

[Mr Deputy-Speaker]

body else said certain things to somebody else there and strong objection was taken, I did not hear it but Mr Mody raised his voice and said that a particular expression was used which should not have been used against each other. It is most unfortunate. That should not go on record. That will not go on record.

SHRI R N GOENKA Can you call a Member like that? I take strong objection to it.

MR DEPUTY-SPEAKER It will be wise, Mr Goenka if you at this stage contain yourself and be patient until the Speaker gives you a chance to make a personal explanation. If you lose your balance now and get excited then you only provoke other members.

SHRI PILOO MODY I would like to know why there is no decision on this today.

MR DEPUTY-SPEAKER I don't know anything. Order please.

जी रामाशरार शास्त्री (पट-1)  
 हम भी यह जानना चाहते हैं कि उन  
 विपक्ष विरुद्ध नैकजन न मुद्दमा चल रहा  
 है ?

MR DEPUTY-SPEAKER Shri Parashar

15 15 hrs

STATUTORY RESOLUTION RE DIS-  
 APPROVAL OF MAINTENANCE OF  
 INTERNAL SECURITY (AMEND-  
 MENT) ORDINANCE

and

MOTION RE DISAPPROVAL OF  
 PRESIDENTIAL ORDER SUSPEND-  
 ING CITIZENS' RIGHT TO MOVE  
 A COURT AGAINST DETENTION  
 ORDERS UNDER MISA

and  
 CONSERVATION OF FOREIGN EX-  
 CHANGE AND PREVENTION OF  
 SMUGGLING ACTIVITIES BILL—  
 Contd.

PROF NARAIN CHAND PARA  
 SHAR (Hamirpur) Sir, yesterday,  
 I was referring to the enormous  
 dimensions that the problem of smug-  
 gling has assumed. According to the  
 Kaul Committee report there was con-  
 sumption of illegal foreign exchange  
 to the order of Rs 160 to Rs 170 crores  
 per year and, Sir, it is very distur-  
 bing to discover that a parallel Re-  
 serve Bank has been set-up by the  
 smugglers in Kalba Devi at Bombay  
 which has a capital of Rs 1,500 crores.  
 The problem is concerning so many  
 points.

First of all this has the fiscal angle  
 which should get the attention of this  
 House. So much of foreign exchange  
 is lost. We are given to understand  
 that seizures to the order of as much  
 as Rs 17 lakhs per day are taking  
 place. Then there is a social angle.  
 We must understand that even such  
 an august body as the Law Commis-  
 sion was forced to comment that it  
 may be brought under the purview of  
 preventive detention. The Law Com-  
 mission in its 47th report observed  
 that item No 9 in List I of the Seventh  
 Schedule may be amended and in  
 addition to defence, foreign affairs,  
 another thing should also be added,  
 namely effective realisation of duties—  
 customs and excise—and conservation  
 of foreign exchange. This is something  
 coming from an important judicial body  
 and, therefore, this problem calls for  
 our attention. Similarly the most  
 important body of this House, the  
 Public Accounts Committee, also in  
 its report observed that smuggling had  
 adopted larger dimensions. In view  
 of this background and a large num-  
 ber of people who have been involv-  
 ed in it mostly of anti-social type who  
 do not belong either to the weaker  
 section or the honest professions—it  
 has become essential for the Govern-  
 ment of India and for the Finance

Minister to bring forward a Bill to suggest certain remedies to provide relief to the weaker sections of society from the clutches of these smugglers. It is high time that this Ordinance which is being replaced by a Bill gets the unanimous support of this House.

I want to take it outside the political pulls and pressures. I can assure my friends on the other side that they should also understand that if their grouse is that nothing has been done so far then their grouse should no longer be valid that nothing is being done. So far as the problem of this arrest of the smugglers is concerned through various lacunae which are available in the legal system they are able to exploit the situation and get released which they do not deserve. So, the law should be tightened. Even in some of the advanced socialist countries economic offences are being made more and more cognizable and it is realised that unless economic offenders are not given harsh penalties like offenders of criminal offences then the problem will not get settled.

So, I congratulate the Finance Minister who has come out with a golden measure so that there is justice to society. Smuggling is the bane and curse of our present day economy and it is the only thing which is responsible for the operation of black-money and rise in prices and unlimited corruption.

Sir, I am not entering into any political controversy. But, it is high time that the weaker sections of the people of India who have been the merciless victims in all these operations of black money and smuggling are able to get their dues. All political parties are represented in the House. Let us rise with one voice in recognising that smuggling is not only an offence but it is also a socio-economic offence and it must be treated as such. A serious punishment must be given to these offenders. These people say that the fundamental rights must be available to those people. When Article 359 of the Constitution was framed, it did not envisage that the fundamental

rights would be available to those ruining the economy of the country. In item No. 9 of List I of 7th Schedule, defence was mentioned. Defence was above all considerations. When the words 'internal affairs' were mentioned, this was done at the highest level. This involves security of India. Therefore, the smuggling and the allied activities should be punishable to the same extent to which the offences, endangering the security of India, are going to be dealt with. So, in view of all this, this is a step in the right direction. And it is high time that we realise this. When we talk of fundamental rights, they should be available to honest citizens who are willing to carry on their day-to-day activities in this world and who are willing to follow the honest professions. No loopholes should be there in the law for the smugglers who are ruining the economy of this country. They not only create havoc in this country but they also endanger the security of India. They also endanger the very existence of our society. They are responsible for much more heinous crimes than any other crime in this country.

In these circumstances, I plead that no kind of mercy should be shown to the smugglers who plead for it in the name of fundamental rights. I plead that no mercy should be shown to such people, who claim the fundamental rights in the name of our Constitution as this would do injustice to the very fabric of our society. We want to contain his underworld and we want to drown this into the ocean of forgetfulness and into the abyss. We cannot pass a law with loopholes. So, to plug those loopholes, we should give most rigorous punishment possible to these people so as to create a climate of security and a society in which an honest man can live and work. It is high time that this Bill is adopted as it receives a unanimous support of the whole House and also the support of the citizens of this country. What is happening today is this. A weakman's voice is perhaps, not heard and he is unable even to

[Prof Narain Chand Parashar]

move the court and get justice. But, a smuggler will be able to get anything that he likes with the black money that he has got. We want to check this.

People must realise the gravity of the situation. Therefore, I plead that the entire House and all sections of the House should lend their unstinted support to this Bill which is very important.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RAMAIAH): Yesterday, it was agreed that five hours should be given for the discussion and then we may take clause by clause consideration. But five hours are over. So I seek your permission in the matter.

SHRI P K DEO (Kalahandi): We are 13 in number. And we should be given time.

MR DEPUTY-SPEAKER: There are some groups who have not yet spoken. In fairness to them, they should be given the right. And nobody's right should be taken. Now I see the names. Nobody should have the right of speaking again more than once. Mr Janeswar Mishra is there from the B.L.D.

SHRI K RAGHU RAMAIAH: When will you call the Minister?

MR DEPUTY-SPEAKER: You help me. One of the names is that of Shri Janeswar Mishra, B.L.D. He is the first to speak. Mr Somasundaram of the Anna DMK is slated to speak, nobody spoke from that party. I think parties which have field their spokes should not speak again. CPI (M) has spoken. I shall give opportunity only to those two speakers and after that I shall call the Minister.

SHRI SHIVNATH SINGH (Jhunjhum): What about the Congress

MR DEPUTY-SPEAKER: If you want I will call you. I have eight names from the Congress Party and if you want, I shall call all the eight names. There is no harm. I will never discriminate. But I am saying this because your Minister is again and again saying that we are behind schedule.

SHRI K RAGHU RAMAIAH: I request all our Members not to insist on their right.

श्री जनेश्वर मिश्र (इलाहाबाद)  
उपाध्यक्ष महोदय, पिछले एक साल से देश में महंगाई गिरानी और सूखे के कारण जो हालत बिगड़ रही थी.

श्री शिव रंजनदास मुंशी (कलकत्ता-दक्षिण) दो साल से।

श्री जनेश्वर मिश्र : अगर दास साहब कहते हैं तो दो साल में मान लेना हू।

भारत सरकार के पास उस का कोई जवाब नहीं था। अगर लगानार भारत सरकार और इसके साथ-साथ इनके साथ चलने वाली कम्युनिस्ट पार्टी, ये दोनों बोलते रहे कि जा कुछ भी गिरावट आई है और महंगाई आई है इसके पाछे ब्लैंक मार्केटिंग, हाईसेस और तस्वर लागू है और साथ में विरोधा दल के लिए भी नहीं। लेकिन इसके बाद भा इनकी हिम्मत नहीं पड़ता था कि कोई कार्यवाही करते। यह तो बे शरि गजेश जा ने इन लोगों को फसा दिया तीन बार तस्वरों के नाम ले कर। इसके पहले भा कोई बार बिपक्ष से माग हुई है। आज नहीं पिछल राज में मुझे याद है जब फरदाखाब ने हाजी कुली मस्तान का नाम लेकर कहा था कि महामुष्ट के गवर्नर ने उसको सर्टिफिकेट दिया। गवर्नर साहब ने उससे इनकार किया। बाद में अदालत में साबित हुआ कि वह सर्टिफिकेट सही था, जाली नहीं था। तो बहुत दिनों से यह चर्चा चल रही था लेकिन उसके बाद भी

इन लोगों की कार्यवाही करने की तय्यारी नहीं करती थी क्योंकि इनकी दोस्ती रहा करती थी उन समाज लोगों से जो कि तस्कर हैं। आज यहाँ पर गोयनका सहज की चर्चा की गई है। मैं गोयनका और बिरला के मामले में नहीं पढ़ना चाहता। हिन्दुस्तान के पूँजी-पतियों के आपस में बहुत से झगड़े होते हैं। वे एक दूसरे से लड़ते रहते हैं और उसी के जरिये बहुत से राजनेताओं को आपस में एक दूसरे से लड़ाते रहते हैं। तो जो लोग गोयनका के सवाल को उठाते हैं उन्हीं में से बहुत सारे लोगों को यह याद होगा कि आज से कुछ साल पहले गोयनका परिवार बहुत से राजनेताओं को तीन-तीन और चार-चार हजार रुपये महीने दिया करता था। उन दिनों उसके खिलाफ कोई उंगली नहीं उठाता था।

अब तस्करों को आप ज्यादा से ज्यादा फांसी पर लटका दीजिये, गोली से मार दीजिये, मैं उनके साथ जरा भी मेहरबानी नहीं करना चाहता। लेकिन क्या आप तस्करों को ही इससे मारेंगे, हम लोगों को नहीं मारेंगे? अपने विरोधियों को नहीं मारेंगे? प्रिवेंटिव डिटेन्शन एक्ट के समय भी गृह मंत्री ने यह एलान किया था कि अपने प्रतिद्वंद्वियों के खिलाफ इसका इस्तेमाल नहीं करेंगे, केवल देश के दुश्मनों के खिलाफ करेंगे। डी०आई० नं० ३०० के समय भी यह एलान किया था कि जो लोग देश के साथ गद्दारी करने वाले हैं केवल उन्हीं के ऊपर यह लागू होगा। और मीसा जब लाने की बात हुई तब भी यही कहा था कि यह हम एमजॉसी के नाम पर लागू करने जा रहे हैं क्योंकि देश में प्रान्तरिक सुरक्षा नहीं रहेगी तो कोई काम नहीं चल सकेगा। लेकिन यह मॅटिनेंस आफ इंटर्नल सिस्पोरिटी एक्ट जो है यह आज मॅटिनेंस आफ इंडिरा सिस्पोरिटी एक्ट हो गया। आज मिसा के अंदर जितने तस्कर बन्द हैं उससे कई गुना राजनीतिक नेता उसके अंदर बंद हैं। उसके सहित हाकी कुली मस्तान भी बन्द होयें और कर्पूरी ठाकुर भी बंद होगे। इसलिए हम

आपकी नीयत पर शक करते हैं। क्योंकि गांधी में बहुत से ऐसे लोगों को हम ने देखा है जो प्राते हैं कलेक्टर के पास कहते हैं कि हमें बन्दूक का लाइसेंस चाहिए। वह प्रख्या है किसलिये चाहिए तो कहते हैं कि हमारे घर में डकैती पड़ने वाली है, डाकुओं का भुकाबिसा करेंगे। यह कह कर वह बन्दूक का लाइसेंस ले प्राते हैं और बन्दूक जब मिल गई तो उसे लेकर वह अपने दुश्मन के सीने पर गोली दाग दिया करते हैं। भारत सरकार की भी उसी श्रामीण की तरह हालत है। वह भी उसी श्रामीण की तरह मांग तो रही है कि हम इससे तस्करों को मारेंगे लेकिन मुझे अच्छी तरह से मालूम है कि तस्करों को मारने के बहाने जो इनके राजनैतिक प्रतिद्वंद्वी हैं उनको ये मारेंगे। उपाध्यक्ष महोदय, बहुमत के आधार पर इस बिल को ये पास तो करा लेंगे, लेकिन सभा पर यह है कि क्या इसी तरह से बहुमत के आधार पर नागरिकों के अधिकार छीने जाते रहेंगे और हम लोग इस सदन में चुनबाव बैठे रहेंगे?

मैं आज ही के अखबार से आप को बतलाता हूँ—सत्तारूढ़ दल चिन्तित है कि विरोध पक्ष के लोग इनको काम नहीं करने दे रहे हैं। लेकिन देश की जनता चिन्तित है—आप उसको खाना नहीं दे पा रहे हैं, तब फिर किस लिये आप काम करेंगे? एक तरफ देश की जनता को खाना नहीं मिलता, वह भुखी मर रही हों, दूसरी तरफ ये लोग इस लिये चिन्तित हैं कि विरोध पक्ष के लोग इनके कामों में अड़गंवाजी लगा रहे हैं। सरकार बुरा काम करती है तो उसके हर काम पर विरोध पक्ष अड़गंवाजी लगायेगा। आज सुबह ऐसा संगता था—कांग्रेस पार्टी के लोग इस तरह से इकट्ठे होकर यहाँ प्राये जैसे चीन से लड़ने जा रहे हैं, इतना शोर मच रहा था कि हम को हंसी आ रही थी कि आखिर ये लोग चलने देना चाहते हैं या नहीं। उपाध्यक्ष महोदय, अगर हम खों टोका-टाकी करते हैं तो हम बहुत नुकसान नहीं पहुँचायेंगे। विरोध

**[श्री जनेश्वर मिश्र]**

पक्ष भ्रगर सदन की कार्यवाही में धड़ंगा लगाता भी चाहे तो बहुत नुकसान नहीं करेगा, लेकिन सत्तारूढ़ दल जिस दिन यह इरादा बना लेगा कि विरोध पक्ष को काम नहीं करने देंगे तो उसी दिन वह बहुमत दल तानाशाह बन जायगा। हो भी नहीं रहा है—आज सत्तारूढ़ दल मीसा में संशोधन करके राष्ट्रपति के आदेश क अरिये तानाशाही के रास्ते पर जा रहा के विरोध पक्ष को खत्म करने की साजिश कर रहा है। इसको बरदाश्त नहीं किया जायेगा।

दूसरी बात—ये लोग मीसा का इस्तेमाल करते हैं, लेकिन उसमें भी जो फाइनेंगल कलिप्रट्स हैं उनके खिलाफ मीसा का इस्तेमाल अपनी मर्जी के मुताबिक करते हैं। जिम तस्कर को चाहेंगे, जिस ब्लैकमार्केटियर को चाहेंगे, जिस चोर-बाजारी करने वाले को चाहेंगे, उसके खिलाफ तो न्यायावाही करेंगे, लेकिन जिसके खिलाफ नहीं चाहेंगे उनके खिलाफ कार्यवाही नहीं करेंगे। कई बार इस सदन में एक ऐसा ही नाम लिया गया है, अब भ्रगर में नाम लेता हूँ तो कहेंगे कि प्रधान मंत्री के बेटे का कारखाना है, इस लिये बार-बार विरोध पक्ष वाले प्रधान मंत्री पर कीचड़ उछालने का काम करते हैं—लेकिन यह हकीकत नहीं है, उपाध्यक्ष महोदय। सब से बड़ी कुर्सी पर प्रधान मंत्री बैठी है और उनका लड़का कारखाना चलाता है और इनके जो हिस्सेदार हैं उनके बारे में ता० ९ को सूचना दी गई है—इसी लोक सभा में। कानोरिया, किलाचन्द, राम नारायण, मोहम्मद शाकत, प्रह्लादराय भद्रवाल, सन्तोषकुमार, तुल्सायन, नरेशकुमार तुल्सायन, राजकुमार शर्मा—इन नामों की यहा पर सूचना दी गई थी कि ये अपराधी हैं। इनमें से कुछ लोग तस्कर व्यापार से सम्बन्धित हैं। यहा पर कई बार आरोप लगा है, लेकिन ये कभी भी जांच करने को तैयार नहीं हैं। कई नोटिसिज आपके

यहां पड़े हुए हैं कि मासि में बंगलिन चल रही है, उस पर जांच होनी चाहिए, बहस होनी चाहिए, लेकिन प्रधान मंत्री जी तैयार नहीं होंगे, क्योंकि मासि में उनका लड़का बैठा है और उसने बड़े जोर से दावा किया है कि सारी दुनिया में एक अनोखी किस्म की मोटर बनाने जा रहा है—इस लिये जांच नहीं हो पायेगी।

दूसरी तरफ—जैसे आज गोयनका जी के ऊपर भ्रगुली उठी है, वैसे ही हाजी कुली मस्तान पर भ्रगुली उठी है, लेकिन क्या यह सही नहीं है—सदन में कई बार कहा गया है—हाजी कुली मस्तान दो बार प्रधान मंत्री जी से इन्टरव्यू ले चुका है, जिसकी किताब भी छपी हुई है, आप ही की तरफ से छापी गई है कि वह राजननामों को चन्दा देना रहा है। हाजी कुली मस्तान का यह दावा है .

