

(ix) SANITATION IN TRANS-YAMUNA COLONIES, DELHI TO CHECK OUTBREAK OF CHOLERA AND MALARIA.

श्री श्रीवासा झाई (बांसवाड़ा) : मैं नियम 377 के अधीन निम्नलिखित विषय की ओर सरकार का ध्यान आकृष्ट करना चाहता हूँ :

यमुना पार कालोनियो में लक्ष्मी नगर और गुरु भगद नगर कालोनिया बीच सात से भी अधिक पुरानी हैं। लक्ष्मी नगर में एक ब्लाक और गुरु भगद नगर एक्सटेन्सन सब से पहले आबाद हुए थे। इन ब्लाक्स में न अभी आवागमन के लिए सड़कें ही हैं और न गन्दे पानी की निकासी के लिए नाले-नालियाँ। ऊपर से आबादी के बीच में और प्राइमरी स्कूल के निकट ही गन्दगी बालने की नगर निगम की गावेंज-विन भी बनी हुई है जिस की सफाई कईकई दिन तक इसलिए सफाई-ट्रक नहीं करते क्योंकि वहाँ पर सड़क नहीं है।

इस कालोनी की गलियों में गन्दा पानी भरा हुआ है जिस से आवागमन की कठिनाई के अतिरिक्त गन्दे पानी और गन्दगी के कारण मलेरिया और हैजा जैसे संक्रामक रोगों का वहाँ सदा प्रभाव बना रहता है।

इस विषय में मंत्री महोदय से मैं आग्रह करूँगा कि जहाँ दसियों हजार की आबाद में स्त्री-पुरुष और बच्चे धीरे धीरे मौत के मुह में स्वामीय लोकल सेल्फ बाडीज द्वारा धकेले जा रहे हैं, ऐसे नाटकीय क्षेत्र का एक बार वे स्वयं निरीक्षण करने का कष्ट करें क्योंकि डी० डी० ए० और नगर निगम तो मात्र लोगों से सम्पत्ति कर वसूल करता है। तो उन से ये अपेक्षित है कि वे वहाँ के निवासियों का दुख दर्द भी सुनें।

मैं आशा करता हूँ कि कमियों में हैजा और मलेरिया जैसे रोगों की महाभारी

कलने से पहले ही मंत्री महोदय कुछ कर सकेंगे।

(x) NATIONALISATION OF M/S. CARTER POOLER AND CO. LTD., CALCUTTA.

SHRI MUKUNDA MANDAL: (Mathurapur): The issue of nationalisation of M/s. Carter Pooler and Co. Pvt. Ltd. Calcutta is pending for a long period. In this connection I like to draw the attention of the House that the Former Defence Minister wrote a letter to the West Bengal Government that the draft proposal for nationalisation of the Company was in advance stage of formulation and that there was a possibility of introducing a Bill in the New Lok Sabha subject to the decision of the new Government etc. Since then many Members of Parliament and the Employees' Union have been representing the matter to the present Government but without avail.

Sir, because of this inordinate delay, the Ministry of Industry had to issue Gazette notification extending the period of authorised Controlship on various occasions causing serious insecurity in employment of the employees.

I, therefore, urge upon the Government to take immediate steps for nationalising the company.

13.25 hrs.

SPECIAL BEARER BONDS (IMMUNITIES AND EXEMPTIONS BILL—Contd.

MR. DEPUTY-SPEAKER: The House will now take up the following motion moved by Shri R. Venkataraman on the 18th March, 1961, namely:

"That the Bill to provide for certain immunities to holders of

Special Bearer Bonds, 1901 and for certain exemptions from direct taxes in relation to such bonds and for matters connected therewith, be taken into consideration."

I shall now put the motion for consideration of the Bill to the vote of the House.

SHRI T. R. SHAMANNA (Bangalore South): I had moved my amendment yesterday and you had said that I would be allowed to speak today.

MR. DEPUTY-SPEAKER: Your amendment had been disposed of yesterday.

SHRI BAPURSAHEB PARULEKAR (Ratnagiri): Yesterday, you told the hon. Member that he would be allowed to speak when this was specially brought to your notice that he had given an amendment not on clauses, but for circulation of the Bill.

MR. DEPUTY-SPEAKER: We have already disposed of his amendment. I do not think, he can speak now. What I told him was that he could speak later.

I shall now put motion for consideration of the Bill to the vote of the House. The question is:

"That the Bill to provide for certain immunities to holders of Special Bearer Bonds, 1901 and for certain exemptions from direct taxes in relation to such bonds and for matters connected therewith, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, we shall take up clause by clause consideration of the Bill. There are no amendments to clause 2.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER: Clause 2A (New). Shri Mool Chand Daga... Not present.

Clause 3—

Immunities.

SHRI SATYANARAIN JATIYA (Ujjani): I beg to move:

Page 2,—

"after line 25, insert—

"(3) A person who purchases such special bearer bond shall make a legal statement that after purchasing the said bonds, he has no black money." (2)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 2, line 7,—

after "person" insert "except a public service" (3)

Page 2, line 10 and 11,—

after "any person" insert "except a public service". (4)

Page 2 line 13,—

after "person" insert "except a public servant." (5)

Page 2,—

after line 16, insert—

Explanation.—For the purposes of section 3 (1) and section 4 public servant shall mean to be a person as defined in Indian Penal Code." (6)

Page 2, line 21,—

after "Act" insert—

"on in relation to prosecution or action taken under the provisions of Customs Act." (7)

[Shri Bapusaheb Parulekar]

Page 2,—

after line 25 insert—

“(3) Nothing in sub-section (1) shall apply to those who are convicted of economic offences and who are detained at any time under Conservation of Foreign Exchange Act or under Prevention of Black Marketeers and Hoarders Act and whose detentions have not been set aside by any Board, Tribunal or Court.”(8)

श्री सत्य करामचण पारुलेकार (उज्जैन) :
उपाध्यक्ष महोदय, प्रश्न यह नहीं है कि किस प्रकार का प्रयास किया जा रहा है, प्रश्न यह है कि जो प्रयास किया जा रहा है उसमें सफलता कहाँ तक मिलेगी ? यह काला धन हिन्दुस्तान पर छाया पड़ेगा और हिन्दुस्तान के लोग या हिन्दुस्तान की सरकार कभी ऐसी निश्चित स्थिति में नहीं पहुँच पायेगी कि काले धन से उसको छुटकारा मिल जाये। यह काला धन रखने वाले जो सरमायेदार हैं उनको हमेशा से प्रोटेक्शन मिलती आई है। अगर उनको प्रोटेक्शन नहीं मिलती तो वे जबर्जस्ती ले लेते हैं। मजदूर हो कर उनको प्रोटेक्शन दिया जाता है। मैं अपने अमेन्डमेंट के अरिफे केवल यह चाहता हूँ कि वह स्थिति कब आयेगी जब कि हिन्दुस्तान में कहा जायेगा कि यहाँ काला धन नहीं है। वित्त मंत्री जी ने एक शुरुआत की है जिससे काला धन प्रकट हो लेकिन क्या उनसे यह नहीं कहा जा सकता है कि बेधरर बाण्ड खरीदने के बाद वे एक ऐसा लीगल स्टेट-मेंट दें कि धन उनके पास काला धन नहीं है। नहीं तो सरकार इस प्रकार से काला धन निभाएगी या प्रयास करती जायेगी और काला धन बढ़ता जायेगा। हमारे वित्त मंत्री जी ने राज्य सभा में कहा था कि प्यार न करने वालों से प्यार करने की कोशिश करने वाले अच्छे होते हैं लेकिन जरा कहना है कि प्यार करने में विफलता

