effectively, but it will be applied selectively. You want to terrorise certain sections of the people; you do not want to eradicate smugglers. This is a rehash of the capitalist system. This is the problem. You can detain them and confiscate their property. But you are not doing it.

If you have taken some action, what is the number of prosecutions and what is the punishment in posed? What is the value of contraband seized and what is the value of property attached? You will have to answer all these questions. I still say that you have failed to bring them to book. This cannot take place without the combination of the smuggler, the officers and the political personnel. You have to go deep into this matter.

Then there is the parallel economy. With your help and connivance, they are running parallel banks, postal communication and insurance scheme. They have their own parallel intelligence and even parallel army. The position is that in our country there is another government run by these antisocial people. So, my question to the Hon. Minister is whether we are going to set up a special commission and special courts for speedy trial of these people. You have brought in this amendment, but my only charge against you is that through this provision, you cannot eradicate this disease. This is the disease of the socialist system as well as the lack of political will on your part that is making it to perpetuate. Therefore, I would request you to give a second thought to it and try to win over those pressures and be firm in your political will, if you at all want to do something to eradicate this disease from the country.

SHRI EDUARDO FALEIRO (Mormugao) : Mr. Deputy Speaker, Sir, I welcome this piece of legislation and congratulate the Hon. Minister for bringing it before the House. This House will remember how in 1974 the parent Act was brought in here. In the wake of passing that Legislation there was a climb-down on anti-social economic offenders, the amugglers to be in short. The people of this country welcomed this. There was a sigh of relief to the common man when these smugglers were put behind the bars. Unfortunately, however, when this Government was eased out of power and the Janata Party Government came in, the same type of argument was also made at that time as has just now been advanced by the previous Speaker that selectively some people were put behind the bar and that political vindictiveness was at work. But, Sir, that was the time of anarchy actually. Therefore, because of their argument of this sort they released the smugglers in hundreds when the Janata Government came to power.

SHRI KAMLAPATI TRIPATHI : They were called freedom-fighters then.

SHRI EDUARDO FALEIRO: Yes, they were called freedom fighters, the new freedom fighters of 1977 as if they were on the forefront of 1977, as Panditji has said. They were freedom-fighters and they contributed, if not with their image at least with the bags containing the wherewithal for the elections.

My distinguished colleague has been vexing eluquent on the need for a political

[Shri Eduardo Faleiro]

will. He has also asked so many pointed questions from the Hon. Minister. I make myself bold to ask the Minister to take this House into confidence and let us know how many smugglers and blackmarkeeteers were arrested in the State, from which the bon. Members come, over the last few years and how many were convicted. We would like to know in West Bengal how many smugglers were arrested and how many convicted over the last few years.

SHRI SATYASADHAN CHAKRA-BORTY : Yes, it is the largest number.

SHRIEDUARDO FALEIRO: We will find the figures and then will come to see them. So, let the hon. Minister give this information to the House.

SHRI SATYASADHAN CHAKRA-BORTY: I know he will mislead. I can give the hon. Member the correct information. Because we do not apply COFEPOSA, but under the ordinary law the State has prosecuted and punished the largest number of persons. But the Minister will mislead. He will say, no, we do not apply COFEPOSA.

MR. DEPUTY-SPEAKER : You give the figure.

SHRI SATYASADHAN CHAKRA-BORTY : I already know the figure.

MR. DEPUTY-SPEAKER: He does not know the figure, only the number. What is the number.

SHRI EDUARDO FALEIRO: Sir, It is distressing this Government of West Bengal and the Members who profess to be socialistis come to this House and have the audacity to say that they are against COFEPOSA.

(Interruptions)

MR. DEPUTY-SPEAKER : Please do not interrupt.

SHRI SATYASADHAN CHAKRA-BORTY : Sir, they were all interrupting. He said we profess socialism. Yes, we do. We are against smuggling, but in the name of curbing the smuggling they brought in preventive detention. With the result that innocent people are kept under detention. We are against that. Let it be clear.

SHRI EDUARDO FALEIRO: I had the privilege of going along with Prof. Chakraborty to one of the socialist countries, the Democratic Peoples Republic of Korea. There is no question of preventive detention or otherwise. There, people will just be caught and hanged or shot if they are involved in economic offences. That is the worst type of crime there. The worst type of crime is not murder. The worst type of crime in the Democratic Peoples Republic of Korea where I and my honourable colleague went, is the economic offence.

MR. DEPUTY-SPEAKER : It may be their system.

(Interruptions)

SHRI EDUARDO FALEIRO: I have been to Cuba and when I went to Cuba, they told me that the manner we deal with them is putting al parelon. That means, we just put them against the wall and obviously shoot down there and then. This is the way socialist countries follow. (Interruptions). But then, this socialism is a different brand of socialism. This is a socialism that sits aide by side with the gentlemen here, including the most eminent lawyer in the Supreme Court, Mr. Ram ' Jethmalani, who is an eminent authority on these laws and has contributed a great deal to the development of this law.

Now, the economic evils arising out of smuggling activities are obvious. No less dangerous and pervasive and profound are the social deleterious consequences. We have been speaking in this House since it has re-assembled, on the destabilisation of the county, that is, disintegration of the county.

Smugglers contribute a gread deal towords destabilisation of our society, towards disintegration of our traditional society bringing in consumerism, towards debu-

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manising our people, particularly in the urban areas. The whole of Bombay is now dehumanised. There are, on a conservative estimate, half a million VCRs or video cassette recorders in Bombay city alone, most of them obviously smuggled. VCRs are no more the preserve of the very rich. Middle classes have them now. Even in the slums in Bombay VCRs are seen. Some of them are merely assesses. Very rich people live there for reasons best known to them. They don't like to shift from there because of VCRs and other facilities.

I was talking of destabilisation. Specially we have been discussing in this House two days ago the question of communal riots. We talked of Bhiwandi which has witnessed communal riots. But definitely Bombay was not a place of communal riots. There was war between smuggiers' gangs. The supporters of Bal Thackeray are involved in underworld business and obviously the followers, the gangs of Haji Mastan are very much conspicuous by their presence by means of active participation in the riots in Bombay. Haji Mastan has been quoted as saying that 'people who abuse me during the day, come to me during the night'. Quite apart from those people who come to Haji Mastan by night, there are lots of people who lionise him day in and day out and just recently there were riots in Bombay. It was some sort of charitable organisation formed by Haji Mastan that took a prominent part in it. This legislation was brought in 1974 precisely because there was no way of dealing with the king pins in this business. As my colleagues have been saying, it is a small fry that is caught and the big fish is not caught. He remains behind. Why? Because he is careful in not showing his hand. Precisely because of the technicalities of the law by which this big fish is not being caught, the COFEPOSA was brought in. Then what is the result ? Sir, it is known that in the Supreme Court and in the High Courts an eminent counsel will be paid anything between Rs. 50,000 to Rs. I lakh.

SHRI C.T. DHANDAPANI: Like whom ?

SHRI EDUARDO FALEIRO : Like peo-

ple who sit where you sit right now. Some eminent lawyers - I do not want to mention Members of this House in this connection, though we have....

(Interruptions)

SHRI MOOL CHAND DAGA : Indirectly you have mentioned.

SHRI EDUARDO FALEIRO: At least he is a very eminent lawyer. Rs. 50,000/to Rs. 1,00,000 is the fee that goes on for bail for a big fish and some times it is more. That is the legal talent. It is no surprise that the whole purpose of this Act which was to provide for cutting on the technicalities should not have been achieved. This is the main reason. So, the courts... (Interruptions)

I agree with you. You cannot confiscate property because of the legal loopholes. I will have a talk with my colleague. I have been touring myself in the State. So, there are difficulties and defects in this. This jurisprudence has evolved a game which has put the ball back. This jurisprudence is of technicalities, of loopholes, of finding ways of helping the smugglers who come to the court. Technicalities are of this nature, as the Supreme Court and High Court have evolved.

Ground for release of detenu in one case was that an endorsement copy of the detention order bore the the signature of the Deputy Secretary to the Government of India which was served on the detenu ins.ead of the original copy signed by the Additional Secretary, who was the detaining authority.

The statement of one of the persons contacted during the investigations was not placed before the detaining authority. That was never relied upon.

Detenu's application to the court making a retraction of his statement was not placed before the detaining authority, though the factum of retraction was considered by the detaining authority. Court held that nonconsideration of the said application vitiated the subjective satisfaction.

[Shri Eduardo Faleiro]

Materials in the zerox copies of the documents furnished to the detenu were illegible and as such the right to make representation was infringed.

These are some of the technicalities. They are released. They are released in a large number. What is important is now to fully support and back up this legislation. Having done ithat, Government must consider the way of improving upon these technical obstructions so as to achieve the purpose of this legislation. There must be some dialogue in the judiciary so that objective of this legislation which is essential for the economy of the country is achieved.

I would, therefore, submit that we must absolutely support this legislation.

The previous hon. Member, while intervening, mentioned that the property of the smuggler should have been attached. I would like to know from the hon. Minister specifically how many prosecutions were launched to attach property of the smugglers? I think, none. If so, why not? Cases are pending in the court and judicial talent and obstructions are there. Judges cannot be blamed for the tremendous amount of legal talent that is available to the economic offenders.

I support the legislation. I would like the Minister to take us into confidence why the previous legislation did not fully achieve its purpose.

भी मूल भन्व डागा (पानी): उपाध्यक्ष महोदय, हिन्दुस्तान में आधिक आवस्था को आज यह एक कैंसर हो गया है और जितने स्मग्लसं यहां है, उनकी समाज में बहुत इज्खत होने लग गई है। उनके लिए समारोह होते हैं, फंक्जन्म आयोजित किए जाते हैं और उनका स्वागत होता है। कोई भी मस्कार उनके खिलाफ कदम नहीं उठा सकती। इन स्मगलसं के सम्बन्ध में एन० डी० तिबारी जी ने एक बात कही थी---

There are many like Industry Minister Shri N.D. Tiwari who argue that smuggling is a consequence of the blind preference to foreign goods. Tiwari and family had nothing to do with the price and people cannot be stopped from wanting such goods.

उनके अनसार ऐसा हो गया और हर आदमी वैसा चाहता है। हमारे प्रणय कुमार मुखर्जी ने भी अपनी बात में कहा है कि—

उन्होंने कहा कि मैं चाहता हूं स्मर्गालग बन्द हो। लेकिन देश में कितनी स्मर्गालग होती हैं उसके आंकड़े वित्त मन्त्री 1984 में बताये :

This is from Business India, July 30-August 12, 1984.

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Goods smuggled into India (January-April 1984) (Rs. in lakhs)

Gold	264.00
Watches	412.59
Watch movements	59.31
Synthetic Yarn	19.72

Since you have given me less time, I am not quoting all the articles which have been given in this article. Unofficial figures suggest that the total clandestine trade may be anywhere in the region of Rs. 4,000 crores. Ramakrishna Bajaj, the president of the Federation of Indian Chambers of Commerce and Industry, claims that nearly Rs. 1,000 crores worth of synthetic textiles alone are brought into the country every year.

It further says :

"In 1976, the Government seized Rs. 35 crores worth of goods. This year between January and April aonc, Rs. 33.5 crores worth of goods have already been seized...The Government seizes only between 5 and 10 per cent of the total goods coming in.

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So, by the most generous estimates, the Government seizes 5 to 10% of the total goods coming in.

सरकार केवल 3 से 10 प्रतिशत ही स्मगल्ड सामान पकड़नी है मैं जानना चाहता हूं आपने कितनों को अनेस्ट किया और कितनों को सजा हुई ? हमारे अधिकारी कहते हैं कि उनके पास ऐक्विटमेंट नहीं हैं। स्मगलिंग कांफ्रेंस से होती है, कुछ उनको पालिटिकल प्रोटेक्शन मिल जाना है। और समाज में आज उनको प्रतिष्ठा मिलती है। अभी हमारे माननीय पासवान जी स्मगलसं की बात करेंगे और सब के नाम लेंगे, जब कि मैं तो नाम भी नहीं जानता हूं क्योंकि मेरी उनसे जान पहचान नहीं है। जितने बड़े-बड़े वकील हैं सभ स्मगलसं की रक्षा करते हैं। 1 जुलाई, 1984 को कुल 438स्मगलसं कोफेपोसा में पकड़े गए...

भी जगपाल सिंह कश्यप (हरिद्वार) : कितने रूलिंग पार्टी के लोग पकडे गए ?

भी मूलचन्द डागाः चुनाव वाला भाषण यहां न दो।

भी रसीद मासूद (सहारनपुर): यू० पी० में एम० एल० ए० के पकड़े जाने के बाद शक होने लगा है।

SHRI MOOL CHAND DAGA : No.

The Economic Times, dated 24th April, 1984 reported :

"The Finance Minister, Mr. Pranab Mukherjee, today lashed out at the top lawyers in the country who defended the economic offenders in the various courts, defeating the objective of the anti-smuggling laws, and called for a social awareness to put an end to such anti-national activities."

In reply to the 15-hour debate on the Finanee Bill In the Lok Sabha on 23rd April, 1984, he said that there were many lawyers who were defending the smugglers.

इतना नुकसान है। लोक लेखा समिति ने अपनी

रिपोर्ट में कहा है कि अफसरों ने समिति को बताया कि न तो उनके पास ऐक्विममेंट हैं, इतना बड़ा समुद्र का किनारा है, नेपाल और पाकिस्तान से मिला हुआ बोर्डर है, बाड़ौर में पाकिस्तान का सब कपड़ा मिलता है। गोआ और बम्बई के बाजारों में मिलेगा, मद्रास में गलियों में रात के 9 बजे बाद बाजार लगे हुए हैं जिसमें जाइए और समगल्ड सामान खरीद कर ले आओ यह सामान आज हर आदमी को मिलता है। जब तक समाज में जागरूकता नहीं होगी यह नहीं हो सकेगा। हम लोग जो खादी पहनने वाले हैं, वह भी चाहते हैं, कि घड़ी इम्पोर्टेड हो।

एक माननोय सदस्य : आपकी घड़ी कौन-सी है ?

