

[Mr. Deputy-Speaker]

Committee looks into this immediately and places the fact before the House the House will have material for the purpose of discussing the matter whether it ought to allow the excess demands or not. That would be an advantage to the House. There is no doubt about that. But not to place it before the House even in such cases which are definitely known to the Government saying that the Public Accounts Committee has not sent its report is not justified."

It is a very lengthy ruling on this point taking into consideration the procedure and practice followed in this House. But if the practice has changed I cannot say off-hand just now. As I have said, if there is some justification or some excuse he may advance that but so far as the previous ruling is concerned nobody can challenge it on the floor of the House.

SHRI S. M. BANERJEE: Sir, my only demand was, let the Minister become humble and submissive and let him tender an apology.

MR. DEPUTY-SPEAKER: That is not relevant.

SHRI S. M. BANERJEE: All right, I withdraw.

MR. DEPUTY-SPEAKER: He has tried to explain the present practice and he has justified it. But it is not justified if you keep in mind the ruling given by the Speaker taking into consideration the procedure and taking the point that he made regarding examination by the Public Accounts Committee. The ruling is very clear (*Interruption*).

SHRI DEORAO PATIL (Yeotmal): A point of order has been raised and you have given your ruling. Now what is to be done?

MR. DEPUTY-SPEAKER: This time he will explain the position and those hon. Members who feel that there is dereliction of duty might vote against it. That is all. Nothing more

could be done. Now, does the hon. Minister want to explain the other points?

SHRI S. M. BANERJEE: Let the Minister realise the seriousness.....

MR. DEPUTY-SPEAKER: No question of drubbing him.

SHRI C. M. POONACHA: Shri Goel referred to the British Parliamentary practice and all those things. The excess expenditure now sought for approval by this hon. House has been explained in the papers that have been circulated. I submit that the Demands may be adopted.

MR. DEPUTY-SPEAKER: The question is:

"That the respective excess sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President to make good the amounts spent during the year ended 31st day of March, 1966, in respect of the following demands entered in the second column thereof—

Demands Nos. 2, 5, 8 and 15."

The motion was adopted.

14.57 hrs.

GOLD CONTROL BILL

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI): Mr. Speaker, Sir, I rise to move for consideration of the Gold (Control) Bill, 1968. The Bill has been considered by a Joint Committee of the two Houses and the report of the Committee is already before the House. I should remind the honourable Members that the present Bill, being in replacement of the Gold (Control) Ordinance, 1968, it is necessary that its consideration by both the Houses of Parliament is completed by 30th August at the latest.

The Bill almost entirely follows the arrangement and includes the provisions as in the Ordinance which was promulgated by the President on 29th

June, 1968. The public, as also the trade, therefore, have had time to express their views and make representations. The representations received were duly considered and some amendments, particularly in respect of provisions concerning the goldsmiths, have been incorporated in the Bill during its consideration by the Joint Committee.

I may mention at the outset that the present Bill does not seek to bring about any change in the basic pattern of Control as it obtained since November, 1966, when the 14-carat restriction on the purity of ornaments was withdrawn and certain modifications were carried out in the pattern of control in response to the opinions expressed in Parliament and outside. Briefly, the pattern of Control in this Bill envisages that there should be no restriction of purity or otherwise on manufacture, acquisition, possession or sale of gold ornaments, which, when they exceed certain specified limits, are only required to be declared. These limits have been pitched fairly high so as to ensure that by far the larger sections of people are not required to make these declarations. The private possession of primary gold, that is gold in the form of ingots, slabs, bars, rods, etc., is banned. There is no restriction on possession of gold articles which were possessed by persons at the time of introduction of the Gold Control Rules in January, 1963 but there is a restriction on fresh acquisition of articles, as distinct from ornaments. An exception has, however, been made in favour of gold coins to the extent of five in number by way of gift or exchange. Business in gold by dealers and refiners, as hitherto, is controlled and regulated by a system of licensing and prescription of returns. Gold refineries have been brought under stricter Government control and they manufacture primary gold only in the form of standard gold bars as prescribed. The ultimate object is to bring the gold refining work under State management as soon as possible. A certified goldsmith can accept work not only

from the public but also from licensed dealers. He can also take the assistance of specialist goldsmiths like diecutters, engravers etc. Special facilities have been provided in case of gold which forms part of the structure of public religious institutions and for ornaments and articles owned by these institutions.

Besides these basic features some new provisions have been introduced in the Bill with a view to tightening up the procedural aspects of the Control and eliminating certain administrative lacunae which had come to notice during the course of the actual working of the scheme of control. The Notes on Clauses which were appended to the Bill as introduced in the Lok Sabha focus attention on these provisions. However, I may make mention here of two important provisions. Consequent on the ban on private possession of primary gold, a tendency was noticed for smuggled gold to be disguised in the form of crudely made ornaments which, in essence, were nothing but gold bullion. It was also observed that in several cases the persons from whom dealers claimed to have acquired ornaments were either fictitious or not traceable so that the source of such gold which remained unaccounted for, but which had nonetheless entered into circulation on a substantial scale, could not be traced. An 'Explanation' has now been added to the definition of the term 'ornament' with a view to exclude crude manufactures of gold from the facility available in law for the acquisition, sale and possession of genuine ornaments. Simultaneously, a provision has also been made casting a responsibility on all licensed refiners, dealers and goldsmiths to take all reasonable steps to satisfy themselves as to the identity of the persons from whom they acquire any articles or ornaments. The second important provision requires every licensed dealer or refiner to declare all gold articles or ornaments which belong to him or which are in his possession, custody or control. The exemption limits permissible from the general public

[Shri Morarji Desai]
 in relation to the requirement of declaration of ornaments will not be available to the dealers and refiners. It had been repeatedly observed that licensed dealers, when found in possession of stocks of ornaments in excess to those entered in their prescribed accounts, often took the plea that these represented their personal property. It was also noticed that they kept the ornaments manufactured by them clandestinely, at their residences and other places and when such stocks were detected, they claimed them as their personal property. It, therefore, became necessary to provide for declaration of all ornaments and articles possessed, owned or controlled by dealers and refiners. I may mention that this provision does not apply to certified goldsmiths. I may also make a reference to another new provision which has been introduced with a view to safeguarding the interests of the public as also to check possible malpractices. This requires licensed dealers to stamp the purity of the ornaments manufactured or sold by them. This provision will again not apply to certified goldsmiths who only manufacture ornaments on orders of their customers and do not, like the dealers, buy or sell ornaments.

The Joint Committee, which considered the provisions of the Bill, taking in account of the representations received from various interests also has made several changes in the Bill. For instance, a certificate issued to a goldsmith which is at present subject to periodical renewal will now be valid for his lifetime unless it is cancelled earlier for reasons such as contraventions of the law. A displaced goldsmith who had taken rehabilitation loan has been made eligible to apply for grant of a certificate if he so desires. Similarly, a member of a goldsmith's family who was assisting the goldsmith in his work for a period of not less than one year before the commencement of this Act can apply for a certificate. Further, an artisan working for a licensed dealer may also apply for a certificate. The

quantitative limit on primary gold used by a goldsmith during the course of manufacture of ornaments has been raised from 200 grams to 300 grams. He has also been permitted to engage one hired labourer to assist him in his work although such hired labourer will not be eligible to receive a certificate. A provision has also been made for reference to a High Court on questions of law.

Soon after this Bill is passed, I intended to arrange for a proper publicity in the newspapers, etc. to explain in layman's language the provisions of this Act as they affect the public at large and the trade so that the common man is made fully aware of his rights and obligations under this law.

I will now briefly deal with the Minutes of Dissent which some honourable members have appended to the report of the Joint Committee. A particular point of criticism in several of these minutes is about the lot of the goldsmiths. It has been stated that the Bill continues to be a measure weighted against the goldsmith and his children, that grant of certificates only to such displaced goldsmiths as have repaid the rehabilitation loan will spell hardship, and that conditions attaching to the issue of the certificates are onerous. This line of criticism causes me some surprise, because the Bill, as reported on by the Joint Committee, in fact meets these as well as other points. The amendments incorporated in the Bill by the Joint Committee to which I have already referred confer on the goldsmiths very substantial further concessions. I would urge for the consideration of my friends who are particularly concerned about the lot of the goldsmiths that they might closely examine the provisions of Chapter VIII of the Bill.

I am gratified to see that while appending their minutes of dissent, majority of the members have nonetheless endorsed aims and objectives of the policy underlying the Gold Control measure. Shri Anbazhagan

has in fact stated that "these statutory measures adopted in the past and also provided in this Bill, do not go far". Perhaps this is so. Recognising, however, that a measure of socio-economic reform which is aimed at changing centuries-old traditions and customs cannot be expected to become fully effective within a short period, Government, in deference to public opinion, decided to introduce the restrictions aimed at discouraging the use of gold only gradually. Government's policy, however, remains directed towards taking progressive steps to wean people away from the habit of acquiring gold and mobilise for constructive utilisation the considerable wealth in the country which lies idle and inactive in the form of gold hoardings. A point made in this regard in the dissenting minutes was that although there was sympathy for the aims of the Government's gold policy, yet as the objectives of the policy had not been achieved, the measure should be opposed. I regret I do not see the validity of this manner of reason. First, even in its relaxed form, the Gold Control has been valuable aid in the detection of smuggling and has placed obstacles and hurdles in the path of circulation of smuggled gold. Secondly, the point that smuggling still persists is not an argument against the Gold Control; on the contrary it reinforces the need for stricter measures. If smuggling could persist in spite of controlled conditions, the position resulting from elimination of such a control would be far more alarming. It would be readily appreciated that our scarce foreign exchange resources do not permit of any liberties to be taken in the matter.