के कारण जो परिणाम होता है वह काफी गम्भीर होता है। सरकार ने जो राष्ट्रीय हित में काला धन लाने की बात कही है वह उद्देश्य तो बहुत अच्छा है परन्तु इसके कारण जिनके पास काला धन है वे बहुत सजग हो जायेंगे। अभी आपने पास काला धन की कोई बड़ी राशि नहीं भ्रम सकती है। मैं समझता हूँ कि जितनी राशि हिन्दुस्तान की सरकार के पास है या जितना आपने बजट में प्रावधान किया है उतना पैसा तो काला धन रखने वालों के पास भी है जिससे कि उनका प्रभाव बाण्ड पर छाया रहता है। इसके सोल्यूशन के लिए मैंने आपको एक सुझाव दिया है कि बीयरर बाण्ड खरीदने के बाद वह प्रत्येक एक लीगल स्टेटमेंट दें कि इस को खरीदने के बाद अब मेरे पास कोई काला धन नहीं है। मैं जाननीय मंत्री जी से कहना चाहूँगा कि यदि इस प्रकार आप अमेन्डमेंट कर लें तो अच्छा अच्छा रहेगा।

SHRI BAPUSAHEB PARULEKAR:
Mr. Deputy-Speaker, Sir, I have moved all the eight amendments and you will kindly consider the time that has to be given to me for these eight Amendments.

Sir, out of these eight Amendments, Amendments 3 to 5 and 9 and 10 are of similar type; and Amendment No. 8 has a reference to Amendment No. 3 to 5 and 9 and 10 because that gives explanation of the word 'public servant; and Sir, Amendment No. 7 and 2 are independent amendments.

Sir, I would first make my submission with reference to Amendment No. 7.

MR. DEPUTY-SPEAKER: Parulekar, Amendment Nos. 9 and 10 are under Clause No. 4. Only up to 8.

SHRI BAPUSAHEB PARULEKAR:
I have only said they are of similar type. Sir Sub-Clause 2 of

Clause 3 is a type of exemption to the immunity that is granted under Clause 3(1). Sub-clause 2 mentions that nothing in sub-section one shall apply in relation to prosecution for any offence committed under the Penal Code or the prosecution for any offence under Prevention of Corruption Act etc. That is to say if a public servant accumulates property disproportionate to his income, it is made punishable under the prevention of Corruption Act, but in order to have investigation into that particular thing, this exception seems to have been made and rightly made. But the major source, of corruption, major source of black money, is through smuggling which is being checked and controlled by the provisions of the Customs Act. By suggestion is that when you are exempting the immunity under Clause 1, as far as the prosecutions under the Penal Code, prosecutions under the prevention of Corruption Act, it is absolutely necessary, I would say it is more necessary to exempt this immunity to the proceedings and prosecutions under the Customs Act. The reason why I say is this. Supposing I have evidence of the conversation on tape, I have evidence that the goods were smuggled from a foreign country as contraband goods. I have evidence that the goods were sold at a particular shop and all as I said, that the amount which one acquires as a result of the sale of these contraband goods is kept under this particular bonds, so the immunity is given. Immunity is given to the bonds purchased out of the sale of the smuggled property, but that immunity is not granted if a person misappropriates and converts it into the Bond, if a public servant accumulates property disproportionate to his income and purchases the bonds, immunity is not there, but immunity is given to the smuggler. This seems to be the clear intention of the exclusion of the proceedings and prosecution under the Customs Act.

However from the present wording the citizens in the country would feel

that this Government and all of us here want to give a particular credit to these smugglers. Therefore, I urge upon the Finance Minister that useful purpose will be served if he accepts my Amendment No. 7 and add following words to clause 3(2):

"That in relation to the prosecution or action taken in the provisions of the Customs Act."

Otherwise you are giving them a blanket permission to do smuggling and invest that money into these particular areas.

My second Amendment, which is Amendment No. 8, is again an important Amendment. You must be remembering when we were debating the COFEPOSA Bill in the previous Parliament, everybody was saying at the top of his voice that this black-marketing and hoarding must be stopped and therefore this law was necessary in spite of the provisions of Essential Commodities Act. In order to show that the Government does not want to protect these black-marketeers and hoarders through the backdoor, Sir, I have given this Amendment. This amendment says that it should be mentioned in this particular Act that these black-marketeers and hoarders who have been detained any time under the concerned Act, and whose detention has not been set aside by the tribunal or any court, shall not be entitled to this immunity under clause 3 (1). It may be urged that there is a difficulty, because anybody can go and purchase the bonds, but this precludes even investigation. I say that this provision for investigation should be there, and that those who have been detained under COFEPOSA or under the Prevention of Black Marketing and Hoarding Act should not be entitled to this benefit of immunity under clause 3(1). And then people will feel that the real intention of parliament and the real intention of this Government is not to protect black marketeers, hoarders and smugglers.

[Shri Bapusaheb Parulekar]

The last point is with reference to Amendments No. 3, 4 and 5. I will not say anything about them, because I have given a similar amendment under clause 4. I have suggested that this immunity should not be given to public servants. Therefore, I have said that no person, except a public servant, who has subscribed to these Bonds, shall be required to disclose etc. "Public Servant" means the same thing as defined in the Indian Penal Code which definition includes the hon. Members—Members of Parliament and members of Legislative Assemblies zilla parishads and panchayat samities. Otherwise a general impression has been created throughout the country that this particular Bill had to be enacted, to safeguard the black money of the politicians, Ministers and MPs that some of them have money outside, and they want to bring it here, and convert it into these bonds. If this is the impression and if the Government wants to remove that impression, it is absolutely necessary to have an exception, saying that this immunity should not be extended to the public servants. If some public servant—a Minister or an MP—has invested his amount in these black bonds as I call them sub-clause (1) of Clause 3 precludes investigation even if one has evidence, concrete evidence, tape recorded evidence telephonic conversation which has been taped, that evidence cannot be collected because of immunity granted under clause 3. I, therefore say: If we want to keep up the reputation of these institution—the Members of Parliament and Cabinet Ministers—it is absolutely necessary to accept this amendment. And if you negative this amendment, and if you don't accept this, People will feel that you also want to protect this particular section of the society. I, therefore, urge upon the hon. Finance Minister and say that a useful purpose will be served if you kindly accept this amendment. But you will be subjected to very heavy and

serious criticism if you reject this. Of course, the matter can be argued on both sides; but we have to see to whether the arguments and submissions are from the bottom of the heart of the Government I therefore again appeal to the hon. Finance Minister to consider accepting these amendments seriously, and say whether he is ready to accept them.

THE MINISTER OF FINANCE
SHRI R. VENKATARAMAN: So far as the amendment of Mr. Jatiya is concerned, it goes against the very principle of the Bill. The principle is that there should be anonymity, and if the Member wants that he must declare himself, the very object is defeated. Therefore, I am unable to accept this amendment.

In fact, I can tell him a story. A person went to catch a stork; and he could not catch it. He asked his friend....

SHRI JYOTIRMOY BOSU (Diamond Harbour): I will collect these stories into a small booklet and publish them at your cost.

SHRI R. VENKATARAMAN: Then he asked his friend: how to catch it. His friend advised him: "Put some butter on the head of the stork. It will melt, and blind it. Then you can catch the stork."