श्री मूलचन्द डागा : मेरी घड़ी एच एम टी की है।

मैं कहना चाहता हूं कि जो कानून आप लाए हैं, इसका इम्पलीमैंटेशन कौन करेगा ? इसके लिए समाज को जागरूक करना चाहिए, और बड़े बड़े नेताओं को इन्हें प्रोटेक्शन नहीं देना चाहिए। बड़े-बड़े लोग इनका सम्मान न करें। मैं पासवान जी से कहूंगा कि वह उनका नाम बता दें जिनको प्रोटेक्शन देते हैं और जिनसे वे परिचित हैं।

भी राजेश कुमार सिंड़ (फिरोजाबाद): उपाध्यक्ष महोदय, माननीय वित्त मन्त्री जी जो कन्जवेंगन आफ फारेन एक्सचेंज एण्ड प्रिवेंशन आफ स्मर्गालग एक्टिविटीज एक्ट, 1974 में में संशोधन करने के लिए यह बिल लाए हैं, उसके सन्दर्भ में मैं कुछ चन्द बातें कहना चाहता हूं।

वित्त मन्त्री जी ने इस कानून में संशोधन की जरूरत इसलिए समझी क्योंकि स्मगलर निकल जाते हैं, बच जाते हैं और छूट जाते हैं, इसलिए कोई कानन सख्त बनना चाहिए।

अापने इसमें 124 तस्करों की गिरफ्तारी की । 1974 में जो कानून बना, उसमें 1976 में भी तबदीली की गई । उस जमाने में वित्तराज्य मन्त्री

[थी राजेच कुमार सिंह]

श्री के० आर० गणेशन ने बड़ा प्रयास किया कि तस्करी को रोका: जाए, लेकिन इसे रौकते-रोकते बहु खुद बले गए और अमली जामा नहीं पहना पाए। श्री प्रणव मुखर्जी का कहना यह है कि इसमें तबदीली करना जरूरी है, मैं उन्हें चेतावनी देता हूं कि कहीं ऐसा न हो कि वह भी यह करते-करते बित्त मन्त्री से कोई और मन्त्री न बना दिये जायें।

एक ही मुख्य मुद्दा है। बाप कानून कितना सख्त बना रहे हैं? बापने खुद कहा है कि पिछले साल 2115 लोगों को गिरफ्तार किया गया और उसमें से लोग छूट गए क्योंकि कानून में खामियां बीं। मैं जानना चाहता हूं कि वापने कितने लोगों पर मुकदमा कायम किया, लेकिन वापके पास कोई ठोस जवाब नहीं है।

सरकार का मंसा है, लेकिन उसके इंपसीमैंटेझन की बात है। कानून तो आप सकत बना देंगे, पहले सिक्योरिटी एक्ट बना हुआ है, उमके अधीन 6 महीने तक आप उन्हें रख सकते हैं, लेकिन खाली लोगों को गुमराह करने के लिए आपने इस कानून में संज्ञोधन की आवण्यकता समझी है. उसे इम्पसी-मैंट करने की ओर आपका ध्यान नहीं है।

1981 में 36 करोड़ रुपये की स्मगलिंग गुइज बापने जप्त कीं, 1982 में 66 करोड़ की और पिछली बार 90 करोड़ की और आज की औसत 100 रुपये करोड़ प्रतिवर्ष की है। यह जो स्मगलिंग की एक्टीविटीज बड़ी हैं, इसको बड़ाने में किसकी जिम्मेदारी है, यह आपको देखना होगा।

बापके विभाग में जो भ्रष्टाषार पनप रहा है उसका भी बापको ज्यान रखना षाहिए। सी० बी० बाई० की बांच की बात अखवारों में आई। गुबरात और कच्छ में समुद्र के पास 1800 किलोमीटर का इलाका है जहां पर स्मगलर्स का एक तरह से साम्राज्य है, जाल बिछा हुआ है। बहां के एक उच्चाधिकारी के खिलाफ सी० बी० आई० की जांच हुई, उसके यहां से लाखों रुपये का सासान मिला। उनका क्या हुआ, आप जयाब दें कि उनके खिलाफ क्या कार्यवाही की ?

जो कानून को लागू करेंगे, वही अगर गड़गड़ करेंगे तो आपका कानून कहां रखा रह जायेगा ?

भड़ौच में भी यही हुआ। एक अधिकार पकड़ा गया, लेकिन आपने कोई कार्यवाही नहीं की। इसके पीछे एक फैक्टर है, कालाधन, स्मर्गालग की एक्टीविटीज और अधिकारियों की सांठ-गांठ। ये तस्करी को बढ़ावा देते हैं।

कानून तो ठीक हैं, सेकिन सरकार की मंद्रा ठीक नहीं है। मैं 24 फरवरी, 1984 के नवभारत टाइम्स को उढ़त करता हूं:---

> "मस्तान की सम्पत्ति वापस। कुक्यात तस्कर हाजी मस्तान की जब्त की गई सारी सम्पति उसे वापस मिल जाएगी। उसके रिक्तेदारों की सम्पत्ति उन्हें लौटा दी जाएगी।

> उज्ज्वतम न्यायालय ने आज हाजी मस्तान की विदेशी मुद्दा सरक्षण और तस्करी निरोधक कानून (काफेपोसा) के तहत गिरफ्तारी के आदेश को रट् कर दिया।

न्यायाधीच एस मुर्तं चा फजल असी, ग्यायाधीच ए वरदराजन और न्याया-धीच रंगनाथ मिखा ने आदेच में कहा कि सम्बद्ध अधिकारी हाजी मस्तान के बारे में वे दस्तावेज उपलब्ध नहीं करा सके, जिनके आधार पर उसकी गिरफ्तारी के आदेच जारी हए यें।"

न्यायालय ने साफ कहा है कि अधिकारी निष्क्रिय थे और उनके कार्य में त्रुटिया थीं। इसी लिए बाज तस्करी को रोकना मुश्किल हो गया है। सत्ताधारी दल के सदस्य सुन कर नाराज हो बाएंगे, लेकिन अगर उनकी मंगा यह है कि चुनाव आ रहे हैं, इसलिए तस्करों को डरा-धमका कर उनसे पैसा वसूल कर लिया जाए, तब तो बात दूसरी है···

MR. DEPUTY-SPEAKER : Elections are coming for all of us, not only for the ruling Party.

भी राजेझ कुमार सिंह :लेकिन अगर वे तस्करी को बन्द करना चाहते हैं, तो उन्हें सख्ती से कदम उठाने पड़ेंगे।

पहले सोने चांदी की तस्करी होती थी, लेकिन अब मादक द्रव्यों, हेरोइन जैसी चीजों और हथि-यारों की भी तस्करी हो रही हैं। पंजाब के बारे में श्वेतपत्र में कहा गया है कि 52 चाइनीज राइफलें बरामद की गईं। वे हमारे देश में किस तरह आईं? सोमा पर तैनात हमारे लोग इन चीजों को क्यों देश में आने देते हैं? इसका अयं यह है कि हमारी मशीनरी में त्रुटि है, उसको मजबूत बनाना होगा। केवल कानूनों से काम नहीं चलने वाला है।

उत्तर प्रदेश के सत्ताधारी दल के एक विधायक के पास से एक करोड़ रुपए का हैरोइन पकड़ा गया है। अब राजनैतिक लोग भी – सारे नहीं –-तस्करी में शामिल हो रहे हैं। अधिकारियों, पालिटीशन्ज और स्मगलरों की सांठ-गांठ से तस्करी हो रही है और इसमें काले धन की एक विशेष भूमिका है। इसके आधिक पहलू पर भी करना होगा। जैसा कि श्रीडागा ने कहा है, मद्रास में चाइना बाजार और कलकत्ता में एसप्लेनेड में स्मगल की हुई चीजें खुले-आम बिकती हैं। मद्रास में चाइना बाजार तो कस्टमज विभाग के सामने स्थित है। कस्टम्ज विभाग के अधिकारी इन चीजों की बिकी देखते होंगे।

बहां तक सोने को तस्करी का प्रश्न है, जब इन्टरनेक्षनल मार्केट मे सोने का भाव गिरता है, तो सोने की स्मर्गालग बढ़ जाती है और जब वहां पर भाव चढ़ जाता है, तो स्मर्गालग कम हो जाती है। इसलिए सरकार का यह कहना ठीक नहीं है कि उसके अधिकारियों और कर्मचारियों की दक्षता और जागरूकता के कारण स्मर्गालग को रोका गया है। वास्तव में तस्करी की मात्रा इन्टरनेशनल मार्केट पर डिपैंड करती है। रोज चार किलो सोने के उत्पादन से देश के लोगों की आवश्यकता को पूरा नहीं किया जा सकता। हम सब लोग सोने के मोह से मुक्त नहीं हैं। स्मगलिंग का कारण सप्लाई और डिमांड, विदेशी चीजों का मोह और देश में बनी चीजों पर विश्वास की कमी है। बड़े लोग यह मोह आम लोगों में फैलाते हैं।

स्मगलिंग को रोकने के लिए सरकारी मधी-नरी को साफ करना होगा। अगर उस पर राज-नैतिक प्रभाव पहता रहेगा, तो स्मगलिंग नहीं रुकेगी और हमारा आर्थिक ढांचा चरमरा जाएगा। मैं मन्त्री महोदय से कहना चाहता हूं कि उन्होंने कानून बहुत अच्छा बनाया है, हम चाहते हैं देश के आर्थिक ढांचे को मजबूत बनाने के लिए जो देश की अार्थिक स्थिति को बिगाड़ रहे हैं, वह देश-द्रोहिता का कार्य कर रहे हैं, ऐसे लोगों के खिलाफ जितनी भी सख्त कार्यवाही की जाय वह कम है. लेकिन उन लोगों को भी न बख्शा जाय जो ऐसे लोगों के इस प्रकार के कार्यों में सहयोगी हैं। चाहे वह पालिटिशियन हैं या आपके उच्चाधिकारी हैं उनके खिलाफ भी आपका प्रावधान इतना सख्त होना चाहिए कि वह ऐसे लोगों को संरक्षण न दे सकें।

भी राम बिलास पासवान (हाजीपुर): उपाध्यक्ष महोदय, अभी हमारे दूसरे पक्ष के साथी ने कई महत्वपूर्ण बातें यहां रखी। डागा जी और एड्वर्ड फैलेरिओ जी, दोनों ने कहा कि विधान को और कड़ा करना चाहिए। मैं भी इस बात को मानता हूं। लेकिन आप कानून चाहे जितना बना लें, नीति चाहे जितनी बना लें, आपकी नीयत साफ न रहे तो कुछ होने वाला नहीं है। अभी तक सरकार की तरफ से इसका कोई जवाब नहीं आया है, ये दो तीन जो हादसे हुए हैं और रिसेंट का जो हाजी मस्तान का, करीम लाला का और दूसरे लोगों का हुआ है, इसके सम्बन्ध में सरकार चुप्भी साधे हुए है। कृष्णा साहब के महज यह कह देने से कि महाराष्ट्र गवर्नमेंट ने उनको छोड़ दिया, यह आपकी जवाबदेही नहीं है, काम नहीं चलने वाला

[श्री राम विलास पासवान]

है। इसलिए मैंने उस दिन कहा था कि आपने नेजनल सैक्योरिटी ऐक्ट क्यों बनाया? आप नेजनम सैक्योरिटी ऐक्ट हम सोगों पर लागु करने के लिए बना रहे हैं ? जो स्मगसर्स हैं उनको वाप छोड़ रहे हैं, जो कुख्यात स्मगलर्स हें वह खूलेआम भूम रहे हैं। बभी डागा साहब के बारे में कुछ कह रहे थे, लेकिन उन्होंने कब कहा हाजी मस्तान और यूसुफ ने कि जो सोग हमको दिन में गालियां देते हैं वह रात में हमारे सामने आकर हाथ पसारते हैं ? कब उसने कहा वा और किस सरकार के लिए कहा वा, वह भी आप को मालूम है और यह भी मूझे मालूम है कि जब भी कोई सरकार का मन्त्री कड़ा स्टेप किसी पर लेता है तो उसना क्या हम होता है ? के० बार० गणेश का नतीजा हम सोगों के सामने है। बाप भी कोई कड़ा स्टेप लें तो कहीं बापको भी वही दुर्विन न देखना पड़े।

इसलिए मैंने कहा कि कानून आप लाख बना दें लेकिन नीयत साफ नहीं रहेगी तो कुछ नहीं हो सकता । अभी आप कह रहे हैं कि ऐसे लोगों को फांसी की सजा दी जाय। फांसी की सजा देना तो दूर रहा आप उनको मुक्त कर रहे हैं, उनको एम० एस० ए० बना रहे हैं।

आप पढ़िए एस्टीमेट्स कमेटी की रिपोर्ट में दिया है। यह जो जिपिंग कारपोरेजन है उसमें जो कांट्रेक्ट दिया गया है यूसुफ को, जिस व्यक्ति को कांट्रेक्ट दिया गया है उसके सम्बन्ध में एस्टीमेट्स कमेटी ने कहा है कि यह स्ममसर है, यह तस्करी करता है और आपने करोड़ों, अरबों रूपये का उसको कान्ट्रक्ट दे रखा है।**

तो इस तरीके से बाप स्मगलिंग को रोक नहीं सकते हैं। इसलिए विपक्ष के सब लोगों का यह बार्ज है बापके ऊपर कि यह स्मग्लिंग का कानून क्यों बनता है ? क्यों कानून कड़ा करते हैं...

माचायं भगवान देव (अजमेर) : मेरी व्यवस्था

का प्रश्न है। अभी जो प्रधान मन्त्री के ऊपर एक आक्षेप इन्होंने लगाया कि^{कक}विना सबूत के इनको इस तरह की बात कहने का अधिकार नहीं है। यह गलत है बिलकुल, सरासर^क है, इसमें सत्यता नहीं है और रिकार्ड पर नहीं जाना चाहिए।

MR. DEPUTY-SPEAKER : I will go through the records.