**श्री बसन्त साठे (भकोला) .** कहा लिखा है ?

**श्री जनेश्वर मिश्र :** मैं पढ़ कर बतलाता हूँ—एक ही लाइन पढ़गा—

"I know many political beggars who shower abuse on me in the light of the day and call me vile names but come with a begging bowl to me in the darkness of the night."

इम हाजी कुली मस्तान ने अपनी गिरफ्तारी से पहले यहा तक दावा किया था कि पिछले चुनाव में—लोक सभा के चुनाव में—3 करोड़ रुपया सत्तारूढ़ दल को दिया था।

**श्री बसन्त साठे :** इन्होंने जो पढ़ा है, उसमें सत्तारूढ़ दल शब्द कहाँ है ?

On the country, in that very article of Mr. Shamim, he has said, it is utterly wrong that I met the Prime Minister.

श्री अखबार सिंह : ये सारे-के-सारे भ्रष्ट, उपाध्यक्ष महोदय, खुल न जायं, क्योंकि अदालत में खुलते, तस्कर लोग वहां जाकर कहते कि हम ने राजनेताओं को फना-फलां टाइम चन्दा दिया है, तस्कर भ्रष्ट अदालतों में जाकर न कह सकें—इस लिये यह आदेश लाया गया है। कब, कितनी घूस किस राजनेता को दी—ये वह न कह सक, इस लिये वहां का दरवाजा भी बन्द करवा दिया। इसी लिये ये अपने हाथ में तानाशाही ताकत लेना चाहते हैं।

आज के ही अखबार में छपा है—कानपुर में कोई डालडा कम्पनी है जिस पर मुकदमा चलने वाला था—उर्लेक, चोर-बाजारी और मिलावट का। उत्तर प्रदेश के मुख्य मंत्री के नाम संगठन कांग्रेस के एक विधायक गौरी शंकर राय ने एक चिट्ठी लिखी है—उमा शंकर दीक्षित के किसी रिश्तेदार या लडके या पोते की उम डालडा कम्पनी के मालिक की लडकी से शादी हो जाती है—इस लिये उसके खिलाफ कोई कार्यवाही नहीं होती। मैं यही कहना चाहता हूँ कि आप कार्यवाही उनके खिलाफ करेंगे जिनसे आप नाराज हो जायेंगे। लेकिन जो आपको चन्दा देने लगेंगे, चाहे हाजी कुली मस्तान हों, चाहे गोयनका हों या कोई भ्रष्टाधी हो—जब तक वे आपके मददगार रहेंगे, तब तक आप के दोस्त रहेंगे। लेकिन जैसे ही वे आपके खिलाफ भ्रगुली उठने लगेंगे, खडे होने लगेंगे, आप कहने लगेंगे कि यह भ्रष्टाधी है, इसको जेल में डाला जाय और चूकिए आपके पास अखबार है, साधन हैं, आप की सरकार किसी को भी तग कर सकती है। हम को याद है—हमारे इलाहाबाद में राजेन्द्र कुमारी बाजपेयी चुनाव लड़ रही थी, उनके खिलाफ हमारी पार्टी के उम्मीदवार थे। वहां एक लक्ष्मी भूषण वाण्योय—छोटे दुकानदार हैं—उनको परेशान करने के लिये दसियों बार लगातार छापे डलवाये, हालांकि कुछ साबित नहीं हुआ, कोई लंकेना इनको

नहीं मिला—लेकिन फिर भी ऐसा करते रहे।

ये कहते हैं कि हम तस्करों के लिये यह कानून लाये हैं—उपाध्यक्ष महोदय, यह तस्करों के लिये नहीं है, तस्कर तो शिखण्डी हैं, बल्कि उनकी आड़ में अपने प्रतिद्वन्द्वियों को तंग करेंगे। इस लिये हम चाहते हैं कि बाजपेयी जी ने जो संकल्प पेश किया है कि इनके बिल को गिरा दिया जाय—मैं कांग्रेस पार्टी से भी चाहूंगा—आप बहुत जनतंत्र की दुहाई दे रहे हैं, कई बार गांधी जी का नाम लेते हो—लेकिन भ्रष्ट गांधी जी के नाम से भी चबराने लगे हो, क्योंकि मोगरजी भाई ने सत्याग्रह की बात कही है। यह सदन, आपकी सरकार—ये सब के सब लोग सत्याग्रह की शीलदा है, सत्याग्रह के पेट में पीदा हुए है, अगर सत्याग्रह नहीं आया होता तो इस सदन में बैठने नहीं आते, आजादी नहीं मिलती। अंग्रेजों के जमाने में जब गांधी जी सत्याग्रह करते थे तो अंग्रेज भी इसी तरह दुराग्रह करता था। ये पी० आर० दाम मुंशी और 1947 के बाद वाले कांग्रेस के लोग आज सत्याग्रह को दुराग्रह कहते हैं, लेकिन पहले का कोई भी कांग्रेसी इस सत्याग्रह को दुराग्रह नहीं कहता।

इसलिये, उपाध्यक्ष महोदय, मैं चाहूंगा कि बाजपेयी जी के संकल्प को पास किया जाय और राष्ट्रपति जी ने तस्करों को अदालत में जाने से रोकने के लिये जो अध्यादेश जारी किया है, जो वास्तव में कांग्रेस पार्टी के राजनीतिक प्रतिद्वन्द्वियों को समाप्त करने के काम में आयेगा, और जिसके चलते इन्होंने यह बिल पेश किया है, इसको भारी बहुमत से यहां पर गिरा दिया जाय।

MR. DEPUTY-SPEAKER: The Minister.

SHRI K. S. CHAVDA (Patan): Sir, I will take only two minutes. I will not make a speech. I will only ask a question.

MR. DEPUTY-SPEAKER: No please.

SHRI K. S. CHAVDA: I have not spoken at all throughout the session.

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): After my speech, he can put a question.

MR. DEPUTY-SPEAKER: You can put a question after his speech.

SHRI C. SUBRAMANIAM: Mr Deputy-Speaker, Sir, the House is considering a very serious matter, like smuggling and racketeering in foreign exchange which is undermining the economy of the country. Whatever might have been the tone of speeches, I am sure, there is nobody in the House who supports smuggling or racketeering in foreign exchange. Therefore, I am sure, this House is interested in taking effective steps for the purpose of preventing these activities....

SHRI PILOO MODY (Godhra): Effective, not selective.

SHRI C. SUBRAMANIAM: Effective. I agree. That is what I am saying. I did not say, "selective". I said, "effective". We have to take effective steps for preventing these activities.

In my opinion speech, I had narrated the various steps that had been taken previously and, ultimately, we came to the conclusion that unless there is preventive detention, it will not be possible to break; this racket. It is mainly because particularly those at the top level who are smugglers keep themselves as far away as possible from these activities and, therefore, it is very difficult to have direct evidence to implicate them in any criminal case, and to have them prosecuted in a court of law. So, they can be only connected by circumstantial evidence that these people are indulging in these various activities. And they are the key figures.

If we want to take hold of the key figures, particularly, the key figures who after having earned the money through illegal activities, try to invest them in some legitimate activities also just to demonstrate to the people that they are earning money through other activities....

SHRI PILOO MODY: Like Maruti.

SHRI C. SUBRAMANIAM: Or in your Company also. That is not the question here. Wherever it might be.

They not only carry on some legitimate activities but some beneficial and charitable activities also. As some people go to Tirupati for the purpose of depositing money there to get away from the sins, so also the smugglers indulge in these various beneficial and social welfare activities and pose as patrons of the poor people and patrons of the depressed sections of the people. That is how they mislead the society as a whole, that they are not only honest citizens but citizens who are interested in the welfare of the various sections of the people.... (Interruptions). Why is he interrupting like that? When he speaks, nobody interrupts him. I do not know why he should indulge in this activity. This is some sort of smuggling in the debate.

Therefore, this is an impression they create. That is why perhaps an hon. Member went to the extent of saying, declaring in this House that Haji Mastan is much more honest than the Members of this House... (Interruptions).

SHRI S. A. SHAMIM (Srinagar): I still maintain that he is more honest than any of you.... (Interruptions).

SHRI C. SUBRAMANIAM: I respectfully submit that after all we belong to the same tribe, the same political tribe. Do not you think that when you throw mud on us, that

will stick on you also?..(Interruptions)

**SHRI PILOO MODY:** 'Wah, wah'. You may be interested in protecting yourself but I do not want to protest myself.

**AN HON. MEMBER:** Very good.

**SHRI C. SUBRAMANIAM:** Because you do not care for your reputation. (Interruptions)

**SHRI PILOO MODY:** After all we sit here from 11 a.m. to 6 p.m. Don't you think that this mud does stick on to me?

**SHRI K. P. UNNIKRISHNAN** (Badagara): Talk about Mr. Biju Patnaik also.

**SHRI PILOO MODY:** In the name of Biju Patnaik, our Party's money has been taken away by them. Two Commissions were appointed and several inquiries were held and finally, this is all what you can do. . . (Interruptions)

श्री जनेश्वर निष : उनाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है । इस सदन का यह नियम है कि जो पटनायक जी यहाँ पर सफाई देने के लिये नहीं आगे इसलिये ऐसे किसी आदमी का नाम लेना जो सदस्य न हो बिना पहले नोटिस दिये नहीं उठा सकते । यदि यह श्री बीजू पटनायक का नाम लेने के शोकीन है तो मैं कह सकता हूँ इस की जानकारी के लिये कि श्री बीजू पटनायक के पास अज्ञ भी एक चिट्ठी है एक लडकी की जो विदेश में अपने बाप के माथ टहल रही थी और उस ने लव लैटर लिखा । और उस का नाम इन्दू है । अभी मैं वह चिट्ठी यहाँ सदन में रखूँगा ।

**SHRI PILOO MODY:** The money you have taken from Mr. Biju Patnaik belongs to the Bharatiya Lok Dal. You kindly return it. You think you can suppress the Opposition in this fashion?

**SHRI C. SUBRAMANIAM:** Now, he has written a letter to the Prime Minister and I am replying to it.

**SHRI PILOO MODY:** I have not written to her. I have written to your Ministry. I have sent only a copy to her.

**SHRI C. SUBRAMANIAM:** I am writing to him explaining the circumstances. If the money belongs to the Party, certainly you do not place it under sarees..

**SHRI PILOO MODY:** Of course, it is hidden like that. Where do you hide your money in your house?

**SHRI C. SUBRAMANIAM:** That is not the question now here. You will get the reply from me.

**SHRI PILOO MODY:** Mrs. Gandhi gave it in charge of Mr. Malhotra of the State Bank of India. Do not give me sanctimonious and nonsensical lectures on where the money is to be hidden. (Interruptions) Why did you mention it?

**SHRI C. SUBRAMANIAM:** Why do you further prolong it?

**SHRI PILOO MODY:** I would like to discuss Biju Patnaik in this House.

**SHRI C. SUBRAMANIAM:** You better discuss it first we will know very interesting facts about him.

**SHRI PILOO MODY:** What right did you have to raid the office of the Bharatiya Lok Dal in Bhubaneswar?

**SHRI PRIYA RANJAN DAS MUNSHI:** Because they are hiding money.

**SHRI PILOO MODY:** Tomorrow I will go and raid your office including the Finance Ministry and, the day is not far away.. (Interruptions)

**SHRI C. SUBRAMANIAM:** I would only say that if the BLD is to keep money in this way, I wish them goodluck.



**SHRI PILOO MODY:** How else will you suggest to keep money? Kindly give me your suggestions, Mr. Finance Minister.

**SHRI C. SUBRAMANIAM:** Then come to me for suggestions.

**SHRI PILOO MODY:** Why don't you come to me to give the suggestions?

**SHRI C. SUBRAMANIAM:** All right, I will come to you.

The point for consideration is this I was making the point that it is not possible to get direct evidence to involve them in specific cases even though we are able to get some indirect links to treat these people as the key patrons and as the key persons in operating these rackets. Therefore, it is a question of..

**SHRI R. R. SHARMA (Banda):** There must be some circumstantial evidence if there is no direct evidence.

**SHRI PRIYA RANJAN DAS MUNSHI:** Why are you defending these smugglers? Please listen to the Minister.

**SHRI C. SUBRAMANIAM:** It can be only by what we call preventive detention. It is not a punishment. It is for the purpose of preventing persons from indulging in certain sorts of activities which are injurious to the economy of the country, which harms the country.

Therefore, this has got to be prevented. That is why the Constitution has provided for 'Preventive Detention'.

If there is a direct evidence in any case what you do is, you straightway prosecute him and then get him punished. But the Constitution has also provided this, that in certain cases Preventive Detention also could be undertaken and it is that provi-

sion which we wanted to use for the purpose of arresting these people and detaining them so that they may not indulge in these activities.

Then a question has been put by Shri Vajpayee which I would like to deal with. Having moved the Motion, I am sorry, Shri Vajpayee is not here to listen to the reply. We have been discussing this Act here for the past 4 or 5 days. Suppose we give enough notice to these persons who have got various other methods of concealing themselves, do you think it would have been possible to round up large number of people as has been done? Therefore it has got to be done without notice, in an emergent manner, and this could only be done by issue of ordinance. Apart from any other factor we have to take into account the nature of these people we are dealing with, the resources at their disposal, the way in which they indulge in this smuggling racket and the foreign exchange racket and the foreign exchange racket, the only way to round them up is to take them up by surprise, as quickly as possible, as early as possible.

So, this is what exactly we have done and if this is objected to by hon. Members, saying, no, no, you should have come before the House by giving a regular Bill and have it discussed for days and weeks together and given them notice saying this is the action which we are going to take, I am afraid, we would not have taken any effective action. And I have already told the House why effective action was necessary in this case.