We want to say that unless it is anonymous, there will be no subscription to these Bonds. My friend says: "Ask the man to declare that he is the purchaser of the Bond." Therefore, it goes against the very principle of the Bill. And I am unable to accept it.

Shri Bapusaheb Parulekar made some very valid points, there is no doubt; and we have taken care of them in the Bill itself. So far as the public servant is concerned, we have said that the possession of Bearer Bonds will not give him any immunity against prosecution, in respect of

corruption, bribery and so on—and all those offences mentioned in the Indian Penal Code.

SHRI JYOTIRMOY BOSU: Mother-in-law and sister-in-law.

SHRI R. VENKATARAMAN: The whole trouble is that in-laws and out-laws create a lot of mischief. If there is any person against whom sufficient evidence, as Mr. Parulekar said, is there by way of tape-recorded evidence that he has indulged in offences of violation of custom laws and all that, then there is nothing which prohibits or which gives immunities through this Bill. All that it says is that the possession of this bond does not expose him for the explanation that would be called for. The customs officer cannot ask him where he got the bond from. Otherwise, on all other matters, whether he has committed a violation of the customs law, whether he has smuggled goods into this country, whether he has disposed of all these things, all those are still available and they will be enforced against him.

SHRI BAPUSAHEB PARULEKAR: You have mentioned in clause 2: "Nothing in sub-section (1) shall apply in relation to prosecution under the Indian Penal Code and prosecution under the Prevention of Corruption Act." It implied by means that you have excluded prosecution under the Customs Act. Why not include the Customs Act? That would be the argument and the people cannot be prosecuted in a court of law. So, no harm would be there if you include it along with this, as you say.

SHRI R. VENKATARAMAN: Prosecution in respect of what? (*Interruptions*) Prosecution is not in respect of violation of the Customs Law; prosecution is in respect of possession of these things. You know prosecution will not be merely because you are in possession of these bonds, not that if you commit an offence and the offence is established in respect of

violation of the Customs law, the fact, that you possess the bond will give an immunity to you.

SHRI BAPUSAHEB PARULEKAR: The investigation will be peculiar.

SHRI R. VENKATARAMAN: No. Investigation in respect of...

SHRI BAPUSAHEB PARULEKAR: This being an important point, I am taking your time. Kindly excuse me. Kindly take this case that the goods have been smuggled; they have been converted into bonds. The case is filed. Can the customs authority investigate into the matter? They will be precluded from investigation because of this clause.

SHRI R. VENKATARAMAN: My understanding of the law and the way in which I have framed it and as has been advised is that it does not preclude investigation into the offences against the custom laws. All that it precludes is that in respect of this possession, you cannot be prosecuted. If you say that a man is in possession of these bonds, he has not explained it and therefore you draw an inference that he has violated some other law, that alone is prohibited. But if you have other independent evidence that your man has committed an offence under these customs, laws and smuggled goods and has disposed of the goods in a particular way.. (*Interruptions*) No, the purchase of the bond is not relevant because the possession is not a thing which can be gone into; all other things can be gone into because the structure of the bond... I will explain where the difficulty is. Now, if he purchases them. For instance, this is a bearer bond. It circulates; it goes from hand to hand. He may not be a purchaser; he may not be an owner; it might have passed into his hands. Therefore, we cannot say that he has purchased it out of this particular violation of the customs law that he has made or smuggling activities in which he has indulged. But I want to

[Shri R. Venkataraman]

clarify that so far as an offence under the customs law is concerned, any independent evidence relating to the offence will always be admissible and will always be led in order to establish these facts that he has committed an offence under the customs law. The mere possession of these bearer bonds will not confer on him an immunity from such investigation.

The next point which he has mentioned is that persons detained once should not possess them.

Here again, the possession changes from hand to hand. Unless you are able to say who exactly is the owner, it will be difficult to say that X or Y is the purchaser and since it goes against the very concept of the Bill, I am unable to agree to this. The third point is about public servants I submit that it has been fully examined. We have taken note of it. We have thoroughly examined it. We thought that the provision about public servants is fully covered and any misdemeanour, misfeasance, malfeasance committed, bribery, corruption committed by public servants will be covered by it.

MR. DEPUTY-SPEAKER: Shri Satyanarayan Jatiya are you pressing your amendment?

श्री सत्य नारायण जटिया : उपाध्यक्ष महोदय, मैंने जो अमेण्डमेंट रखा है, उसको शायद माननीय वित्त मंत्री जी समझ नहीं पाये हैं। मेरा कहना यह है कि जो बिचरर बॉण्ड खरीद लेता है, और ये बॉण्ड इसलिए हैं कि जिनमें कि ब्लेक मनी राष्ट्रीय हितों में लग सके, उनके दाद खरीदने वाला यह तो घोषित करे कि अब उसके पास काला धन नहीं है। आखिर कहीं तो यह कालेधन भी प्राबल्य समाप्त होनी चाहिए। इसलिए मैंने यह सुझाव दिया है।

(Interruptions)

MR. DEPUTY-SPEAKER: Again, the name will be called. (Interruptions). He is not expecting.... (Interruptions) Not only that. I think you are....

(Interruptions)

MR. DEPUTY-SPEAKER: You have got every right to press for it. Now I put amendment No. 2 moved by Shri Satyanarain Jatiya to clause 3 to vote.

Amendment No. 2 was put and negatived.

MR. DEPUTY-SPEAKER: Now I put amendments Nos. 3, 4, 5, 6, 7 and 8 to clause 3, moved by Shri Bapusaheb Parulekar to vote.

Amendments Nos: 3, 4, 5, 6, 7 and 8 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3, was added to the Bill.

Clause 4—Acquisition, etc. of Bonds not to be taken into account for certain proceedings.

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 2, line 27—after 'person' intert 'except a public servant.' (9)

Page 2, line 32—after 'person' intert 'except a public servant.' (10)

MR. DEPUTY-SPEAKER: Now I put amendments Nos. 9 and 10 to Clause 4, moved by Shri Bapusaheb Parulekar to vote.

Amendments Nos. 9 and 10 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That clauses 5 to 9 stand part of the Bill."

The motion was adopted.

Clauses 5 to 9 were added to the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, the Enacting formula, the Preamble and the Title stand part of the Bill."

The motion was adopted.

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

MR. DEPUTY-SPEAKER: Now, the Minister may move the Bill.

SHRI R. VENKATARAMAN: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

Mr. Jyotirmoy Bosu, I think you have taken about one hour—more than one hour. Now in the Third Reading. (*Interruptions*).

SHRI BAPUSAHEB PARULEKAR: He did not take time on the Bill. He spoke on the resolution. (*Interruptions*).

MR. DEPUTY-SPEAKER: It has already been defeated. (*Interruptions*).

SHRI JYOTIRMOY BOSU: How do you say? I have got a list of three motions. On the LIC Bill, the

mover was given 40 minutes. Yesterday, about Harijans the mover was given 37 minutes. But Jyotirmoy Bosu gets 29 minutes. This is the standard you are maintaining. I will take it up. (*Interruptions*).

MR. DEPUTY-SPEAKER: Now please do not take more time.

SHRI JYOTIRMOY BOSU: Mr. Deputy-Speaker, kindly do not interrupt.

MR. DEPUTY-SPEAKER: I am not interrupting. I am only guiding you.

SHRI JYOTIRMOY BOSU: You do not have to guide. Speaker is not supposed to guide anybody. He can request the House.