SHRI RAM VILAS PASWAN : If there is anything unparliamentary...

MR. DEPUTY-SPEAKER : You leave it to me. This is the procedure. We will follow the procedure.

भी राम दिलास पासवान :^{® क}ार्यालय में^{®®} कोई भी आदमी जा सकता है। कोई भी आदमी जा सकता है लेकिन एक ही व्यक्ति क्यों जाता है पता लगाना सरकार का काम है।

सरकार ने दूसरी बात कही है कि कानून में खामी है। कानून कौन बनाता है? पालियामेंट एक पालिसी देती है। कानून बनाने वाले आपके विढान लोग हैं जो ढिग्री ले लेकर बैठे हुए हैं। प्रत्येक वर्ष जब सरकार कोई नया अमेंडमेंट लेकर आती है तो कहती है कि पुराना जो कानून था उसमें खामी निकल गई। खामी निकल गई या खामी छोड़ दी जाती है? खामी निकल गई या खामी छोड़ दी जाती है? खामी निकल गई या जानबूझ कर खामी छोड़ देना स्मग्लर्स या करिप्रटस के पक्ष में ये दोनों दो बातें हैं। लेकिन मन्त्री जो इम बार को झिझ करेंने कि इस बार ऐसी कोई खामी न बच जाय कि फिर दोबारा आपको एक साल बाद अमेंडमेंट के साथ आना पड़े।

उपाघ्यक्ष महोदय, मैं एक अखबार की कटिंग पढ़कर सुनाना चाहता हूं। यह 30-7-84 का हिंदी का "नवभारत टाइम्स" है। इसकी बड़ी मोटी हैडिंग है। "इनकम टैक्स कैसे बचायें"। यह एक एडबर्टी जमेंट है और एडवर्टी जमेंट देने वाले हैं राम निवास लखोटिया, कर सलाहकार, भूतपूर्व इनकम टैक्स अफसर। इस एडवर्टी जमेंट में वे कहते हैं:

^{**}Not recorded.

^{*}Expunged as ordered by the Chair.

377 Disapproval of (Coffeposa) SRAVANA 19, 1906 (SAKA) Disapproval of (Coffeposa) 378 Order and Bill Order and Bill

"पिछले 30 वर्षों के अनुभव के बाधार पर भारत के ख्याति प्राप्त कर सलाहकार द्वारा सरल हिन्दी में एक ऐसी पूस्तक लिखी गई है जिसके अध्ययन से प्रत्येक व्यापारी अपना एवं अपने परिवार वालों का प्रचर मात्रा में इनकम टैक्स बचा सकता है। क्या आप जानते हैं कि आज भी आपके नाबालिग (माइनर) बच्चे एवं स्त्री की पृथक इनकम टैक्स फाइल बन सकती है? साथ ही साथ नाबालिग पथक व्यापार भी कर सकता है तथा मृत व्यक्ति की इनकम टैक्स फाइल भी चाल रह मकती है। नयी जमीन अथवा जायदाद की खरीद सम्बन्धी टैक्स प्लानिंग कैसे करें एवं इसी प्रकार इस पुस्तक में वणित सैकड़ों तरीकों द्वारा इनकम टैक्स बचाया जा सकता है। आज ही वपनी प्रति सुरक्षित करवायें।

मुल्य

- 1. इनकम टैक्स छापों से कैसे बचें 45 २०
- 2. इनकम टैक्स सबें से कैसे बचें 45 रु
- 3. इनकम टैक्स रिटनं कैसे भरें 45 रु॰
- 4. सम्पत्ति कर कैसे बचावें 45 रु०

यह वा इन किताबों का एडवर्टीजमेंट जो 30-7-84 के नवभारत टाइम्स में छपा था। यदि आप कहेंगे तो मैं इसको सभा पटल पर भी रख सकता हं।

आपके जो कर अफसर वे इस तरह से करों की चोरी करवाते हैं प्राइदेट कम्पनियों से। अभी आप बिड़ला को संसद में ले आए और अगर आपका बस चले तो स्मगलसंको भी पार्लमेंट में आप भर दें। (व्यवधान)

मैं दोनों में कोई फर्क नहीं समझता हं। आज किसी की सम्पत्ति एक लाख है और चार साल के बाद 400 करोड़ हो जाए तो सीघी सी बात है जब तक दो नम्बर की गड़बड़ नहीं करेगा तब तक कैसे बढेगी। गरीब आदमी काम करते करते मर जाते हैं लेकिन मरने के बाद उनको कफन के लिए कपड़ा भी नसीब नहीं होता है। कोई सरकारी अफसर भी अगर इमानदार हो तो आज की इस मंहगाई के जमाने में उसको भी कफन के लिए कपडा नहीं मिल पाएगा। इमलिए अगर कोई कूली से करोड़पति बन जाता है तो कैसे बनता है ? यह देखना सरकार का ही काम है। आपने हाजी मस्तान के बारे में बतलाया कि कैसे उनको छोडा गया, आपने कहा राज्य सरकार ने छोड दिया लेकिन मैं जानना चाहता हं आपका इनकम टैक्स डिपार्टमेंट क्या करता है? क्या इनकम टैक्स डिपार्टमेंट का यह राइट नहीं है कि वह उससे पूछें कि तुम्हारा सोर्स आफ इनकम क्या है ? अगर कोई कूलों से करोड़पति बनता है तो उसका क्या सोसं आफ इनकम है ? यह तो इनकम टैक्स डिपार्टमेंट की जवाबदेही है।

इसलिए मैं कहना चाहता हूं कि एक तो आपकी पालिसी में ही खामी है और दूसरे आपकी नीयत में भी खामी है। कोई भी आदमी अगर विदेश जाएगा तो वह 450 डालर लेकर जाएगा. 15-20 दिन वह विदेश में घुमेगा और उसके बाद वह सामान लेकर आएगा तो कितना सामान लेकर आ सकता है ? वह 100 डालर का सामान लेकर आए--- यह व्यानहारिक है किसी होटल में 15-20 दिन रहने पर ही उसके हजार डालर लग जायेंगे। इस तरह से कोई भी 100 डालर का सामान लेकर नहीं आ सकता है लेकिन उसके सामान को कस्टम अधिकारी जरूर पकडेंगे और जो चार हजार डालर का सामान लेकर आएना उसको हमेशा ग्रीन सिग्नल मिला रहता है। इस तरह से जिसका कोई माई बाप नहीं होता है वही पकडा जाता है।

मैं आपसे यह भी आग्रह करूंगा कि़ आप थोड़ा अपनी पालिसी को भी देखने का काम कीजिए।

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[श्री रामविसास पासवान]

सबसे बड़ी बात यह है कि बाप जो जी कानून बनाते हैं, उस प्रत्येक कानून के पीछे आपकी कोई न कोई चाल रहती है। सरकार के ऊपर मेरा चार्ज है, सरकार इसको देखे, ज्यों-ज्यों आप अधिक कानून बनाते जा रहे हैं, त्यों-स्यों देख में स्मर्गालग बढ़ती जा रही है। स्मर्गालग को आप प्रोटेक्शन देते हैं। आप एक जी स्मर्गलर का नाम नहीं बता सकते हैं, जिसका सरकारी पार्टी के साथ और सरकार के साथ साठगांठ न हो। बल्कि आप उसको पनपाने का काम करते हैं। उसके ऊपर छत्रछाया देने का काम करते हैं। उसके ऊपर छत्रछाया देने का काम करते हैं। यदि यही आपकी इन्टैज्ञन हैं, तो इस इन्टेंशन से देश को कोई फायदा होने बाला नहीं है। यही मेरा सरकार के ऊपर आरोप आरोप है।

भी वृढिभन्द भैन (वाड़मेर) : उपाध्यक्ष महोदय, मैं विदेष्ती मुद्रा संरक्षण तथा तस्करी निवारण (संशोधन) अध्यादेष, 1984, जो सदन में प्रस्तुत किया गया है, उसका समर्थन करता हं।

स्मर्गालग और ब्लैक मार्केटिंग हमारे देज की अर्थव्यवस्था के बड़े दुश्मन हैं। हमारे देज की अर्थव्यवस्था में स्मर्गालग और ब्लैक मार्केटिंग बड़े बाधक हैं। इसके लिए हमारी सरकार बड़े प्रयास कर रही है कि स्मर्गालग को कैसे काबू किया जाए और ब्लैक मार्केटिंग को कैसे काबू किया जाए है कि सम्बन्ध में पूर्ण रूप से प्रयास चल रहे हैं। लगातार कानून में परिवर्तन किया जा रहा है। कानूनों में लगातार परिवर्तन करने के बावजूद भी हम इस रोग का अभी तक पूरी तरह से निवारण नहीं कर सके हैं।

विरोधी दल का यह चार्ज है कि ब्लैक मार्कोटिंग के लिए और स्मर्गालग के लिए हम जिम्मेदार हैं बा हम ब्लैक मार्कोटिंग और स्मर्गालग को सहयोग देते हैं—यह आरोप बिस्कुल मिथ्या है। स्थिति यह है कि स्मगलर्स और ब्लैक मार्केटियर्स एक प्रकार की फोस है, एक ताकत है, वह अपनी संपत्ति के बलबूते पर, धन के बलबूते पर इस प्रकार के कार्यं करती हैं। अधिक। रियों को भी अपने कब्जे में कर लेती हैं और जो केस कोर्ट में चलते हैं, उन पर भी काबू लेती है और सफलता प्राप्त कर लेती है। हम यह जानना चाहें कि इन चार-पांच सालों के अन्दर॰ किन-किन केसेस में कितना-कितना कन्विक्शन हुआ है, तो स्थिति यह है कि जो भी चालान किए गए हैं, उन चालान किए गए केसेस में भी कन्विक्शन बहुत कम लोगों का हुआ है। कितने चालान प्रस्तुत किए गए हैं, कितनों का कन्विक्शन हुआ हैं और कन्विक्शन में कितनों को जेल की सजा दी गई है, इस दुष्टिकोण से भी हमें देखने की आवश्यकबा रहेगी।

साधारणतया यह भी देखा गया है कि इस प्रकार के केसेज में गवर्नमेंट की तरफ से प्लीट करने वाली प्रोसीक्यूशन की साइड में योग्य वकील नहीं होते हैं। लेकिन दूसरो तरफ केस को प्लीड करने के लिए पैसे के बलबूते पर शक्ति प्राप्त करके अच्छे से अच्छे वकील मूकरर कर जेते हैं। जिसकी वजह से हमारी तरफ के वकील उन केसेज मे सफल नहीं होते हैं। यह बहुत ही आवश्यक है कि उन केसेज को प्लीड करने के लिए हमारी प्रोसी-क्लन साइड स्ट्रांग हो। इसके लिए मेरा मन्त्री जी से निवेदन है कि कैसे चाहे स्मगलिंग से सम्बन्धित हो, कस्टम से सम्बन्धित हो या विदेशी मुदा से सम्बन्धित हो, इनमें यदि एडवोकेटन सफल नहीं होते हैं तो उनको प्रोमीक्यू जन साइड से निकाल <mark>देना चाहिए।</mark> उनको रिमूव कर देना चाहिए। चाहे वे एक साल या दो साल या तीन साल के लिए मूकरेंर किए गए हैं, उनको प्रोसीक्यूणन साइड से निकाल देना चाहिए, जो अच्छी तरह से **पैरवी नहीं करते हैं। अधिकारी इस प्रकार** से हिटेन्झन आईर को फ्रेंम करते हैं जिसमें टेकनी-कल डिफेक्ट रह जाता है। अभी एक उदाहरण दिया गया, उस पर स्पेनल सैकेटरी के सिगनेचर के स्थान पर डिप्टी सैक्रेटरी के सिगनेवर थे या जिस भाषा में नोटिस दिया बाना चाहिए, उस भाषा में न देकर दूमरी भाषा में दिया। इस प्रकार के टैकनीकल डिफक्ट्स रखे जाते हैं जिसके कारण अपराधी छट जाते हैं। हाजी मस्तान एक बहुत ही मझहूर स्मगलर है, इतने वर्षों के बाद भी

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हमने उसके खिलाफ क्या एक्शन लिया ? अभी तक उसका कन्विक्शन कराने में सफल नहीं हो सके हैं, उसको जेल भेजने में सफल नहीं हो सके हैं।

भी जार्ज फर्नान्डीज (मुजफ्फरपुर):करीम लाला।

भी बुद्धिचन्द जैन : करीम लाला, यूसुफ पटेल, वगैरह है। प्रश्न यह उठता है कि आब अपोजीशन वाले जो चाजं लगा रहे हैं इसको विलअर करना चाहिए। महाराष्ट्र गवनंमेंट ने उनको डिटेन किया,लेकिन बाद में फिर क्यों छोड़ दिया ? हम आज जो प्रावीजन कानून में कर रहे हैं, हमारे अपोजीशन वाले यह कर रहे हैं कि डिटेन्धन तब तक नहीं करना चाहिए, जब तक उसका अपराध सिद्ध न हो। निर्पराधी व्यक्तियों का डिटेन्शन कि निर्पराधी व्यक्ति का डिटेन्शन नहीं होना चाहिए, निर्पराधी व्यक्ति पर इस कानून का प्रभाव नहीं पड़ना चाहिए लेकिन जो वास्तव में स्मगलर हैं, ब्लैक-मार्केटियर हैं, वे छुट नहीं जाने चाहिए। वे तो राष्ट्रदोही हैं, राष्ट्र के दुश्मन हैं, हमारी अर्थ-व्यवस्था के दुश्मन हैं, उनके विरुद्ध सब्त से सब्त कदम उठाना चाहिए इसमें कोई हिचक नहीं होनी चाहिए। इस सम्बन्ध में आप जो भी कानून प्रस्तुत करना चाहें, हम उनको मन्जूर करने के लिए तैयार हैं, लेकिन दिक्कत यह है कि सभी कानूनों का इप्प्लीमेंटेशन गवर्नमेंट मशीनरी से होता है। हम यह भी जानना चाहते हैं कि पिछवे दस सालों में आपके जिस अधिकारी ने ठीक ढंग से काम नहीं किया, कानून का सही इम्प्लीमेंटेशन नहीं किया, स्मगलसं को सहयोग दिया उनके विरुद्ध क्या कार्यवाही की गई है तथा किन-किन अधिकारियों के विरुद्ध कार्यवाही की गई है ?