A point has also been made that smuggling, no matter what the commodity, is harmful and steps should be taken preferably on other fronts to prevent smuggling of gold as also of other commodities and to plug leakages of foreign exchange particularly through under-invoicing and over-invoicing of goods. I may assure the House that the Government is fully alive to the need to tighten up

the measures simultaneously on those fronts also. Various steps have been taken and are being taken in those directions. I have also to remind honourable members that whereas all smuggling is bad and injurious for the economy of the country, gold stands in a class by itself. Because of its easy vendibility, comparatively smaller bulk for value and the continuing urge to acquire gold, smuggling of gold as a single commodity has been causing the largest drain on our foreign exchange resources and, therefore, needs special attention and more drastic measures to combat it. It follows that general measures taken on the anti-smuggling front are supplemented by a system of detailed control on the internal transactions in gold such as this Bill seeks to impose. I also see no force in the contention that gold is the only safeguard against inflationary tendencies and the dwindling value of the rupee. The hoarding of gold results in sterile waste of resources. Even on purely commercial considerations, the advantage of investment in gold is only illusory. If money is properly invested in Small Saving and other schemes, which are easily available to the common man, the return on such investments would be substantial over a period, even more than the gain by the rise in the price of gold. The fact of the matter is that those who choose to invest in gold in a big way are not interested in obtaining return on their investment, but to hide their wealth. Then criticism has been made of the regulation of trade in gold. I do not see how we can do without regulating business and trade in gold if we have to have any sort of control. The provisions of this Bill do not interfere with the carrying on of legitimate business. Such restrictions as have been imposed to regulate the trade are minimum and absolutely essential.

In some minutes of dissent, it has been stated that no attempt has been made to reduce the lure and demand for gold from the public. The most important weapon to bring this about was the 14-carat restriction on purity of ornaments which was withdrawn

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in deference to the views expressed in the Parliament and outside. The other potent weapon to reduce this lure and demand for gold is through systematic public education. Here again, the required degree of initiative and guidance has not been forthcoming from leaders of public opinion. I would earnestly urge the honourable members to exert their influence and lend their active support towards extensive public education so as to wean the public away from the habit of locking their resources in gold.

I would wind up by stating that Government's basic gold policy having already been endorsed by the Parliament when it enacted the Gold (Control) Act, 1965, which was a far more restrictive and stringent measure, there ought to be no serious criticism of the present Bill as reported by the Joint Committee. With these words, Sir, I move*:

"That the Bill to provide, in the economic and financial interests of the community, for the control of the production, manufacture, supply, distribution, use and possession of, and business in, gold, ornaments and articles of gold and for matters connected therewith or incidental thereto as reported by the Joint Committee, be taken into consideration."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide, in the economic and financial interests of the community, for the control of the production, manufacture, supply, distribution, use and possession of, and business in, gold, ornaments and articles of gold and for matters connected therewith or incidental thereto as reported by the Joint Committee, be taken into consideration."

SHRI SRINIBAS MISRA (Cuttack): On a point of order. The hon. Minister has just stated that this Bill does not interfere with any profession or with any business. I would draw your attention to clause 39.

MR. DEPUTY-SPEAKER: If he has objection to any particular clause, he can raise that point when that clause comes up.

SHRI SRINIBAS MISRA: I am raising the point under article 19 of the Constitution. Kindly see what clause 39 says. It reads thus:

"Save as otherwise provided in this Act, no person shall commence, or carry on, business as goldsmith after the commencement of this Act, unless he holds a valid certificate recognizing him as a goldsmith."

So, there is a prohibition here. It appears that the hon. Minister thinks that this Bill is only for the present, and no future generation will become goldsmiths. Because of circumstances, the calling of goldsmiths is a profession in this country to this extent that a caste is specifically called as goldsmiths. Article 19(1)(g) says that:

"All citizens shall have the right to practise any profession or to carry on any occupation, trade or business."

It can only be restricted under clause (6) of article 19 which says thus:

"Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right...."

MR. DEPUTY-SPEAKER: That is the point.

SHRI SRINIBAS MISRA: Reasonable restriction on the exercise of the right does not mean that we can abolish the profession itself.

MR. DEPUTY-SPEAKER: It does not mean abolition; it is only restriction. Whether it is reasonable or not is a thing on which interpretations may differ.

SHRI N. DANDEKER (Jamnagar): His point is that in a generation the profession of goldsmiths will be abolished.

*Moved with the recommendations of the President.

SHRI SRINIBAS MISRA : I am coming to that. Clause 39(4) says :

"On and from the commencement of this Act, the following classes of persons shall be eligible to apply for the grant of a certificate, namely :—

(a) a person, who at the commencement of this Act is a member of the family of a certified goldsmith and had been assisting him in his work as a goldsmith for not less than one year."

But what about the people who will be born hereafter? What about the people who will be able to assist the goldsmiths and who would take up the profession of the father after attaining majority. Those persons are completely blocked out and they are being disabled from practising that profession. It is actually killing the profession; it is not regulating it or restricting it but actually killing it and eliminating such persons from practising the profession of goldsmiths. So, this clause and the Bill which contains such a clause cannot be considered and it is unconstitutional.

MR. DEPUTY-SPEAKER : As the hon. Member has himself pointed out already, there can be reasonable restriction in public interest and it is such a restriction that is sought to be put on this particular profession. As regards the interpretation which the hon. Member has given it is a point for debate whether it could be interpreted in that manner or in some other manner. There is no point of order.

SHRI SRINIBAS MISRA : The Constitution authorises only restriction but it does not authorise abolition of a profession so far as persons are concerned.

SHRI NAMBIAR (Tiruchirappalli) : It goes against the fundamental rights and the Constitution. Even the Deputy Prime Minister cannot violate the fundamental rights.

SHRI MORARJI DESAI : In the first place I would submit that there have been several rulings by the Speaker that the question of law, namely whether it is within the Constitution or not is not to be decided by the House but it will be decided by a proper court. Therefore, that point of order does not arise at all.

But even when he says that this is a fundamental right, I would submit that it is a fundamental right for all citizens, that is, those who are living, not those who are to be born. How can it apply to future generations? I do not understand this. How could it apply to those who are not existing today? I can argue about it in the Supreme Court. But here we are not competent. I have no doubt however that I can argue on this point even before the Supreme Court and say that this is a valid point. Therefore, there is no merit in what he says.

SHRI NAMBIAR : This argument is palpably wrong. My submission is this. Knowing full well that the thing is palpably wrong and *prima facie* wrong, even though he says that it is for the courts to decide, still as law-makers, we cannot allow this kind of thing to happen. We feel that it is wrong and it is fundamentally opposed to the Constitution. So, how can we allow this Bill to be passed? Let the courts decide if there is a dispute. But here the question of dispute does not arise at all. We are so clear that it is contrary to the Constitution. Therefore, we want it to be interpreted in a proper manner, and, therefore, I would submit that we should not enter into any such legislation here.

SHRI P. RAMAMURTI (Madurai) : I am interested in it as a worker. The hon. Deputy Prime Minister has just stated that fundamental rights are for citizens.

SHRI MORARJI DESAI : That is not the argument on which I am relying. I am relying on the Speaker's rulings.

MR. DEPUTY-SPEAKER: I have already said that it is a reasonable restriction and it does not contravene the Constitution....

SHRI NAMBIAR: You have not yet given your ruling but you are yet to give it.

MR. DEPUTY-SPEAKER: I have already given my ruling. If Shri P. Ramamurti wants to argue on that point, he will get an opportunity to argue on it later.

SHRI P. RAMAMURTI: You may hear the point and then you may decide.

MR. DEPUTY-SPEAKER: If it is a new point I can decide.

SHRI P. RAMAMURTI: It is a new point.

Clause 39(4) says:

"On and from the commencement of this Act, the following classes of persons shall be eligible to apply for the grant of a certificate, namely:—

(a) a person who at the commencement of this Act is a member of the family of a certified goldsmith and had been assisting him in his work as a goldsmith for not less than one year."

Therefore, the profession of carrying on the activities of a goldsmith and his work is confined only to a few persons. I am concerned with this from the point of view of a worker. Suppose I am not a member of the family of a goldsmith. But I may learn this as a profession or as a trade as a person or a citizen to whom no other avenue of employment is open. In this country there is so much of unemployment. So, suppose I am learning this trade. Why should this Bill totally and completely ban anybody other than a member of the family of a goldsmith from becoming a certified goldsmith and carrying on that profession?

I submit that this clause puts a total ban. It is not a reasonable restriction. Reasonable restriction would mean that you can carry on this profession or this trade only under certain restrictions which may be spelt out. But here there is no question of restriction. It is a total ban on all those people, on the overwhelming majority of persons or citizens of this country. That is why I say that it is unconstitutional.

SHRI MORARJI DESAI: My hon. friend has not taken into account clause 39(d)(4)(d) which reads thus:

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

Therefore, any people could be brought under this. So, there is no total ban, it is a very reasonable restriction. It is wrong. They forget all the clauses and want to argue.

SHRI TENNETI VISWANATHAM (Visakhapatnam): Another point....

MR. DEPUTY-SPEAKER: If you have any new point, then I will hear.

SHRI TENNETI VISWANATHAM: Please hear me.

SHRI NAMBIAR: It goes against the Constitution. Everybody has got a point.

SHRI TENNETI VISWANATHAM: If the point which I make is not new, then you can say that it is old and rule it out.

MR. DEPUTY-SPEAKER: You will make the old point with a new garb....

SHRI TENNETI VISWANATHAM: Let us see. This Gold Control Order is like that; giving scope to points of order. What are we to do? This Bill, in the garb of restricting the use of gold is preventing a person from exercising his Fundamental Right of owning, acquiring or disposing of property here 'God'; unless the Administrator or Controller agrees, I cannot own, I cannot purchase, I cannot

agree to have, by sale, gift or otherwise, any gold at all. Why? Gold is a property. Gold is a supreme property. Gold is not a kind of property which people despise. This is what the International Monetary Fund requires, this is what America wants, this is what France wants, and this is what everybody wants. What right has this Government got in the face of article 19 to say that we shall not own gold. You can say, you shall not own so much of gold; gold beyond a specified limit. You can put a restriction, a ceiling... (*Interruption*) but this is a blanket clause saying, you shall not own primary gold at all. What is the harm if I have it? If I can have 1,000 tolas of gold in the shape of articles, why can't I have it in the shape of bar? I cannot understand this distinction, why it is made and for whose benefit it is made. The basic thing is that it is gold. Ornament is only a shape, which is a modification—false; only the gold is true. "*Vaachaarambham Vikaaro Naamadheyam.*" This is what is said in the upanishad. If I can hold it in the shape of ornaments, I must be able to hold it in the shape of primary gold. The fundamental point is that this insidiously cuts at the very root of article 19, the right to own property. This is my fundamental objection. In the name of, in the garb of, in the pretext of, controlling smuggled gold, it is cutting at the very root of my Fundamental Right to own property, to possess property, to get property, to exchange property, to gift property. Here the property aimed at is gold. It is a hopeless thing.