(*Interruptions*)

Avaragal Venkataraman yesterday in his wisdom said something and I would like to contradict him. I would like him to go to the same headmaster whom he had quoted saying:

'Growing rich, on 40 pounds a year,

Though Vanquished will argue still."

Please go back to that headmaster because I will justify it now. (*Interruptions*).

Avaragal Venkataraman is a respected person in Tamilnadu also but he should not go and say it in a public meeting. He said yesterday:

"May I stop here? I thought Mr. Jyotirmoy Bosu—this humble self—is really one of the persons who is sure of his facts and always prepares very well."

It is good of him, I am grateful to him.

"He put a question for answer on 20th February, 1901, in which he asked about this very question. . ."

[Shri Jyotirmoy Bosu]

The answer is given on the next page, No. 12408 of the Uncorrected Debates:

"In view of the provisions in section 19 of the Foreign Exchange Regulation Act, 1975, no person can take the Bonds out of India except with the general or special permission of the Reserve Bank of India."

Let us see what the Foreign Exchange Regulation Act says. Here is the Foreign Exchange Regulations Act. I am not quoting from some phoney document. Section 19 of the Foreign Exchange Regulation Act, clearly says about security..

SHRI R. VENKATARAMAN: Bond is not security?

SHRI JYOTIRMOY BOSU: No, it is a receipt. It is a money receipt. It is not security. It is a money receipt. That is precisely why you are not accepting it as first security for overdraft. It can only be used as collateral security for overdraft.

SHRI SOMNATH CHATTERJEE (Jadavpur): It is under the guidelines.

SHRI R. VENKATARAMAN: I think Mr. Chatterjee must help him.

SHRI JYOTIRMOY BOSU: I do not require it. I consult my friend. But I can look after myself. I can assure you about it. You better help the lady Prime Minister, who is neither fish nor flesh and does not understand; she has a front of brass and feet of clay. I have said that many times.

Now we come to page 12414.

SHRI BAPUSAHEB PARULEKAR: Have you purchased that bond?

SHRI JYOTIRMOY BOSU: I was presented with it. It cannot be challenged. I am not returning it. Yesterday returned.

Avargale Venkataraman had said.. (Interruptions). 'Avargale' is a respectable term.

MR. DEPUTY-SPEAKER: You must put 'Avargale' after Venkataraman—Venkataraman Avargale. It is not a wrong word; it is a respectable word. But it should come after the name.

SHRI JYOTIRMOY BOSU: Who says so? You go to the old English book. You will find square fishman—Lakshman Square is a square..... (Interruptions).

MR. DEPUTY-SPEAKER: You are always right.

SHRI JYOTIRMOY BOSU: I am not always right. But that is what he told me.

Kindly come to page 12414. My respected elder friend, the Finance Minister said:

"The only other valid point which requires answer in the half-hour speech of Mr. Jyotirmoy Bosu is: how will you repay the foreign subscribers? If he has read the Bill, he will note that we are repaying only in rupees and we are not bound to repay in foreign exchange."

If he has read the Bill—Now, I shall take any punishment that the House may bestow—and he must stand up and say, "I shall take any punishment"—if he could point out in the Bill that there is any provision about repayment. There is none at all. I read it three times. I made three persons read it last time. There is no provision in the Bill. Mr. Venkataraman in his wisdom at this stage, under the evil influence of Mrs. Gandhi, has chosen to mislead the House.

Now Mr. Deputy-Speaker, I must thank Venkataraman avargale once again for lending me the bond. This time I do not propose to return it. Yesterday I returned it for taking it back to me. He has made a gift. After all he is like an elder brother of mine.

SHRI SOMNATH CHATTERJEE: What is the value of it?

SHRI E. VENKATARAMAN: Not worth even a toilet paper.

SHRI JYOTIRMOY BOSU: It says:

"The President of India hereby promises to pay the bearer at any office of the Reserve Bank or in any of the branches of the State Bank of India and its subsidiary banks in India."

Has the State Bank of India not got a branch in London and branches in the United States of America? Has the Reserve Bank not got various establishments here and there? (*Interruptions*) I am only trying to understand that if somebody presents this bond at Moregate Branch of the State Bank of India in London, they will have to pay this money—Rs. 12000/- Indian currency. A man sitting in London and receiving Rs. 12,000/- what does he do with it? He blackmarkets it. He gives it to those agencies which want to use it for various anti-Indian activities. This is what I have been trying to emphasize or hammer into the head of the Government. Why did you make this bond saleable abroad? Because you are under obligation of certain big powers. And they had to be consulted in the matter. They need not consult the Governor of the Reserve Bank. Did they consult all the cabinet colleagues?

SHRI SOMNATH CHATTERJEE: The Finance Minister was not consulted.

SHRI JYOTIRMOY BOSU: I have other information. He might have consulted my old friend, Ramachandran, our old colleague. But that is a different thing. He need not say anything. He is a good friend of ours. I am sorry to say that he is not here.

I am only saying that why is it that they have gone to sell it abroad? This will be a real thorn in the flesh. For coming 10 years this will be moving in concord up and down for smugglers,

for subversion work, for buying election funds. How much money did come from Middle-East countries last year? They have to buy Indian currency. This time this will be replaced by bonds. Therefore, Venkataraman *avargale* what you have stated to me kindly state it to your departmental people. Let them answer. I had an impression that you could not be hoodwinked by this 7-page note closely typed by bureaucrats. Now I am about to change my opinion.

I had made a foolproof case about the 'National Herald' yesterday that they were able to get over Rs. 82 lakhs in their books of accounts during Janata regime. When there was a strike I had an access to the documents. It is not all. That is the money which they had shown as received from phoney agents all over the country with a circulation of 2500, complimentary 1500. But what happened to the newsprint....

SHRI P. RAJAGOPAL NAIDU: How is it relevant here?

SHRI JYOTIRMOY BOSU: Rajagopal Naidu Garu, it is generation of black money.

What happened to that money that they had got out of sale of excess newsprint in the black market? I would like to put it to the Finance Minister that decency demands that a special inquiry be instituted against the 'National Herald' on the black money charges brought against it. If he does not do it, I will consider that he has sold his soul, head and shoulder over to the lady for getting a puny job here.

14.00 hrs...

श्री गिरधारी लाल व्यास (भीलवाड़ा)
उपाध्यक्ष महोदय, यह काले घन से सम्बन्धित स्पेशल बीयरर बांड का जो बिल है, इस पर पहले तो आपने मुझे बोलने नहीं दिया, मगर मैं अब इसका समर्थन कर रहा हूँ और इसके सम्बन्ध में मैं यह निवेदन करना चाहता हूँ कि जो पिछली दफ्ते पहली सरकार

[श्री गिरधारी लाल व्यास]

बनी, यह क.ल. घन किस तरह से देश में फैल, यह म.कि.सिस्ट लोग बैठे हुए हैं इनकी सरकारें तीन प्रान्ती के अन्दर है, यहाँ जब बैंक मार्केटिंग के खिलाफ, हाईसे के खिलाफ जा कानून लाया गया उसको इम्प्लीमेंट करने से इनकी सरकारों ने मना कर दिया और इस वजह से ज्यादा काला घन इस देश में पैदा हुआ

SHRI BAPUSAHEB PARULFKAR:
Sir, I am on a point of order.

SHRI GIRDHARI LAL VYAS:
Under what rule?