अब मैं अपने क्षेत्र के बारे में बतलाना चाहता हूं — मेरा क्षेत्र बाड़मेर, जैसलमेर पाकिस्तान की सीमा से लगते हैं, वहां कपड़ा, घड़ियां, इलैक्ट्रो-निक गुड्स और बादाम की स्मॉग्लग होती है। जो स्मगलस हैं वे पैट्रोल की जीप का इस्तेमाल करते

हैं जबकि हमारे अधिकारियों के पास पैटोल की जीपें नहीं हैं। हमने राजस्यान गवर्नमेंट से कहा कि आप हमारे अधिकारियों को भी पैटोल की जीपें दें, लेकिन अभी तक उनके लिए पैट्रोल की जीपों की व्यवस्था नहीं हो सकी है। आज पोजी-शन यह है कि वहां स्मगलर्स जिस प्रकार के माधनों, इक्टिपमेंट्स का प्रयोग करते हैं, हमें भी उनके मुकाबले में अपने को वेल-इक्विप करना होगा जिससे कि हमारे लोग उनको अरेस्ट कर सकें। इसी तरह "सी" में हमें ऐसे मल्लाह रखने चाहिए जो उनसे ज्यादा ट्रेन्ड हों और जो उनको पकड़ सकें। मेरे कहने का मतलब यह है कि हमें इसकी पूरी ब्यवस्था करनी पड़ेगी, अपने को हर तरह से वेल-इक्विप्ड करना पहेगा और वेल-इक्विण्ड होकर स्मर्गिलग को रोकने का प्रयास करना पडेगा। लेकिन इसके लिए हम प्रयास नहीं कर रहे हैं। मैं मंत्री महोदय से यह जानना चाहता हं कि विभिन्न प्रान्तों में वलनरएबिल प्वाइन्ट्स हैं, जोकि गुजरात, राजस्थान, कर्नाटक, पांडिचेरी और बम्बई में भी ऐसे एरियाज हैं, वहां के लिए आप क्या कर रहे हैं। आज बम्बई में, मद्रास में खुल्लमखुल्ला स्मगल्ड गुड्स एवेलएबिल हो रहे हैं। क्यों नहीं आप उनके खिलाफ सख्त कार्यवाही करते ? वहां पर ओपन मार्केट के अन्दर स्मगल्ड गृहस मिल रहे हैं लेकिन आप उनके खिलाफ कोई कार्यवाही नहीं कर सकते। तो यह हमारी कम-जोरी है और मैं चाहता हूं कि सरकार इस संबंध में सख्त कार्यवाही करे। स्मगलिंग और ब्लैक-मार्केटिंग के खिलाफ हमसे जो भी हो सकता है, ठोस कदम उठाकर उसे करें क्योंकि जितना हम स्मगलिंग और ब्लैक-मार्केटिंग पर काबू पा सकेंगे, उतनी ही हमारी अर्थ-व्यवस्था को बल मिलेगा ।

इतना कहकर मैं समाप्त करता हूं और इस विघेयक का समर्थन करता हूं।

14.00 brs.

SHRI BHERAVADAN K. GADHAVI (Banaskantha): Mr. Chairman, Sir, nobody can deny that smuggling is posing a great menace to our economy and outwardly even

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[Shri Bheravadan K. Gadhavi]

the Opposition would not dare to say that smugglers should not be punished and their activities should not be curtailed.

Sir, I welcome this measure. This is a very mammoth problem and it has got an international field. But, Sir, I would like to ask the hon. Minister about one aspect. While the entire nation welcomes the measures under COFEPOSA, whether it is a fact that Governments of West Bengal and Tripura are not taking any action ? As we understand it, action would be taken by State Government as well as the Central Government, and so far as COFEPOSA is concerned, it is said that West Bengal and Tripura have denied to take action on that. If it is so, I would like to ask whether it is not an implied encouragement to the smuggling activities ?

AN HON. MEMBER : Open encouragement.

SHRI BHERAVADAN K. GADHAVI : Yes. Implied and open.

PROF. ROOP CHAND PAL (Hooghly): We are against preventive detention. But the largest number of prosecutions have taken place in West Bengal and Tripura and the maximum number of smugglers are punished.

SHRI BHERAVADAN K. GADHAVI : Thank you very much for admitting that you are against it. It has been known to everybody that when matter comes to the court, due to some micro-technicalities, they get scot-free, and the detentions are revoked. One of the reasons that is given is that although the detenue might be knowing the language in which the documents are, even the language happens to be his mother tongue, he comes to the court and says that he does not know the language. There are cases when they asked for French and even Pushtu. I would urge upon the Government and would like to ask why we have not brought about an amendment on the lines that those persons who dre detained under COFEPOSA, they should be supplied copies of the documents on which

they rely either in English or in Hindi which is our national language, or in both. There is a rule for courts also to make it more technical, and to set at naught everything that we are endeavouring to do. The second aspect is that sofar as sensitive areas are concerned, I do not cast an aspersion that the machinery is lethargic. I do not say that they are totally in collusion with smugglers. But is it not a fact that they are handicapped in respect of implements and equipment ? We created the posts. Highspeed boats were to be given to them. Certain choppers were to be given. Some planes were to be given to them. It was on the acvil in their Plans. You may very well say that they are having constraints, but when the activities are posing a threat to the economy of the country, financial impediments should not stand in the way. So, I would urge upon the Government that all those machineries and personnel entrusted with the job of curbing smuggling in the country, should be fully equipped.

There is also a danger to the persons entrusted with this job. They are being shot dead. They are killed in encounters, and we have to make provisions for their families, provisions which would give them incentive to discharge their duties with more loyalty. Our procedures on this count till date are routine. A person working on the borders, if killed, will be treated at par with the person sitting in the Secretariat. So, I request the Government that this aspect has also got to be looked into. Otherwise, the enthusiasm which we want these people to show, would not be forthcoming. It would dilute the enthusiasm of persons to whom the job is entrusted.

Thirdly, our frends do not believe in any preventive action at all. (*Interruptions*) They believe only in taking action after the disease has spread. But if they look to the amendment, probably this is more democratic than the previous one, because we have reduced the period of detention. They can point out the loopholes. We will then amend it.

One aspect of the measures we are discussing to-day is that a new variety of commodities have come into the picture now.

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Ten or fifteen years ago, they were perhaps gold, silver or cloth. Now a variety of commodities or goods have come within the periphery of smuggling activities. So, sofar as our borders are concerned, inland smuggling is also on the increase ; not only through high seas. So, Mr Jain was very much right in saying that in sand dunes whenever motor cars etc. cannot ply in a proper manner, we have to create a special squad consisting of camels and other things. We rely upon BSF and Special Police. But sofar as inland smuggling is concerned, from Kutch in the west to Tripura in the cast, and in places where special conditions prevail, we have to create squads with camels because, as reported in the Press, caravans of camels go to Pakistan areas and come back from there to our side. So, when it becomes very difficult to work with our present modern equipment and arrest these activities, we will have to fall back upon traditional equipments. If we really believe, if the entire opposition believes that smuggling is an anti-social activity, if it can really be said that a smuggler is an anti-social person, then can we not make a law at least that Members of Parliament would not defend them in the courts ?

While welcoming this measure, the intention is very good; but so far as loopholes particularly with regard to a language are concerned, as I told you earlier, that we must define that they would supply copies of the documents in a particular language and not in any language that they wish. Otherwise, you cannot do it.

We all have got the highest regard for our judiciary, but, unfortunately, there are cases when a man is detained in Bombay or his property is to be attached in Bombay, then he would obtain stay order from Delhi or Calcutta or Madras. Why is it so ? So far as attachment is concerned, so far as detention is concerned, so far as stay is concerned, I think there might be a plethora of stays in the files of this government where on a very trivial ground stays are being issued. We very much wish that this Parliament, being the supreme body, so far as anti social activities are concerned, the judiciary should also toe the line instead of dithering ; and therefore that aspect has got to be looked into.

Mr. Jain said about conscience. I know that many times when Customs Collectors and other people go to the courts, they are handicapped because the people who are booked, they can spend any amount of money and engage a brilliant lawyer while the government machinery goes to the Law Ministry. They cannot engage a particular lawyer because his fee is so much and therefore you are not allowed to engage him. These are all the constraints. When we are really doing some thing, then, naturally, some free hand should be given to the authority concerned. Of course, you can check them. It is not that they will go on a partisan basis to the lawyer, but some free hand to the authority must be given so that they can avail themselves of the services of the best talent.

Mr. Paswan said some thing about baggage and other things. Baggage is a very small thing. In fact, on the list, you can see that there are thousands of seizures at the airport, but in terms of money and in terms of the quantity of the commodity, it would be very negligible. The real smuggling is done elsewhere. If you book a poor fakir khan at the airport, it is going to pay no dividend. But you have to book a man who takes his ship. If he comes to know that there is a law in Bombay and he can very well take his ship to some where else thereby he can evade the excise duty or the custom duty or can smuggle all those things without paying any duty, he will do it. Such instances are known. We know how the custom duty is evaded, how the excise duty is evaded. The Government has to examine all those things.

This is a welcome measure, but in totality, in a comprehensive way still there is a room for bringing a measure which embraces all the aspects. I support this Bill.

भी रोत लाल प्रसाद वर्मा (कोडरमा) : सभा-पति महोदय, विदेशी मुद्रा संरक्षण तथा तस्करी निवारण विधेयक 1974 का वैसे तो मैं समर्थन करता हूं लेकिन यह समर्थन के लायक विधेयक नहीं है। जैसाकि सर्वांगीण विधेयक होना चाहिए, वंसा नहीं बन पाया है। केवल क्षेत्र बढ़ा दिया है और कूछ नहीं किया है। इस कानून से सरकार का

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[श्री रीत लाल प्रसाद वर्मा]

जो उद्देश्य है कि तस्करी के व्यापार को नियन्त्रित किया आए और विदेशी मुदा का संरक्षण किया जाए बहु नहीं हो सकेगा। पहले विधेयक में यह वा कि बिना सलाहकार बोर्ड के तीन महीने से अधिक और एक बरस तक उसको निरूढ किया जासकताया। लेकिन अब उसको घटाकर छह महीने तक ले आए जिससे तस्करी करने वाले डरेंगे कि उन्हीं के किए कुछ व्यवस्था की जा रही है। यह बात सही है कि पहले यह कानून 1977 तक लागु था और उसमें अब फिर संशोधन दिया है। धारा 9 में जो संगोधन दिया है, वह 1987 तक सागू होगी। आखिर, यह काल-खण्ड में बांटने के पीछे राज क्या है ? इसमें लिखा है कि जो उपयुक्त स्थान है, वह इसके अन्दर आता है जबकि यह लिखना चाहिए था कि पूरे भारतवर्ष का एरिया इसके अन्दर आता है या जहां भी तस्करी का काम होता है, वह इसके अन्दर आता है। आपने इसको पांच चंडों में बांट दिया है जिसमें नेपाल, बगसादेश और भूटान आदि आते है। जब कानून बनता है तो स्ममलर, डाल-डाल और पात-पात पर पहुच जाता है। उसकी पैनी दष्टि और आगे रहती है। वह अपनी जगह खोज नेता है। आपने, एक से पांच तक के भीतर स्यान बता दिए हैं। इससे लगता है कि दूसरी जगह से तस्करी की जा सकती है। यह भी जूप-होल इसमे रह गया है। आपने 497 लोगों को पकड़ा है। जबकि ये लोग 1980 से लेकर 1983 तक तस्करी कर रहे के। मैं समझता हूं, आपने अपने चनाव कोष में बुद्धि करने की मंत्रा रखी है। इस बिस के विरोध के दुष्टिकोण से कहा जाए तो इसको कांग्रेस आई का इलैक्णन फण्ड ही कहा बाएगा । अगर, अर्थभ्यवस्था को सुधारने की तरफ बापका ध्यान होता तो पक्ष और विपक्ष, दोनों तरफ के लोग आपका समर्थन करते। सेकिन, वर्षव्यवस्था तो अर्जर हो रही है। इसमें तस्करी, ब्लैक मार्किटिंग, काला-बाजारी और जमाखारी का काम हो रहा है। इसको रोकने के लिए कार-गर कदम उठाए जाने चाहिए। राष्ट्रीय भावना और राष्ट्रीय हित के लिए विचार किया जाए तो

मैं समझता हूं हर व्यक्ति आपका समर्थन करेगा । जिन लोगों को आपने अरेस्ट किया, उन्हें बाद में छोड़ दिया। इसके पीछे क्या राज है ? यह राज हो सकता है कि आपके चुनाव कोच का काम पूरा हो गया होगा। मैं समझता हूं, बिना सलाहकार बोर्ड के डेढ़ बरस तक रखा जाना चाहिए क्योंकि ये देश के गत्र हैं। कभी एक बरस, कभी छह महीने करने का तात्पर्य क्या है, यह समझ में नहीं आता हैं ? हमारे समाज में कुछ ऐसे लोग भी है जो करोड़ों लोगों के हितों का शोपण करते हैं और ऐसे मोषक लोगों को आपने खुली छुट दे रखी है। यदि आप कोई कानून बनाना चाहते है तो वह कानून सबके लिए बराबर होना चाहिए, क्योंकि हमारे यहां इक्वैलिटी विफोर लॉ है, कानून की दुष्टि में सब लोग बराबर हैं। लेकिन आपने इन लोगों को अभी एक महीना भी बन्द नहीं रखा और फिर छोड़ दिया। कम से कम उनको एक साल या छः महीने तक तो बन्द रखा जाता। इन तारी बातों को देखते हुए ऐसा लगता है कि यह कानून जनहित, देश की अर्थव्यवस्था को सुधारन और अपराधिक कमों को रोकने की दुष्टि से नही बनाया जा रहा है क्योंकि आप किसी भी हवाई अड्डे पर देख लीजिए, हर एक एअरपोर्ट पर कस्टम अधिकारी होते हैं लेकिन उसके बावजद भी रोजाना विदेशी टेलीविजन, वी॰ सी॰ बार॰, तरह-तरह के कैसेट, कैमरे और दूसरी नाना प्रकार की चीजें हमारे देश में बा रही हैं। क्या उन सबको पकड़ा जा रहा है। इसलिए दूसरे नम्बर पर आकर हमारे कस्टम के अधिकारी भी इसमें दोषी है। यदि उनके अन्दर ऐसी भावना आ जाए कि हमने किसी भी कीमत का विदेशी सामान क्यों न हो, नहीं छोड़ना है तो बहुत अच्छी बात हो आएगी। लेकिन आज क्या हो रहा है कि यदि किसी एम॰पी॰ का लडका पकड लिया तो हंगामा मचा दिया कि हम बहुत पुस्त-दुष्स्त हैं। आपकी चस्ती और दूबस्ती तो इसी से साफ हो जाती है कि रोजाना हिन्दुस्तान में करोड़ों का माल ऐसे ही पास होकर मा रहा है और उसे कोई नहीं रोकता। यदि आप वास्तव में किसी भी विदेशी सामान को यहां न आने दें तो आपकी बात मानी जा सकती 81