SHRI SHRI CHAND GOEL : rose—

MR. DEPUTY-SPEAKER : No more speeches, please. I have gone through the section that was quoted earlier. Is it the same point that he wants to make?

SHRI SHRI CHAND GOEL (Chandigarh) : Please hear me.

My submission is that I do not agree with the Finance Minister when he

says : let us pass an invalid law, let us pass an illegal law and it will be further....

MR. DEPUTY-SPEAKER : He never said that.

SHRI SHRI CHAND GOEL : He said that : let us pass a law, a piece of legislation which infringes the Fundamental Rights. Parliament will not pass such a law if it is aware of that. If we pass such a piece of legislation in ignorance, that is a separate matter. Sub-section (g) of article 19 of the Constitution clearly says :

"All citizens shall have the rights...."

All citizens, whether born today or to be born hereafter; it applies to the present generation as well as to the posterity.

"All citizens shall have the right to practise any profession or to carry on any occupation, trade or business."

Now clause 39 of the Bill says :

"Save as otherwise provided in this Act, no person shall commence, or carry on, business as a goldsmith after the commencement of this Act, unless he holds a valid certificate recognizing him as a goldsmith."

That means it is debarring all persons, whether present today or to be born hereafter, from taking up this trade.

MR. DEPUTY-SPEAKER : This point was argued. If we accept the social objective that has to be served by the Bill, some restriction is necessary. Otherwise, there might be spurious goldsmiths applying for a certificate and by passing the law. I have satisfied myself that it is absolutely in order.

SHRI SHRI CHAND GOEL : I can understand reasonable restriction being placed against certain class of people.

MR. DEPUTY-SPEAKER : This is reasonable.

SHRI SHRI CHAND GOEL : Here every citizen who is to be born hereafter is being debarred from taking up this profession or practising this trade. Can this by any stretch of the imagination be termed a reasonable restriction ?

SHRI S. M. BANERJEE rose—

MR. DEPUTY-SPEAKER : Shri Banerjee has come on the scene just now. We have covered a lot of ground already.

As regards Shri Goel's point, I would draw his attention to cl. 39(4) (d) on p. 26 :

"A person who belongs to a category or class to which in the opinion of the Administrator, the certificate may be granted in the public interest".

So it does not bar.

SHRI SHRI CHAND GOEL : This certificate can be granted under sub-cl.(4) on and from the commencement of this Act. It says the following classes of persons shall be eligible to apply for the grant of a certificate. Therefore, it debar all other persons who are to be born hereafter. That means it is not placing any reasonable restriction against any disqualified person.

SHRI RANDHIR SINGH (Rohtak) : Shri Goel can get a certificate.

SHRI SHRI CHAND GOEL : My submission is that we are not competent to pass this legislation which contravenes the provisions of the Constitution guaranteeing fundamental rights. Therefore, we should apply our minds and give serious thought to it.

SHRI S. M. BANERJEE (Kanpur) : The hon. Finance Minister has said and talked about reasonable restrictions. When we talk of reasonable restrictions to improve society or bring about some social aim, sometimes reasonable restrictions are necessary. When this question of reasonable restriction was raised in connection

with the compulsory deposit scheme, the hon. Finance Minister pleaded the same argument of reasonable restriction. We contested it. Ultimately, the Attorney General was summoned. He addressed the House and we were allowed to put him many questions as to whether it was actually a reasonable restriction or not. Since a very important and big constitutional point concerning my fundamental right, the fundamental right of the goldsmiths, is involved, I would request that he be summoned to explain this point.

We have been granting certificates to goldsmiths. They belong to the backward classes. You remember under this particular rule, when we issue certificates to the scheduled castes and scheduled tribes, we also issue certificates to backward classes. Who will be the backward classes according to the Administrator ? Only those who get a certificate from the Controller. It means that 5 lakhs of people in this—and 5 lakhs more are to come—those people who are certificate-holders will also be regarded as goldsmiths and they will be allowed to take up this trade. This is wrong in principle.

I would urge upon you to summon the Attorney General tomorrow and address the House. Let us be convinced that it is a reasonable restriction. We are not convinced either by the Finance Minister or any other member opposite. Let the issue be thrashed out as I have suggested.

SHRI DATTATRAYA KUNTE (Kolaba) : I am on a very small point. I am referring to cl. 39(4) which says:

"On and from the commencement of this Act, the following classes of persons shall be eligible to apply for the grant of a certificate :

(a) a person who, at the commencement of this Act, is a member of the family of a certified goldsmith....

(b) a person who has received any loan from the Government..."

Provided that a certificate granted...

(c) an artisan if he surrenders his identity card as an artisan;

(d) a person who belongs to a category or class to which, in the opinion of the Administrator, the certificate may be granted in the public interest."

I do not come in any of these categories. I do not know whether he will put me in that class. Does it mean that because this restriction is going to be put, my fundamental rights under article 19 are taken away? If we are to say that this will be done at the pleasure of the Administration, even then there is not wide scope. The Administrator has to decide whether I belong to a class or whatever it is. I positively will not belong to that class. What will a court of law say about this... (Interruptions.)... that Mr. Kunte does not belong to that class....

AN HON. MEMBER: Thank God you do not.

SHRI DATTATRAYA KUNTE: Are we against caste or community? Are we not saying that there is equality before law? Having created equality before law, why do they now talk of categories and classes? Unfortunately or fortunately, I do not belong to either of the categories or classes. But to debar me from practising this particular profession would positively militate against article 19..... (Interruptions.)

MR. DEPUTY-SPEAKER: On this point I have heard enough. Whether the restrictions are reasonable or not will be decided by the court, if the matter goes before the court.

SHRI C. K. BHATTACHARYYA (Raiganj): Those who are contending here that it offends the provisions of the Constitution should move a writ petition in the Supreme Court restraining Parliament from passing this Bill.

SHRI NARENDRA KUMAR SALVE (Betal): It has been asserted times without number that law is the same

for everyone. That is an incorrect assumption. Law is not the same for everyone. Amongst equals the same law will apply.

श्री जाजं फरनेडीब (बम्बई-दक्षिण) :
उपाध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है। आप आर्टिकल 13(2) को देखिये। विधेयक को पेश करने के बाद जो यहां पर व्यवस्था के प्रश्न उठाये गये उनको ले कर अर्थ मंत्री ने कहा है कि अगर कोई गलत काम किया जा रहा है या संविधान के खिलाफ कोई काम किया जा रहा है तो सुप्रीम कोर्ट अथवा किसी दूसरी अदालत के सामने जा कर इसका फैसला करवाया जा सकता है। मैं बहुत ही नम्र शब्दों में 13(2) के अन्तर्गत यह प्रश्न उठा रहा हूँ।

"The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

49 आर्टिकल यहां पर पढ़ा गया है। आप 44 नम्बर का क्लॉज इस बिल का देखिये। यह आर्टिजेंट के बारे में है :

"A licensed dealer may employ, whether on a whole-time or part-time basis or on payment of daily wages or other remuneration, an artisan...."

आगे जा कर आर्टिजेंट कौन होगा, कौन हो सकता है, इत्यादि बातें इस में लिखी हुई हैं। जहां आर्टिकल 13(2) की बात आती है या इस सदन को इस तरह का कानून बनाने का अधिकार है या नहीं है, यह बात आती है तो आप देखें कि पार्ट 3 में दिये गये अधिकारों का किसी भी तरीके से कहीं भी थोड़ा सा भी चोट लगाने का काम जो कानून करता हो, उसको बनाने का हमें अधिकार नहीं है। आप 39 को देखिये और 44 को देखिये। रेस्ट्रिक्शन खुले तौर पर बिना उसको छिपाते हुए लगाने का काम हम यहां

[श्री जार्ज फरनेंजीज]

कर रहे हैं। फिर अर्थ मंत्री का यह कहना कि अगर आपको कोई गलत बात दिखाई देती हो तो आप बाहर जा कर अदालत के सामने इस प्रश्न को छेड़ सकते हैं, क्या ठीक है? इस संविधान ने इस सदन के ऊपर कुछ बंधन डाले हैं और हमें उन बंधनों का पालन करना होगा।

आगे आप आर्टिकल 15 को भी देखिये :

"The State shall not discriminate against any citizen on grounds only of religion race, caste, sex, place of birth or any of them."

आप 44 को देखिये, 39 को देखिये। सीधे तौर पर डिस्क्रीमिनेशन किया जा रहा है।

MR. DEPUTY-SPEAKER: I have seen it already. You are making the same point. Your presumption is that it contravenes the fundamental right somewhere. I have seen these clauses. I do not feel they contravene the fundamental right. In case your contention is correct, off-hand I cannot just say what could be done. But my feeling is that it does not contravene the fundamental rights. (*Interruption*)

SOME HON. MEMBERS rose—

MR. DEPUTY-SPEAKER: That is not the case. If it is a question of law where, according to your interpretation it contravenes, according to my interpretation it does not. I will carry on the debate. (*Interruption*)

SHRI SRINIBAS MISRA: As it is, as things are, we are bringing out points to show that the Bill contravenes fundamental rights. Two points have been brought out, and how, I am bringing out a clear point to which there can be no answer. Please refer to clause 101, at page 49, which reads :

"no compensation shall be payable for any reduction in the weight of such sample by reason of any test, assay or analysis."

This is taking away the property from a citizen without any arrangement

being made, or rather, it is confiscating the property without compensation. What answer is there? Is there any doubt about the fact that this is a confiscatory clause?

MR. DEPUTY-SPEAKER: Is it a new point? I have already ruled—

SHRI SRINIBAS MISRA: Not on this. On the other point, there is some doubt.

MR. DEPUTY-SPEAKER: It is not confiscatory in nature as you assume. Shri Dandekar.

SHRI S. M. BANERJEE: There is one point. I refer you to rule 340 of the Rules of Procedure. Under that rule, I want to move that the debate be adjourned.

MR. DEPUTY-SPEAKER: I am coming to it. Shri Deven Sen has given notice of a motion. Shri Deven Sen may move his motion now.