Certain persons went to the court, particularly to the High Court. Till now all the cases which are decided by the Supreme Court relate to political detainees where the standard has got to be very strict. I agree particularly political detainees have to go through the strictest scrutiny possible and that scrutiny has been made by the Supreme Court and they

have laid down the laws, they have laid down the principles when a person could be detained. Such cases have been with reference to political detainees. But the point here is with reference to smuggling. And as far as smuggling is concerned, as I have already stated, when they indulge in smuggling activities, foreign exchange activities, etc. a different set of principles will have to be adopted for that purpose. This matter has still not gone to the Supreme Court for a decision. Unfortunately the High Courts have to follow the rulings which have already been there, the precedents which have already been laid down in the Supreme Court with reference to the political detainees and that is why, taking advantage of this Section 359, we thought for the present at least,—for the emergency for the next six months at least,—we should take them away from the approach to the courts, and it is from that point of view that the Presidential Order was passed and I am here to fully justify that taking into consideration the circumstances in which some of detainees had been released on the basis of principles laid down by the Supreme Court with regard to political detainees.

AN HON. MEMBER: Do you now agree that MISA had been used against political opponents?

SHRI C. SUBRAMANIAM: If any hon. Member brings to my notice and is able to prove that this Ordinance which has been specially promulgated against smugglers has been used for political purposes, I am prepared to apologise. Uptil now no individual case has been brought to our notice that this has been done with a political motive.

(Interruptions)

SHRI PRIYA RANJAN DAS MUNSHI: I have been hearing this allegation that political opponents in West Bengal have been detained under MISA for the last 2-3 years. With due respect to the leaders of

the Communist Party I say the day they will give me the list of the names district-wise as to which are the persons arrested under MISA, I will get them released. They cannot publish the names. You take my challenge. You publish the names. You cannot publish the names because they are criminals. (Interruptions) Give me their names and I will plead for their release.

16 hrs.

SHRI NOORUL HUDA, (Cachar): Who are you to plead for their release? (Interruptions)

SHRI DINEN BHATTACHARYYA (Serampore): 145 persons are detained under MISA. Is he the Prime Minister? (Interruptions).

SHRI C. SUBRAMANIAM: I am not considering the MISA which has been enacted long ago. We are considering the specific Ordinance and the specific Bill which has been brought forward for replacing the Ordinance. This Bill specifically deals with the smugglers and others. As far as I am concerned—I am sure, the Home Minister will be able to answer those questions—I am dealing with the smugglers; I am dealing with the persons who are indulging in foreign exchange racketeering. If anybody says that so many out of 500 or 600 persons detained under MISA and put in jail for smuggling and foreign exchange offence under the Foreign Exchange Regulations, then let them give the list of those names. Then, I am prepared to look into it. I am prepared to say that none of them belong to any of the political parties either on this side or that side. They belong to a group which are indulging in these illegal and illegitimate activities. Therefore do not mix up the two. Those who have been detained under MISA as political detainees are quite different. If you mix that up with the smugglers

[Shri C. Subramaniam]

It will only further tarnish the image of the political parties. Therefore, I thought that the whole House must agree on this that the smuggling should be seriously and effectively dealt with. Therefore, I would respectfully urge on the hon. Members to confine their remarks—even their interruptions—to the administration or working of the specific ordinance and the bill which is going to become law. If they want to make any observations with regard to that, I am prepared to consider that. But, if they bring in the working of the general MISA with regard to political detainees certainly, that is not relevant for this purpose. Those are for political activities. Let us isolate those two. It is a question of how to deal with these. That is why I said that this could be done only on the basis of not by punishing them but by preventing them from indulging in these activities. We have taken steps. 500 or 600 persons have been put in prison. May be quite a few of them may be still out.

SHRI PRIYA RANJAN DAS MUNSHI: Shri Raj Kapoor is still out.

SHRI C. SUBRAMANIAM: Quite a few of them are still out. But, still, if we take into account the smuggling activities which are flourishing at a very high level, we can claim that their back has been broken as far as smuggling activities are concerned. I tried to get a report of what is happening in those areas from where these articles are smuggled into India. I am reliably informed that crores worth of articles which used to be smuggled into India are now heaped there and that they have no value whatsoever. Therefore to that extent we have broken the back of these activities, for the present I agree.

I want to make this quite clear that this is not going to end the smuggling activities once for all. This is the first step we have taken. We have to take a series of other follow up

steps for the purpose of preventing these activities. That is why we are trying to get speed boats to intercept the various kinds of boats and vessels which smuggled goods into India. Even with these two boats as I already said on another occasion we have effectively intercepted a few boats coming to India and the value of the articles already seized is about a crore of rupees. We have spent only Rs. 40 lakhs on the purchase of these two boats. We have to have 20 boats by the end of March and our fleet will be in hundreds within the next one or two years... (Interruptions)

SHRI PILOO MODY: How much commission are you getting?

SHRI C. SUBRAMANIAM: It is a silly thing to suggest.

SHRI PILOO MODY: Are you saying that Ministers do not take commissions?

SHRI C. SUBRAMANIAM: The Falstaffs of this Parliament should be put a stop to. You cannot be a joker always like this.

SHRI PILOO MODY: Tell me a single Minister who does not take commission.

SHRI C. SUBRAMANIAM: It is nonsense. I do not think he is enhancing the prestige of the nation by these remarks; certainly he is not interested in the prestige of the nation; he is interested in doing the opposite.

SHRI PILOO MODY: These cheap jibes will not get you anywhere. All the nationalism belongs to you?

SHRI C. SUBRAMANIAM: You go about with an arm band: I am a CIA agent. Are you not ashamed of coming and speaking here?

SHRI PILOO MODY: Are you not ashamed of accusing me? I think he

was a little more intelligent; I have to change my opinion.

**SHRI C. SUBRAMANIAM:** I am glad you are changing your opinion, I do not want any compliments from you; it is a 'dis-compliment' to receive any compliment from you.

As I already stated the detention of the top persons alone will not be the answer to the smuggling activities. We shall have to take preventive measure for the purpose of seeing that smuggling activities are not carried on. If not, I am sure many more Mastans will come forward for carrying on these activities. We shall have to take further preventive action for the purpose and we are determined to take this preventive action.

On the economic front we have taken certain actions. For instance I tried to find out the common commodities which were being smuggled into India. One such commodity is watch, not of the superior variety but of the common varieties. We cannot say that a watch is luxury today. That is why perhaps we may have to licence quite a number of people who manufacture watches so that sufficient number of watches are available in the country, not of the superior type but of the common Janta type that anybody can have. In modern society watch is a necessity in my view. Therefore we have to take certain action....

**SHRI PILOO MODY:** What commission will you take on licence?

**SHRI BHOGENDRA JHA (Jama-gar):** In this guise are you going to smuggle the Private Sector in?

**SHRI C. SUBRAMANIAM:** There comes the public sector and private sector controversy. It is the public sector which is the dominant producer of watches and it can be expanded to any extent.... (Interruptions).

Therefore, it is a question of taking various measures for the purpose of ultimately wiping out these illegal activities which are undermining the economy of the country.

The opposition no doubt has a certain responsibility to discharge. But to doubt even the *bona fides* with regard to the implementation and administering of the Act is not proper. Whether it will go well with them or not, I want to give this assurance to them that we will try to administer this Act in all seriousness for the purpose of putting down these illegal activities. I want to give this assurance also that this particular Act will not be used for political purposes to put anybody behind the bars.... (Interruptions). As far as smuggling is concerned, we have to have some police raj, if we have to deal with criminals. J.P. Satyagraha is a different thing altogether. They can do satyagraha against the smugglers, but that is not going to alter the situation. It has to be a police raj against the smugglers. We will use the police ruthlessly against the smugglers ... (Interruptions).

It is not a question of one party image being tarnished. After all, to give credence to a person like Mastan as if he is the Bible or Quoran, saying that Mastan has said this or that is not proper.... (Interruptions).

**SHRI SAMAR GUHA (Contai):** What about ex-Governor Kanungo?

**SHRI C. SUBRAMANIAM:** Therefore, it is a question of effectively implementing the law and even the opposition can help the Government in implementing the law in an effective way in a fair way so that these smuggling activities can be put a stop to. I am sure the opposition is also interested in this.

**SHRI BHOGENDRA JHA:** You have said that such criminals should not be given a certificate. I would like to know whether Shri Kanungo will be arrested, because he has given a certificate.

**SHRI C. SUBRAMANIAM:** If he carries on such activities, certainly he will be dealt with under this law. But for the purpose of detention a person has to be found engaged in this sort of activities. No doubt, Shri Kanungo has figured in one case five years ago. That does not mean that you can detain him now. Unless one is a regular smuggler, he cannot be dealt with under the MISA.

Here I want to make one thing clear. Some people seem to be afraid that if some stray incident had happened in the past, it could be used for the purpose of preventive detention. Somebody said that a foreign cigarette could be put into the pocket of somebody and then he could be detained. That is not the purpose for which this Act is being enacted. We have used the term "engaged in this activity". So, it cannot be a stray incident. No person need be afraid on that score. Unless one is a smuggler, or a racketeer in foreign exchange, one need not be afraid of this measure... (Interruptions). Of course, we cannot claim the purity of Shri Shyamnandan Mishra, but we try to be as pure as possible.

**SHRI SHYAMNANDAN MISHRA** (Begusarai): Stinking skeletons are coming up every day.

**SHRI C. SUBRAMANIAM:** I do not know why Shri Shamim is getting so much excited about it. I do not think he should expose himself in this way. . (Interruptions).

**SHRI S. A. SHAMI:** Do not worry about me. While the Minister has everything to lose, I have nothing to lose. A smuggler could not get a licence from me but he can get it from you. That is why I am free. But you are not... (Interruptions).

**SHRI C. SUBRAMANIAM:** The first time I heard the name Mastan was when it was mentioned here.

Some specific cases were mentioned. I think Shri Madhu Limaye raised the point with regard to one Shri Hari Valabh Tandel. He is a Congress Member in the Goa Assembly. His wife and the wife of Shri S. N. Bakhia are sisters. Here is absolutely no information that this man is also connected with smuggling activity. If the suggestion is that every relation of every smuggler should be arrested, certainly it is not possible... (Interruptions).

श्री मधु लिमये : मैंने सारी जानकारी प्रधान मंत्री को देजी है, फिर भी कुछ नहीं हुआ ।

**SHRI C. SUBRAMANIAM:** If he gives more information, if there is sufficient justification for it, we would not hesitate to use MISA for this purpose.

Another name which was mentioned was Premabhai Tandel. He has a brother, Jogi Tandel, who is the right hand of Bakhia. Simply because his brother is a right hand man of Bakhia, we cannot dub him as a smuggler.

श्री मधु लिमये : मैंने कहा कि 6 लाख का बनीचा है उन के पास, बैंक एकाउंट है।

**SHRI C. SUBRAMANIAM:** If more information is given, we would certainly try to go into it and try to see what action could be taken against him.

Then he mentioned the case of Modi. Another hon. Member said that it is supposed to be a forged document. I hope the hon. Member would agree that this requires a little more of investigation into the case before we could come to any conclusion about it. Let us not jump to conclusions on the basis of some Member, even though he may be the information received by some hon. most distinguished Member on the opposition side. Simply because they come out with some information, it

does not mean that everything they get as information is gospel truth. Even they can be misled. So, it is a question of proper investigation.

**SHRI SHYAMNANDAN MISHRA:** What about Shri Gokhale's letter and certificate? Please mention about that.

**SHRI C. SUBRAMANIAM:** Simply because some information is received by the hon. Member, and that information may be given through spite—I do not know—we cannot go by that. Therefore, a proper investigation will have to be made before we take action on the basis of that.

Something was said about a certificate given by Mr. Gokhale to a particular person who worked for his election. Certainly, it is not the case that Mr. Gokhale knew him as a smuggler, that as a smuggler he used him for the purpose of election campaign and that, on that basis, he gave a certificate... (Interruptions) When some persons work for somebody, they try to get a certificate. Simply because a certificate has been given, you cannot say that. Mr. Gokhale has been a High Court judge and he has been a lawyer also. Do you think that if he had known he was a smuggler, he would have given a certificate? On the face of it it is ridiculous to suggest that as a lawyer, as a person who knows law, knowing that he was a smuggler and he was likely to be caught later on, that he will give a certificate. Therefore, it does not prove that... (Interruptions).

**SHRI K. P. UNNIKRISHNAN:** Mr. S. K. Patil has also given a certificate to Haji Mastan... (Interruptions).

**SHRI SHYAMNANDAN MISHRA:** You produce it... (Interruptions)

**SHRI C. SUBRAMANIAM:** Don't challenge him. Mr. Mishra has dragged in this name. I did not want

to go into that. Mr. S. K. Patil's name has been dragged in because he recommended for a telephone to a particular smuggler. I did not want to drag his name. He has given a statement. In the House itself, it has been read out that, "So many people come and I give certificate. That does not mean I am associated with them." This is the stand he has taken.

**SHRI SHYAMNANDAN MISHRA:** You refer to Mr. Gokhale's certificate... (Interruptions).

**SHRI C. SUBRAMANIAM:** If the hon. Member is interested, I can pass on the volume to him. He may peruse it and, after that, if he wanted to make any reply on behalf of Mr. S. K. Patil, he can do it... (Interruptions).

**SHRI SHYAMNANDAN MISHRA:** Mr. Gokhale has given a certificate for consideration.

**SHRI C. SUBRAMANIAM:** May I read out for Mr. Mishra, because he has dragged in the name of Mr. S. K. Patil..

**SHRI SHYAMNANDAN MISHRA:** Please refer to Mr. Gokhale.

**SHRI C. SUBRAMANIAM:** May I read out?

"A telephone connection under an exempted category was sanctioned to Haji Mastan Mirza in 1968 Mastan had obtained and produced a certificate to the effect that he was a social worker and that a telephone may be sanctioned for him, from eight important persons including Mr. S. K. Patil..."

Of course we cannot say that because he has given a certificate as a social worker that he is associated with smuggling activities. But with reference to other persons, that is what Mr. Mishra would like to say.

**SHRI SHYAMNANDAN MISHRA:** This is completely different.

**SHRI C. SUBRAMANIAM:** I should do justice to Mr. Patil also. Shri Patil also denied having any personal knowledge about Mastan but if any worker recommended his case, he used to endorse for the issue of a certificate....

**SHRI SHYAMNANDAN MISHRA:** But Mr. Gokhale has given a certificate that he is a loyal person, that he is social worker, that he is a loyal and truthful worker. These are the adjectives Mr. Gokhale has used. You read out from Mr. Gokhale's certificate.

**SHRI C. SUBRAMANIAM:** 'He is a social worker'—that is different. Mr. Patil also denied any personal knowledge about Mastan and said 'If any worker recommended his case, he used to endorse for issue of a certificate'. I think that would satisfy Mr. Mishra as far as Mr. S. K. Patil is concerned.

**SHRI SHYAMNANDAN MISHRA:** Please quote his words.

**SHRI PRIYA RANJAN DAS MUNSI:** Mr. Patil does not speak but he does.

**SHRI C. SUBRAMANIAM:** Mr. Patil made the following statement in the Lok Sabha on 17-3-1970:

"I do not know the name of the smuggler, not having ever seen him in my life. If in a photograph...

Please hear this.

"...along with a bunch of others, he gets photographed himself along with me, that does not prove that he is connected with me except in the sense that he is in the bunch of others. If Mr. Fernandes along with a group gets himself photographed with me, that does not prove that he is connected with me except in the sense that he is in the bunch of others just as others are there. Since this matter was discussed on the floor of the House, I

hope you will give me the usual courtesy of either reading this letter to the House or mentioning in your own words my emphatic refutation of the allegation."