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हमारे देश में जो यह 7-8 हजार करोड रुपये की समानान्तर अर्थ-व्यवस्था चल रही है. उसने हमारी अर्थ-व्यवस्था को तोड-मरोडकरु रख दिया है। यहां पर हाजी मस्तान और जितने दसरे बडे-बडे स्मगलसं हैं, पैसा उन लोगों के पास कम नहीं है। हमारे देश में इतने कानन बने हैं. लेकिन उनके अन्तर्गत आज तक क्या कार्यवाही हई, पिछने वर्षं कितने स्मलसंको पकडा गया और जेलों में हाला गया। क्या मंत्री जी ये तमाम फीगर्स सदन में रखेंगे कि ऐमे कितने लोगों को पकडा गया. जेलों में बन्द किया गया या उन लोगों को कोई ऐसा सबफ दिया गया ताकि भविष्य में वे हिम्मत न कर सकें। बापको कोई ऐसा उदाहरण नहीं मिलेगा। आपने उनको खाली पकढा और कछ समय बाद छोड दिया। जैते हम राजनीतिज्ञ लोग भी कभी-कभी पकडे जाते है और पांच दिन के बाद हमें छट्टी दे दी जाती है। कई दफा हम लोग भी दफा 107 में पकड लिए जाते हैं, परन्त दो चार दिन में छड़ी हो जाती है।

SHRI XAVIER ARAKAL: Will your Party pass a resolution not to defend the smugglers and other anti-social elements ?

भी रीस लाल प्रसाद वर्माः कोई भी पार्टी ऐसे स्मगलर्स को डिक्केंड नहीं करेगी। लेकिन वे आपकी पार्टी को चन्दा दे रहे हैं। बी०जे०पी० को चन्दा नही दे रहे हैं।

भी हरिकेज्ञ बहाबुर : किसी कांग्रेस आई के एम॰ पी॰ ने वसन्त दादा पाटिल को चिट्ठी लिखी है...

भी रीत लाल प्रसाद वर्मा : आपने जो चिट्ठी लिखी है, उसके बारे में सब लोगों को मालूम है, मैं उस अखवार-बाजी को यहां दोहराना नहीं चाहता। इसलिए मैं समझता हूं कि इस बिल को लाकर आप देश की अर्थ-व्यवस्था को सुधारने नहीं जा रहे हैं बल्कि उनको चोर-दरवाजे से जगह दी जा रही है कि और काम करो और छूटो और जो कुछ कमाओ उसमें से हमें हिस्सा दी।

SHRI K.A. RAJAN (Trichur) : Smug-

gling and black-marketing goes hand in hand creating all sorts of problems in our economic as well as social life. Nobody is against taking stringent action against these people because they corrode the very character of our people and create all sorts of problems. The vulnerable areas are mostly coastal areas and especially the port cities. Recently, we had a big smuggling episode in the Port of Cochin. An international racket was unearthed there. I do not know what has happened to that. I think it is before the court. Almost on all the port cities there are smugglers' dens. How could it happen with all these statutory provisions. stringent actions and whatever good intentions you may have ? It is because those who are incharge of curbing smuggling and black-marketing are not honest. Even the honest officials, who would like to see that smuggling is curbed, are helpless.

Though the smugglers are indulging in these activities, no action is being taken against the smugglers. This is the unfortunate state of affairs in this country. They have got high connections. If ynu go through the various incidents and the history of the notorious smugglers for the last so many years, you will notice that they have got political connections. I do not want to attribute it to any particular political party, but unfortunately that is the state of affairs in this country.

In certain areas you want to plug the loopholes in the law. With whatever good intentions you bring the statute, unless those provisions are effectively implemented by those who are put in charge of enforcing them, and those officers are protected by the political power, smuggling cannot be stopped. There are ever so many instances where honest officers, who have taken strong action against the smugglers, have come to grief. One fine morning they suddeply find that they are transferred to a far away place. There are even instances where some such officers have been murdered. because the smugglers are so powerful and they can do anything without fear of consequences.

So far as the objectives of this statute are concerned, no one can object to them. But in practical implementation we notice that

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there are many weaknesses. Because of the weakness or craze for foreign goods, smuggling is going on a large scale, especially in the port towns. Even responsible government agencies, in one way or other, abet them.

Recently, an import licence for the import of 25,000 tonnes of cement was given to St. Anthony's Guild, Madras. Even though the public sector organisations were importing cement, this licence was given to St. Anthony's Guild. The cement was imported to the port of Tuticorin in Tamil Nadu and 15,000 tonnes were sold to Kerala. The Kerala Minister appounced in the Assembly that Kerala lost about Rs. 16 lakhs by way of sales tax alone. This was done by the STC. I do not know on what basis the licence was granted to this Guild. In fact, the High Court said that there should be a probe into the matter. But pothing has happened. This Guild was not even registered as a society and yet it was given this licence. These 15,000 tonnes of cement were sold in Kerala at the rate of Rs. 100 per bag.

So, what I want to impress upon the Government is that those who are charged with the enforcement of this law have to see that the culprits are brought to book in time. Unfortunately, what happens is that these anti-social people have connections with high political circles. The result is that honest officials can be transferred and, if necessary, even murdered and there will no trace left. This is what is happening in the vulnerable areas, in the coastal areas.

No one can oppose this Bill. Still, I do not know how far we will be able to implement It. Because, our experience is that the smugglers are kings in their own areas. One fine morning you will notice they are detained and next morning they are released. There are all sorts of stories going on about them.

So, I would like to impress while speaking on this Bill that there should be a political will to see that it works in the interest of the national economy and socialism.

SHRI Y.S. MAHAJAN (Jaigaon): Mr. Chairman, Sir, smuggling is posing a serious in the management of our problem economy. It has been there for a number of years, but recently it has assumed enormous proportion. The original Act succerded in dampening these activities to a certain extent, but recently since 1981, the amount of contraband has increased very rapidly. As a result the number of searches increased rapidly. In 1981, it was 1,700 searches. In 1982-18,867 and in 1983-2,307. Similarly the value of seizures was Rs. 66 crores in 1982, Rs. 89 crores in 1983 and in the first six months of 1984 it is Rs. 42 crores. So, the activities have increased enormously. As a result the State is losing about Rs. 800 crores every усаг.

The value of goods smuggled is about Rs. 4,000 to Rs. 8,000 every year. The goods which are smuggled in include gold, jewellery, valuable clothings, diamonds, precious stones and watches. The goods which are smuggled out are silver and wild life products.

The social and economic effects of smuggling are very far-reaching. It has affected the mentality, of very large number of rich people in our country, who are in league with them. Their activities influence our officers also with the result that enforcement has become very poor. It has now spread into lakhs of villages in our country. So, we have to take a very serious note of it.

I welcome this Bill because it seeks to improve the enforcement of the original Act. Section 9 of the original Act has been now made applicable to persons detained under the Act and also to vulnerable areas which have been re-defined. The areas are very large. The hon. Minister has already explained them. The areas include the inland customs waters contiguous to the States of Oujarat, Karnataka, Kerala, Maharashtra, Tamil Nadu and the Union Territories of Gos. Daman and Diu and Pondicherry. The inland areas of fifty kilometres in width from the Coast of India within the territories of the States of Gujarat, Karnataka and Kerala and so on and so forth is fairly large. This is one

reason why the enforcement is poor. Take the case of Pakistan and Nepal borders. They are thousands of miles long and so it a difficult to control.

Secondly our enforcement Officers are not equipped with the latest instruments. People who have to work on the seas, do not have very fast moving boats. Once we happened to consider this subject in the Public Accounts Committee and we were told that the poor enforcement was due to the fact that they did not have sufficient number of fast moving boats. Nor do they have adequate means of communication. So, if better instruments are provided, it will be possible to enforce the Act more effectively.

Smuggling is as much an economic problem as a problem of law and order. We have been treating it largely as a law and order problem till now. It is largely an economic problem. People buy foreign things because as was pointed by the former Minister of Industry, Shri N D. Tiwari, there is a craze for foreign products. This craze was not there before the achievement of freedom. We all believed in Swadeshi. Now, even in the case of, may I say, our partymen, who wear Khadi, but if you go to their houses, you will find lots of foreign goods purchased by their wives, daughters or sons. And they are placed there for exhibition.

PROF. MADHU DANDAVATE : Most of the Ministers do not wear Khaddar.

SHRIY.S. MAHAJAN : Yes, because of this craze. You must spread the idea of Swadeshi, as you did before the achievement of freedom. (Interruptions).

There is another fact. In the management of our economy, if you could improve the working of our industries, make them cost conscious, bring down prices and improve the quality, then the craze for foreign products will vanish. It is the differential in the prices of goods abroad and those of ours which induces these people to bring those goods here and sell them in this country.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI YOGENDRA MAKWANA): Not only the price, but quality also.

SHRI Y.S. MAHAJAN: Yes. If you act on these lines, it would be possible for us to deal with this problem effectively and comprehensively.

SHRI B.K. NAIR (Quilon): Sir, this is a very valuable piece of legislation. Economic offences are much more serious and grievous than the offences of looting property etc. So, any stringent action against the people concerned is not too much. At the same time I would say that it is not for legal action only the society has to go in. As my friend was emphasising, there was a craze for foreign goods, for which all our people would like to go inforeign sarces, and even gold and VCRs. In this connection an attack was made on party lines. I would beg to differ here. It is not a party question. We have been discussing in this Parliament that a lot of illegal coal mining has been going on in Bengal. With the connivance of the Government of West Bengal this illegal mining is taking place and thousands of tonnes of coal are being taken into Pakistan. Similar is the case with regard to jute.

Look at the border of Nepal, our neighbouring State. The same thing is happening. Smuggling has been taking place on a very large scale. The other day there was a report that arms were smuggled across the border into Amritsar and the Commander of the BSF there was complaining that his people were not adequately armed or empowered and they could not take necessary steps because of the high connections and influence enjoyed by the people operating inside and outside our country. So, this is a national problem and we cannot deal with it on a small scale.

Apart from articles that are being smuggled into India, not only jewellery and gold, but other valuable things like VCRs etc., let us also examine the question of certain articles being smuggled out of our country. Art pieces, as for example, sculptured items, idols, for which you cannot even fix the value, are smuggled out of India. The other day there was the case of valuable Ayurvedic palm leaf manuscripts being taken out of Kerala. Some girl from West [Shri B.K. Nair]

Germany was trying to take the manuscripts. There are two things here—things being taken from our country and things that are smuggled from outside. So, the law in this regard should be strictly enforced. In this connection I would say that the customs people are very much involved both at the lower levels and at the middle levels. They take their share right on the spot even. It may be a bottle of whisky. May be a bottle of whisky right on the spot. The Customs people should not be allowed to be on the same place for an unduly long time. They develop their own connections with these people.

I was talking of the social awareness. I would suggest that there should be some code of conduct to be evolved for the elected Members of Parliament and the Members of the Legislative Assembly. The M.L.As, M.Ps should have a social boycott with such people. They should not attend their parties nor they should have any association with these smugglers Whenever, they are invited by these smugglers to attend their function they should bot participate in that.

Smugglers are held or treated as herces or Robbinhood. Smugglers, as they are very rich, they establish hospitals. With this they enjoy patronage of the society. People treat them as herces. They worship the smugglers. With their money the smugglers can buy any amount of support. It may be from any Party, may be Cong (1) or any other. I remember, in Kersla, a smuggler use to contribute 101 sovereigns at the marriage of the daughter of any Party leader. On getting invitation, he used to contribute 101 sovereigns or gold as a present. They, therefore, enjoy a lot of prestige.

There was a report in the paper. A smuggler was detained in jail. He was being transferred to some other jail. It was late in the evening. He had to be lodged for the night. The obliging police party, the escort party took him to a five star hotel to stay. And to add to his comfort, they brought his wife also to stay with him. Those persons, Sir, enjoy a lot of prestige in the country.

We are fighting a losing battle because our boats and other equipments are out of date.

I also learn that in Dubai and other West Asian countries there are sheikhs with high connections whose business is smuggling of goods to India.

We have to fight a big battle with these people. Unless our armours are very much equipped, we will lose badly.

Even though we pass this law, I must say that the society is not prepared for this law.

These smugglers enjoy high prestige in the society. Nobody would like to be seen with him, no doubt, as one of the hon. Members remarked. But we condemn them during the day but we be with them at night. It is because they have a lot of money. They set up charitable hospitals and other institutions and, therefore, have become heroes.

I suggest, at least as a concrete suggestion, I will say that let us restructure the entire Customs organisation and let us go on changing people from station to station even posting them outside the Department.

Finally, I would suggest that we should try to awaken the society for social awareness and we should evolve a code of conduct, at least, for the political representatives, not to associate with the smugglers or with their functions.