SHRI BAPUSAHEB PARULEKAR:
The rule I am quoting is 376. Why don't you wait for a moment, at least at this age? My point is this. This is the third reading. The rule says that in the third reading a Bill cannot be supported. He is supporting the Bill. Let him oppose the Bill, I have no objection, but he cannot support the Bill. You have to follow this rule, which is very clear. I did not oppose it, until he started supporting the Bill. Sir, you know this rule very well, because you had occasion to refer to this rule on certain occasions. So, you ask him to sit down or to oppose this Bill.

SHRI GIRDHARI LAL VYAS: I cannot oppose it.

SHRI BAPUSAHEB PARULEKAR:
You cannot support the Bill.

SHRI GIRDHARI LAL VYAS: I can speak whatever I like.

SHRI BAPUSAHEB PARULEKAR:
No, you are governed by the rules.

PROF. MADHU DANDAVATE: I demand that he should be allowed to speak and oppose the Bill.

MR. DEPUTY-SPEAKER: Rule 94 says:

"The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character."

SHRI BAPUSAHEB PARULEKAR:
I take this as your ruling.

MR. DEPUTY-SPEAKER: I am quoting the rule.

SHRI BAPUSAHEB PARULEKAR:
that is exactly what I say. It is your ruling.

श्री आचार्य भगवान देव (अजमेर) :
चोर की दाढ़ी में तिनका है क्या जहाँ यह आपत्ति उठा रहे है ?

SHRI JYOTIRMOY BOSU: Sir, I am on a point of order.

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
AND DEPARTMENT OF PARLIAM-
ENTARY AFFAIRS (SHRI P.
VENKATASUBBAIAH): Let him
quote the rule.

SHRI BAPUSAHEB PARULEKAR:
Even when there are no rules, there are conventions and precedents, You know all that.

SHRI GIRDHARI LAL VYAS: Sir, may I submit

MR. DEPUTY-SPEAKER: He is rising on a point of order. Please wait.

SHRI GIRDHARI LAL VYAS: I think he has no point of order.

SHRI JYOTIRMOY BOSU: I accept your ruling.

MR. DEPUTY-SPEAKER: Mr. Vyas, be brief.

श्री गिरधारी लाल व्यास : उपाध्यक्ष महोदय, मैं कह रहा था कि काला धन इस देश में किस तरह से बढ़ा। हमारी सरकार ने आते ही यह बिल लाने की कोशिश की जिसका इन्होंने यहाँ पर भयंकर विरोध किया। इसके बाद इनकी सरकारों ने, जो सरकार यहाँ पर थी, उन्होंने भी कहा काला धन और बैंक मार्केटिंग्स के सम्बन्ध में जो कानून पार्लियामेंट ने बनाया उसको हम अपनी स्टैंड्स में लागू नहीं करेंगे। इधर भारतीय जनता पार्टी के लोग बैठे हुए हैं, पहले जनता पार्टी में थे, इनकी सरकारों ने भी इन कानून को लागू करने से मना कर दिया। इस प्रकार से सारे देश में जितनी भी 11 सरकारें थी दम्पनिस्ट मार्किनिस्ट पार्टी की और जनता पार्टी की

उन तमाम सरकारों ने इस कानून को लागू न कर के इस देश के बैंक मार्केटिंग्स, होर्डिंस और स्मगलर्स को भारी प्रोत्साहन दिया जिस से इस देश का काला धन बढ़ा है, आज यही इसकी निन्दा कर रहे हैं। मेरा कहना है कि यही लोग हैं जिनकी वजह से काला धन बढ़ा है।

आपको उपाध्यक्ष महोदय, याद होगा इसी फ्लोर पर एक मेम्बर ने कहा था कि बंगाल और बिहार से 50 लाख टन कोयला बिना कानून के निकाला जा रहा है। मैं जानना चाहता हूँ कि वह कौन से लोग हैं जो 50 लाख टन काला सोना निकालते हैं और उसको स्मगल करते हैं? (व्यवधान) . .

मैं इस कोल को कोयला न कह कर काला सोना कहता हूँ। इसे इस तरह से निकाल कर ये कालेधन को बढ़ावा दे रहे हैं। फिर यहाँ शिकायत करते हैं। इस प्रकार के कार्य ये लोग कर रहे हैं।

MR. DEPUTY-SPEAKER: Please conclude. This is the last stage.

श्री गिरधारी लाल व्यास : उपाध्यक्ष महोदय, मैं इनकी काली कार्रवायों के बारे में बताना चाहता हूँ, यही तो यह कहते जाते हैं।

इन्होंने उस समय में 500 रुपये तोला सोना बेचा, आज उसके भाव क्या है? इन्होंने उस समय सोना बेचकर बहुत-सा काला धन कमाया है। ये भी जनता पार्टी के लोगों के कारनामों में हैं जिनकी वजह से देश में काला धन बढ़ा है। हमारे वित्त मंत्री जी इसको कण्ट्रोल करने की कोशिश कर रहे हैं और ये लोग इसका विरोध कर रहे हैं। इसलिए मैं वित्त मंत्री जी के इस कार्य का पूर्ण समर्थन करता हूँ और जिन्होंने इस देश में काला धन बढ़ाया है, उनकी निन्दा करता हूँ।

SHRI G. M. BANATWALLA (Pon-nani): Mr. Deputy-Speaker, Sir, the hon. Finance Minister has moved "That the Bill be passed". I rise in support of that motion.

SHRI CHITTA BASU: Then what is the need for your speech?

SHRI G. M. BANATWALLA: This Bill represents a practical or pragmatic realisation of the exigencies of the present economic situation. I must say that we would have blamed the Government, had no attempt whatsoever been made to ferret out the black money and deal with the situation. It is, therefore, good that a step has been taken.

I have been a patient listener to the various arguments that were being advanced against the Bill. I am constrained to remark that the arguments were mostly based on nothing but allegations. With respect to those allegations, I may only submit that they are hallucination of a morbid mind. Why go on finding out sinister motives in every step that has been taken?

There are certain drawbacks in the present measure; there are certain

[Shri G. M. Banatwalla]

disturbing factors. For example, why is this bond being made saleable abroad? That can create certain difficulties. My appeal to the Government will be to consider such drawbacks seriously and find out a method by which no foreign power may be in a position to play any havoc with our political or economic system. So, there are certain drawbacks and certain disturbing features of the Bill, and they will have to be taken care of.

An hon. Member rises to argue that there is no upper limit to the amount that will be raised by special bearer bonds and, therefore, there is no limit to the burden that will be placed upon the Exchequer when it will be called upon to pay back the money. On the one hand they say that the special bearer bonds will be a flop and on the other hand they are worried that there is no upper limit.

Another hon. Member got up to say that the fact that the hon. Finance Minister has pointed out that a thousand crores of rupees will be realised the fact that a particular amount has been indicated shows that certain dealings have been made. These are all conflicting and contradictory statements that are coming forward. - I appeal to one and all to make this measure a success for the success of the economy of our country.

Sir, we are in a difficult position. It is good that the attempt has been made to ferret out the black money howsoever small that attempt may be. It is good that an attempt has been made to mop up the considerable liquidity that is there in our economic system howsoever defective that measure may be. It is also good that a thousand crores of rupees are expected to be realised and used for the economic development of our country at a very cheaper cost.

With these words, I support the measure, though urging upon the Government to be very careful to see

that the disturbing features of the Bill are done away through some method or the other.