श्री देवेन सेन (आसनसोल) : मेरी तरफ़ीम इस आशय की है कि —

"गोल्ड कंट्रोल बिल पर डिबेट स्थगित रखी जाए।"

मैंने यह तरफ़ीम इसलिए दी है कि इस बिल का जो उद्देश्य था वह इस बिल के जरिये पूरा होने का कोई रास्ता दिखाता हो, ऐसा मैं नहीं समझता हूँ। बिल का उद्देश्य यह था कि सोने की चोरी को रोका जाए, भ्रष्टाचार को रोका जाए, जो सोने का समर्पण होता है, उसको रोका जाए, सोने के प्रति लोगों को जो मोह है उसको घटाया जाए और जिन्होंने ने नाजायज़ तरीके से सोने को दबा कर रखा हुआ है, उसको बाहर निकाला जाए। ये जो सब चीज़ें हैं ये इस बिल के जरिये पूरी होने वाली नहीं हैं।

दूसरी बात यह है कि इस बिल के कारण सोने का जो प्राचीन शिल्प हमारे मुल्क में है और जिस की ख्याति दूर दूर तक फैली हुई थी, रोम, काहिरा, बगदाद और चीन

तक फैली हुई थी वह नष्ट हो जाएगी। इसके इलावा एक करोड़ आदमी जो सोने के शिल्प पर निर्भर करते हैं, वे बेरोजगार हो जाएंगे। क्योंकि बीस लाख तो हमारे देश में स्वर्णकार हैं और एक एक आदमी के परिवार में पांच पांच सदस्य भी अगर लगायें तो उनकी संख्या एक करोड़ होती है। इस बिल के जरिये एक करोड़ लोगों की जिन्दगी के साधन को छीन लिया गया है।

इन सब बातों को देखते हुए मैं इस डिबेट को स्थगित करने का प्रस्ताव आपके सामने रखता हूँ।

MR. DEPUTY-SPEAKER : I will put it to the vote now. It is not a regular adjournment motion. No speeches now. I have followed the procedure. (Interruption)

SHRI S. M. BANERJEE rose—

MR. DEPUTY-SPEAKER : Order, order. Whatever you want to say, you may say it when you participate in the debate. I will put the motion of Shri Deven Sen straightaway.

MR. DEPUTY-SPEAKER : The question is :

"That the debate on the Gold Control Bill, 1968 be adjourned."

The Lok Sabha divided :

AYES

[Division No. 15]

Abraham, Shri K. M.
Adichan, Shri P. C.
Amat, Shri D.
Amin, Shri R. K.
Anbazhagan, Shri
Badrudduja, Shri
Banerjee, Shri S. M.
Basu Shri Jyotirmoy
Berwa, Shri Onkar Lal
Brij Bhushan Lal, Shri
Chakrapani, Shri C. K.
Chandra Shekhar Singh, Shri
Chittybabu, Shri C.
Dandeker, Shri N.
Dar, Shri Abdul Ghani
Daschowdhury, Shri B. K.
Deb, Shri D. N.
Deo, Shri P. K.
Deo, Shri R. R. Singh
Desai, Shri Dinkar
Esthose, Shri P. P.
Fernandes, Shri George
Gopalan, Shri P.
Goyal, Shri Shri Chand
Gupta, Shri Kanwar Lal
Jha, Shri Shiva Chandra
Joshi, Shri Jagannath Rao
Joshi, Shri S. M.
Kachwai, Shri Hukam Chand
Kalita, Shri Dhireswar
Kamalanathan, Shri

Kameshwar Singh, Shri
Kandappan, Shri S.
Khan, Shri Ghayoor Ali
Khan, Shri Latafat Ali
Khan, Shri Zulfiqar Ali
Koushik, Shri K. M.
Krishna, Shri S. M.
Kuchelar, Shri G.
Kunte, Shri Dattatraya
Madhok, Shri Bal Raj
*Maharaj Singh, Shri
Maiti, Shri S. N.
Mangalathumadam, Shri
Mayavan, Shri
Meena, Shri Meetha Lal
Menon, Shri Vishwanatha
Misra, Shri Srinibas
Mody, Shri Piloo
Mohamed Imam, Shri J.
Muthusami, Shri C.
Nair, Shri Vasudevan
Nambiar, Shri
Nayar, Shrimati Shakuntala
Nihal Singh, Shri
Pandey, Shri Sarjoo
Parmar, Shri D. R.
Patel, Shri J. H.
Patil, Shri N. R.
Ramamurti, Shri P.
Ramji Ram, Shri
*Rane, Shri

*Wrongly voted for AYES.

Range, Shri
 Ray, Shri Rabi
 Saboo, Shri Shri Gopal
 Samanta, Shri S. C.
 *Savitri Shyam, Shrimati
 Sen, Shri Deven
 Sharma, Shri Beni Shanker
 Sharma, Shri Yajna Datt

Sharma, Shri Yogendra
 Shastri, Shri Raghuvir Singh
 Shastri, Shri Sheopujan
 Tyagi, Shri O. P.
 Vidyarthi, Shri R. S.
 Viswanatham, Shri Tenneti
 Xavier, Shri S.
 Yadav, Shri Ram Sewak

NOES

Ahirwar, Shri Nathu Ram
 Arumugam, Shri R. S.
 Babunath Singh, Shri
 Bajaj, Shri Kamalnayan
 Bajpai, Shri Vidya Dhar
 Barua, Shri Bedabrata
 Basumatari, Shri
 Baswant, Shri
 Besra, Shri S. C.
 Bhandare, Shri R. D.
 Bhanu Prakash Singh, Shri
 Bhattacharyya, Shri C. K.
 Bohra, Shri Onkarlal
 Buta Singh, Shri
 Chandrika Prasad, Shri
 Chaudhary, Shri Nitiraj Singh
 Choudhary, Shri Valmiki
 Das, Shri N. T.
 Dass, Shri C.
 Desai, Shri Morarji
 Deshmukh, Shri B. D.
 Deshmukh, Shri Shivajirao S.
 Dhuleshwar Meena, Shri
 Dwivedi, Shri Nageshwar
 Gajraj Singh Rao, Shri
 *Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Ganpat Sahai, Shri
 Gavit, Shri Tukaram
 Ghosh, Shri Bimalkanti
 Heerji Bhai, Shri
 Himatsingka, Shri
 Jadhav, Shri Tulshidas
 Jadhav, Shri V. N.
 Kahandole, Shri Z. M.
 Kavade, Shri B. R.
 Kedarla, Shri C. M.
 Khanna, Shri P. K.
 Kinder Lal, Shri
 Kripalani, Shrimati Sucheta
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Lakshmikanthamma, Shrimati

Laskar, Shri N. R.
 Lutfal Haque, Shri
 Mahadeva Prasad, Dr.
 Mahishi, Dr. Sarojini
 Mandal, Dr. P.
 Mandal, Shri Yamuna Prasad
 Marandi, Shri
 Mrityunjay Prasad, Shri
 Masurija Din, Shri
 Mehta, Shri P. M.
 Mohammad Yusuf, Shri
 Mohinder Kaur, Shrimati
 Mrityunjay Prasad, Shri
 Mukerjee, Shrimati Sharda
 Murti, Shri M. S.
 Nagnhoor, Shri M. N.
 Naidu, Shri Chengalaya
 Oraon, Shri Kartik
 Palchoudhuri, Shrimati Ila
 Pandey, Shri Vishwa Nath
 Parmar, Shri Bhaljibhai
 Parthasarathy, Shri
 Patel, Shri Manubhai
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri Deorao
 Parmanik, Shri J. N.
 Qureshi, Shri Mohd. Shaffi
 Raj Deo Singh, Shri
 Raju, Shri D. B.
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rao, Shri J. Ramapathi
 Rao, Dr. V. K. R. V.
 Reddi, Shri G. S.
 Roy, Shri Bishwanath
 Salve, Shri N. K. P.
 Sankata Prasad, Dr.
 Sapre, Shrimati Tara
 Sen, Shri Dwaipayana
 Sen, Shri P. G.

*Wrongly voted for AYES.

Shah, Shrimati Jayaben
 Shambhu Nath, Shri
 Shankaranand, Shri. B.
 Sharma, Shri M. R.
 Sharma, Shri Nawal Kishore
 Sheo Narain, Shri
 Sher Singh, Shri
 Sheth, Shri T. M.
 Shinkre, Shri
 Shiv Chandika Prasad, Shri
 Siddayya, Shri
 Siddheshwar Prasad, Shri

Singh, Shri D. N.
 Sinha, Shrimati Tarkeshwari
 Snatak, Shri Nar Deo
 Sonavane, Shri
 Sudarsanam, Shri M.
 Suryanarayana, Shri K.
 Ulaka, Shri Ramachandra
 Venkatasubbaiah, Shri P.
 Verma, Shri Balgovind
 Virbhadra Singh, Shri
 Yadab, Shri N. P.
 Yadav, Shri Chandra Jeet

MR. DEPUTY-SPEAKER: The result* of the Division is: Ayes: 78, Noes: 110.

The Motion was negatived.

MR. DEPUTY-SPEAKER: There are two motions for circulation. Are they being moved?

SHRI KANWAR LAL GUPTA (Delhi Sadar): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1969."(3)

SHRI YASHPAL SINGH (Dehra Dun): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1968."(2)

MR. DEPUTY-SPEAKER: All the motions are before the House.

SHRI N. DANDEKER (Jamnagar): Mr. Deputy-Speaker, Sir, it is quite obvious from the views that have been expressed so far on the preliminary points arising out of the Bill that there is considerable public opinion against it; and I would also like to indicate my clear dissent from the very principle of the Bill. I think the Deputy Prime Minister overlooked

the Minute of Dissent which my hon. friend, Shri Dahyabhai Patel, and myself had recorded in this Joint Committee's Report and I will take the liberty of reading it:

"In our opinion this whole project of Gold Control is a very costly exercise in futility, without the virtue of being demonstrably, so much in the best national interest as to make it worth attempting."

15.47 hrs.

[SHRIMATI TARKESHWARI SINHA in the Chair.]

Madam, I am delighted that when we are discussing about gold, gold ornaments and gold articles you are in the Chair.

SHRI VASUDEVAN NAIR (Peerwade): But the question is how many carat is it?

SHRI N. DANDEKER: There are two principal reasons of national policy that have been advanced in support of the whole exercise in gold control. The first is that it is designed to save the drain on foreign exchange and the second is that it will divert a hoard of gold which now lies idle towards the Reserve Bank of India or towards the government for the purpose of strengthening the currency on

*The following Members also recorded their votes:—

AYES: Sarvashri P. Viswambharan, Bhagavan Das, Madhu Limaye, and K. P. Singh Deo.