MR. CHAIRMAN : Shri Harikesh Bahadur.

SHRI HARIKESH BAHADUR (Gorakhpur): How much time, Sir ?

PROF. MADHU DANDAVATE (Rajapur): Time is not being given. Time is being taken.

MR. CHAIRMAN : Sometimes and not always.

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SHRI GEORGE FERNANDES (Muzaffarpur): It is when you are in the Chair.

भी हरिकेश बहाबुर (गोरखपुर): माननीय सभापति महोदय, हमारे देश में तस्करी बहुत तेजी सें बढ़ रही है और माननीय मन्त्री जी को इसके बारे में पूरी जानकारी है । कई हजार करोड़ रुपये की तस्करी प्रतिवर्ष होती है और स्थिति यह है कि तस्करों में वे लोग भी शरीक होते हैं जो कि आज हमारे देश के अन्दर बहुत ही सम्मानित स्थानों पर बैठे हुए हैं, एक महत्वपूर्ण भूमिका अदा करने के लिए उनको जनता ने अवसर दिया है। लेकिन उनकी महत्वपूर्ण भूमिका यह है कि वे इस प्रकार के कार्यों को बढ़ावा दे रहे हैं और कुछ तो खुद भो उसमें लगे हुए हैं। मेरे यह कहने की कोई आव-श्वकता नहीं है कि हमारे इसी सदन में कुछ व्यक्तियों के विरुद्ध इस प्रकार की चर्चाएं हई हैं बौर कम से कम शून्य प्रहर के समय कुछ सदस्यों के बारे में भी यहां पर चर्चा हुई है । मैं उनके नाम नहीं लेना चाहता, यद्यपि उनका नाम काफी लिया जा चुका है। यदि मैं उनका नाम लूंगा तो उससे केवल एक प्रकार की कटूता ही बढ़ेगी, इसलिए इसको घ्यान में रखकर में उनके नाम नहीं लेना बाहता ।

अभी कुछ दिन पहले एक भूतपूर्व मन्त्री के व्यक्तिगत सहायक, पसंनल एसिस्टेंट, एक वीडियो सेट लेकर आ रहे थे और उनको पालम एअरपोर्ट पर कस्टम अधिकारी ने पकड़ लिया। उसकी काफी चर्चा यहां पर हुई थी। अभी कुछ दिन पहले उत्तर प्रदेश में एक विधायक हैं जिनको पकड़ा गया। वे 20 किलो हिरोइन की तस्करी कर रहे थे जो उनके कमरे में बरामद हुई। वे पिछले दिनों गिरफ्तार में, पता नहीं अभी छूटे हैं या गिरफ्तार हैं। उनके बारे से जांच चल रही है। दुर्भाग्य इन सारी बातों का यह है कि इस प्रकार के लोग सार्वजनिक जीवन में ऊंची जगहों पर बैठे हुए हैं, उनसें सत्ताधारी दल से ज्यादा लोग सम्बन्धित है, जिनके बारे में लोग भाज तक जान सके हैं। ऐसे बहुत से लोग भी होंगे जो दूसरे दलों से सम्बन्धित हों, लेकिन जिनके बारे में जानकारी हो पाई है उनमें ज्यादातर लोग ऐसे हैं जिनका

सम्बन्ध सत्ताधारी दल से है। अगर यही स्थिति रहेगी तो देश के उन लोगों की जो देश की व्यवस्था को चला रहे हैं, किस प्रकार***

व्यो गिरधारी लाल व्यास (भीलवाड़ा) : अपने पड़ौसियों से पूछ लो ।

श्वीहरिकेज्ञ बहावुर ः व्यास जी, ज्यादा न कहिए, नहीं तो मुझे भी कुछ ज्यादा कहना पड़ेगा।

इस देश में तस्करी रुके — यह बात सोचने की है और चिन्ताका विषय है। अभी कुछ ही दिन पहले कुछ तस्कर महाराष्ट्र में पकड़े गए, हाजी मस्तान, करीम लाला वगैरह। ये बहुत विख्यात नाम हैं, उनके साथ और भी बहुत से तस्कर पकडे गए थे, लेकिन उनको कुछ समय बाद रिहा कर दिया गया। जार्ज साहब जब इस पर बोलेंगे तो आपको सही बात बतलायेंगे कि किस प्रकार उन तस्करों को रिहा किया गया। मैं तो यह चाहता हूं कि मन्त्री जी इस बात की जानकारी सदन *को* दें कि क्या किसी संसद सदस्य ने उन तस्करों को छोड़ने के बारे में वहां के मूख्यमन्त्री को कोई पत्र लिखा था ? अगर उस संसद सदस्य ने लिखा था तो क्या लिखा था और वह कौन से सदस्य हैं? यद्यपि किसी प्रकार बह पत्र हम लोगों की जान-कारी में आ गया है, से मंत्री जी से जानना चाहूंगा कि क्या यह सही है कि किसी संसद सदस्य वे उन तस्करों को छुड़ाने के लिए वहां के मुख्यमन्त्री को कोई पत्र लिखा था। यह स्थिति है कि आज तस्करों को छोड़ा जा रहा है जबकि इसके बारे में सरकार के पास पूरी जानकारी है कि से तस्कर देश की अर्थ-व्यवस्या को अस्थिर बनाने केलिए इस प्रकार के कार्य कर रहे हैं जोकि राष्ट्र के लिए बहुत ही हानिकारक हैं और इस प्रकार वे राष्ट्र-द्रोही के बराबर हैं। इस विधेयक में जो सजा देने को व्यवस्या की गई है, बह मेरी दृष्टि में बहुत ही अपर्याप्त है । इस प्रकार से जो लोप स्मर्गालग कर रहें हैं, उनके खिलाफ देशद्रोह का मुकदमा चलाया जाना चाहिए और उसके तहत उनके विरुद्ध कार्य-वाही की जानी चाहिए।

[भी हरिकेश बहादुर]

एक बात में यह भी कहना चाहता हूं कि पंजाब के बारे में श्वेत-पत्र रखा गया, उसमें कहा गया कि तस्करी के माध्यम से तमाम हवियार स्वणं मन्दिर में चले आए। अब सवाल यह उठता है कि यह तस्करी कैसे हुई ? जो इनकी तमाम मझीनरी है, इनका जो तमाम तन्त्र है, वह उस समय क्या कर रहा था। बोर्डर सेक्यूरिटी फोर्स काम कर रही वी बोर्डर पर। उसके बाद मिलिट्री काम कर रही थी। सी॰ बार०पी॰ एफ॰ वहां भेज रखी थी और सोकल पुलिस बहां पर काम कर रही थी और फिर इनकी इनटेलीजेंस काम कर रही थी। रा काम कर रहा था, सेन्ट्रल इंटेलीजेंस व्यौरो काम कर रहा था, सी०बी०वाई० काम कर रही थी, लोकल इनटेसीजेंस काम कर रही थी और वापका एक्साइज डिपार्टमेंट काम कर रहा था और नरकोटिक डिपार्टमेंट काम कर रहा था। इस तरह से 14-15 एजेन्सियां काम कर रही थीं और किसी को पता नहीं चला कि हवियार कैसे बाए। यहां पर नेस हुआ, चोंगम हुआ, एशियाड हवा और इनमें इस्तेमाल के लिए बापने बाधू-निक एसेक्ट्रोनिक इक्यूपमेंट्म मंगाए थे, जिनसे जांच कर सकें कि कौन क्या से जा रहा है। वैसे तो बहुत से इक्यूपमेंट्स आपने इमर्जेन्सी के समय 1975 में ही मंगा लिए थे। जब इतनी बड़ी-बड़ी इल्ल्युलेल्ट डिवाइस आपके पास थी, इसके बावजूद तस्करी होकर इतने हथियार चले आए। तो उन हचियारों की तस्करी रोकने के लिए वापने क्या व्यवस्वा की थी। बापने जो इतने सारे इक्यूपमेंट्स मंगाए थे, उनको अमृतसर जाने वाली सारी सड़कों के किनारे पेड़ों पर लगा दिए होते या कहीं पर उनको इन्स्टास करने की कोशिश किए होते, तो ट्रकों से होकर जो हवियार जा रहे थे, पता चल जाता कि क्या जा रहा है। अगर अमृतमर जाने वाली तमाम सड़कों पर इनका लगाना आपके लिए सम्भव नहीं था, तो कम से कम स्वर्ण बन्दिर पर जो सड़कें जा रही थीं, जिस रास्ते से ट्रक जा रहे थे, वहां पर आप इन यग्त्रों को लगा सकते थे, इस्तेमाल कर सकते थे। तब बापको पता चन सकता था कि क्या चीच वहां

पर जा रही है लेकिन आपकी मंशा वास्तव में तस्करी रोकने की नहीं है और पंजाब की स्थिति को बिगाड़ने की आपकी मंशा थी और सरकार ने वहां की स्थिति को खुद विगाड़ा । यह तो ऐसी ही बात हुई कि जैसे में इस कागज को यहां जला दूं और उसके बाद पानी लाकर आग बुझा दूं और फिर वापसे कहुं कि वगर मैंने इसे बुझा न दिया होता, तो सारे के सारे सदन में आग लग जाती। इस पर आप हमें यह कहें कि 'आपने बहुत अच्छा किया जो इसे बुझा दिया' । आपने हमसे यह नहीं पूछा कि हमने आग ही क्यों लगाई। तो कहने का मतलब यह है कि आपने तस्करी को बढ़ावा देकर पंजाब की हासत को इस हद तक बिमाड़ दिया कि वहां पर फौज मेजकर और जिस भी तरह से स्पिति को सम्भाला । यदि कोई दूसरी भी सरकार होती, तो बाज जो वहां पर स्थिति इतनी बिगड़ षुकी थी, उसको भी फौज भेजनी पड़ती। सरकार की यह बुद्धिमानी होती कि वह स्थिति को इतना बिगड़ने न देती। जब स्थिति इतनी हद तक बिगड़ नई, तो सरकार की यह नैतिक जिम्मेदारी है कि बह इस्तीफा दे।

14.53 brs

[MR. DEPUTY-SPEAKER in the Chair]

तस्करी को बढ़ावा देकर और तस्करी कराकर सरकार ने वहां पर हचियार पहुंचवाए । इस प्रकार तस्करी के ढारा केवल देज की अर्थव्यवस्था को ही वस्थिर नहीं बनाया वा रहा है बस्कि तस्करी के माध्यम से राष्ट्र की एकता और वखण्डता को भी क्षति पहुंचाने का प्रयास किया वा रहा है और इस प्रकार की वो ताकरों है, उन पर सरकार का कोई नियन्त्रण नहीं है। स्थिति यह है कि तस्करी आज हमारे देज के लिए हर तरह से चतरनाक सिंढ हुई है। देज की अर्थव्यवस्था एक तरफ विगड़ रही है और दूसरी तरफ राष्ट्रद्रोही जलितयों को तस्करी के माध्यम से इस प्रकार के हथियार वगैरह मिल रहे है, जिनसे देज की एकता और अखण्डता को चतरा पहुंचने की सम्भावना है।

यह तस्करी सभी सीमाओं पर हो रही है।

यदि किसी राज्य में विरोधी दल की सरकार है तो तस्करी की बात करके आप उस सरकार को गिराने की कोशिश करते हैं। उस सरकार को देश में बदनाम करते हैं और फिर गिराते हैं। लेकिन इतनी तस्करी राजस्थान की सीमा से हो रही है। तस्करी की डजह से वहां की सरकार को नहीं गिराया गया क्योंकि वह आपके दल की सरकार है। उसको आप बरखास्त नहीं करना चाहते।

बाब हालत यह है कि उत्तरप्रदेश की सीमा पर बहुत तस्करी हो रही है। मैं उत्तरप्रदेश का रहने बाला हूं, गोरखपूर, और उसके बगल के जिलों बस्ती और बहराईच से नेपाल की सीमा लगती है। इन सारी सीमाओं पर भयकर तस्करी हो रही है। तस्करी के माध्यम सें क्या क्या चीजें हैं जो कि नहीं था रही हैं। ऐसी-ऐसी चीजें था रही हैं जिनके बारे में कहा नहीं जा सकता। इस सारी तस्करी के मामले में तस्करों और अधिकारियों की मिली-भगत है। जहां बडे-बड़े अधिकारियों की इसमें चर्चा की जाती है, वहां मैं यह भी जरूर बता देना बाहता हूं कि अधिकारियों और नेताओं दोनों के संरक्षण से ये तस्कर काम कर रहे हैं। मैंने भारत-नेपास की सीमा पर हो रही तस्करी की कई बार सदन में चर्चा कर मन्त्री जी का ध्यान बार्कीवत किया है। लेकिन दुर्घाग्य है कि गोरखपुर बौर उसके आसपास के जिलों में जो तस्करी हो रही है उसको रोकने के लिए सरकार ने कोई प्रभाव-शाली कदम नहीं उठाया है।

अन्त में मैं यह कहना चाहता हूं कि तस्करी को रोकने के लिए आप इस विष्ठेयक में जो प्राव-धान कर रहे हैं उसका कोई बहुत बढ़ा असर तब तक पड़ने वाला नही है जब तक कि आप यह फैसला न ले लें कि तस्करी करने वालों के खिलाफ देश डोह का मुश्ह्वा चलाया जाएगा और उनको वही सबा दी जाएगी जो कि देश दोह करने वालों को दी जाती है। तस्करी को देश दोह करने वालों को दी जाती है। तस्करी को देश दोह से कम अप-राध मानना अपने आप में बहुत बड़ी मूल है। इसलिए मैं सरकार से यह निवेदन करूंगा कि देश दोह की तरह का तस्करी को अपराध मान कर इस बिल में बैमा ही दंड देने का प्रावधान करें। इन

शब्दों के साथ मैं अपनी बात समाप्त करता हूं।

आखार्यं भगवान देव (अजमेर) : उपाध्यक्ष महोदय, मैं विदेशी मुद्रा संरक्षण तथा तस्करी निवारण (संशोधन) विधेयक 1984 का समर्थन करने के लिए खड़ा हुआ हूं। तस्करी का कार्यं अन्तर्राष्ट्रीय चंद सफेदपोश डाकू कर रहे हैं। इसका प्रभाव हर मुल्क की अर्थव्यवस्था पर और उसकी सुरक्षा व्यवस्था पर पड़ रहा है।

अभी विरोधी पार्टियों के लोगों ने यह बात कही कि जो तस्करी करने वाले लोग हैं उनके साथ सब्ती से बर्ताव किया जाए। मैं कहना चाहता हं कि यह जो संशोधन हो रहा है वह इसलिए हो रहा है। इससे पूर्व सन् 1974 में कांग्रेस सरकार ने ही इस तरह का बिल पास किया था। इसके बाद, चूंकि हमारी अर्थव्यवस्था पर, हमारी रक्षा व्यवस्था पर इसका प्रभाव पड रहा था इसलिए श्रीमती इन्दिरा गांधी ने ही एमर्जेन्सी में सारे स्मगलर्स को, चोर, डाकूओं और संग्रहखोरों को जेलों में बंद किया था। उसके बाद इन लोगों ने. मधुदंडवते जी ने जयप्रकाश नारायण का नाम लिया, उनके सामने इन सब तथाकथित देवताओं ने उन तमाम तस्करों को खडा कर दिया. खादी की टोपी पहना करके खड़ा कर दिया और कह दिया कि ये देवता बन गमे, धर्मात्मा बन गए, ये ईमानदार के बेटे बन गए। उनके बारे सें कह दिया जो कि दिन-रात देश को चूसते थे। ये सारे अपराध इन लोगों ने किये। चाहे हाजी मस्तान हो, चाहे युसुफ पटेल हो, चाहे बखिया हो, इसजेंसी के अन्दर श्रीमती इन्दिरा गांधी ते सबको बंद किया। क्या ये बात को भुल गए हैं ?