**SHRI SAMAR GUHA:** What was the status of Mr. S. K. Patil at that time?.... (Interruptions).

**SHRI SHYAMNANDAN MISHRA:** On a point of order, Sir, Now, here was Mr. S. K. Patil who came before the House and made a statement. But, here is Mr. H. R. Gokhale who is sulking somewhere and he did not have the courage to come before the House and make a statement. That is the difference.

Then, he was signing a petition amongst many, but here is a person who has given him a character certificate and, he must have got lots of money from him. All these people have amassed a great deal of money and they are running their Party on the basis of smugglers' money. That is the main point.

**SHRI DARBARA SINGH (Hoshiarpur):** Absolutely wrong.

**SHRI SHYAMNANDAN MISHRA:** You can sell licences and so many things... (Interruptions) Where is Mr Gokhale? Why does not he take courage and come and defend himself? Let Mr. Gokhale come here and make a statement. Here is a Minister who does not have the courage to come before the House and defend himself? Where is he—Mr. Gokhale?

**SHRI MADHU LIMAYE:** On a point of order, Sir.

**MR. DEPUTY-SPEAKER:** I listen to you because the Minister has yielded to you. Otherwise, I would not have.

श्री मधु लिमये : उपस्थित महोदय,  
मेरा प्वाइन्ट ऑफ़ ऑर्डर है । इन्होंने  
यह पूछा था कि क्या श्री एच० आर० गोकहले

ने काफ़ी कोफ़ी नमक के स्मगलर को जो सर्टिफिकेट दिया है उस के बारे में इन को कोई खुलासा करना है ? आज श्री एच० आर० गोखले इन्दिरा गांधी की कैबिनेट में हैं, 1966 में इन्दिरा गांधी की कैबिनेट में एक और मंत्री थे उन्होंने भी एक इम्प्लेड कॅटेगरी में टेलीफोन देने के लिये एक सर्टिफिकेट दिया था—उस का उद्धारण इस वक्त देने का क्या मतलब है ? श्री एच० आर० गोखले का डिफेंस इस से नहीं होता है, इस से तो यही साबित होता है कि पार्टिल साहब ने भी गलत काम किया था, श्री एच० आर० गोखले ने अच्छा काम किया—यह साबित नहीं होता है ।

गोखले साहब ने एक और बात भी की है —उन्होंने कहा है कि इस व्यक्ति ने मेरे चुनाव में मदद की है । इस लिये मेरा प्वाइन्ट ऑफ़ ऑर्डर यह है कि मंत्री महोदय इरंलेवेन्ट बात क्या कर रहे हैं, आउट ऑफ़-कॉन्टेक्ट क्यों बोल रहे हैं इस तरह से वह गोखले साहब की सफाई नहीं दे रहे हैं । गोखले साहब स्वयं सदन के सामने क्यों नहीं आये ?

Let him defend himself. The allegation is against Mr. H. R. Gokhale as an individual, not against you. It is not against Mr. C. Subramaniam. It is against Mr. H. R. Gokhale as an individual who was a candidate in Bombay. और उन्होंने चुनाव में मदद की है ।

और मैंने यह कहा था : So called Indira have consisted of Smugglers and ... markers सभी चुनाव क्षेत्रों में इन स्मगलरों ने मदद की है सत्ताधारी काफ़ी की बम्बई में ।

MR. DEPUTY-SPEAKER: When a particular Member or a Minister holds the floor, he has my ears and he has my eyes.

In the course of the debate, I think, it is quite legitimate, that some interventions are made. Give and take of the Debate is there. If the Minister yields it is up to him. I have to listen to the other Members. If he does not yield there cannot be any question of point of order.

श्री मधु लिमये : इस तरह की फ्लोटास्टक रूलिंग न दीजिये । प्वाइन्ट ऑफ़ ऑर्डर हमारा अधिकार है ।

MR. DEPUTY-SPEAKER: I am on my legs You can intervene in the Debate and the Member who has the floor can retort, can reply to that; it is within the norms of a debate. But then if you want to use the Chair to stop a particular Member then I do not think that is a point of order.

SHRI MADHU LIMAYE: If a point of order is bogus, the Chair can rule that out instantly after hearing.

MR. DEPUTY-SPEAKER: What is order in the House. The order in the House is, a particular Member has the floor. You may not like what he says. That is not a point of order at all. You may think he is irrelevant. But that is not a point of order. It is very difficult where you draw a line where he is relevant and where he is not relevant.

SHRI MADHU LIMAYE: You yourself interrupted and asked how it is relevant.

MR. DEPUTY-SPEAKER: I don't interrupt others. I never interrupted when you spoke. If on every occasion you want to use the Chair for a point of order, it is difficult. When a Member has the floor I listen to him and others get up and they want to be heard; I honestly tell you I do not hear. But here you have made the point and the Member has yielded and therefore it is in order. It is up to him to refuse the argument.



**SHRI SHYAMNANDAN MISHRA:** Point of order arising out of this. Suppose an hon. Member is speaking, and in the course of his speech he uses unparliamentary expression...

**MR. DEPUTY-SPEAKER:** That is different.

**SHRI SHYAMNANDAN MISHRA:** You can't make a rule of this kind that when a Member is on his legs and he does not yield, and so no point of order could be raised. I think that would not be correct.

**MR. DEPUTY-SPEAKER:** There can be an exceptional situation when an unparliamentary word is used. The Chair expunges those words. That is not a point of order.

**SHRI SOMNATH CHATTERJEE (Burdwan):** So far as point of order is concerned, the Chair can rule that it is not a point of order. But you cannot say, no point of order at all can be raised. When a point of order is raised, without hearing it, you cannot decide whether it is a point of order or not. There cannot be a sort of blanket ban that I can not raise a point of order.

**MR. DEPUTY-SPEAKER:** I am not saying that this is a blanket ruling. I am out to this particular situation. When a particular Member has the floor you cannot just get up and interrupt and want the Chair to listen. In that case in the course of the speech if I listen to the points of order I have to interrupt the Minister about two dozen times.

**SHRI C. SUBRAMANIAM:** I regret for having yielded to Mr. Madhu Limaye. I did it because of the respect I have for him. But, unfortunately, he misused my weakness and took advantage of by making irrelevant remarks on a point of order which has been ruled out.

**MR. DEPUTY-SPEAKER:** I did not rule out. I do not want this misunderstanding. I learnt my ears to

Mr. Madhu Limaye's point of order after I had seen the Minister yielding. Therefore, what Mr. Limaye has said has gone on record and it is upto the Minister to refute or not to refute that.

**SHRI C. SUBRAMANIAM:** These individual cases could be discussed to any length of time. Apart from that I would like to request the House to pass this Bill as early as possible thus enabling the Government to take effective action for curbing down these illegal activities. In spite of the various remarks made by the various Members, I hope, they will pass this Bill unanimously.

**MR. DEPUTY-SPEAKER:** Before the Minister started his speech some Members wanted to put some questions to him and the Minister had made the request that those questions may be put at the end of his speech, which I think was very proper. Therefore, I would allow Members to put questions to him now before we proceed to the next stage.

**SHRI K. S. CHAVDA:** A drug called prednisolone was smuggled and marketed by M/s. Wyeth Laboratories India and the country lost foreign exchange to the extent of Rs. 2 crores. When this matter was brought to the notice of the Minister for Petroleum and Chemicals as well as the Finance Minister the foreign officer in that company was removed by the company. In certain cases, for example, Beta Picolin was smuggled and marketed by Warner Hindustan Ltd. and the country lost one crore of rupees by way of foreign exchange. The officer, the General Manager, has been transferred to Hongkong. I have got the names of other persons too who are indulging in smuggling in the country and the country is looted by them. Sandoz Ltd. smuggled two drug chemicals and the country lost about 8 million rupees by way of foreign exchange. The Finance Ministry through Reserve Bank of India asks the Sandoz

India Ltd. to repatriate 8 million rupees back to India. But the Ministry of Petroleum and Chemicals now desires to revoke their earlier decision.

I would like you—in this case not to revoke that decision. May I know why these smuggler companies engaged in drug manufacturing and the Government officers abetting the offence have not been arrested under the MISA. The Government is fully aware that these were brought to their notice. Still why they were not arrested under the MISA?

SHRI SOMNATH CHATTERJEE: Sir, the Hon Minister said that there is a difference between the existing MISA law and the new law that we are going to pass. This is supposed to be a more stringent law than that is now being applied. Again he has admitted that the MISA is used against political detenus. I would like to know from him if this is the real intention of this Government, then why the provision in MISA, as amended by the Defence of India Act, provides for detention till the expiry of the Defence of India Act, 1971? That means so long as the emergency continues, and six months thereafter the people who have been arrested and belonging to political parties for the so-called violation of public order, are to remain in jail for an indefinite period. No body knows when the proclamation of emergency will be revoked in this country. During emergency and six months thereafter they will remain in detention. But for a smuggler against whom they are trying to say that they are taking stringent measures, the maximum period of detention is only one year.

SHRI C. SUBRAMANIAM: It is for two years.

SHRI SOMNATH CHATTERJEE: You have not read your own Bill in respect of certain categories of dete-

nues it is for two years. You do not know your Bill and you are piloting the bill.

I would therefore like to know one thing. You are using this stringent measure against the smuggling activities. You say you are going to check smuggling by this measure. You are more concerned with the smugglers than the political detenus. I want to know whether the provisions in the existing law like the Customs Act, Foreign Exchange Regulation Act and the Central Excise Act which provide for confiscation of property and imposition of personal penalty and also prosecution of the offenders are not enough. Are you going to take steps against them? If not, why have you not taken steps against them so far? Are you proposing to make a provision for confiscation of their property and also imposition of personal penalties against the offenders' apart from their detentions?

SHRI K. P. UNNIKRISHNAN: May I know from the hon Minister whether Government of India is aware that the DMK Government of Tamil Nadu has been colluding with many smugglers and whether information regarding a particular smuggler named Mohd. Yasin of East Coast Construction and Crescent Construction was conveyed to the Customs Department of Government of India? Though it is stated that he has left the State and left the country and has gone to Hongkong, still he is in the city of Madras. Has such information been received by Government? If so, what steps do they propose to take against the smuggler?

SHRI SHYAMNANDAN MISHRA: Those who have participated in the debate have made certain important points. For example, it was pointed out that the political prisoners may be kept without trial for a period of three to five years and even indefinitely. Why could not a smuggler, on that score, be brought under present laws and detained indefinitely? I have laid a great deal of emphasis on this and said that there are thousands of

[Shri Shyamnandan Mishra]

persons behind the prison bar for three to five years. Why could not a smuggler be treated similarly? That is my point number one. Why was there for such a draconian measure required? Secondly has the Government thought about the Law Commission recommendation for bringing about a constitutional amendment so that a particular schedule of the constitution is amended and MISA becomes somewhat foolproof so far as smugglers are concerned? There is a specific recommendation of the Law Commission on this. Why do not they go in for it?

Then, in their view, what is more sacred? In the eyes of the Government what is more sacred—property or person? What are they doing to confiscate their huge properties and assets? If persons could be put behind prison bars why not their huge assets and properties be confiscated? Could they not bring up some measure in order to deal with their properties?

SHRI H. K. L. BHAGAT (East Delhi), I should like to know from the hon. Minister, if not for my benefit, for the benefit of Shri Shyamnandan Mishra whether under the law any body can be kept without trial for years together by any executive authority. Is it not a simple provision of law that within 24 hours an accused has to be produced in a court of law? The maximum period of remand is 15 days. Then there will be the orders of the court. Either bail will not be allowed or they do not offer bail.

Secondly, I should also like to refer to what my hon. friend Shri Sornath Chatterjee was saying. He was asking whether the present law relating to customs did not provide for confiscation of smuggled goods. I want to make it clear that the law provides for the confiscation of smuggled goods, and not the properties of the smugglers as such.

The other point is this. If the smugglers had been released, further enquiries against them and into their assets and other things would be adversely affected and they would definitely take advantage of their freedom and try to escape from the consequences of various sections. I should like to know the position from the hon. Minister.

SHRI BHOGENDRA JHA (Jainagar). I had raised some points yesterday. I wanted to know whether under Section 110 of the amended criminal procedure code a single smuggler or single foreign exchange racketeer was proceeded against in any part of the country? If not why?

I was mentioning the case of a customs inspector of Javanagar in Bihar who was caught red handed while carrying smuggled goods. He was caught by the people and his face was painted black and he was taken to the place where four District Magistrates, Commissioner and Superintendent of Police were present. They directed the people to take him to the Police Station. But the Inspector of Police did not take a statement from them. Later on a case was filed and it was alleged that the people's contention was not true. I put a question here and answer was given. I can personally vouch for the truth; it was not a fani. Is the hon. Minister going to make a special inquiry because the officer belongs to the customs department? In the context of what the hon. Minister has said, why have they not taken powers to confiscate the property in the present Bill?

MR DEPUTY-SPEAKER That question has been put by others.

SHRI BHOGENDRA JHA Is the Government thinking of accepting up amendment No. 37? Lastly, I want a clarification about the hon. Minister's amendment. After six months' detention a person of the rank of the Judge of the High Court will be put in charge of reviewing such cases...

MR. DEPUTY-SPEAKER: Please conclude.

SHRI BHOGENDRA JHA: Lastly, I support my friend Mr. Chavda's contention that those who are going in for foreign collaboration with foreign drug manufacturers—that point also should be taken into consideration.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): May I know whether it is not a fact that in Bombay the black money and other things of the smugglers are spent largely for acquiring land and constructing houses in Back Bay Reclamation? May I know whether after the arrest of Mastan and Bakhia, there was a categorical assurance given by the Government in the last session that the cases of those who acquired land and constructed houses in Back Bay Reclamation would be enquired into and necessary steps would be taken? This has not been done. Is it also not a fact that the black money earned by the smugglers was spent on Hindi Films, particularly in the R. K. Studio and whether after the arrest of Haji Mastan, much of the film shooting has stopped and Government has not investigated the matter where the money came from?

SHRI PILOO MODY (Godhra): Is the minister aware that there is a minister of the Kerala Government who is reputed to own something like 20 to 22 smuggling ships either benami or otherwise? I would appeal to him to investigate it. My more substantial question is this. The reason why I was angry with the Finance Minister when he was piloting the Bill was this entire thing is an eyewash. It is well known that this sort of smuggling can never take place unless there is protection from customs, excise and police and political protection. If you use this MISA to catch the smugglers. I will say, hurrah! But if they use the same law against the entire package deal between political protection of officers and smugglers and arrest them, I will believe what you are saying.

SHRI MOHANRAJ KALINGARAYAR (Pollachi): If Government has specific information about political parties, cine stars or individuals who, with the help of smugglers, have built properties and acquired plenty of black money, whatever position one may occupy, will they seriously take steps to confiscate those properties and bring them to book?

सरदार स्वर्ण सिंह सोखी : (जमशेदपुर):  
में मिनिस्टर साहब से यह जानना चाहता हूँ कि हिन्दुस्तान में आज तक जितना स्मगलिंग हुआ है उस में जो अफसर मिले हुए हैं चाहे वे बम्बई मद्रास या दूसरी जगह हों सरकार ने उन में से कितने अफसरों के खिलाफ एक्शन लिया है अगर नहीं लिया है तो वह कब तक लेने जा रही है ।

श्री रामावतार शास्त्री : (पटना) :  
उपाध्यक्ष महोदय क्या यह सच है कि बिहार के बेगुसराय जिले के एक सब से मशहूर गांजा-तस्कर श्री कामदेव सिंह के खिलाफ वारंट है जिन के बारे में श्री भोगेन्द्र झा ने अपने भाषण में उल्लेख किया था । क्या उन्होंने लोक सभा के पिछले चुनाव में संगठन कांग्रेस के एक बड़े नेता की मदद की थी और पचास बूथों पर कब्जा कर के उन्हें जीत हासिल कराया था ? क्या उन की गिरफ्तारी के लिए एक लाख रुपये का इनाम है ? क्या उन का ताल्चुक कांग्रेस के कुछ नेताओं से भी है ? अगर हां तो सरकार उस श्री कामदेव सिंह के खिलाफ कौन सी कार्यवाही करने का विचार रखती है जिनकी दोस्ती कांग्रेस और संगठन कांग्रेस के कुछ नेताओं से है ?