NOES: Sarvashri Rane, Tamaskar, Maharaj Singh, Sitaram Kesri, Shrimati Savitri Shyam and Shrimati Laxmi Bai.

[Shri N. Dandekar]

the one hand and thereby giving the Reserve Bank a leeway in order to take the shock of temporary imbalances in foreign trade payments and balance of payments.

Now, is either of these propositions correct? They are not. My submission is going to be that the proposition that gold control will save the drain on foreign exchange is fundamentally wrong, because it places the cart before the horse. When any gold is imported clandestinely, and in this case only clandestinely, because legitimate import of gold is banned,—it is not as if the smuggler goes to the Reserve Bank of India and says, "I have imported \$ 10,000 worth of gold; please, may I have \$ 10,000?". As a matter of fact, the drain in foreign exchange has already occurred first and it is because there is already a drain in foreign exchange that the import and smuggling of gold is facilitated. I want to repeat this because this is the crux of the whole argument. It is suggested that the import of gold by smuggled channels constitutes a drain on foreign exchange. I submit this is not true. The drain on foreign exchange has already occurred first by other means. There is over-invoicing of imports, under-invoicing of exports, all manner of reasons by which there occurs first a drain on foreign exchange; and it is only then that the foreign exchange becomes available for the purpose of payment by the smugglers who import gold into the country.

Indeed, you can argue further that way. One can even say,—I have told people when I have explained this proposition to them—that the drain on foreign exchange that has already first occurred is in a sense by these means rectified, because wealth does get imported which would otherwise not have been imported; and what would have otherwise happened to the drain on foreign exchange which had already occurred would be the importation of all kinds of non-durable goods, consumer goods and so on. I repeat the drain of foreign exchange occurs first and then leads to the

importation of smuggled gold. To put it the other way round and to say that the smuggling of gold leads to the drain on foreign exchange is, as far as I am concerned, an utterly meaningless proposition. When I or anybody else smuggles gold, he does not thereby cause a drain on foreign exchange. There is already available illegitimate foreign exchange with which he buys gold and brings the gold into the country. Until the fundamental basis of that which causes the drain on foreign exchange is stopped; until those holes in the bucket, the various devices that lead to the drain on foreign exchange,—are blocked; until those economic policies which lead to the purchasing power of the rupee to be constantly lower than the international value and which lead to the imbalances in trade and all that mess that led to devaluation are reversed, until all those factors of an economic character that impose, on the one hand, a strain on the balance of payments and, on the other, lead to malpractices of every kind which result in building up of foreign exchange balances,—which balances are used by the smugglers to bring the gold into this country,—until that chain is broken there is never going to be a stop to the smuggling of gold. If you succeed in stopping the smuggling of gold without fundamental changes in basic economic policies, there will be other things available for smuggling. Smuggling will go on so long as the drain on foreign exchange which is otherwise caused goes on.

I do not rely on this as just a theoretical proposition. For those who know the working of foreign exchange and various things, these are obvious propositions. But nevertheless in 1966 there was appointed an informal committee on gold control. Something like four years after gold control came into force under the Defence of India Rules in January 1963 this informal committee of officers, highly competent officers, was appointed, towards the middle of the third quarter of 1966. This committee had before them the specific question

whether after 3½ years of gold control smuggling had gone down. They escaped answering that question. They knew that smuggling had gone up; but they said, "No; it is too early yet to judge the effectiveness of gold control for the purpose of preventing smuggling." My thesis, Madam, is that smuggling will go on so long as the drain on foreign exchange, caused by other reasons, continues; and this gold control is not going to stop smuggling of gold. In 1966 they tried to bypass the proposition, but subsequent statistics are perfectly clear to the effect, at least, that the smuggling of gold into the country has not diminished. Indeed there are good reasons to suppose that smuggling of gold into the country has in fact increased.

The second proposition on the basis of which, fundamentally speaking gold control is, as a matter of policy being justified, is that if you could inhibit people's liking for gold, their demand for gold, then their liking for ornaments would diminish. Indeed, if you reached a point at which people begin to dislike—like yourself, Madam—wearing of these things, then perhaps gold will begin to flow as an "undesirable" commodity into the hands of Government and, through the Government, into the Reserve Bank of India to strengthen the currency and to be available as a cushion for the Reserve Bank of India to absorb the shocks against temporary movements in the balance of trade unfavourable to us. I do not know what kind of a dream is this. In this country 80 per cent of the population is rural. The national income and the income *per capita* is so low that this is the one thing out of which they can get some joy in life. Everybody insists that we are an undeveloped country; we are poverty stricken. Of course, we are; but the one thing from which people get some joy is wearing a little ornament. *Sringar*, as they call it, or adorning the person. We are now supposed to expect that the whole mass of the people in this country are going to throw their ornaments out of the window because

the Finance Ministry, the Reserve Bank of India, the Deputy Prime Minister and the lot say that this is a *jungle* habit.....

SHRI RANGA (Srikakulam): They have gone mad.

SHRI N. DANDEKER: Our mothers, our sisters, our daughters, all over India, when they go to a function or a ceremony, have been wearing for years some ornaments.

MR. CHAIRMAN: Why do men not adorn themselves?

SHRI N. DANDEKER: We prefer to adorn women! Of course, I could have given the other answer. Only women need adornment!

श्रीमती लक्ष्मीकांतम्मा (खम्मम) : कुछ साल के पहले आदमी भी ज्वेल्स पहनते थे ।

SHRI N. DANDEKER: Now, Madam, the point is that we are supposed to be embarking upon an exercise.....

SHRI BAL RAJ MADHOK (South Delhi): Mr. Morarji Desai feels he has no case and so he runs away.

AN HON. MEMBER: The Minister of Parliamentary Affairs is here.

SHRI PILOO MODY (Godhra): He understands even less than the Deputy Prime Minister. There is no point in Mr. Dandeker continuing with his speech till the Deputy Prime Minister comes. I know the reason why he has gone. I sympathise with him. It is an inevitable function of life.

श्री रवि राय (पुरी) : राम सुभग बाबू तो वित्त मंत्री नहीं हैं न ? तो तब तक डिबेट स्थगित रहे ।

MR. CHAIRMAN: Let us leave it to Mr. Dandeker, whether he would like to continue his speech....

SHRI N. DANDEKER: Either Mr. Morarji Desai or Mr. K. C. Pant should be here. (*Interruptions*).

MR. CHAIRMAN: The Minister of Parliamentary Affairs is here. The Government is represented. The particular Minister may not be here. The Finance Minister was here. He must have gone out for some urgent reason.

SHRI PILOO MODY: Very simple reason.

MR. CHAIRMAN: The Minister of Parliamentary Affairs represents the Government. I expect the hon. Members to exercise that kind of wisdom and understanding.

SHRI PILOO MODY: I have a compromise. Let Mr. Dandeker continue his speech provided you step down from the Chair and listen over there. After all, we believe that you have had some experience of this particular subject. But we do not believe that the Minister of Parliamentary Affairs can understand the subject.

MR. CHAIRMAN: I would appeal to the hon. Members not to make too much fuss about it. The Finance Minister was here. He must have gone out for some urgent reason.

SHRI BAL RAJ MADHOK: It is a technical subject. It is meant for the Finance Minister. I have respect for Dr. Ram Subhag Singh. If it were a matter of communications, I can understand. I doubt very much if he knows something about gold and gold control.

MR. CHAIRMAN: Let Mr. Dandeker continue his speech.

SHRI N. DANDEKER: May I make my protest? It is a highly technical subject: It is a subject upon which if I have the ear of the Finance Minister or of the Minister of State in the Ministry of Finance, I can have some hope.

MR. CHAIRMAN: The Finance Minister has come now.

16 hrs.

SHRI N. DANDEKER: I am glad he is here. I am not saying this in flattery; I am saying this earnestly. In the Select Committee there was a very responsible person to deal with; no less than the Deputy Prime Minister; and he was most responsive. And, therefore, I was most anxious that he should listen to whatever I have to say here. Under this Bill, it is hoped that over a period of time the demand for gold will diminish; tastes in this country will change; women in this country will change, and you will come to a time when nobody wants to wear ornaments; ornaments will then gradually flow back into the Reserve Bank's coffers....

SHRI RANGA: Then they would become hippies. (*Interruptions*).

SHRI N. DANDEKER: But what will happen, in the meanwhile, to a class of craftsmen, goldsmiths and artisans? The word 'artisan' means a man who does a work of art. 'Artisan' does not merely mean a workman. The origin of the word 'artisan' is that he produces a work of art. Goldsmiths and artisans working on gold and silver ornaments in this country have, over the last 2,000 years at least, been producing works of art which are a pleasure to see, which everybody wants to see, which both outside this country and inside this country, have the highest reputation. And what does this Bill seek to do? I do not contest here the legality of it, the Constitutionality of it or any such thing. I just want to tell you what effect this Bill seeks to achieve. It seeks to achieve this: that over a period of time and not longer than two generations at the most, this class of craftsmen is going to shrink, shrink and shrink, except if the Administrator thinks that it has shrunk perhaps too much and, therefore, to somebody not already engaged in this trade he will give a goldsmith's licence. Because of this Bill the class of goldsmiths is going to shrink; it is deliberately designed to shrink it. Whether this is legal or illegal, con-

stitutional or unconstitutional is not the point that I am making. I am making this point that, assuming that this is legal, is it desirable, that our class of goldsmiths, artisans and craftsmen who have been working on gold and silver should be completely eliminated from this country within a generation or at the most two generations? It will be disastrous. It will be disastrous if our ideas of art are not the art which these people produce, our ideas of art are not the sculpture that we see in this country or the architecture that we see in this country, but some wretched thing which is called 'modern art' which, if you hang it upside down or sideways up will still look exactly the same thing. Our idea of art is enshrined in our ornaments, is enshrined in our temple architecture, in our mosque architecture, in our Church architecture, in the numerous things for which people come to this country to take a look at us and our artisans and craftsmen, and their works. We are going to destroy all this. For what? Not because the gold causes a drain in foreign exchange, for it is the existing drain in foreign exchange which enables importation of gold; not because smuggling of gold is going to be stopped for, on the contrary, smuggling of gold has been going on; not because there is going to be any change, I hope, in the tastes of the people of this country who like to wear artistic things, but merely because this country's affairs have been so dreadfully mismanaged over the last fifteen years, so dreadfully mismanaged that we have come to this sort of despicable devices whereby we try to scratch the surface of the problem, looking for a bit of gold here and a bit of gold there. The ordinary public will be harassed. I would not care particularly about the bigger dealers; they can look after themselves though they are also concerned in many respects in this Bill. The ordinary members of public, the goldsmiths, artisans, and so on will be harassed.