बात्र ये लोग कहते हैं कि उत्तरप्रदेश के अन्दर एक एम॰ एल॰ ए॰ ने ऐसा किया। मैं पूछना चाहता हूं इन विरोधी पार्टियों के लोगों से क्या यह कांग्रेस की सरकार नहीं थी जिसने कि अपने एम॰ एल॰ ए॰ को भी अपराधी पाकर गिरफ्तार किया और उसे जेल में बन्द कर दिया ? इस बात के लिए ये हमारी सरकार को दाद क्यों नहीं देते ? अगर हमारी पार्टी में कोई गद्दार है या अपराधी है तो हम उसे नहीं छोड़ते हैं।

[आवार्य भगवान देव]

ये कहते हैं कि मन्त्री ने पत्र किखा कि सक्ती करो और वहां चंद लोग गिरफ्तार हुए। जब भिवण्डी में कांड हुआ, उसके दो-तीन महीने पहुले कुछ लोग गिरफ्तार हुए। उनमें कुछ तस्कर भी विरफ्तार किए गए जिनको कि छोड़ दिया गया।

15.00 hrs.

में इन पढ़े लिखे सोमों को क्या कहूं। बुद्धि का ब्रह्मचारी कहूं या क्या कहूं। बाज जो तस्कर दो तीन महीने पहले गिरफ्तार हुए है कि वहां पर हुए सांत्रदायिक दंगों में उनको सम्बन्धित पाया गया। इनको तस्करी में नहीं पकड़ा गया था। जो लोग तस्करी में नहीं पकड़े गए हैं उन पर केस चल रहे है। कई लोग बंद हैं। जाज ये क3्ते हैं कि हाजी मस्तान को छोड़ दिया। हाजी मस्तान को सांग्र-हायिक दंगों के सम्बन्ध मैं पकड़ा गया था। वे उन बंबों से सम्बन्धित में। उन पर और जिव सेना के नोगों पर कार्यवाही हो रही है। इनको इस बात की दाद देनी चाहिए कि हम कार्यवाही कर रहे हैं। लेकिन वे इस तरह की बात कर रहे हैं। यह कानून क्यों साया गया है, इसलिए कि उनसे सक्ती से निपटा बाए, क्योंकि देज की अर्थव्यवस्था पर उसका बढा प्रमाव पड़ता है।

उपाध्यक्ष महोदय, एक बात मैं और कहना चाहता हूं। तस्कर मोन माम मे बाते हैं, कम या ज्यादा, उसकी यहां चर्चा भी होती है सेकिन यहां जो व्यक्ति बैठे हुए हैं और देत्रभक्ति का दावा करते हैं, वें यहां से विचार से जाकर पड़ोस के पाकिस्तानी तानाज्ञाह को पहुंबाते हैं और उनके विचार यहां साते हैं। यह बहुत बड़ी भयंकर तस्करी हैं वो विरोधी पार्टी के तमाम मोग करते है। बाज से यूसुफ पटेल का, हाजी मस्तान और बच्चिया का नाम से रहे हैं। विरोधी पार्टी के नोग सुबह्यण्यम स्वामी, जिन्होंने चर्चा को चुरू किया, ब उनसे पूछना चाहबा हं कि सैनिक तानाज्ञाह के पास, जहां लोकज्ञाही स्थापित नहीं की गई है, उनके पास जाने का क्या कारण था। वहां से विचार लेकर उनकी वकालत करने का क्या कारण था। जार्ज फर्नान्डिस यहां बैठे हुए हैं। ये भी सैनिक तानामाह से मिलने गए ये। बीजू पटनायक, राम जेठमलानी, ये सब उनसे मिले हैं। यह मयंकर राजनीतिक तस्करी हो रही है। इलेक्ट्रानिक्स और सोने-चांदी की तस्करी से ज्यादा भयंकर यह राजनीतिक तस्करी है।

उन तस्करों को बचाने का काम कौन कर रहा है। विरोधी पार्टी के सोग कहते हैं कि उनको र्सलग पार्टी के, कांग्रेस (बाई) पार्टी के लोग मदद कर रहे हैं। मैं दावे के साथ कहता हूं कि सारे हिम्दुस्तान के पढ़े लिखे लोगों से, किसी भी नौजवान म्यक्ति से पूछिए कि स्मगलरों को वकालत करने वासा वकील कौन साहै तो हर व्यक्ति यही कहेगा कि राम जेठमलानी, भारतीय जनता पार्टी के उपाष्यक, वे ही उनकी वकालत करते हैं और उनको छुड़ाते हैं। इन सोयों ने, जार्ज फर्नास्डिस वगैरह वे जनता पार्टी के जासन में 🕶 इसका प्रमाण हमारे पास है। माप अगर समय दें तो मैं बता सकता हं कि ये कब उनसे जाकर मिले और क्या कार्यवाही हुई । उपाध्यक्ष महोदय, समय बहत कम है। इसलिए मैं अब कुछ सुझाव देना बाहता ğι

पहना सुझाव यह है कि जो भी व्यक्ति पकड़े जाते हैं, उनके बारे में भाषा की समस्या आती है। कोर्ट वें केस चमता हैं और वे छूट जाते हैं, क्योंकि वो अरबी, फारसी भाषा के होते हैं। इससिए मेरा सुझाव है कि भारत सरकार इस तस्करी को रोकने के लिए विशेष अदानतों की व्यवस्था करे और इसके अन्बर जैसा कि माननीय सवस्य वे सुझाव दिया है, हिन्दी और अंग्रेजी की उनको वहां पर सुविधा दी जाए।

दूसरी बात यह है कि जो पालियामेंट के मेम्बर है, अगर वे उनकी बकासत करने के लिए फार्म पर हस्ताक्षर करते हैं तो उनको पालियामेंट का मेम्बर नहीं बनने दिया बाए। चाहे वे जेठमलानी जी हों बा हमारी पार्टी के कोई व्यक्ति हों। इसके अस्तावा आयात-निर्यात की नीति के बारे में मी व्यावहारिक कदम उठाने की आवश्यकता है।

इसके अलावा कस्टम अधिकारियों को जो सुविधाएं दी जाती हैं वे अपर्याप्त हैं। राजभाषा समिति के तहत हमें जांच करने का मौका मिला है। उनके पास पूरे साधन उपलब्ध नहीं हैं। अच्छे हेलीकाप्टर नहीं हैं। सरहद पर जीपों और ऊंटों की उचित व्यवस्था नहीं है। अच्छे स्टीमर नहीं हैं और आधुनिक साधनों की कमी है, जिससे वे उनको पकड़ने में सम्रक्त नहीं हो पाते है। इन साधनों को जुटाना जावश्यक है।

इसके अलावा हमने देखा है कि कस्टम अधि-कारी जिन मुक्किलों में काम करते हैं। किन परि-स्थितियों में ये इन जैतानों के साथ संघर्ष करते हैं। उनके साथ रात दिन मौत से खेसते हैं। इनको रिहाइझ की पूरी सुविधाएं भी अहीं दी गई हैं। मैं मन्त्री महोदय से जानना चाहता हूं कि क्या वे हुडको इत्यादि के द्वारा उनके लिए रिहाइझी कासोनियों का निर्माण कराएने।

विश्वेष वदासतों के अभाव में किसी भी कानून का लाभ होने वाला नहीं है। इस बारे में मन्त्री महोदय बआएं। इन झन्दों के साथ मैं अपनी बात समाप्त करता हूं और इस बिल का हृदय से समर्थन करता हूं।

PROF. MADHU DANDAVATE: Mr. Deputy Speaker, Sir, if any Member alleges that some Member has got Haji Mastan released and^{**} I think, it is out of order. I think he is to give a letter in advance to the Chair that he is going to say this.

अराचार्य अगवान देव: मैंने नाम नहीं लिया है। मैंने तो सिर्फ जनरस बात कही है।... (स्यवधान)

PROF. MADHU DANDAVATE : Sir, you may go through the record.

आचार्य भगवान वेच : मैंने तो यह कहा है कि

वह पाकिस्तान के जनरल जिया से मिले हैं।... (व्यवधान)

पो० मखु बंडवतेः इन्होंने हिन्दी में यह कहा है कि जार्ज फर्नान्डीज हाजी मस्तान और दूसरों को छोड़ दिया था, जब वह सरकार में थे और*≉

•••(व्यवधान)

आचार्य भगवान देव : मैंने ऐसा नहीं कहा है।

MR. DEPUTY-SPEAKER : I will go through the record.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.M. KRISHNA) : Sir, my burden has been substantially lessened by a very effective intervention of Acharya Bhagwan Dev—at least to put this in its right historical perspective.

Sir, in the debate many accusations of a sweeping nature have been made against political parties, Members of Parliament and Government. Without taking an unduly partisan view of things 1 would like to start with Dr. Subramaniam Swamy's speech. He had the basic suspicion that the whole operation against smugglers or the entire preventive apparatus of Government has been directed towards a particular thing, namely, elections. Anyway that is the inference which he wanted the country and the House to draw.

Sir, Dr. Subramaniam Swamy asked how many of them have been released. Detaining of people under COFEPOSA is a continuing exercise and nobody can be kept beyond a particular time and with that time coming to an end they have to be released. But I can assure Dr. Swamy that out of those who have been taken into custody in the last major operation across the country, none of them has been released and none shall be released. All their cases are going to be presented to the Advisory Boards for proper follow-up action.

Dr. Subramaniam Swamy also had doubts

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**Not recorded.

[Shri S.M. Krishna]

about the foreign exchange reserves and in that connection he brought in the might of the dollar. Who can question the might of the dollar? Gold is crumbling against the dollar. Sterling is crumbling against the dollar. Yen is crumbling against the dollar. So, what is exceptional about the Indian rupee crumbling against the dollar 7 Is Dr. Subramaniam Swamy trying to suggest to Government of India that our economic approach should be the same as that of President Reagan in the USA 7

Even though factually he is correct that the dollar is getting stronger, the limited point which I would like to make is that the dollar is getting stronger vis-a-vis every other currency in the world and we are no exception it.

Now, the CPI (M) called it anti-democratic, authoritarian and also said that we do not have the political will to combat smuggling activities and our friend has totally disarmed or by making this accusation, and, of course, in West Bengal the claim is, as one of the Members made a submission to the Chair when the Chair intervened, that all of them have been caught and all of them have been punished. All smugglers who are supposed to be indulging in smuggling activities in West Bengal have been caught and have been punished and there are no smugglers left in West Bengal and this is the kind of logic which he wants the nation and this august House to buy But I cannot buy this logic and also, at the same time, he has the temerity to attack the Government of India which has taken such stringent measures against the sumggiers and to accuse them of lacking political will to act is an extraordinary statement coming from the ruling Marxist Party M.P. of West Bengal and he has also had the cheek to accuse that the smugglers also supported the AICC session in Bombay as if we have nobody else to depend upon as if we depend upon the smuggiers for AICC to conduct its session in Bombay. There should be some seriousness while making such a kind of accusation.

Now, about the confiscation of property, this is a laborious process. Confiscation cannot be wished away. Since 1974 when for the first time the problem was focussed by Shrimati Indira Gandhi, in her earlier tenure as Prime Minister, certain follow up action was taken and out of 2420 cases with properties valued at Rs. 38.83 crores, as of today the actua' possession of property taken over by the Government is Rs. 30-80 lakhs. The rest of the other Rs. 37 crores and odd are stuck up in various cases in various Courts, various Tribunals and the House ultimately accuses Government of India of inaction, forgetting that the judicial processes in this country unfortunately at times take such a long time.

Now, Sir, some State Governments and Union Territories have shown their concern about the growing number of economic offences. Some of the State Goverements have created Special Courts for specified Central Acts and I am very happy to convey that the Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh have all established Special Courts to try economic offences and Maharashtra and Delhi Administration also have joined in establishing Special Courts. But I do not find the name of West Bengal in this list. I think there are no crimes being committed there. Sir, Mr. Feleiro made a point about dialogue to be carried on with the judiciary with reference to this economic offences.

The ambit of the Bill under consideration by this House is very limited and I would not hazard to make my comments about the dialogue which he wanted. But the point that we could make is that the courts also should take note and they do take note of the social content in the kind of legislation that we have been passing in this House.