SHRI K. S. CHAVDA: He is in the ruling Congress, not in Cong.(O).

SHRI C. SUBRAMANIAM: Mr. Chavda gave specific information about three cases. About this he had already given information to the Government. I shall try to find out what action has been taken and see if further action is necessary to pursue this.

[Shri C. Subramaniam]

Mr. Chatterjee asked why this is confined only to one year. Whether there is emergency or not, this Act will have to stand on its own merits. Therefore, this will have to stand judicial scrutiny. So, we are advised that on this basis you cannot detain them for a long period. There is no use of his laughing. We are also guided by legal opinion. That is why 1 year and 2 years have been provided. If it becomes necessary later on to prolong it, we will come with the necessary amendment.

Coming to confiscation of property, there are two kinds of properties. About goods which are smuggled, there are already provisions in the Customs Act and Excise Act for confiscating them if they are caught. The more important thing is property acquired because of the earnings of these smuggling activities. It is a question of tracing these properties. Many of the properties do not stand in the name of the smugglers themselves. They are held benami by various persons. A close enquiry will have to be made and I can assure the House that the enquiry is already going on for the purpose of identifying the various properties which have been acquired and which are standing in the name of various benamidars. As it is, even if we trace the property, under the Income-tax Act or Wealth-tax Act, you can only tax it and levy penalty. It cannot be confiscated. I do agree that these properties which have been acquired by illegal activities stand on a different footing than merely tax evasion. Therefore, a specific law will have to be enacted for this purpose. We are looking into it and we shall come forward, if necessary with separate Act for that purpose. Certainly it cannot be linked with this. All legal implications will have to be looked into and we will do it. Firstly identification of the property is the most important thing and is going on.

Mr. Shyamnandan Mishra raised a point about undertrials which

was effectively answered by Mr. Bhagat by his counter question. All undertrials are under judicial custody today. They have to put them in custody and release them on bail, etc. I have said that if there is a specific case, we can have a charge-sheet. But here it is only circumstantial evidence linking them with smuggling activity. That is why we put them under preventive detention. Mishraji also raised the question of constitutional amendment. The question is whether this House is competent to enact this legislation. If you look into the provisions of the Schedule, giving powers to the Centre, the Concurrent powers and the State powers either it is included in the Schedule or it is not included in the Schedule. In our view, it is not included in the Schedule, either in List I or List II or List III. The residuary powers rest with the Parliament. Therefore, the Parliament is competent to legislate on this basis. This has been upheld by the Madras High Court in its recent judgment. This very Ordinance has been held valid, that is, *intra vires*. Therefore, there is no question of amending the Constitution for this purpose so that the legislation may be valid.

17 hrs.

He also raised the question of property and so also.

Mr. Bhagat to which I have already replied.

Then, Mr. Jha mentioned about the new Criminal Procedure Code. Certainly, that is not an Act which should be applied to these criminals. That is why we have made a special provision here. That was passed only in April, 1974. It was given effect to from 1st April, 1974. In the meanwhile we have made this special provision. Why go to a remote Criminal Procedure Code when we have enacted this special legislation for this purpose?

The hon. Member. Mr. Jha, also said about some officer having been caught while he was indulging in smuggling. There are two versions about it. I do not know which ver-

sion is correct. We can further inquire into it. One version is that an officer caught a person who was indulging in smuggling from India to Nepal or from Nepal to India and, when a crowd gathered, they caught hold of the officer and punished him with all the atrocities which have been mentioned by the hon. Member... (Interruptions) The other thing could also have happened. Therefore, this a matter which will have to be enquired into further I can assure the hon. Member that any officer who indulges in these illegal activities will be severely dealt with. There is no question of any leniency as far as this is concerned.

I think, Mr. Jha also raised a question as to why six months review has come in, instead of one year. We have to be guided by our highest law officer with regard to the reasonableness of the enactment so that it might stand judicial scrutiny. Therefore, whether we can postpone the review of the case for one year without being referred to anybody, merely to the satisfaction of only the executive, the advice given was that it is better we restrict it to six months and within six months, we can appoint somebody who has been a High Court judge or who is qualified to be a High Court judge to look into it, and, on his advice, we can further carry on for one year before referring it to the Advisory Board. It is only on specific legal advice that we have taken this step.

Mr. Unnikrishnan raised one point that the D.M.K. Government is colluding with some smuggler and he is evading arrest. Certainly, I will look into it. I do not believe that such a thing is happening. Anyhow, that is a matter for further inquiry. We shall look into it. I would not like to charge another legally constituted Government that they are indulging in these things. It

should be left to the Opposition Members to indulge in irresponsible statements. I do not think we shall indulge in this. Therefore, simply because there is some information floating about like this, should I immediately say that the DMK Government is colluding with the smugglers? I am not prepared to say that.

Shri Priya Ranjan raised the point regarding Back Bay properties. As I have already stated, we are trying to trace these properties and where this accumulated wealth has gone. As he has made pointed reference where the accumulated wealth has been invested, certainly we will have a pointed investigation....

SHRI PILOO MODY: Also about the Ministers.

SHRI C. SUBRAMANIAM: including the hon. Member.

SHRI PILOO MODY: I have filed a case in the High Court.

SHRI C. SUBRAMANIAM: With regard to the Hindi films, Yes, I have also heard about it. Many of these film studios are now without any work whatsoever because the source of money has been blocked. I am told that even some of the films which are half-done have been stopped because the source of money has been stopped. That only shows the effectiveness of the action we have already taken.

SHRI PILOO MODY: Movies are not made and he thinks it is effective.

SHRI C. SUBRAMANIAM: Mr Piloo Mody gave some information about 22 ships which are involved in smuggling and being owned by a Kerala Minister....

SHRI VAYALAR RAVI: It is absurd. It is nonsense.

SHRI MADHU LIMAYE: You know about all these things?

SHRI VAYALAR RAVI: I challenge. This is not correct.

SHRI C. SUBRAMANIAM: What the hon. Member says is an absolute truth for him and we have to swallow it?

SHRI PILOO MODY: You investigate it. I have not given any name. I have given only a hint. I was not like him giving names of fictitious people. I just heard. I say this is what I heard. You investigate it. But please do not ask the CBI to do it.

SHRI C. SUBRAMANIAM: The hon. Member admits that this was only a rumour which he had heard and as a responsible member, he has listened to it and he is mentioning it in this House.

SHRI BHOGENDRA JHA: Why does he come with a rumour? Either he should name the Minister or should not mention it.

SHRI PILOO MODY: I will find out if you want.

SHRI C. SUBRAMANIAM: Find out? This is strange.

SHRI PILOO MODY: I do not know what the Minister want us to talk about. What I have said was that I have not heard the name of the Minister. I heard the Ministry in whose charge he is. Just because I had not produced it here, you cannot say that it is only a rumour.

SHRI C. SUBRAMANIAM: Kindly let me know...

SHRI PILOO MODY: I do not want to be irresponsible. Otherwise I would have sent a notice.

SHRI C. SUBRAMANIAM: I am glad the hon. Member has been responsible. Because a Minister in charge of a Ministry owns 22 smuggled ships....

SHRI PILOO MODY: Not smuggled ships. Owns 22 ships which are used for smuggling.

SHRI C. SUBRAMANIAM: .... smuggling ships, I want to say this in all fairness to the Kerala Government that it is one of the best-run Ministries in the country to-day and, therefore, there is no question.

SHRI PILOO MODY: Because it is not exclusively run by you.

SHRI C. SUBRAMANIAM: It is one of the best-run Ministries.

SHRI PILOO MODY: You should eat tonight.

SHRI C. SUBRAMANIAM: Unless he has got definite information, in my view, it will be an irresponsible utterance from a responsible Member like Mr. Piloo Mody.

SHRI PILOO MODY: What commitments to his future masters!

SHRI C. SUBRAMANIAM: The other points, but a relevant point made by Mr. Piloo Mody was that these things should not have happened without some of the officials colluding. He also said that there should have been some political protection also. Certainly, those matters will have to be investigated. But as far as officials, whether of the Customs or of Excise, are concerned, there is the Department of Vigilance and action has been taken against quite a number of officials. But I want to state on the floor of the House that they have done an excellent job during the last two 2-3 months and without their co-operation and without their vigilance and without their detection, so many people could not have been arrested so quickly and put into the prison and see the effect of it not only in the film field but also in various other fields. Mr. Mohanraj raised the question whether if links are traced to political personages or cine-stars etc. action would be taken without fear or favour and on that I

assure him that however high the person may be the strongest action will be taken. Mr. Shastri gave some information.

**SHRI RAMAVATAR SHASTRI:** His name is Kamdeo Singh; he is an absconder...

**SHRI BHOGENDRA JHA:** He has got his private army; there is reward of one lakh of rupees and yet he is protected by many CONGI MLAs and Ministers. He is protected by many Ministers of Bihar Government and perhaps Central Government also. Unless you send force from here you cannot get him.

**SHRI C. SUBRAMANIAM:** Whatever may be the links, if these links are established, we will take strong and strict action. The hon. Member gave some information. Mr. Jha said about protection by CONGI MLA or Minister; well, I don't know what responsible statement this is, but since he has made a statement, we shall certainly look into it.

**SHRI BHOGENDRA JHA:** We will be satisfied if you only arrest him, he is an absconder.

**SHRI C. SUBRAMANIAM:** Sir, I have tried to answer to all the points which have been raised. Thank you.

**MR. DEPUTY-SPEAKER:** Vajpayee is not here.

**श्री मधु लिमये :** मैं जवाब दू—  
मोशन मेरे नाम से भी है ।

**MR. DEPUTY-SPEAKER:** It cannot be done.

**श्री मधु लिमये :** मैं व्यवस्था का प्रश्न उठा रहा हूँ—अगर आप आर्टिकल-वेपर देखेंगे तो आप पायेंगे कि यह प्रस्ताव श्री अटल बिहारी वाजपेयी, मेरे तथा अन्य सदस्यों के नाम से था । श्री अटल बिहारी जी ने प्रस्ताव रखा, संकल्प को रखा । इस समय

यहां नहीं हैं क्या इस का मतलब है कि कोई भी जवाब नहीं देगा तब मेरा नोटिस देना बेकार हो गया । अक्सर ऐसा होता है कि एक मंत्री यदि गैर हार्जिजर होता है तो दूसरा मंत्री उन की जगह पर जवाब देता है । मैंने नोटिस दिया है नोटिस देने का क्या मतलब है ? आप बतलाइये किस कूल में ऐसा नहीं हो सकता है । रेजोल्यूशन के क्वेटर को आप ले लीजिये उस से निकाल कर दिखलाइये । इस सदन में एक दफा अविश्वास का प्रस्ताव श्री समर मुखर्जी ने रखा और उस का जवाब श्री ज्योतिमय बसु ने दिया । इस लिये आप मेहरबानी कर के मुझे संक्षेप में जवाबी प्राषण देने की अनुमति दीजिये ।

**MR. DEPUTY-SPEAKER:** I have always said I admire Mr. Madhu Limaye; he is a hard fighter but he also fights within the rules of the game. Now, if you read the rules you will find, it is only the Member who has moved the motion who has the right to reply. You referred to a particular instance. I have the record with me here but that is not exactly what you are trying to make out. On 9th May, 1974 the No Confidence Motion was in the name of Shri Jyotirmoy Bosu and he got up and moved the motion but he gave up the right to speak on the motion because another Member of his party wanted to speak. He gave up the right to speak on the motion but he moved the motion and when it came to replying to the motion it was Mr. Jyotirmoy Bosu who replied to the motion. You also tried to make out the case in regard to Ministers. You said another Minister can speak on the Bill. Our rules provide for that. Now, you read Rule 358 (3):

"A member who has moved a motion may speak again by way of reply,..."

**SHRI MADHU LIMAYE:** Here rule 170 applies. Why do we give notice?



MR. DEPUTY-SPEAKER: Let us have a look at Rule 170.

श्री मधु लिमये : रजून्यूनज मे ऐस.  
रून दिखलाइये—जहाँ प्राहिबिशन हो कि  
दूसर जवाब नहीं दे सकता ।

MR DEPUTY-SPEAKER: There is no prohibition but there is no provision either.

श्री मधु लिमये : आप मुझे दिखलाइये—  
यह प्राबिण नहीं है यह रजून्यूनन है ।

SHRI H. M. PATEL (Dhandhuka): Why is it then permissible to have so many names listed?

MR. DEPUTY-SPEAKER: The only validity to allow so many names is that if the first person is not there to move then the second person will move. But once it is moved, it is only the Member who has moved who can reply.

Now, I will put to the vote of the House the Statutory Resolution moved by Shri Atal Bihari Vajpayee. The question is:

"This House disapproves of the Maintenance of Internal Security (Amendment) Ordinance, 1974 (Ordinance No. 11 of 1974) promulgated by the President on the 17th September, 1974."

*The motion was negatived.*

MR. DEPUTY-SPEAKER: Now, I will put to the vote of the House the motion moved by Shri Atal Bihari Vajpayee. The question is:

"That this House disapproves of the Presidential Order issued on the 16th November, 1974 under clause (1) of article 359 of the Constitution suspending citizens' right to move any court with respect to orders of detention under the Maintenance of Internal Security Act, 1971 for the enforcement of the rights con-

ferred by article 14, article 21 and clauses (4), (5), (6) and (7) of article 22 and also suspending all proceedings pending in any court for the enforcement of the aforesaid rights with respect of orders of detention under the Maintenance of Internal Security Act."

*The motion was negatived.*

MR. DEPUTY-SPEAKER: The question is:

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

*The motion was adopted.*

MR DEPUTY-SPEAKER Now, we take up clause-by clause consideration. I think to clause 2 there is no amendment.

The question is:

"That Clause 2 stand part of the Bill".

*The motion was adopted.*

*Clause 2 was added to the Bill*

Clause 3—(Power to make order detaining certain persons.)

MR. DEPUTY-SPEAKER. Now we take up Clause 3. There are some amendments. Are you all moving?

SHRI K. P UNNIKRISSHAN I beg to move:

"Page 2, line 27,—

for "satisfied" substitute  
appears" (8)

"Page 2 line 40,—

after "order" insert—

"without assigning any specific reasons, or facts and without affording any oppor-

tunity of being heard except as provided under this Act." (9)

SHRI JANESHWAR MISRA: I beg to move:

Page 2, lines 28 to 30,—

for "that, with a view to preventing him from acting in any manner prejudicial to the conservation or augmentation of foreign exchange or with a view to preventing him from."

substitute—

"who habitually and clandestinely engages in activities prejudicial to the conservation or augmentation of foreign exchange with a view to preventing him in engaging such activities or with a view to preventing him from" (21)

SHRI RAJDEO SINGH (Jaunpur): I beg to move:

"Page 2, line 41,—

add at the end—

"and vehicle or transport if any used be taken over by Government" (30)

SHRI C. SUBRAMANIAM: I beg to move:

Page 2,

after line 45. insert—

"(3) For the purposes of clause (5) of article 22 of the Constitution, the communication to a person detained in pursuance of a detention order of the grounds on which the order has been made shall be made as soon as may be after the detention, but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days from the date of detention". (35)

MR. DEPUTY-SPEAKER: Shall I put the amendments to the vote? Or do you want to speak?

SHRI K. P. UNNIKRIISHNAN: I want to speak on this.

Sir, for the last one decade or so, smuggling on a gigantic height has been eroding the national economy and it has also become a major economy with consequent distortions in the entire economy.

17.21 hrs.