SHRI A. K. ROY (Dhanbad): Sir, I had no intention to speak on this Bill. But, Sir, I was provoked to speak after reading an article in *Surya* edited by Shrimati Maneka Gandhi. What has surprised me is that they advocated that black money should be there for the benefit of the country and for the benefit of democracy. I would read a few lines from this and I think that whether our bonded Finance Minister....

(Interruptions)

MR. DEPUTY-SPEAKER:you want any reply from him?

SHRI A. K. ROY: I am saying 'bonded'. What I mean is physiologically bonded. I have been inspired by this and I am quoting....

MR. DEPUTY-SPEAKER: Please quote one or two sentences only because your time of three minutes will be over.

SHRI A. K. ROY: "The other area of activity where black money is crucial is in politics. Indeed, it is no exaggeration to say that black money is the foundation stone on which India's cherished democracy is based. The basis of our democratic system is free and fair elections, and while the elections may be fair, they are certainly not free." So, in this way they are advocating black money.

Sir, I would like to make one or two points.

आचार्य भगवान देव : यह आर्टिकल श्रीमती मेनका गांधी का है या श्रीर किसी का ? उसका लेखक कौन है ? (व्यवधान)

SHRI A. K. ROY: This is a special article.

(Interruptions)

MR. DEPUTY-SPEAKER: You must read it in the context. That is all right.

(Interruptions)

SHRI A. K. ROY: Everybody knows in this country that this magazine has been brought out by these people and this reflects their internal feelings, their observations, their judgment and their outlook and so when they say that black money is essential and should be institutionalised

(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Roy, please be to the point and complete your speech.

SHRI A. K. ROY: I wonder where will this politics of permissiveness lead to? They have a unique way of ruling this country. There was liquor poisoning, the solution that the Government found was to open more wine shops. There is tax evasion. The solution that the Government finds is to reduce the level of personal tax. There is anti-reservation movement. The solution this Government has is to wind up carry forward system. This Government is stepping behind on every subject. There is resistance from the private sector. The solution from the side of the Government is to dilute private sector.. (Interruptions) There should be some limit to third degree treatment. We would give third degree treatment to this Bill.

The basis of our Constitution is that fundamental rights are the root, directive principles are the shoot. That means, we should proceed towards that.

MR. DEPUTY-SPEAKER: Therefore, you oppose this Bill.

SHRI A. K. ROY: I do not oppose but I want to expose this Bill. If you say that we are slowly proceeding towards the directive principles, we have no objection. Speed may be high, speed may be low....

MR. DEPUTY-SPEAKER: Nobody can catch up with your speed.

SHRI A. K. ROY: We are sliding back. We are on the retrieve. De-

initely, it is a matter of concern. But we are making a mockery of our Constitution. That is why it is against the spirit of our Constitution. It is a betrayal. It is a treachery to our total fundamental concept of Indian morality.

My last point is that there should be some justification for the use of ordinance. It may not be justiciable but it should be justifiable. We are at the third reading. We are at the journey's end. There is no doubt about it. If he is not really bonded, then he should stand up and explain the urgency of making ordinances of such obnoxious nature.

SHRI SOMNATH CHATTERJEE (Jadavpur). Various points which were raised during the discussion earlier, were not answered, unfortunately, by the Finance Minister. We wanted to know the amount of assessed levied outstanding taxes—taxes which have been assessed and found due and payable but have not been realised. The hon. Minister said that it is only a part of the budgetary exercise that he has formulated this proposal. He has not got that much of confidence that this will have really any impact on the black economy in this country. Therefore, to make budgetary provision to avoid levying new tax, he has formulated this proposal. He said that if this law is struck down by the Supreme Court, he will have no option but to levy taxes. Therefore, in lieu of taxation he is providing for this. I want to know why cannot you get this Rs. 300 crores, or Rs. 500 crores or Rs. 1,000 crores out of the assessed tax payable and outstanding. I ask the Finance Minister to tell the House what is the difficulty in realising tax from these big business monopoly houses and so on and so forth?

SHRI R. VENKATARAMAN: You know that.

SHRI SOMNATH CHATTERJEE: I do not know that. I want you to tell the people in the country.

[Shri Somnath Chatterjee]

Certain people in this country do not believe in paying taxes which are assessed and are payable by them. They do not believe in making full disclosure of their income. In many ways they are benefited. They are assessed; they do not pay their tax. They do not disclose the income; they get the benefit of that.

Thirdly, there is now a whitening process of that black money without any question. I say, a new class of citizens is being created in this country. Suppose a person has a big house and he wants to sell it. He sells it and, if he invests the money in bearer bonds—this is very important—he is exempted from payment of wealth-tax; if he makes a gift of that bearer bond, he is exempted from payment of gift tax and when he dies, the bearer bonds will not be liable to be included in the estate duty return. Therefore, a certain section of the people in this country will not pay taxes on the basis of disclosed income and will not pay taxes on the money which he is suppressing. He is creating a whole new class of people in the country to whom the revenue laws do not apply.

I find, there are some people who are more loyal than the king or the queen. Many things have been suggested. Are we not answerable to the future generation of this country? The Lok Sabha is passing a measure which the hon. Minister himself has admitted it to be immoral. He has been at least fair enough and we know that we can expect that amount of fairness and candidness from our present Finance Minister who said, "This is an immoral Bill, there is no equity behind it. What can I do to avoid more taxes?". He wants to give an impression to the middle class people in the country that he is so much concerned about them; he is giving relief to them; he is eliminating so many assesses in this country

and, therefore, to be good to the people, he mops up the resources by increasing the prices of steel, petroleum products, drugs, etc. These things are not brought in the Budget. The budget is given an appearance of a very soft one to the middle class at least; the middle class has been given a respite. The whole basis of calculation is on the basis of an immoral Bill. His confession is that it is an immoral Bill.

I think we owe a duty to our future generation also that for a very temporary, speculative, chance benefit, that he wants to take out of this law, he is polluting the entire revenue system in this country. The Lok Sabha is being polluted and the concept is being brought in for which he can only find his company with Argentina or Shri Lanka or Philippines. This is the company he wants to keep.

That is why I say, we object to this Bill. We have made various points. It may not have impressed many of our friends here. But the people of the country are asking: Is this a benefit, a gift, for honesty? I am honest but a gift is being given to the dishonest. Is this the philosophy of this Government. That is what the people of this country are asking. May be, the hon. Finance Minister says, we shall go to the people in 1985. But don't think that the people will be at the receiving end for years and years together.

With these words, I oppose the Bill.

SHRI R. VENKATARAMAN: Mr. Deputy Speaker, Sir, I would first answer the points raised by my esteemed friend, Shri Somnath Chatterjee I am sorry, he has distorted my entire speech. He mixed up several things which I said and put it in such a way as if I had said all that he had said.

SHRI SOMNATH CHATTERJEE: That is how you are understood by the people.

SHRI R. VENKATARAMAN: I will clarify it, now.

SHRI SOMNATH CHATTERJEE: I am giving you an opportunity.

SHRI R. VENKATARAMAN: Thank you.

I said that the primary objective was to control the liquidity in the economy without which the prices cannot be stabilised. We have tried all methods and we have not succeeded. This is one of the methods which has been suggested from the time we became independent, right from 1947 onwards. This is one of the methods which has been suggested even by the dissenting minute in the Wanchoo Committee Report.

This is a method which....

SHRI JYOTIRMOY BOSU: What about the committee reports?