Shri Paswan mentioned about the Navbharat Times and the advertisement therein. In Delhi, in the Delhi Transport buses, we see all kinds of advertisements to cure even deadly diseases like cancer etc. and Dr. Subramaniam Swamy mentioned also about the advertisements in the domestic flights. Article 19(2) of the Constitution comes into play and we cannot shut out advertisements of any product in this country. This also has been gone into in consultation with the Law Ministry and the Law Ministry have suggested to us that it

409 Disapproval of (Coffeposa) SRAVANA 19, 1906 (SAKA) Disapproval of (Coffeposa) 410 Order and Bill Order and Bill

would be counter-productive to prevent any advertisement, or shutting them out.

The appellate tribunal has been set up. There are a number of court cases with reference to smugglers and the Government have taken measures every now and then.

A point has been made about the action not being taken against public servants. In this connection, many Members have commended the services and efforts of the customs authorities and the excist authorities who are in battle with the smugglers. They have also expressed their concern about the safety of these officers. Government have taken note of the safety angle also, but at the same time, some Members have criticised that in certain cases, the customs authoritics are hand in glove with the smugglers. Due to the continuous vigil of customs field staff, about 41 public servants were apprehended for their involvement in smuggling activities and goods worth about Rs. 43 lakhs were seized during 1983. During the past four months in 1984, one official of the police department, one of a foreign airlines and five belonging to another department were apprehended, and it involved goods worth Rs. 26 lakhs. Four customs and central excise department detained officers were also under COFEPOSA Act. It is to drive home the point that if there are any customs officers or the field staff, who are involved with the smugglers. Government have not besitated to act very strongly, and they have been detained or action has been taken under COFEPOSA.

As I said in the opening statement, smuggling cannot be prevented by legislation alone. We have got to enlist the willing cooperation of the people at large and Members of Parliament in particular, so that the menace could be seen in its right perspective and with the help of this House and the people of this country, we hope that we would be able to make a bigger dent in this menace of smuggling.

ACHARYA BHAGWAN DEV: What about housing for the customs staff?

SHRI S.M. KRISHNA : Wherever it is possible, it has been Government's desire and we have tried to provide housing for our customs officers in big cities like Delhi, Madras, Calcutta, Bombay etc. We are in touch with the State Government, so that their housing problems and other problems can be met.

With these words, I commend this Bill to the House.

DR. SUBRAMANIAM SWAMY (Bombay North East) : Sir, the Minister in his reply has not denied the fact that smuggling has gone up. I have given some statistics and I said that according to knowledgeable Bombay sources, smuggling last year was at the rate of Rs. 7000 crores. 7000 crores of rupees a year. Despite the COFEPOSA Act since 1974 there has been no reduction in smuggling. Therefore the question is, what is it that this amendment is going to do in terms of punishment and in terms of supplying the grounds ? What is it going to do to curb smuggling? He has not answered that.

The second thing is this. If you are dissatisfied with the working of the law, then it is obligatory for him to come forward and present some statistical evidence as to why the present law is not suitable. Because, according to the presentation made in 1974, at that time it was said that this law was sufficient and they themselves in their statement said that it had a deterrent effect. It has no deterrent effect. I asked about the court cases where detention orders had been set aside. He should give us a list of that. I think, if you go through them, you will see that the detention orders have been set aside on trivial grounds and there appears to be some collusion.

The third point is that he has tried to mislead the House on the foreign exchange question. First of all, he has not denied the fact that the net reserves have declined from 7.6 billion dollars in 1979-80 to 1.6 billion dollars. Six billion dollars are eaten up in just 5 or $4\frac{1}{2}$ or $4\frac{1}{2}$ years of their rule. That is not the issue. The issue is the rupee, which is not a free and floating exchange rate like yen, like marc, or like the pound-sterling, which is pegged currency is showing adverse trend vis-a-vis dollar. The rupee pegged to a basket of currencies is

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declining in this way. Thus, you are getting the worst of both worlds—(a) people are not able to convert the rupee into other currencies, as you have put all kinds of artificial restrictions, and (b) decline is also taking place in the exchange rates. What is the use of having a pegged rate for foreign exchange when you are not able to even control the decline in the exchange rate ?

Finally Sir, these policies of this Government encourage smuggling and it is in every aspect. The restrictions they put, the taxes they put, all these appear to encourage smuggling. I do not know why a television set in India should cost four times more than a television set in Hongkong or in Japan. This is because of the tax system and many other things. The tax system is so done that smuggling is encouraged. Therefore, smuggling is taking place in India, not because of the fact that they do not have laws to control it, but the economic policy is such that it is highly profitable. Therefore, this amendment has no value and I oppose it.

MR. DEPUTY-SPEAKER : The question is :

> "This House disapproves of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1984 (Ordinance No. 8 of 1984) promulgated by the President on the 13th July, 1984."

The Motion was negatived.

MR. DEPUTY-SPEAKER : The question is :

> "That the Bill further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, be taken into consideration."

The Motion was adopted.

MR. DEPUTY-SPEAKER : The question is I "That clauses 2 and 3 stand part of the Bill."

The Motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause]

MR. DEPUTY-SPEAKER ! The question is :

"That clause 1 stand part of the Bill,"

The Motion was adopted.

Clause I was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI S.M. KRISHNA: I beg to move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill be passed."

भी रामाबतार शास्त्री (पटना): उपाध्यक्ष महोदय, तस्करी का मामला दिन-प्रतिदिन हमारे देश में बढता जा रहा है, जिसकी चर्चा यहां हई है। बिहार और नेपाल के बीच में जो तस्करी चल रही है. उसकी तरफ मैं मंत्री महोदय का घ्यान दिलाना चाहता हं। मालम नहीं, किसी सदस्य ने मन्त्री महोदय का ध्यान उस तरफ दिलाया है या नहीं। नेपाल से बिहार के रास्ते से हमारे देश में बडे पैमाने पर गांजे का स्मगलिंग होता है। हमारे देश में गांजा पीने वालों की तादाद बहुत बडी है। नेपाल में गांजा बहुत सस्ता मिलता है। तस्कर उसको नेपाल से बिहार के जरिये हिंदुस्तान में लाते हैं। इस व्यापार में बहुत राजनैतिक बेता भी लिप्त है। अगर सरकार पता लगाए. तो उसको मालम होगा कि बहत से राजनीतिज्ञ भी गांजे का व्यापार करते हैं। समय समय पर उनकी जीपें और कारें पकडी जाती है, जिनमें वे लोग गांजा भर कर लाते हैं उनमें सत्तारूढ़ दल के लोग भी हैं---बल्कि

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ज्यादा लोग सत्तारूढ़ दल के ही हैं। सरकार को पता लगाना चाहिए कि नेपाल से कितना बढ़ा सस्करी का व्यापार होता है।

सिर्फ गांजा ही नहीं, नेपाल से स्टील के वर्तन, कपड़े, कलम और घड़ियां आदि बहुत से सामान बहुत बड़े पैमाने पर हमारे देश में लाए जाते हैं। तस्करी को रोकने वाला जो सरकारी विभाग है, वे लोग भी तस्करी में उन लोगों की मदद करते हैं। सरकार इस बारे में सख्ती करे और दोनों देशों के बीच गांजे और दूसरी चीजों की जो तस्करी होती है, उसको बन्द करे।

मंत्री महोदय ने संसद-सदस्यों से मदद मांगते हए कहा है कि केवल कानुन बनाने से काम नहीं चलेगा । यह ठीक हैं कि केवल कानून से कोई काम नहीं होता है, बस्कि जन-भावना और जन-चेतना भी जगानी पडती है। इस काम में मंत्री महोदय का संसद-सदस्यों से मदद मांगना जायज भी है। लेकिन मैं पूछना चाहता हं कि बहुत से संसद-सदस्य विदेश जाते हैं और जब वे लौटते हैं, तो क्या उनकी भी कोई खोज-खबर ली जाती हैं कि वे कोई सामान लाते हैं या नहीं। वी० आई० पी० और संसद-सदस्य के बक्स को कोई खोल नहीं सकता। लेकिन कभी उन्हें खोलकर तो देखना चाहिए कि वे क्या सामान लाते हैं। तब सरकार को पता चलेगा कि कानन बनाने वाले जो हम लोग हैं. हममें भी ऐसे बहत से लोग हैं, जो तस्करी के सामान ले आते हैं। विदेशों में सस्ती चीजें बिकती हैं और वे लोग अपने बैगेज या बक्स में उन्हें बन्द करके ले आते हैं। कोई उसको देखता नहीं है। अगर हम संसद-सदस्य भी इस तरह का काम करते हैं, तो हमको ऐसा नहीं करना षाहिए ।

जहां तक सजा का सम्बन्ध है, हिन्दुस्तान में मामूली सजा से तस्करी इकने वाली है ? जो ढाई या तीन हजार बड़े-बड़े तस्कर हैं, क्या वे दो-चार महीने की कैद की सजा से मानने वाले हैं ? उनको तो मुसलसल लम्बी अवधि तक जेल में रखा जाए। आचार्य भगवान देव (अजमेर) : इमर्जेसी की वकालत कीजिए ।

भी रामावतार शास्त्री : मैं इमर्जेंसी की वकालत नहीं करता हं। लेकिन उन लोगों के साथ कोई मूरब्वत नहीं होनी चाहिए, क्योंकि वे वहत बडा अपराध करते हैं, कानन के खिलाफ काम करते हैं। इसलिए उनको सख्त से सख्त सजादी जाए. तब तस्करी रुकेगी। उन लोगों के साथ दोस्ती नहीं करनी चाहिए । ये लोग उनके साथ दोस्ती करते हैं और सम्भवतः दुनिया को दिखाने के लिए यह कानून बना रहे हैं। लेकिन भीतर ही भीतर इन लोगों की उनके साथ मिली-भगत और सांठ-गांठ रहती है। यह काम बन्द करना चाहिए। सरकार कानून को और सख्त बनाए और उसको सख्ती के साथ लागू करे, ताकि इस सम्बन्ध में जितने नाम लिए जाते हैं --- यूसूफ पटेल, बखिया और हाजी मस्तान आदि, ये जेल में बन्द रहें और लोग यह समझें कि ये अपराध-कर्मी हैं और समाज के विरुद्ध काम करते हैं।

PROF. N.G. RANGA (Guntur): Mr. Deputy-Speaker, I wish to endorse the appeal made by our hon. Minister to Members of Parliament to offer their cooperation to the government and more especially the administration in enforcing this law in fighting smuggling. I can very well appreciate the opposition's anxiety to go out of their way on most occasions to be vigilant against any such legislation that proposes more and more deterrent action and also increases rigours of preventive detention and so on.

But when it comes to the offence of smuggling in a country like ours, I would expect the opposition to be very much more tolerant towards the government, when it comes forward with a proposal like this. What is it that government wants to do? Not to reduce the punishment that is being proposed, not to reduce the period of detention that is suggested but to increase these things? Why? Because it has to face this menace which is growing more and more serious. I can understand the stand of the opposition if these offences are on the dwindling side or coming down. If the government comes forward with a legisla-

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[Prof. N.G. Ranga]

tion, opposition can certainly take an objection 'why do you want to punish people, why do you want to have this kind of a criminal law on the statute book if the trouble is coming down 7'On the other hand, when the government itself says that this trouble, social offence is increasing in its intensity and it comes forward with a Bill like this, would it not possibly be reasonable to expect from the opposition to offer its cooperation : government expects the opposition to make that distinction between one and the other. Instead of that to go on crying wolf, wolf and then to say that this gevernment wants more and more power only even when it fails to implement it properly and against the wrong person is not a reasonable approach, as far as I can see. It is regrettable that this menace has come to be such a crucial one, so painful one and so gripping in regard to our social life.

Look at those European countries. They have much less scope for their people to smuggle very much less than we have. Here is your Nepal. What is Nepal's grievance which is not expressed ; and for that reason as well as various other reasons also, the relation between Nepal and India are not very good ; it is because of this. Our executives arm of the government is trying to prevent the growth of this menace. Chinese goods are flowing in to Nepal, and from all over the world also and we are obliged to provide them railway facilities for them, road facilities for them ; all these goods flow into Nepal, and from Nepal they begin to come into our country. We have to try to prevent the flow of those smuggled goods. So, naturally, there are so many hundreds of people in Nepal ; they need not be Nepaiese ; they may belong to any nation, but they are there in Nepal. They are interested in this horrible trade but they are hurt : those Nepalese who are interested in their prosperity, they are hurt and they make an offence against us. So is the position between ourselves and Bangladesh or whole of that area; and that is one of the reasons why this menace has come to be a special feature in our country; and we are obliged to talk about it. And when and where action is taken, is it proper for the leaders of the opposition to begin to take offence

against the government ? What is it that the government has proposed to do ?

It says, 'Yes, the trouble is there, and it is growing over it'. Therefore, the period of detention is not enough. We want to increase it. We want to extend it. The Opposition might ask "at the end of it, you can so to the court." It is known that the courts are taking too long a time though it is not a question of accusation against the court. It is a fact. But to curb delay and uncertainty we want this law to be passed. Therefore, I wish to assure the Opposition, and assure myself as a Member of Parliament that the Government is not doing anything wrong at all, that the Government is trying to help the country on one side and it is not against the civil liberties of individuals or groups of people in the country.

MR. DEPUTY-SPEAKBR : Now, the Minister.

SHRI O.M. BANATWALLA (Ponnani) I What about Private Members' Business ? This can be taken up on Monday... What harm is there if it is taken on Monday ? You are encroaching on the Private Members' time.

MR. DEPUTY-SPEAKER : That time will be given. Two and a half hours will be given for Private Members' Bills.

SHRIG.M. BANATWALLA : You only give us the List of Business.

SHRI S.M. KRISHNA : There is an Indo-Nepal bilateral arrangement which exists between India and Nepal and there have been mutual consultations between the Governments and both the Governments are serious about curbing these activities.

MR. DEPUTY-SPEAKER : The question

"That the Biil be passed."

The Motion was adopted.