[SHRI NAWAL KISHORE SINHA in the Chair]

It is estimated that the loss is varying from Rs. 500 to 600 crores even. The economists themselves put down the loss by way of foreign exchange between Rs. 500 and 600 crores from smuggling alone apart from other manipulations practised and as expressed by Shri Limaye yesterday like underinvoicing and overinvoicing and illegal remittances etc. These have been going on. It may come to the tune of Rs. 300 to 400 crores a year. The figure mentioned in the Kaul Committee Report is a gross underestimate. If you take the general view of the whole problem of smuggling as well as illegal remittances, underinvoicing and overinvoicing. I would say that we have been losing not less than Rs. 1,000 crores of valuable and precious foreign exchange every year.

Beyond all this, we have also seen that this menace has become a social menace. Also it has produced dangerous distortions in our social values as well as in our cultural life with disastrous consequences for the entire life of the country. Taking the coastal States like Maharashtra, Kerala, Karnataka and Gujarat, I say this social distortion has been produced by smuggling in this country. What is more important that has been debated here is not whether this party or that

[Shri K. P. Unnikrishnan]

party has taken money or whether this individual or that individual has given money but what is more important and fundamental is that the smuggling has risen to such alarming proportions that this is producing dangerous distortions not only in the economy but also in the very social structure itself. This is the point that I want to emphasise. And that is why I would congratulate the Prime Minister for the bold step that she has taken in bringing about the Ordinance as well as the present Bill

Also what is more important, let us not forget that, is that repeatedly the Committee of this House like the P.A.C. has been drawing attention of this House and the country regarding the steps to be taken to effectively prevent the loopholes in the anti-smuggling law, the customs law. Also the Law Commission, in their 47th Report, has drawn our attention to one thing. I would also refer to the recent judgment of the Supreme Court where it has called for more effective steps in stopping the smuggling and such other offences. So, my contention is that this is an extraordinary situation which calls for an extraordinary remedy and that is why this Bill, these offences cannot be dealt with under the ordinary laws, over can they be dealt with through the normal procedures and normal laws. Some of the smuggling gangs have connections with notorious international gangs. While I welcome this measure I would say that this is not enough. Clause 3 is the most crucial clause which empowers preventive detention by certain categories of officials. I am referring to the way it is drafted. The crux of the problems is in the word used here in line 27: "if satisfied". This is the crucial point. A part from dictionary meaning the word "satisfaction" has a clear legal connotation. It does not give the authorities necessary discretion to achieve the purpose of this legislation because 'satisfaction' necessarily means 'satisfaction on reasonable grounds.' In a number of cases where statutes have the word

"satisfaction" Supreme Court has come out with a clear verdict that it must be based on reasonable grounds. It does not exclude the plea for natural justice. If this principle is accepted by the Courts the whole purpose of this legislation would be lost. I would support the plea put forward for a constitutional amendment. But that is a different proposition altogether. Here I should say that the word satisfaction cannot achieve the purpose of this legislation because it would be opening the flood gates of litigation and courts would intervene at every stage. This is extraordinary situation calling for extraordinary remedies. It is a cancerous growth eating into the vitals of our system. So unless this is clearly exempted from judicial review you will not be achieving the purpose of preventing smuggling. I want the purpose of this legislation to be achieved and hence my two amendments.

श्री जनेश्वर मिश्र : महापति जी क्लॉज 3 (1) की छठी लाइन आप देखें। अभी बोलते हुए हम ने ही नहीं बल्कि विरोध पक्ष के कई सदस्यों ने यह शक की है कि क्या था कि अगर यह कानून बन गया तो विरोध पक्ष के बेगुनाह लोगों को फसादेगे जैसे पुलिस वाले दफा 109 और 110 में फंसाते हैं। इसमें लिखा हुआ है कि

'...with a view to preventing him from acting in any manner...' any manner

आ जाएगा कोई आदमी अगर अपनी अपनी जब मैं विधि सिगरेट का डिब्बा भी रहेगा तो आप उस को जेल में भेज देंगे। उस की जगह हम ने संशोधन दिया है कि

"जो अपने आप को अभ्यासतः चोरी चोरी छिपे विदेशी मुद्रा के संरक्षण का..." यानी आयतन इस तरह का काम करता है चोरी छिपे भी करता है उस के खिलाफ कार्यवाही की जाए। आपने यह सफाई

दी है कि पोलिटिकल अपोनेंटस के खिलाफ आप इस कानून को इस्तेमाल नहीं करेंगे। देश भर में यह लहर है कि आज तक इम सरकार ने जो भी कोई कानून किसी बुरे मकसद को दूर करने के लिए बनाया है, बुरे काम करने वालों के खिलाफ बनाया है चाहे वह डी० आई० आर० हो, पी० डी० ए० पहले रखा हो या मिस। डी० पोलिटिकल अपोनेंटस के खिलाफ ही इस्तेमाल किया गया है। इस मामले हमारा जो शक है इसको दूर करने के लिए यह जरूरी है कि मंत्री जी हमारे संशोधन को मान ले ताकि विरोध पक्ष की तरफ से और देश की आम जनता की तरफ से जो यह डर व्यक्त किया गया है कि आज तो आप स्मगलर्स को गिरफ्तार करेंगे मीसा में और इम संशोधित कानून में लेकिन उसके बाद जनता जो आपके खिलाफ काम करेगी, किमान होंगे, मजदूर होंगे, और जब कभी वे मांग उठावेंगे आप उनको जेलों में बन्द कर देंगे। विद्यार्थियों तक को आपने बन्द किया है, छोटी क्लाम के विद्यार्थियों तक को मीसा में बन्द किया है। किमान जो कांग्रेस पार्टी के खिलाफ काम करते हैं या दूसरे करते हैं उनको मीसा के तहत बन्द कर दिया जाता है और उनके खिलाफ मुकदमे चलते हैं। मेरा नबेदन है कि आप मेरे संशोधन को मान लें।

**श्री राजदेव सिंह :** मुझे कुछ खास अपने संशोधन पर नहीं कहना है। आप स्मगलर्स को डिटेन करने की बात सोच रहे हैं। लेकिन इनके जो ट्रक होते हैं या दूसरे ट्रासपोर्ट बौहिकलज होते हैं जिनको वे इस्तेमाल करते हैं वे उनके हाथ पर हॉने है—और मैं चाहता हूँ कि उनको डिटेन करने के साथ साथ उनके इन बौहिकलज को भी इम्पाउण्ड कर लिया जाए, उनको भी कनफिसकेट कर लिया जाय करे। यही मेरा एमेंडमेंट है। मेरा खयाल है कि यह मंत्री जी के नोटिस में नहीं आया है वरना वे इसको मान लेते।

**SHRI BHOGENDRA JHA:** The minister himself said that this enactment is not meant for those persons who by chance are in possession of

some smuggled goods. The spirit of Mr. Janswar Mishra's can be accommodated this way. Instead of saying "preventing him from smuggling goods" you can say, "preventing him from being engaged in smuggling goods." In this way, the spirit of the minister's statement also can be accommodated. Otherwise, that danger remains.

**श्री मधु लिमये :** इम विधायक की यह सबसे महत्वपूर्ण क्लोज है। इसके बारे में मुझे ऐसा लगता है कि मंत्री महोदय जी आंखों के सामने स्पष्ट तमबीर नहीं है। यह मन्त्रेह मुझे डमलिया है कि क्राज में दो ही बातें हैं। एक कैटेगरी, एक थ्रेणी तो यह है कि

"with a view to preventing him from acting in any manner prejudicial to the conservation or augmentation of foreign exchange ..."

दूसरी थ्रेणी, कैटेगरी है।

"or with a view to preventing him from smuggling goods, abetting, etc."

Clearly there are two categories.

इसके बारे में मैं दो उदाहरण देना चाहता हूँ जिनकी जानकारी मैंने आपको दी है। अजीज कांठणी वाला दस्तावेज जिसको आपने वापिस दिया है उसके बारे में मजे की बात है। आप चाहते हैं कि वर्तमान कानून के तहत इन लोगों का मुकाबला कैसे किया जाए? यह आपने बताया है। लेकिन इसमें मुझे जानकारी मिली है और आपको भी मैंने दी है कि रत्नागिरी जिले में मंतबडे नाम का जो गांव है उसकी पुलिस परेल के मकान की बगल में जो जगह है, समुन्दर का किनारा है, वहां सौ टन का एक लांच स्मगलिंग के काम के लिए कंस्ट्रक्ट किया जा रहा था। यह बात ऐसी नहीं है कि यह पुलिस या कस्टम या एक्साइज या इनकम टैक्स से छिप सके। यही बात दमन में मुकुर नारायण बखिया के बारे में हुई थी जो खुल कर इम तरह के सौ टन वाले लांच बाधता था। आपकी मशीनरी, जिसको आपने भी कम्पलीमेंट दिया है, समय पर हस्तक्षेप क्यों नहीं करती?

[श्री मधु लिनये]

आप यह कानून बना रहे हैं। इससे आपके प्लिम अधिकारी या कस्टम अधिकारी सोचेंगे कि अब हमें मेहनत नहीं करनी है, किसी के बारे में सन्देह आया, सीमा में उसको बन्द कर दिया। इस तरह से जाच बाधने, कस्टम करने का काम चलेगा, सब कुछ चलेगा। इस वास्ते आप स्पष्ट कर दें कि वर्तमान कानून के तहत कड़ी कार्रवाई करने का यह कानून सबम्टीट्यूट नहीं है और वह काम मशीनरी को करना ही पड़ेगा।

विदेशी मुद्रा की चोरी को रोकने और विदेशी मुद्रा की गति को बढ़ाने का काम बहुत ही व्यापक है और हमें जा कम्पनियाँ चोरी करती हैं और उनका नाम और प्रकृति इनवायर्स के जरिये उनके खिलाफ भी इसके तहत कार्रवाई हो सकती है। लेकिन इसका यह मतलब नहीं है कि कम्पनी को आप प्रासीक्यूट न करें। वह भी करें, इसको भी करें। इसी संदर्भ में मैंने कल मोदी रूब लिमिटेड के मैनेजिंग डायरेक्टर की बात की थी। आपने उसका उत्तर दिया लेकिन हमले में मैं आपकी बात सुन नहीं सका। मैं स्पष्टीकरण चाहता हूँ। आपने कहा कि एक अनरेबल मैम्बर ने कहा है कि यह सीक्रेट डाकुमेन्ट फॉज्ड है। मेरा खयाल है मैंने सुना है कि आपन कहा है, सालवे साहब ने, कि मेरी गय में यह फॉज्ड डाकुमेन्ट है। यह फॉज्ड शब्द, क्या आप अपनी जिम्मेदारी पर कह रहे हैं—

SHRI M K P SALVE (Betul) I have been told by one of the executives that the document is a forged document I said that yesterday.

SHRI C. SUBRAMANIAM We shall go into that

श्री मधु लिनये यह गय वह नहीं करते हैं। मैं चाहता हूँ कि इसका खुलासा वह करें

ताकि मेरे बारे में भी गलतफहमी न हो और आपके बारे में भी न हो।

लगभग 50 लाख की विदेशी मुद्रा और इनवायर्स के जरिये खत्म हो गई है या खत्म होने वाली है। इसमें स्पष्ट लिखा हुआ है और भी आपको मैं डाकुमेन्ट दे रहा हूँ। केवल हमें जवाब चाहता हूँ कि उनकुवायरी का प्रोसीजर क्या होगा क्योंकि भूतपूर्व डायरेक्टर जिन्होंने इस्तीफा दिया है उन्होंने एक पत्र श्री एच० आर० गाखले को लिखा है जिसकी धापी मुझे भर्जा है। कम्पनी का बाईंड इसकी जाच दरेगा। क्या कम्पनी का बाईंड के तहत नहीं आता है—

SHRI N K P Salve It was not only a case of foreign exchange

There was an allegation of violation of some other enactments. There was an allegation of sale of steel and cement quot, which would not fall under the Foreign Exchange Regulation Act. So I thought a comprehensive scrutiny under the Companies Act is permissible by the Company Law Board. That is why I wrote to Shri Gokhale.

श्री मधु लिनये दो चीजों में हमें फर्क करना चाहिये। इटरनल मिमनेजमेंट जो है उसके बारे में कम्पनी का बोर्ड और हमारा एजेंडिया भी जाच कर सकती है लेकिन यह जो स्पेसिफिक सबाल है फोरिन एक्सचेंज का जिसमें यह कहा गया है मोटे तौर पर, एन-डिटल्ड नोट आपको मैं दूंगा और डाकुमेन्ट के साथ मिलगा भी लेकिन उसमें बार बार यह कहा गया कि इसका कस्टम मशीनरी के दाम के साथ एडजस्ट की जाए, इम्पोर्टिड मशीनरी के साथ तो यह तो फोरिन एक्सचेंज का मामला है इसमें आपका मलायल, एन-फोर्सिबल डायरेक्टोरेट, रिजर्व बैंक आफ इंडिया, ये सब आ सकते हैं। हर चीज के बारे में नहीं लेकिन उसका जो फोरिन एक्सचेंज का एस्पेक्ट

है, उसके बारे में मैं चाहता हूँ कि आप हमारे साथ बैठ कर कोई सुझाव दंग की कार्रवाई के बारे में सोचें इनकवायरी के बारे में सोचें ताकि अन्य कम्पनियों हम लोगों की विदेशी मुद्रा ठगने का काम न कर सकें और हम बैठ कर कोई एक प्रोमोजर बनाएं।

MR. CHAIRMAN: The Minister.

SHRI ERASMO DE SEQUEIRA  
*rose—*

MR. CHAIRMAN: No please. My difficulty is that the time is very limited. The hon. Members who have not moved any amendment are supposed to have accepted the clause.

SHRI ERASMO DE SEQUEIRA: I oppose the entire clause.

MR. CHAIRMAN: You have not moved any amendment. Anyhow, I cannot stop you totally. You be very brief.

SHRI ERASMO DE SEQUEIRA: I will be very brief.

This is very important matter. I want to draw the hon. Minister's attention to two points. First of all, it deals with preventive detention. The hon. Minister has gone on record to say that it is the intention of the Government to use powers merely against persons who are well known to be indulging in these activities which the Government consider as anti-national and which they would like to prevent them from indulging by utilising these preventive detention powers.

Here, I want to draw his attention to the fact that first of all, the clause is subject to the subjective satisfaction of the officer concerned because it says:

"or any officer of a State Government not below the rank of Secretary to that Government, specially empowered for the purposes of this section by that Government, may, if satisfied..."

Therefore, the power is given to that officer subject only to his own subjective satisfaction. Then, it says:

"with respect to any person (including a foreigner) that with a view to preventing him from in any manner..."

It is as wide as it can be.

So, you have here two sources of mischief, first, there is subjective satisfaction and, second, the powers are as wide as they can be. My submission is, when you have a case like this, it is necessary for you to contain those powers with some limitation. It is for this reason I say that the amendment moved by my hon. friend, Shri Janeshwar Misra, which qualifies the type of person that can be covered by this clause by saying, "who habitually and clandestinely engaged in activities" would be the appropriate wording to use here because these powers, we all know, have come to be used with one justification and ended up with not being used in another fashion.

Even about the present MISA arrests, court after court, review board after review board, has been turning down and throwing the orders of the Government. This is a fact of life. We cannot run away from it. Therefore, I say that the Government should not come to the House saying, "We want wide powers but we shall use them in a narrow way."

You have stated your purpose. Why don't you accept the amendment, making it possible to be used only against those persons whom you yourself say that you want to use the powers against?

SHRI C. SUBRAMANIAM: Sir, there are two extreme points of view. One is put forward by Shri Unnikrishnan who says that not even "satisfaction" is necessary. He says, "If it appears" will do and he further says, "without assigning any specific reason, without affording any opportunity of being heard except as

[Shri C. Subramaniam]

provided under this Act." That is the extreme point of view which Shri Unnikrishnan is taking.