I will not go at this stage into any of the amendments that I have tabled.

I would like to explain, however, that the large number of amendments in my name, notwithstanding that I was a member of the Joint Committee and notwithstanding that the Deputy Prime Minister was good enough to accept many of my amendments there, is a consequence of the fact that this Bill was rushed through the Joint Committee at a blind speed—it came on one Friday, we started on a Monday and we finished by the next Monday. Consequently I could only pick a certain number of clauses for study. I have subsequently had to pick other clauses for study. I do not, therefore, apologise for the large number of amendments that stands in my name, notwithstanding the fact that I was a member of the Joint Committee. I shall deal with these amendments as they come; but here and now I would suggest to the House that this Bill does not really deserve any further consideration.

SHRIMATI SUCHETA KRIPALANI (Gonda): I do not wish to make a very long speech on this Bill. As to why this Bill is necessary, the Finance Minister has himself just now explained. While we appreciate the object before Government that they want to bring down the price of gold and stop smuggling and would like to bring out hoarded gold since we require gold resources for our development activities—particularly when we are faced with shortage of foreign exchange, the dent in our foreign exchange requirements would also be covered to a certain extent if we have gold—while all these objectives are good, to what extent the gold control measure has really fulfilled the objective is a moot point.

Briefly speaking, there were four main objectives before us when this measure was adopted. One was to reduce the price of gold. Why? I do not need to go into that. As long as the price of gold remains high, there are all kinds of things that go on behind it. Then we wanted to stop the smuggling of gold. Thirdly,

[Shrimati Sucheta Kripalani]

we wanted to decrease the private demand for gold. The fourth objective was to bring out hoarded gold.

Without going into details, let us see to what extent we have succeeded in these four main objectives. As for bringing down the price of gold, ever since the Gold Control measure was adopted, the prices of gold have gone on rising and rising. So in that objective, we have totally failed.

As for putting a stop to smuggling; may be in some measure smuggling might have been reduced. Government may have some information on that point. But as far as we lay people are concerned, everyday we read in the papers that somebody has been caught smuggling at such and such port or during transit. Smuggling can and will continue as long as the price of gold remains high. High price and smuggling are inter-connected. As long as we do not succeed in bringing down the price, to a certain extent smuggling will go on.

SHRI PILOO MODY : How do you bring down the price ?

SHRIMATI SUCHETA KRIPALANI : Ask the Finance Minister.

SHRI PILOO MODY : She is passing the buck. He does not know either.

SHRIMATI SUCHETA KRIPALANI : Smuggling has to be stopped not merely by reducing the price of gold, but by very careful vigilance at the customs and ports. The customs authorities have to be very carefully watched. I am afraid there is lack of control at the customs which gives rise to all sorts of mal-practices and abuses.

As to how the smugglers get the finance for doing this sort of thing is a very important question. Shri Dandeker who spoke before me pointed out one of the means by which financing is done. Financing is done by anti-social traders, by over-invoicing and under-invoicing. By this it seems enough resources can be raised

for the smugglers. Unless that loophole is plugged, I am afraid smuggling cannot be stopped.

Therefore, in the first objective, bringing down the price of gold, the success of Government has been nil, and as regards the second, may be the Finance Minister may be able to throw light on the degree of success achieved.

Coming to the third objective, decrease in the private demand for gold, the previous speaker waxed eloquent about it. I do not want to go into details. But increasingly, the private demand is decreasing. Because the price is so high, it is beyond the reach of ordinary people. Now we have come to the stage of using costume jewellery. But side by side with the decrease in demand, what has happened ? I want to particularly emphasise the huge unemployment among the goldsmiths and gold workers. These people, traditional workers have been at this work for hundreds of years. They are good artists. Shri Dandeker spoke about their workmanship which is appreciated not only in India but outside. A large number of these goldsmiths, gold workers, were thrown out of work. How have they been rehabilitated ? I had the misfortune, before I came to this House, to run a Government. This was one of the problems harassing me. There was the problem of rehabilitation of refugees, people coming from Burma, coming from Ceylon.

SHRI PILOO MODY : Rehabilitation of politicians.

SHRIMATI SUCHETA KRIPALANI : That was not bothering me so much because I was not the leader of the party.

One of the troubles was the problem of rehabilitation of goldsmiths. The Central Government had a scheme and we gave them money and advances and loans; we gave their children certain educational facilities.

With all the measures we have not touched the fringe of the problem of rehabilitating them. This country is already suffering from heavy unemployment. We do not know how to give employment to the people. My plea is this: let us not add more to the number of unemployed. After all, the gold jewellery industry is a cottage industry; they are small workers and they work in a small way. They are craftsmen working in their small houses. I tried to get the figure of goldsmiths who became unemployed. I think there are at least twenty lakhs of people who might have been rendered unemployed, if I take the figure of two or three States. In Delhi alone, I am told there are about 1,50,000 goldsmiths unemployed. The figure for U.P. is 2,50,000. I have no governmental resources and so I do not know about other States. We have to depend on the figures from the goldsmiths associations. In Bengal I am told that more than two lakhs of persons had been rendered unemployed. If the number is less, I shall be happy. There is another evil which had been associated with it. This kind of restriction has driven the gold industry underground. Quite a good deal of work is done in the backrooms. Do we want that? I am not against control but control should be such that we do not stifle or kill the industry and we do not render a lot of people unemployed.

Another objective was to bring out hoarded gold. In that too we have not succeeded much. The gold bond scheme has more or less failed. In the beginning there was a certain amount of enthusiasm for voluntary contribution and surrender of gold. Some gold did come but not in big quantities. Therefore, I feel that this Bill is not justified. It does not come up to our expectations. There is need to think radically about this problem, in what way it can be tackled. We want to bring out hoarded gold. Just by saying so or introducing these measures, it could not be done. Therefore, I give only half-hearted support to this measure; I am not happy about this matter.

I am glad that in the Select Committee some good changes have been made. But there are still some clauses which we think will impinge on the interests of the workers, artisans and the goldsmiths. I have given notice of certain amendments. I should like to draw your attention, Madam, to the fact that one of my amendments does not feature in the list which had been circulated. I should like to know why it is not there. I think it is an omission. I should like that amendment to be included in the list. I shall speak on these amendments when the time comes. Our main aim is to see that the goldsmiths are not driven out of their business, and are not compelled to go underground and that unnecessary hardship is not placed on them.

MR. CHAIRMAN: Shri Viswanatham. Before he begins to speak, I wish to inform Prof. Ranga that Mr. Dandekar took twenty minutes and I rang the Bell after he took twenty minutes.

After Mrs. Kripalani took 12 minutes, I rang the Bell. He was completely under a misunderstanding.

श्री हुकम चन्द कछवाय (उज्जैन) :
सभापति महोदया, अब इधर से हमारे दल में से आप को बुलाना चाहिए था लेकिन ऐसा न कर के आप ने उधर से बुला लिया है।

सभापति महोदया : अब किस को बुलाना है और किस को नहीं बुलाना है यह मेरे ऊपर छोड़ दिया जाय। कुछ सदन के मੈम्बर्स हैं उन को भी बुलाना जरूरी हो जाता है बाकी मैं आप को भी बुलाऊंगी लेकिन मैं किस तरीके से मੈम्बरों को बुलाती हूँ यह अधिकार मेरा है और इसे आप को मुझे देना पड़ेगा।

SHRI TENNETI VISWANATHAM (Visakhapatnam): Madam Chairman, I thank you very much. This Bill has been designed to stop smuggling. But there is not a single section here which deals with smugglers or smuggling. That is the beauty of it. It is

[Shri Tenneti Viswanatham] calculated to kill a profession. The Government do not want to say so and therefore, they say 'in national interest'. What public interest is served by sacrificing 25 lakhs of people one cannot see? The persons to be sacrificed are not ordinary persons. They are persons with skill; it is not an ordinary skill. It is not ordinary skill; it is not merely ordinary skill but it is an ancient skill. And it is not merely ancient but it is an admired skill not merely in our country, as has been said, but throughout the world. The Minister says that they will be rehabilitated. You can rehabilitate people who have not committed suicide, but can you rehabilitate,—assuming you rehabilitate everybody,—the art? Has the art to go away as a mythological story, the art for which India has been famous, an art to see which visitors come day in and day out, and for which the Tourist Departments make huge and elaborate arrangements to show them these artistic things in this country? If India has been known for its ancient grandeur, what is the evidence? The evidence is what is left by this community; the evidence is whatever you see in India, the thing which has been the product of these craftsmen. And it is these craftsmen who are sought to be killed now. I wonder why the spirit of Aurangzeb has entered the heart of our Deputy Prime Minister. When I went to Fatehpur-Sikri, I saw a room where every work of art had been disfigured and the guide told me that His Enlightened Majesty, Aurangzeb was against art, and therefore, with a hammer, he directly handled them and broke the noses or ears of the various beautiful artistic figures which were there, which were the creation of Akbar. Is it the annual association, on the 15th of August, with the Red Fort, that has brought this spirit of Aurangzeb to go into the heart of our Deputy Prime Minister, I wonder. What is it that you are supposed to do? Already, people who know have said that smuggling has not been stopped. In fact, this is not an Act against smuggling. Smuggling is taking place by different persons

under different set of circumstances. Then, if you feel that there is *chor bazaar* in these matters, then take action against the *chor bazaar*. What is the use of hitting the stomach of the small artisans? It is a measure which the people of this country have not understood. The Members of Parliament, in such a majority, have not understood. In spite of the red vote that the Government won a few minutes ago, I venture to say that the majority of the Members of Parliament have not understood the rationale of this measure; the majority of the people of this country have not understood or accepted the rationale of this measure.

Wherever I go, whether it is in the trains or the aeroplanes, in my own State or any other State, people have always asked, Morarjibhai is a very good man but why has he undertaken this? They use adjectives which I do not like to use.

SHRI PILOO MODY: Use them please. (*Interruption*).

MR. CHAIRMAN: My eyes were there but my ears were for you. You can continue.