SHRI R. VENKATARAMAN: I say that there are different opinions. There are a number of members, on this side and the others who have suggested this kind of bond and, therefore, I will take this experiment. And I said than in reply to a question. You have also said that "this will go to fill your Budget this year. What will you do if the court strikes it down?" That was in relation to a different question and therefore, I suppose these two are independent. Now, in reply to the differnt question namely "What will you do if the bond is struck down?" I said "I will come with additional taxation". That is the thing which we will have to do.

SHRI SOMNATH CHATTERJEE: In lieu of that thing?

SHRI R. VENKATARAMAN: It is not....

I said there are two things. First is I want to control liquidity. We have tried several methods and we have not succeeded. This is one of the methods which I am going to try.

SHRI JYOTIRMOY BOSU: I do not agree to this method.

SHRI R. VENKATARAMAN: You may agree. You may not agree. So long as we have the discretion to administer the country in accordance with our judgment, you cannot say that I must administer according to your judgment. (*Interruptions*).

Then the next point which is raised by Shri Somnath Chatterjee was how much money is in arrears. I will give the figures. Out of the arrears of taxes on 31-3-1980 for which accounts are available, it is Rs. 11,100 crores, Rs. 422 crores had not fallen due for collection because you know the time allowed is 35 days. You are practising lawyer.

SHRI SOMNATH CHATTERJEE: Even as an assessee I know.

SHRI R. VENKATARAMAN: Then the amount which has been stayed by courts. This is what I said, you know, is about Rs. 175 crores.

SHRI SOMNATH CHATTERJEE: This is the monopoly of some of your big lawyers on your side.

SHRI R. VENKATARAMAN: Actually, it is about Rs. 580 crores which are and even in that, a number of instalments have been given, by various authorities connected with it. To say that we would have collected all the amount and then would have filled the gap, is not realistic, because on the break-up which I have given, it is seen that the instalments, stay orders, then, in respect of the amounts not being due, the balance is very small and that will not really go to reduce or mop up the liquidity in the economy.

Then Shri Somnath Chatterjee said that I am in great company of some countries. I am also in the company of countries like France. France tried this experiment and to a large extent succeeded. I do not think Shri Somnath Chatterjee will say that the experiment which France tried, should not be tried in India.

:[Shri R. Venkataraman]

The next point which Mr. Chatterjee made was that these people do not pay any tax. I have taken pains to explain that actually when a person subscribes for these bonds, he foregoes as much as 39 per cent of the amount.

SHRI SOMNATH CHATTERJEE: Don't eulogise them for the so-called sacrifices. It does not behove you to say that. Don't do that.

SHRI R. VENKATARAMAN: Sir, please read the record. Did I say sacrifice? No I said forego. The difference between forego and sacrifice, you know. Please read the record. I said I did not use the word sacrifice. I said they forego. Actually they forego (*Interruptions*).

I want to explain to the House that this 39 per cent is higher than what the legitimate tax-payers pay. The average rate of tax even though the marginal rate is 66 per cent, is only 25 per cent, after giving the various reductions and all that. Average rate of income-tax is only 25 per cent and these people forego, as I said last time, 39 per cent. Therefore, we are not making any great concession to these people as different from those who pay legitimate tax. This is a point which I would like to consider.

Then I will come to my esteemed friend, Mr. Jyotirmoy Bosu.

MR. DEPUTY-SPEAKER: 'Joytoirmoy Bosu Avarhale.'

SHRI R. VENKATARAMAN: Mr. Jyotirmoy Bosu is one of my friends who never accepts defeat, he will never be defeated.

SHRI JYOTIRMOY BOSU: You should say, "He can never be defeated".

SHRI R. VENKATARAMAN: When you never accept defeat, how can anybody defeat you? (*Interruptions*) That is why I said, 'like the village school master' in Goldsmith's poem.

He said that "a person is entitled to take these bonds outside the country", and when I drew his attention to section 19 of the F.E.R.A. which reads as follows....

SHRI SOMNATH CHATTERJEE: Mr. Venkataraman, you have used the word 'sacrifice' here—this is the Debate.

SHRI R. VENKATARAMAN: If I have said that, I apologise; I withdraw.

SHRI SOMNATH CHATTERJEE: Sir, I give him an opportunity to correct it in the uncorrected copy.

MR. DEPUTY-SPEAKER: This is an uncorrected statement.

SHRI R. VENKATARAMAN: After all, I am not infallible. Thank you.

SHRI JYOTIRMOY BOSU: Therefore, do not criticise me.

SHRI VENKATARAMAN: I had always intended to use the word 'forego'. Sometimes it happens when you speak.

The point is this. Section 19 of the F.E.R.A. reads as follows:—

"Notwithstanding anything contained in section 81 of the Companies Act, 1956, no person shall, except with the general or special permission of the Reserve Bank, take or send any security to any place outside India."

Shri Jyotirmoy Bosu's argument is that these bonds are not securities. May I call to my help distinguished lawyers like Shri Jethmalani and Shri Somnath Chatterjee?

SHRI JYOTIRMOY BOSU: I am still maintaining that it is a receipt.

SHRI R. VENKATARAMAN: He still maintains! Now, I will read...

SHRI JYOTIRMOY BOSU: Mr. Venkataraman, kindly tell me, then, why it has to play the role of a collateral security and not of a first security.

SHRI R. VENKATARAMAN: You cannot divert me from my line of argument. Please refer to....

SHRI RAM JETHMALANI: You read the definition of 'security'.

SHRI R. VENKATARAMAN: I am going to read the definition of 'security', section 2 of the F.E.R.A. Mr. Jyotirmoy Bosu. 'security' means:

"..shares, stocks, bonds, debentures, debenture stock...." etc.

SHRI JYOTIRMOY BOSU: It is 'Special Bearer Bond'.

SHRI R. VENKATARAMAN: I acccept defeat.

SHRI JYTIRMOY BOSU: It is 'Special Bearer Bond', not registered bond. You should call it like this: 'Bond' means Special Bearer Bond.

SHRI JYOTIRMOY BOSU: It is Mr. Jyotirmoy Bosu argues like this in any court, I am sure what answer he will get.

SHRI JYOTIRMOY BOSU: Mr. Jethmalani will make a thousand guineas on this.

SHRI R. VENKATARAMAN: Therefore, the argument that bonds are not securities is untenable.

The second point which he made was with regard to repayment. A notification was issued in respect of the Special Bearer Bonds. It is a Gazette Notification which is a public document. The Notification says....

SHRI JYOTIRMOY BOSU: On the face of the bond, what the President promises, what the Governor, Reserve Bank, on behalf of the President, promises, that is what the bone of contention is.

SHRI R. VENKATARAMAN: The Notification which issues the Bearer Bonds says:

"The repayment in all cases will be made in India in Indian Rupees."

SHRI JYOTIRMOY BOSU: What do you say on the Promissory Note?

"The President of India hereby promises to pay the bearer at any office of the Reserve Bank of India or any Branch of the State Bank of India, and its subsidiary Banks in India...."

SHRI R. VENKATARAMAN: Read on, please.

SHRI JYOTIRMOY BOSU:

"... a sum of Rs. 12,000 only on the expiry of a period of 10 years from the date of sale hereof. No other interest will be payable. The bond is issued subject to.."

SHRI R. VENKATARAMAN: 'subject to the provisions ...'

SHRI JYOTIRMOY BOSU: I am not going into that.

SHRI R. VENKATARAMAN: "Subject to the provisions of this Notification".. That is all right. Thank you.

SHRI JYOTIRMOY BOSU: Half a minute. You should go and rest now.