The other hon. Members are taking another point of view that there should be further restriction.

Taking into account the class of persons against whom we have to use these things, we have to keep two points of view. One is that the legislation should not be struck down as being too vague and with too wide powers being given to the executive without limitation. The other thing is that we should be able to take effective action against this class of persons. So, it is taking that into view that we have specifically used these words, "with a view to preventing him from acting in any manner prejudicial to the conservation or augmentation of foreign exchange". It is not just one small thing which will come into the conservation or augmentation of foreign exchange. That is why we have used the words "conservation and augmentation of foreign exchange".

How this foreign exchange is being sold, is, for example, when they want to send money from abroad, instead of sending it through the legal channels, they sell the foreign exchange to a particular person and he pays for the foreign exchange at a higher rate here. This is generally the foreign exchange racket which has got to be put an end to. Of course, over-invoicing and under-invoicing also is there. But that also could lead not merely to one instance but a manner of instances. Therefore, for the purposes of taking preventive action, if there is a specific case, it is not only a habitual man. If you prevent him, that is not only because where the preventive action becomes absolutely essential. We have to take into account all that and we have framed the laws. I would not like it to be further restricted. Then he said about the subjective judgment of the persons concerned. That is why we have provided for the review, Ad-

visory Board, etc. Those are the specific safeguards we have given even to the detenus—a review by the appropriate persons and authorities. Therefore, on that account, I do not think we need to go that far.

My amendment No. 35 is there that for the purposes of clause (5) of Art. 22 of the Constitution the grounds shall be communicated within a particular period. I would request the hon. Members to accept the clause as amended.

MR. CHAIRMAN: Now, the question is:

Page 2, —

after line 45, insert—

"(3) For the purposes of clause (5) of article 22 of the Constitution, the communication to a person detained in pursuance of a detention order of the grounds on which the order has been made shall be made as soon as may be after the detention, but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days, from the date of detention." (35)

*The motion was adopted.*

MR. CHAIRMAN: Now I will put all the other amendments Nos. 8, 9, 21 and 30 to the vote of the House.

*Amendments Nos. 8, 9, 21 and 30 were put and negatived.*

MR. CHAIRMAN: Now, the question is:

"That clause 3, as amended stand part of the Bill."

*The motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

*Clauses 4 and 5 were added to the Bills.*

Clause 5A (New)

SHRI BHOGENDRA JHA: I move:

Page 3,—

after line 14, insert—

"5A. Entire property acquired through smuggling or in violation of Foreign Exchange Regulations, belonging to those detained or not, shall be confiscated to the State irrespective of the fact whether it is benami or otherwise." (37)

SHRI C. SUBRAMANIAM: I have already given you the assurance. I do not know whether you want to move should move it again.

SHRI BHOGENDRA JHA: The hon. Minister is correct that he has given an assurance. The amendment that I have moved is to the effect that the entire property acquired through smuggling or in violation of Foreign Exchange Regulations belonging to those detained or not, shall be confiscated to the State irrespective of the fact whether it is benami or otherwise. I think it may be that in this session he may not be able to bring in and get the legislation passed. Then, we meet only in the Budget session. Meanwhile, the entire property belonging to these smugglers may pass to other hands through underhand transactions and the Government may not be able to lay their hands on them later on. So, I want this now Section 5A to be added so that the existing machinery should at least attach those properties so that they cannot be transferred to other persons clandestinely. Thereafter, if a legislation is brought, that will be all right. So, I request the whole House and the hon. Minister to accept this amendment as part of the Bill. But, in case he is in a position to assure that in this session itself the legislation will be enacted, then I would be satisfied. But, if in this session he cannot bring in, then the

whole purpose will be defeated. Hence my amendment and I request the Minister to accept it. Already some 30 smugglers have been released by High Courts and the Supreme Court and many more will be released and unless this new section is added, I fear, the property in the hands of smugglers will pass to other hands. So this step is necessary and unless another Bill is brought forward and adopted in this session I would not be satisfied.

SHRI C. SUBRAMANIAM: With the pace of the progress we are making with regard to the transaction of business I do not know whether we can bring in any other new Bill; it depends entirely on the opposition members.

SHRI BHOGENDRA JHA: Extra saturday can be taken. If you bring it on extra saturday we can sit; so this can be done. None is opposing it.

SHRI C. SUBRAMANIAM: We have enough provision under Income-tax Act and Wealth Tax Act for identifying the properties etc. and for that thing absolutely no fresh provision is necessary. Once link is established, under existing law, I agree it cannot be confiscated it can only be taxed, penalties imposed etc. but in such class of cases also I am firmly of the view that it should be possible of confiscation. But the scope of the Bill is purely for Preventive Detention. In that you can't bring in such a clause and say, I shall confiscate properties. Certainly this is a surest way to get into difficulties in the law courts and therefore I would request the hon. Member not to press this amendment. I am interested in getting at the properties and I am interested in seeing that these do not proliferate further and we are taking the necessary steps for that purpose. With this assurance I hope he will not press this.

SHRI BHOGENDRA JHA: During this session we can do; we can sit one extra Saturday.



SHRI MADHU LIMAYE: No. No question of sitting for an extra day. Unless they cooperate how can we cooperate?

MR. CHAIRMAN: I will put Mr. Jha's amendment to vote.

The question is:

Page 3.--

after line 14, insert-

"5A Entire property acquired through smuggling or in violation of Foreign Exchange Regulations, belonging to those detained or not, shall be confiscated to the State irrespective of the fact whether it is benami or otherwise" (37)

The Lok Sabha divided:

Division No. 3 17.56 hrs.

AYES

Banera, Shri Hamendra Singh  
Berwa, Shri Onkar Lal  
Bhattacharyya, Shri Dinen  
Bosu, Shri Jyotirmoy  
Chandra Shekhar Singh, Shri  
Chatterjee, Shri Somnath  
Deo, Shri P K  
Halder, Shri Krishna Chandra  
Jha, Shri Bhogendra  
Joarder, Shri Dinesh  
Limaye, Shri Madhu  
Mavalankar, Shri P. G  
Mishra, Shri Shyamnandan  
Misra, Shri Janeshwar  
Mody, Shri Pilo  
Mohanty, Shri Surendra  
Ramkanwar, Shri

Roy, Dr. Saradish  
Sequeira, Shri Erasmo de  
Shakya, Shri Maha Deepak Singh  
Shurma, Shri R R.  
Shastri, Shri Ramavatar

NOES

Aga, Shri Syed Ahmed  
Ahirwar, Shri Nathu Ram  
Ambesh, Shri  
Ansari, Shri Ziaur Rahman  
Arvind Netam, Shri  
Azad, Shri Bhagwat Jha  
Banamali Babu, Shri  
Barupal, Shri Panna Lal  
Basumatari, Shri D  
Besta, Shri S. C.  
Bhagat, Shri B R  
Bhagat, Shri H K I.  
Bhargava, Shri Bageshwar Nath  
Bheshmadev, Shri M.  
Brahmananaji, Shri Swami  
Chandrakar, Shri Chandulal  
Chavan, Shrimati Premalabai  
Darbara Singh, Shri  
Das, Shri Anadi Charan  
Dhamankar, Shri  
Dinseh Singh, Shri  
Dixit, Shri G. C.  
Dumada, Shri L. K.  
Gandhi, Shrimati Indira  
Gohain, Shri C. C.  
Gokhale, Shri H R.  
Gomango, Shri Giridhar  
Gopal, Shri K.  
Gotkhinde, Shri Annasaheb

Gowda, Shri Pampan	Rao, Shrimati B. Radhabai A.
Hari Kishore Singh, Shri	Rao, Shri Nageswara
Ishaque, Shri A. K. M.	Rao, Shri P. Ankineedu Prasada
Jagjivan Ram, Shri	Rao, Shri Rajagopala
Kadam, Shri J. G.	Ravi, Shri Vayalar
Kailas, Dr.	Reddy, Shri K. Ramakrishna
Kakodkar, Shri Purushottam	Reddy, Shri M. Ram Gopal
Kakoti, Shri Robin	Reddy, Shri P. Narasimha
Kale, Shri	Richhariya, Dr. Govind Das
Kapur, Shri Sat Pal	Rohatgi, Shrimati Sushila
Karan Singh, Dr.	Roy, Shri Bishwanath
Kotoki, Shri Liladhar	Sadhu Ram, Shri
Kureel, Shri B. N.	Saini, Shri Mulki Raj
Mahajan, Shri Vikram	Sangliana, Shri
Majhu, Shri Kumar	Sankata Prasad, Dr.
Maurya, Shri B. P.	Satpathy, Shri Devendra
Mishra, Shri G. S.	Savitri Shyam, Shrimati
Mohsin, Shri F. H.	Shailani, Shri Chandra
Murmu, Shri Yogesh Chandra	Shambhu Nath, Shri
Negi, Shri Pratap Singh	Shankar Dayal Singh, Shri
Pahadia, Shri Jagannath	Shankaranand, Shri B.
Paudey, Shri Krishna Chandra	Sharma, Dr. H. P.
Pandit, Shri S. T.	Sharma, Shri Nawal Kishore
Pant, Shri K. C.	Sharma, Shri R. N.
Paokai Haokip, Shri	Shenoy, Shri P. R.
Parashar, Prof. Narain Chand	Siddheshwar Prasad, Shri
Patel, Shri Natwarlal	Singh, Shri Vishwanath Pratap
Patel, Shri Prabhudas	Sinha, Shri Dharam Bir
Peje, Shri S. L.	Stephen, Shri C. M.
Pradhani, Shri K.	Subramaniam, Shri C.
Raghu Ramaiah, Shri K.	Suryanarayana, Shri K.
Ram Dhan, Shri	Tulsiram, Shri V.
Ram Sewak, Ch.	Unnikrishnan, Shri K. P.
Ram Singh Bhai, Shri	Venkatswamy, Shri G.
Ramji Ram, Shri	Vidyalankar, Shri Amarnath

Vikal, Shri Ram Chandra

18 hrs.

Yadav, Shri Chandrajit

MR. CHAIRMAN: Some hon. Members want the House to be adjourned at 6. I would like to know the pleasure of the House.

Yadav, Shri Karan Singh

MR. CHAIRMAN: The \*result of the division is:

Ayes—22; Noes—102.

SHRI K. RAGHU RAMAIAH: How long will this take?

The motion was negatived.

MR. CHAIRMAN: Not less than 35 minutes.

MR. CHAIRMAN: There are no amendments to Clause 6. The question is:

SHRI K. RAGHU RAMAIAH: Ther let us finish with this.

"That Clause 6 stand part of the Bill."

MR. CHAIRMAN: The pleasure of the House is that you will continue. We want to finish with this.

The motion was adopted

Clause 6 was added to the Bill.

SHRI JYOTIRMOY BOSU: In the B.A.C. it was suggested that with lunch hour the House will sit upto 6 O'clock. Beyond this let us not sit Let us adhere to the wish of the B.A.C.

Clause 7—(Powers in relation to absconding persons)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 3, line 41,—

for "one year or with fine or with both"

substitute—

"two years and with fine" (14).

MR. CHAIRMAN: I have taken the sense of the House. The House wants tot complete this today Let Shri Ramavatar Shastri continue

SEVERAL HON. MEMBERS: No no

सभापति जी, इसमें कहीं भी मतभेद नहीं है कि तस्करी करने वाले लोग हमारे देश के बहुत बड़े दुश्मन हैं। समाज विरोधी तो है ही, साथ साथ देश द्रोही भी हैं। एमेलों को सब्त के सब्त सजा दी जाय, इस बात का स्वागत हिन्दुस्तान की तमाम जनता करेगी। इसलिए मैंने ऐसे देश द्रोही, समाज-द्रोही, जनता-द्रोही, तत्त्वों के खिलाफ ज्यादा सब्त कार्यवाही करने की मांग अपने सशोधन के जरिए की है। इसमें यह बात कही गई है कि जो लोग फरार हो जायें, एक तो तस्करी करना बहुत बढ़ा जुर्म है, और फरार होना तस्करी करने के बाद और बढ़ा जुर्म है . . . ?

SHRI BHOGENDRA JHA: Nothing will be lost if this Bill is finally adopted tomorrow. We can sit even upto 12 in the night if necessary. I do not think this is necessary. The Members on this side are pressing that we may take this up tomorrow.

SHRI DINEN BHATTACHARYYA: You want cooperation from us. To day when the two speakers from the Congress Benches and one from the Opposition were not here and Shri Somnath Chatterjee, who is an eminent lawyer, he wanted to speak on this Bill, he was not allowed to speak. So, we cannot allow you to pass this Bill. . . . (Interruptions).

\*The following Members also re-corded their votes for NOES: Sarvasri R. G. Tiwari, Biren Engti and Vasant Sathe.

*Shri Dinesh Bhattacharyya and some hon. Members then left the House.*

**MR. CHAIRMAN:** Let the Minister for Parliamentary Affairs explain the position.

**SHRI K. RAGHU RAMAIAH:** The Deputy-Speaker was regulating the proceedings at that time. I enquired from him when he would call the hon. Minister and then he pointed out that there were two parties which had not participated and that he would give them time. Then the CPM members wanted that one more Member from their party should be called, to which request the Deputy-Speaker did not accede. I did not say this. I requested all our Members to drop and they did not speak. I cut out our list to help the Deputy Speaker. If the Deputy-Speaker does not call another representative of the same party, how am I responsible? Secondly, they could still speak in the third reading stage; nobody wants to shut out anybody.

The second point is this. This is an important measure and the entire House is interested; all the parties are interested. We have already exceeded the time allotted to it. You know how little time we get every day and I make a special request to the Opposition to kindly sit for a little while more so that we can transact other business tomorrow.

**SHRI SAMAR GUHA:** Mr. Chairman, you are aware of the situation in the House from day to day; that is continuing. There was an effort to resolve almost the quasi deadlock that was there. Tomorrow something very serious may happen in the House affecting parliamentary democracy. I had tabled some amendments but when the Speaker invited us to meet, I had to go in view of the importance of that matter and I had to forego my amendments.

**MR. CHAIRMAN:** In the light of what you are saying, you should com-

plete the work on this Bill today because something else is going to happen tomorrow, that is what you say.

**SHRI SAMAR GUHA:** After what happened in the Speaker's meeting our minds are preoccupied with something else. I wanted to speak on my amendments or, if possible, in the third reading. We are equally concerned, as much as the Treasury Benches with the future of parliamentary democracy and what happens tomorrow will not only affect the Treasury Benches but will also affect the whole country and the future of democracy. One individual who participated on behalf of his party cannot take a decision; it has to be discussed with other leaders or members of the party and therefore we want to meet tonight or tomorrow morning. Madam Prime Minister, we are equally concerned. Something may happen tomorrow which will have a serious effect. Our mind is preoccupied with what happened in the Speaker's chamber at about 5.45 p.m. today. Since we want to go out and consult our members and other leaders in the party and we cannot participate now. We should not be hustled.

If you want to bully us you can do it. But it is not fair.