SHRI TENNETI VISWANATHAM: I submit that already certain other reasons have been advanced why this Bill should not go through. The ownership of gold, as I have said, is altogether banned in this country. How does it help the economy of this country? It is often said that gold is hoarded by women. You, Madam Chairman, seem to be proof to the contrary. But several women in this country do have gold on their bodies, and it is only perhaps the very rich ladies who do not use this gold as security or for banking purposes. But the large majority of the lower middle class, a large majority of the cultivating class, if they have got a little gold upon them, use it for *pledging*. Do not think for a moment that gold is lying idle on their bodies. During the sowing season, you go to any town, and you will find that 20,000, 30,000 or 40,000 of them come to the town, or go to the village sowcar or

the gold merchant or the bullion merchant and pledge their articles and take money. This gold is serving them. They give it as a pledge and finance their cultivation; that is to say the gold is not lying there unused. All the money that is wanted by them during the sowing season, or most of it, nearly 70 per cent of it, is borrowed by these persons. The banks are not operating in this area. The Deputy Prime Minister has not made any special arrangements for them, and that is why these poor people are obliged to use the gold; and the gold, therefore, is not lying idle as economists imagine. I am only pointing it out to say that the argument that it is always kept idle is wrong. Even in the case of rich people it is the possession of gold that help these persons to go and get an overdraft. Merely on personal security they do get overdraft; gold gives that sense of security to the Banker. That is to say, it is there doing a banking operation. A part of the banking operation is done by the gold which is supposed to be idle. It is there in the vaults. Why do you respect the bonds of the Reserve Bank? It is because in its vaults there is some gold. Why do you respect the International Monetary Fund? It is because there is some gold.

SHRI PILOO MODY: We do not respect this Government because they have no gold.

SHRI TENNETI VISWANATHAM: Therefore, the arguments that are advanced, as Shri Dandekar has said, are like putting the cart before the horse. The whole trouble is that the objects which the Deputy Prime Minister wants to achieve can be achieved, will be achieved and should be achieved through other means and not by this so-called gold control which prevents me from having gold, which prevents the ordinary middle class from using gold for their ordinary banking operations and also because it kills a community and an ancient art, a great art for which this

country has been so famous. Therefore, I support the proposition that this should be thrown out or at least circulated for public opinion once again. The public opinion, so far as we know, has asserted itself against it. It is only by the majority that Government has been able to push through the various regulations. Therefore, I oppose this.

श्री विश्वनाथ पांडे (सलेमपुर) : माननीय सदस्यों ने जो भाषण इस विधेयक पर दिये हैं और जो विचार प्रकट किए हैं, उनको मैंने बड़े ध्यान से सुना है। मैं समझता हूँ कि उनका जो दृष्टिकोण रहा है वह बिल्कुल आलोचनात्मक रहा है। हम लोगों को यह देखना चाहिये कि श्री मोरारजी देसाई ने जो विधेयक प्रस्तुत किया है वह क्या लोकहित में है, जनहित में है, राष्ट्रहित में है, समाजहित में है, आर्थिकहित में है या नहीं है। यदि यह दृष्टिकोण अपनाया जाए और इस दृष्टिकोण से इस विधेयक को परखा जाए तो मैं समझता हूँ कि आप भी इस निष्कर्ष पर पहुँचेंगे कि यह विधेयक राष्ट्रहित में है। इसलिए मैं इस विधेयक का हार्दिक समर्थन करता हूँ।

बहुत से माननीय सदस्यों ने कहा है कि जो कलाकार हैं, जो स्वर्णकार हैं उनका व्यवसाय नष्ट हो रहा है। इस विधेयक से उनका व्यापार नष्ट नहीं हो रहा है, ऐसा मैं मानता हूँ। हमारे वित्त मंत्री महोदय ने बड़ी उदारता के साथ इस विधेयक को यहाँ प्रस्तुत किया है। इसी सदन में कई बार इस विधेयक पर विचार हो चुका है। जब राष्ट्र के पास स्वर्ण की कमी है और इस कमी को सब लोग मानते हैं और यह भी मानते हैं कि कमी बहुत भारी है पांच छः हज़ार करोड़ रुपये के सोने की कमी है, तो इस कमी को कैसे पूरा किया जाए, यह हमें सोचना होगा। हम सभी इसको भी मानते हैं कि जमीन के अन्दर सोना गढ़ा पड़ा है, चाहे आभूषणों के रूप में हो, चाहे कासा बाज़ार के द्वारा लोगों ने जो रुपये

[श्री विश्वनाथ पाण्डेय]

कामया है, उसको उन्होंने सोने की सिल्लियां खरीद कर रखा हुआ हो। यदि यह सोना इसके पहले वाले विधेयक के द्वारा जनता के सामने और सरकार के सामने आ जाता, यह सोना प्रकट हो जाता तो मैं समझता हूँ कि यह विधेयक शायद हमारे उप प्रधान मंत्री तथा वित्त मंत्री महोदय इस सदन के सामने प्रस्तुत नहीं करते। यह सही है कि परम्परा से इस देश में स्वर्ण के प्रति लोगों का मोह रहा है। स्त्री वर्ग में आभूषणों के प्रति काफी आकर्षण रहा है लेकिन जब आपत्तिकाल आया तो लोगों ने स्वर्ण को न्यौछावर किया। जब देश के अन्दर मुद्रा स्फीति है, सोने की मुद्रा की देश को आवश्यकता है, तो मैं समझता हूँ कि स्त्रियाँ भी इस स्वर्ण के प्रति अपने मोह को समाप्त कर देंगी, इससे अपने आप को वंचित कर देंगी। इस वास्ते यह आवश्यक है कि जो विधेयक हमारे वित्त मंत्री महोदय ने प्रस्तुत किया है, उसका हम स्वागत करें।

इसी के संदर्भ में मैं यह भी कहना चाहता हूँ कि स्वर्ण नियंत्रण जो विधेयक है वह कानून के द्वारा फलीभूत नहीं हो सकता है। आपने कानून बनाया लेकिन जो आपका उद्देश्य था कि तस्कर जो सोने का व्यापार होता है उसको रोका जाए, स्वर्ण आभूषणों के लोभ को मिटाया जाए, सोने की संचय-खोरी को मिटाया जाए, वह उद्देश्य पुरा नहीं हो पाया। इस का कारण कानून में दोषों का होना उतना नहीं है जितना कि जनता द्वारा सहयोग प्रदान न करना है। मैं आपके माध्यम से माननीय सदस्यों से अनुरोध करना चाहता हूँ कि वे लोग इस विधेयक को कार्यान्वित करने में सहयोग प्रदान करें और जनता से भी कहें कि वह सहयोग प्रदान करें ताकि स्वर्ण के प्रति जो मोह जनता में है वह हट जाए और जिन लोगों ने सोना छिपा कर रखा हुआ है, उन से कहें कि वे उसको सरकार को बता दें ताकि हमारे देश की आर्थिक स्थिति ऊंची हो, बलवती हो और दृढ़ बने।

यह जो कानून वित्त मंत्री ने बनाया है इस में उन्होंने बहुत सी ढील भी दी है, इस में बहुत से लूपहोल भी हैं और उनकी तरफ में जब संशोधन प्रस्तुत करने का समय आएगा, आपका ध्यान दिलाऊंगा। लेकिन हमें यह नहीं भूलना चाहिये कि अगर देश को उन्नति-शील बनाना है तो हमारे पास अधिक से अधिक सोचा होना चाहिये। अगर हमारे पास काफी सोना होगा तो अन्तर्राष्ट्रीय जगत में हमारा महत्वपूर्ण स्थान होगा। सोने की कमी के रहते आपका काम नहीं चल सकता है, आपको विदेशी मुद्रा नहीं मिल सकती है, और विदेशी मुद्रा के हास से आपका जो कारोबार है विदेशों के साथ उसका हनन हो जाएगा। मैं समझता हूँ कि इस विधेयक के द्वारा इन सारी कठिनाइयों को दूर करने में हमें सफलता प्राप्त होगी और जिस चीज से सफलता प्राप्त हो सकती है उसका हम को आपको, सभी को समर्थन करना चाहिये। एक बात रह गई है। जो कलाकार हैं, जो स्वर्णकार हैं, जो गहने का काम करते हैं, अगर उनको काम नहीं मिल रहा है तो सरकार का यह दायित्व हो जाता है कि वह उनको रोजगार दे, या उनके पुनर्वास के लिए उचित और समुचित व्यवस्था करे।

अब मैं यह सब कुछ कहता हूँ तो एक बात सर्कारों के बारे में, स्वर्णकारों के बारे में और कहना चाहता हूँ। आप हमारे इन स्वर्णकार बंधुओं से गहने खरीदने के लिए जायें, हमारे वित्त मंत्री महोदय जायें, तो आप देखेंगे कि जितने पैसे आप देते हैं उतने पैसे का गहना वे आपको नहीं देंगे, आपको खोटा दे देंगे, कम दे देंगे और अगर आप पंद्रह बीस दिन के वाद उसी को बेचने के लिए उन के दरवाजे पर जायें तो आपको आधा और चौथाई ही दाम उसका वे देंगे। मैं समझता हूँ कि यह जो वर्ग है यह समाज का एक बड़ा ही शोषक वर्ग है, शोषक का काम करने वाला वर्ग है। वे लोग चाहते हैं कि उनका व्यवसाय पुष्पित हो, वह आगे बढ़ें लेकिन उसका यह

तरीका नहीं है। मैं चाहता हूँ कि इस पर सरकारी लोगों की निगाह जाये। साथ ही मैं चाहूँगा कि सुनारों का, संरफों का, स्वर्ण-कारों का व्यवहार गरीब जनता के साथ जो उनके जहाँ सोना खरीदने जाती है, जेवर और जवाहरात या और सामान खरीदने जाती है ऐसा होना चाहिये जिससे वह यह समझे कि जो गहना वह खरीद कर ला रही है, वह ठीक है, सुन्दर है, सही है, खोटा नहीं है।

इन शब्दों के साथ मैं श्री मोरारजी देसाई ने जो विधेयक प्रस्तुत किया है, उसका समर्थन करता हूँ।