The question is: are they anxious to fill the pockets of our friends sitting here by providing them law suits? A man will sue them in London. Everytime there is a hearing here, it will cost him £ 2000 by this 'Any Branch of the State Bank of India.' ... Mr. Venkataraman, I yield to you.

SHRI R. VENKATARAMAN: I also admit that in the course of this uncorrected statement, of course, by the slip of the tongue, instead of saying 'notification', I said 'Bill'. I am sorry. When you go on referring to various papers, the Bill was there and I did not see the Notification. So it happened. Therefore, you are right ...

SHRI JYOTIRMOY BOSU: I am not bringing any privilege motion against you.

SHRI R. VENKATARAMAN: Sir, I am giving Shri Jyotirmoy Bosu half a mark for that statement.

Sir, the matter about the *National Herald* has been replied to by me. I have stated so far as the Appellate Authority is concerned and the Income-tax Officers are concerned, while he has accepted ...

SHRI JYOTIRMOY BOSU: Sir, I am handing over this explosive to him

SHRI R. VENKATARAMAN: Sir, I have already explained that the Appellate Income-tax Authorities have accepted the statement that it was business income. In fact, it is not a case of any money which was suppressed or withheld. It was a money which was brought in and disclosed and the question was: what is the character of the money?

Lastly, when this question of the previous Voluntary Disclosures Scheme of 1975 was discussed, the representative of the Department of Revenue stated-

"The father of the idea is not available from records ... We found a foundling at our door."

Sir, I want to place on record that the father of these Bearer Bonds is myself so that on future occasions nobody need be worried .. (Interruptions) No, it is not his.

SHRI JYOTIRMOY BOSU: Sir, off the record ...*

SHRI SOMNATH CHATTERJEE: Off the record here?

MR. DEPUTY-SPEAKER: What ever he asks will not go on record.

SHRI R. VENKATARAMAN: It is conceptually mine. I have sincerely believe in the efficacy of this and I have put it forward and I take the full responsibility for its success.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

The Lok Sabha divided:

Division No. 14]

[14-46 hrs.

AYES

Abbasi, Shri Kazi Jalil
Ankineedu Prasad Rao, Shri P.
Arakal, Shri Xavier
Azad, Shri Bhagwat Jha
Banatwalla, Shri G. M.
Bansi Lal, Shri
Barot, Shri Maganbhai
Barway, Shri J. C.
Bhagat, Shri H. K. L.
Bhagwan Dev, Acharya
Bhatia, Shri R. L.
Bhole, Shri R. R.
Brar, Shrimati Gurbrinder Kaur
Chakradhari Singh, Shri
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandu Lal
Das, Shri A. C.
Dennis, Shri N.
Dhandapani, Shri C. T.
Digvijay Singh, Shri
Dubey, Shri Ramnath
Fernandes, Shri Oscar
Gadgil, Shri V. N.
Gomango, Shri Giridhar
Gouzagin, Shri N.
Gowda, Shri D. M. Putte
Jain, Shri Bhiku Ram
Jamilur Rahman, Shri
Jena, Shri Chintamani
Khan, Shri Arif Mohammad
Khan, Shri Zulfiquar Ali

*Not recorded.

Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Kuchan, Shri Gangadhar S.
 Mahajan, Shri Vikram
 Meena, Shri Ram Kumar
 Mehta, Dr Mahipatray M.
 Mishra, Shri Gargi Shankar
 Misra, Shri Harinatha
 Misra, Shri Nityananda
 Mohsin, Shri F. H.
 Mundackal, Shri George Joseph
 Murthy, Shri M. Rajashekhara
 Murthy, Shri M. V. Chandrashekhara
 Muttemwar, Shri Vilas
 Muzaffar Hussain, Shri Syed
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naik, Shri G. Devaraya
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Nihal Singh, Shri
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Ahmed Mohammed
 Pattabhi Rama Rao, Shri S. B. P.
 Potdukhe, Shri Shantaram
 Rane, Shrimati Sanyogita
 Ranga, Prof. N. G.
 Rao, Shri Jagannath
 Rao, Shri M. Nageswara
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 *Sait, Shri Ebrahim Sulaiman
 Satish Prasad Singh, Shri

Satya Deo Singh, Prof.
 Sebastian, Shri S. A Dorai
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharama, Shri Kali Charan
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shankar Dayal
 Shiv Shankar Shri P.
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Sukhbuns Kaur, Shrimati
 Sultanpuri, Shri Krishan Dutt
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Tiwari, Shri Chandra Bhal Mani
 Tripathi, Shri Kamalapati
 Varma, Shri Jai Ram
 Velu, Shri A. M.
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Vyas, Shri Girdhari Lal
 Yadav, Shri Ram Singh
 Yazdani, Dr. Golam
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Azmi, Dr. A. U.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy

*He voted by mistake from a wrong seat and later informed the Deputy-Speaker accordingly.

Chatterjee, Shri Somnath
Chaudhuri, Shri Tridib
Choubey, Shri Narayan
Choudhury, Shri Saifuddin
Dandavate, Prof. Madhu
Das, Shri R. P.
Ghosh Goswami, Shrimati Bibha
Giri, Shri Sudhir
Goyal, Shri Krishna Kumar
Horo, Shri N. E.
Kodiyar, Shri P. K.
Mahata, Shri Chitta
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mandal, Shri Sanat Kumar
Negi, Shri T. S.
Ngangom Mohendra, Shri
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Pathak, Shri Ananda
Rajda, Shri Ratansinh
Rakesh, Shri R. N.
Riyan, Shri Baju Ban
Roy, Shri A. K.
Roy Pradhan, Shri Amar
Saha, Shri Ajit Kumar
Sen, Shri Subodh
Shejwalkar, Shri N. K.
Singh, Shri B. D.
Suraj Bhan, Shri
Tirkey, Shri Pius
Zainal Abedin, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result of the division is: — — —

Ayes: 99; Noes: 40.

The motion was adopted.

14.45 hrs

**STATUTORY RESOLUTION REs.
PROCLAMATION IN RELATION TO
STATE OF MANIPUR, MANIPUR
BUDGET, 1981-82—GENERAL DIS-
CUSSION, DEMANDS* FOR GRANTS
ON ACCOUNT (MANIPUR), 1981-82,
AND**

**SUPPLEMENTARY DEMANDS* FOR
GRANTS (MANIPUR), 1980-81**

MR. DEPUTY-SPEAKER: The House will now take up items No. 13, 14, 15 and 16 together. Giani Zail Singh to move the Statutory Resolution.

**THE MINISTER OF HOME AF-
FAIRS (SHRI ZAIL SINGH):** Sir, I beg to move:

"That this House approves the Proclamation issued by the President on the 28th February, 1981 under Article 356 of the Constitution in relation to the State of Manipur."

Election to Manipur State Assembly were held along with the Election to Lok Sabha in January, 1980. No party was able to get an absolute majority. A coalition Ministry comprising of Congress (I), Congress (U) and Manipur People's Party, headed by Shri R. K. Dorendra Singh was

@The following Members also recorded their votes:

AYES: Sarvashree Zail Singh, T. V. Chandrasekharappa, B. K. Nair, Prof. Narain Chand Parashar, Sarva shree P. Shanmugam, B. V. Desai, P. Penchalaiah, G. S. Nihal singh wala, Birbal, M. S. K. Sathiyendram and Subhash Chandra Yadav.

NOES: Shri M. Ramanna Rai.

*Moved with the recommendation of the President.