**MR. CHAIRMAN:** In that case, we can complete the second reading today and take up the third reading tomorrow.

**SHRI SAMAR GUHA:** Yes.

**श्री राजावतार शास्त्री :** मैं यह निवेदन कर रहा था कि तत्काली का खंडा समाज विरोधी और राष्ट्र विरोधी है। अगर ऐसे लोग कानून की निगाह से बचने के लिये नजरबन्दी से बचने के लिये फरार हो जायें तो ऐसे फरार तत्काली को सजा देने की व्यवस्था आप ने हम में रखी है और वह सजा एक साल तक आप ने रखने का प्रावधान इस विधेयक में किया है। मेरा

[श्री रामावतार शास्त्री]

संशोधन] है कि जो संगीन जुर्म कर सकते हैं उन को केवल एक साल तक की ही सजा दी जाय यह पर्याप्त नहीं है। ऐसे देश-द्रोहियों को, समाज विरोधी तत्वों को जो सम्पूर्ण समाज को विषाक्त बना रहे हैं, ऐसे लोगों को अधिक सजा मिलनी चाहिये। अगर बे फरार हो गये, कानून की गिरफ्त में बचना चाहते हैं तो मेरा संशोधन है कि एक साल की सजा बढ़ा कर दो साल कर दी जाय। दो साल भी हालांकि बहुत बड़ी सजा नहीं है। मैं जानता हूँ आप ज्यादा उन को सजा नहीं देना चाहते क्यों कि आप में से भी बहुतों के बं दोस्त हैं और इधर भी बहुतों के बं लोग दोस्त हैं। फिर भी अभी, जो स्थिति है और आप ने इस तरह का कदम बढ़ाया है, उनको नजरबन्द कर रहे हैं, उन के खिलाफ कार्यवाही कर रहे हैं यह स्वागत योग्य कदम है। हम चाहते हैं कि इसमें यह बात जोड़ दी जाय कि अगर कोई तस्कर भागता है तो उस के एन्सकौड करने पर दो साल की उम्र को सजा की जाय। एक साल को बढ़ा कर दो साल कर दीजिये। अगर ऐसा आप करते हैं तो लोगों को विश्वास होगा कि आप तस्कारों के प्रति कठोर रुख अपना रहे हैं। इसलिये मेरे संशोधन की स्वीकार कीजिये।

SHRI C. SUBRAMANIAM: I am unable to accept the amendment.

MR. CHAIRMAN: I will now put Amendment No. 14 moved by Shri Ramavatar Shastri to the House.

*Amendment No. 14 was put and negatived.*

MR. CHAIRMAN: The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

*Clause 7 was added to the Bill.*

MR. CHAIRMAN: There are two amendments by Shri Mishra but he is not here. The question is:

"That clause 8 stand part of the Bill."

*The motion was adopted.*

*Clause 8 was added to the Bill.*

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

MR CHAIRMAN: There are amendments by Shri Samar Guha, Shri Unnikrishnan and Shri Khuda Baksh. But they are not present. There is a Government Amendment No. 20

*Amendment made:*

Page 5,—

*after line 44 insert—*

"(4) The case of every person detained under a detention order to which the provisions of sub-section (1) apply shall within a period of six months from the date of detention, be reviewed [unless in the meantime a reference has been made in respect thereof to an Advisory Board constituted under clause (a) of section 8 read with sub-section (2) or such order has been revoked] by the appropriate Government in consultation with a person who is, or has been, or is qualified to be appointed as a Judge of a High Court nominated in that behalf by that Government

Provided that where the appropriate Government is a State Government, that Government shall also consult the Central Government in the matter."(20)

(Shri C. Subramaniam)

MR. CHAIRMAN: The question is:

"That clause 9, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 9, as amended, was added to the Bill.

Clause 10.—(Maximum period of detention).

SHRI RAMAVATAR SHASTRI: I beg to move—

Page 5, line 48,—

for "one year" substitute "two years" (15).

Page 6, line 4.

for "two" substitute "four" (16)

SHRI BHOGENDRA JHA I beg to move

Page 5, line 48.

for "from the date of detention" substitute—

"from the date of the confirmation of detention by the Advisory Board" (27).

Page 6, line 4,—

for "from the date of detention" substitute—

"from the date of confirmation of detention by the Advisory Board" (28).

Page 6 after line 7 insert—

"Provided further that every person so detained, shall, after the confirmation of detention by the Advisory Board but before the expiry of one year from the date of detention or before revocation of detention, if any, whichever is earlier, be prosecuted under the appropriate laws for offences connected with smuggling." (29).

श्री रामावतार शास्त्री : सभापति जी, मुझे जो कहना था वह मैं बह चुका हूँ। सलाहकार समिति एक साल तक नजरबन्दी की अवधि बढ़ाने की बात कर सकती है। ज्यादा से ज्यादा किसी भी तस्कर को एक

साल तक धारा 8 (एफ) के मुताबिक नजरबन्दी कर सकते हैं। मेरा संशोधन यह है कि उन के जुर्म को देखते हुए इसकी बियाद आप एक साल से दो साल कर दीजिये। हमारा संशोधन नम्बर 15 है और धारा 9 के मुताबिक नजरबन्दी की अवधि आप दो साल रखना चाहते हैं। मैं चाहता हूँ कि उसे चार साल किया जाय। यही मेरे 10वीं धारा में दो संशोधन है और इसलिए है कि तस्करों को ज्यादा से ज्यादा बाध कर रखिये ताकि वह अपना कुराफरात, दश-द्रोही हरकते बाहर न कर सके। जो कि आज की पूजीवादी जो व्यवस्था है उस में वे जेल के लोगों में भी मिल कर कुराफरात कर सकते हैं। फिर भी उन को मैं सीमित करना चाहता हूँ। इसलिये नजरबन्दी की अवधि दोनों मामलों में बढ़ा दी जाए।

SHRI BHOGENDRA JHA: My amendment Nos. 27 and 28 are on the same lines as that of Shri Ramavatar Shastri. So, I do not want to press that point further.

I come to my amendment No. 29. During the course of the debate many members emphasized the point that the professional smugglers, if there are circumstantial evidence against them, proceeded with in the courts, apart from their detention. Suppose there are some incidents, some antecedents, some links which have been established, then they should be prosecuted. In about three months the Advisory Board will confirm or advise the revocation of the order of detention. But, thereafter, within one year, they should be proceeded with in the courts. I am suggesting one year because this law mentions one year in the case of certain categories of detenus and two years in the case of some other categories. So, after the confirmation of detention by the Advisory Board, but before the expiry of one year from the date of date, or before the revocation, of the detention, if any whichever be earlier, that person should be

[Shri Bhogendra Jha]

prosecuted. I think, that way, he is under detention and then he will be prosecuted. Both are not contradictory. Both are not exclusive. They are supplementary. If they are prosecuted, it will be better to have other links also established while they are in detention so that they will be less powerful to subvert justice, as is done with the help of money, invariably, by fair or foul means.

That is my amendment. I would request the Treasury Benches to accept the amendment. There are apprehensions and it is said by persons who are connected with smugglers, who want to back smugglers, that prosecutions or trials are not going to take place because someone who is connected with them does not want to be exposed. So, in order to see that such misgivings are removed, you accept it. I want that this period of detention should not be treated as a period of under-trial. Otherwise, while under trial, they will be released on bail. To ensure against that, they being released on bail, this detention is all right. But it is in order that other things, connections links, are brought out and, thereafter, he is sentenced to some imprisonment so that he does not honourably come out and say that without any trial, without any charge, he has been kept in prison.

I would again request the Treasury Benches to accept my amendment if they mean business. They should not stand on prestige that they will not accept any amendment. The amendments that have been moved by the Finance Minister are in favour of smugglers. He has said that this was a legal advice. We know how legal advice is secured. We have that experience. That is why this Bill had to be brought forward. This legal advice is legally purchased, not through corruption, guaranteed under our Constitution, that the best legal advice can

be had by spending largest amount of money, ill-gotten money. That is the tradition of our judicial system.

Under the circumstances, I would request him to accept the amendment if he is serious enough. It is in order to meet the challenge thrown from outside and, at the same time, to make the purpose more effective, he should accept the amendment.

**SHRI C. SUBRAMANIAM:** It is totally misconceived. There is absolutely no bar if there are sufficient materials, to launch a prosecution. This will make nonsense of the whole thing.

**SHRI BHOGENDRA JHA:** He should not use such a word. He has used the word "nonsense". He has nonsensically proposed the amendments. It seems to have been done to favour smugglers.... (Interruptions)

**MR CHAIRMAN** Order, order. No more speech.

Now, I put amendment Nos 15, 16, 27, 28 to clause 10 to the vote of the House

*Amendments Nos. 15, 16, 27, 28 were put and negatived*

**MR. CHAIRMAN:** Now, I will put amendment No 29 to clause 10 by Shri Bhogendra Jha to vote.

*Amendment No 29 was put and negatived.*

**MR CHAIRMAN:** Now, the question is:

"That clause 10 stand part of the Bill."

*The motion was adopted.*

*Clause 10 was added to the Bill.*

MR. CHAIRMAN: Shri Samar Guha is not here to move his amendment. Now, the question is:

"That clause 11 stand part of the Bill"

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—(Temporary release of persons detained.)

SHRI RAMAVATAR SHASTRI: I move:

Page 6, line 21.—

omit "either without conditions or" (17)

Page 6, lines 25 and 26,—

omit "or without" (18)

Page 6, lines 33 and 34,—

for "two years, or with fine, or with both"

substitute—

"four years, and with fine". (19)

इस क्लॉज के बारे में मेरे तीन सशोधन हैं और उन तीनों पर मैं एक ही बात बोलना चाहता हूँ। नजरबन्दों को छोड़ने की व्यवस्था आप इस विधेयक में रख रहे हैं। धारा 12 (1) में आप कहते हैं:

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

मैं पूछना चाहता हूँ कि आप उनके प्रति दया भाव क्यों दिखाना चाहते हैं, स्मगलर्स के प्रति दया क्यों दिखाना चाहते हैं। लेकिन चूँकि आप दया दिखा रहे हैं इस वास्ते धारका जो मंशा है वह साफ नजर आ जाता है। जो तस्कर नजरबन्द है उसको

अगर आप किसी बन्धु से अस्वाधी रूप से छोड़ना चाहते हैं तो आपको चाहिये कि आप सख्त कंडिशन लगाएं और जो अपने विदाउट कंडिशन कहा है यह गलत बात है। विदाउट कंडिशन की बात आपको नहीं करनी चाहिये। विदाउट कंडिशन आप ने उसको छोड़ दिया तो फिर वह अपना धंधा शुरू कर देगा। उनके प्रति आप सख्त बनें, सख्त इरादे से काम ले, आपका इरादा सख्त मालूम नहीं पड़ना है। कुछ देर पहले मंत्री महोदय ने जिस नानमस शब्द का इस्तेमाल किया है ऐसा लगता है कि यह सरकार सब नानमस कायम ही करती है। अगर सरकार ईमानदार है, तो मंत्री महोदय इन शब्दों को हटा दें "आइ-दर विदाउट कन्डीशन्ज आर" ताकि यह क्लॉज इस प्रकार पढ़ी जाय: "मे बी रिलीज्ड फार एनी स्पेसिफाइड पीरियड अपॉन सब कन्डीशन्ज..."। अगर किसी को छोड़ा जाना है, तो उस पर सख्त में सख्त कन्डी-शन्ज लगाई जाय, ताकि वह बाहर जा कर जुराफत न कर सके — समाज-विरोधी या देश-विरोधी कार्य न कर सके।

मेरा सशोधन मध्या 18 यह है कि क्लॉज 12(2) में मे "आर विदाउट" को निराल दिया जाय, ताकि किसी व्यक्ति को छोड़ते समय उस से श्रिटी ली जाय। किसी को भी श्रिटी के बिना न छोड़ा जाय, ताकि रिहा किये जाने के बाद वह पकड़ में रहे। वह गायब न हो जाय और समय पर हाजिर हो।

क्लॉज 12(4) में कहा गया है कि अगर कोई व्यक्ति निर्धारित तरीके के अनुसार अपने आप को सरेन्डर नहीं करता है तो उसको दो साल कैद, या जुर्माने, या दोनों की सजा होगी। मेरे सशोधन का तात्पर्य यह है कि अगर कोई व्यक्ति नक बन कर, चकमाके कर या किसी को बूस दे कर, गलत तरीके से, जेल से बाहर चला जाय, और



[श्री रामावतार शास्त्री]

अपने आप को सरेन्द्र न करे, तो उसको चार साल की कैद और जुर्माने की सजा हो। हम लोग राजनैतिक कार्यकर्ता हैं। हम लोग जेलों में रह चुके हैं। हम जानते हैं कि जेलों में क्या घड़ा हो रहा है। अगर कोई व्यक्ति कोई बहाना बना कर, गलत मेडिकल सार्टिफिकेट दे कर बाहर चला जाये और फगर हो जाये, वानून की गिरफ्त में भाग जाये तो उसके लिये दो साल की कैद की व्यवस्था की गई है। मैं चाहता हूँ कि ऐसे व्यक्तियों को चार साल की कैद और जुर्माने की सजा दी जाये, ताकि उन्हें मालूम हो कि तस्करों को क्या भयाने और शर्तें पूरी न करने की क्या सजा होती है और जनता का भी यह मालूम हो कि सरकार सबमुक्त में तस्करों के खिलाफ बहुत कार्यवाही करना चाहती है भले ही व तस्कर विभी भी नेता, मन्त्री बने या गैर-सरकारी दल में सबंध रखते हों।

मेरे ह. तीना सभाधना का उद्देश्य इस धारा का मूठन बनाना है। इसालय मत्री महोदय इन को स्वीकार कर ले। इन को स्वीकार न करने में हमारा प्रार जभता के मन में यह शका पैदा हागी कि सरकार तस्करों के प्रति सख्ती नहीं बरतना चाहती है, वह उपर से चाहे जा कुछ बहती हो, लेकिन वह एसा रास्ता निशान रहीं है, जिस से वे बच निकले या उन का बम स बम सजा हो। मेरा अनुराध यह है कि सरकार तस्करों के प्रति सख्ती हा और उन के विरुद्ध राजदंड ना इस्तेमाल सख्ती स करे।

SHRI BHBOGENDRA JHA These three amendments release to what is popularly known as being released on parole. Sometimes there may be humanitarian conditions, the father may die, or mother may die and so on. It is our experience when we are detained evidence is produced and even thereafter the person is not sentenced

and all that. These amendments do not object to the provision as such, but say that the term without conditions should go. They are not ordinary people but powerful men. They have got assets and links abroad. It is not necessary for them to remain Indian citizens also. If on the one hand you have to provide for their temporary release or parole on the other hand you must provide for the fact that such conditions are definitely there.

Similarly there must be sureties. None should be released without adequate surety. As regards the sentence of two years, the Minister can consider, on these two points, namely without condition and without surety, none should be released otherwise you are deepening the apprehension in the peoples' mind that there may be tendencies to bargain.

SHRI C SUBRAMANIAM In view of the hard plea put by the hon. Member, I am prepared to accept amendment No. 18.

MR CHAIRMAN I am now putting amendment No. 18 of Shri Ramavatai Shastri to the vote of the House. The question is—

Page 6 lines 25 and 26.—

omit or without (18)

The motion was adopted.

MR CHAIRMAN Now, I am putting amendments No. 17 and 19 of Shri Ramavatai Shastri to the vote of the House.

The Amendments No. 17 and 19 were put and negatived.

MR CHAIRMAN The question is—

'That clause 12, as amended stand part of the Bill'

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 was added to the Bill

Clause 14—(Repeal)

SHRI C. SUBRAMANIAM: I move.

Page 6, line 44,—

after "repealed" insert—

"and accordingly the amendments made in the Maintenance of Internal Security Act, 1971 (26 of 1971), by the said Ordinance shall, on such commencement, cease to have effect." (36).

MR. CHAIRMAN: Now, I am putting amendment No. 36 of Shri C. Subramaniam to the vote of the House. The question is:

Page 6, line 44. -

after "repealed" insert—

"and accordingly the amendments made in the Maintenance of Internal Security Act, 1971 (26 of 1971), by the said Ordinance shall, on such commencement, cease to have effect." (36).

The motion was adopted

MR. CHAIRMAN: The question is:

"That Clause 14, as amended, stand part of the Bill".

The motion was adopted.

Clause 14, as amended, was added to the Bill.

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

SHRI C. SUBRAMANIAM: Sir, I beg to move:

"That the Bill, as amended, be passed"

MR. CHAIRMAN: Now, the House stands adjourned to meet at 11 A.M. tomorrow

18.41 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 6, 1974/ Agrahayana 15, 1896 (Saka)