श्री यज्ञदत्त शर्मा (अमृतसर) : अभी इस सत्र की परिष्माप्ति के समय सोने के बारे में विधेयक सरकार की तरफ से बड़ी हड़बड़ाहट के साथ लाया गया है। 1962 में जो कानून बना था उस में समय समय पर कुछ संशोधन भी हुए थे और उन संशोधनों में सरकार ने इस बात की अनुभूति की थी कि जो भी कानून पीछे बनाया गया था उस कानून के अन्दर हमारे देश के स्वर्णकार वर्ग ने और दूसरे सोने का घंघा करने वाले लोगों ने कुछ व्यावहारिक कठिनाइयों का अनुभव किया था। इसी कारण से 1965 और 1966 में उस कानून में कुछ संशोधन हुए। अब इस समय सरकार फिर बड़ी हड़बड़ाहट के साथ इस विधेयक को ला रही है। संयुक्त समिति को भी इस पर विचार करने का पूरा समय नहीं दिया गया। आवश्यकता इस बात की थी कि संयुक्त समिति को इस विधेयक पर विचार करने के लिए जितना समय चाहिये, था, दिया जाता। जो समय उसको दिया गया वह अपर्याप्त था।

जिस वर्ग को यह विधेयक आगे जाकर कट्ट पट्टुचाने वाला था या कठिनाइयाँ पैदा करने वाला था या जिनसे संबंधित था उनको भी अपना पक्ष रखने का अवसर मिलना चाहिए

था, उनकी साक्षी ली जाती, उनकी कठिनाइयों को समझा जाता और इस भूमिका के अन्दर फिर इस विधेयक की रचना होती। हम सदन के सामने इस चीज को लाते। मैं जनमत की भी बात नहीं करता। आवश्यकता तो इस बात की भी थी लोकतन्त्र के अन्दर कि इस बारे में अपने देश के सम्पूर्ण जनमानस का एक विचार जान लिया जाता। सरकार को पता है 1966 से पहले कांग्रेस ने अपने अखिल भारतीय अधिवेशन के अन्दर इस बात के ऊपर विचार किया तो इसका मतलब यह है कि मामूहिक रूप से जनमानस की भावना को उस समय लोगों के सामने जाने के पहले जानने की आवश्यकता कांग्रेस अनुभव करती थी और आज मुझे ऐसा लगता है कि जिन कारणों से यह विधेयक लाया जा रहा है वह कारण इसमें कोई सन्देह नहीं, आज देश की अर्थ-व्यवस्था की दृष्टि से हमारे लिए विचारणीय है। देश के अन्दर चलता हुआ तस्कर व्यापार देश की अर्थ-व्यवस्था के लिए अत्यन्त घातक सिद्ध हो रहा है और इसी प्रकार से देश के अन्दर सोने के प्रति आम जनता का लगाव, यह भी हमें लगता है कि शायद मनी सर्कुलेशन के रास्ते के अन्दर बड़ी भारी रूकावट है। इन उद्देश्यों से मैं सहमत हूँ और मैं उनकी सराहना करता हूँ और हरएक राष्ट्र के अन्दर, अपने राष्ट्र के प्रति श्रद्धा रखने वाला, राष्ट्रीय भावना से ओत प्रोत कोई भी नागरिक यह चाहेगा कि देश के अन्दर इस प्रकार का अस्वस्थ व्यापार समाप्त हो और यह हमारे देश की सम्पत्ति, यह हमारे देश का मूल धन सोने के रूप में देश की अर्थ-व्यवस्था को संवारने के लिए सामाजिक, या जिस प्रकार का हमारा यह सुधार है उस के रचनात्मक कार्यों में, सामाजिक सुधार की दृष्टि से होने वाले रचनात्मक कार्यों में इस हमारी मूल पूँजी का समावेश हो, यह उस के अन्दर लगे। लेकिन मुझे ऐसा लगता है कि इस कानून से इस उद्देश्य की पूर्ति नहीं होगी। जिस साध्य को ले कर यह सोने का कानून लाया जा रहा

[श्री यज्ञदत्त शर्मा]

है उस साध्य की साधना इस कानून के द्वारा नहीं होगी। इस की धाराएं उस की पूर्ति नहीं कर रही हैं। हमारा एक स्वर्णकार वर्ग, हमारे देश का एक कलाकार वर्ग, विशेषकर सोने के घन्धे में लगा हुआ व्यापारी वर्ग, वह तो इस से पिस जायगा, वह तो इस से मर जायगा, प्रशासनिक अधिकारियों का वह शिकार हो जायगा। जहाँ तक तस्कर व्यापारियों का सम्बन्ध है, जहाँ तक सोने को छिपाने वाले लोगों का सवाल है, उन को यह कानून छू तक नहीं पायेगा। किसी तस्कर व्यापारी को छूने तक का साहस किसी प्रशासनिक अधिकारी में नहीं है। मैं माननीय मोरारजी भाई देसाई को यह बताना चाहता हूँ, वह केवल देश के वित्त मंत्री नहीं हैं, वह इस देश के उप-प्रधान मंत्री भी हैं। मैं उन को बताना चाहता हूँ अमृतसर के बार्डर पर, राजस्थान के बार्डर पर जहाँ पर यह तस्कर व्यापार चलता है, तस्कर व्यापारी बन्दूकें लेकर चलते हैं और आप के किसी प्रशासनिक अधिकारी का साहस नहीं है कि उन के सामने जा कर खड़ा हो सके। छोटी सादरी का केस आज भी अदालत के अन्दर मौजूद है। बड़े बड़े राजनीतियों की छत्रछाया में यह तस्कर व्यापार चल रहा है। मन्त्रियों के पुत्रों द्वारा यह तस्कर व्यापार चल रहा है। इस को एक एक बच्चा आज देश के अन्दर जानता है। इस कानून के द्वारा इन स्वर्णकारों का गला आप घोट सकते हैं लेकिन उन तस्कर व्यापारियों को नहीं पकड़ सकते। राजनीतिक छत्रछाया में यह व्यापार चल रहा है। कोई भी सरकार उन को नहीं रोक पाई। आज अगर उस तस्कर व्यापार को हम रोकना चाहते ह तो समाज को भरोसे में लेना होगा। उस मूल स्थिति का सुधार करना होगा। सोने के प्रति यह जो प्रवृत्ति आज बढ़ रही है, हमारे देश के अन्दर विदेशों से जो सोने का प्रवाह आ रहा है, उस के कारण से देश में सोने की जो माँग है और बाहर से जो सोना यहाँ पर

आ रहा है, वह सस्ता आने वाला सोना और देश में बढ़ती हुई माँग इन दोनों के बीच का जो अन्तर है, भाव का जो अन्तर है और लोगों के अन्दर इस सरकार की 20 साल की अक्षमता के कारण, इस की दोषपूर्ण नीतियों के कारण आम आदमी के मन में जो असुरक्षा आ चुकी है, भूमि के प्रति असुरक्षा, व्यक्तिगत जीवन के प्रति असुरक्षा, अपने उत्तरदायित्व के प्रति असुरक्षा, उस में लोगों को लगता है, इस सरकार का क्या पता कब हरी झंडी दिखा दे, इसलिए हमें अपने ऊपर टिकना है, अपनी पूंजी पर टिकना है। 1947 के अन्दर जिस वक्त लोग पाकिस्तान से उठ कर आये थे उस वक्त मोरार जी भाई की यह सरकार उन्हें मदद करने नहीं गई। बहनों ने अपने कानों के कुंडल उतार कर लोगों को जीवन के अन्दर खड़ा किया। व्यापारियों ने अपने घर सोने से अपने को जीवन के अन्दर टिकाया। आज भी बाढ़ आ रही है गुजरात के अन्दर, देश के अन्दर जगह जगह संकट है। यह सरकार कितना दे पायेगी? कितनी माइक्रोस्कोपिक इस सरकार की अप्रोच होगी कि एक एक के घर पर जा कर सहायता देगी? कितने सरकारी कर्मचारी जो आज बीमारियों से मर रहे हैं अगर उन की धर्मपत्नियों के पास चार कानों के कुंडल न हों तो आज वह अपनी बीमारी का इलाज नहीं कर सकते। सरकारी कर्मचारी इस सरकार की जान को रो रहे हैं भत्ते के लिए, दरवाजे पर खड़े हो कर माँग कर रहे हैं, सरकार भत्ता नहीं दे पाती है। एक एक व्यक्ति की सरकार सहायता नहीं कर सकती। दुनिया की किसी सरकार ने आज तक कभी एक एक व्यक्ति की सहायता नहीं की। न आगे कर पायेगी। यही एक सोना है जो आदि काल से ले कर अनन्त काल तक एक व्यक्ति के जीवन की साक्षी और दुख का सहारा बन कर के सदा से चलता आ रहा है। यह हमारा व्यक्तिगत बैंक है। इसलिए हमारे समाजशास्त्रियों ने इस सोने को एक पवित्र प्रथा के रूप में बाँध कर के व्यक्तिगत जीवन के साथ इस तरीके से जोड़

दिया है जिसे कलाकारों ने एक सुन्दर रूप दे दिया है और वह हमारे जीवन में एक स्थायी आभूषण का अंग बन कर के हम कहीं भी जायं, हमारी सुरक्षा की वह साक्षी हमारे साथ जाती है। मैं समझता हूँ, यह व्यक्तिगत जीवन के लिए ही नहीं, राष्ट्रीय जीवन के लिए भी है। चीन ने हमारे देश पर आक्रमण किया, पाकिस्तान ने आक्रमण किया। सरकार ने माँग की। यह एडमिनिस्ट्रेटर नहीं थे। तब, आपकी पुलिस और फौज नहीं गई थी तब। हंस करके माताओं ने चूड़ियाँ उतारीं, बहनों ने कुन्डल उतारे, भाइयों के अंगूठियाँ उतारीं। राष्ट्र ने जितना सोना मांगा, उन लोगों ने दिया। लेकिन शिकायत तो यह है कि सरकार ने उस सोने का ठीक उपयोग नहीं किया। लोभों ने माँगने के ऊपर दिया है। जो मेरे मित्र यह कह रहे हैं कि देश की अर्थ-व्यवस्था के ऊपर संकट है मैं कहता हूँ कि राष्ट्र के लोग आर्थिक व्यवस्था के संकट को अनुभव करते हैं। अगर सरकार आज भी प्रामाणिकता से खड़े होकर कहे कि हमें जरूरत है तो वह सब कुछ देने के लिए तैयार हैं। देश का वर्षों का इतिहास साक्षी है कि देश की जनता ने कभी देश को धोखा नहीं दिया है, देश के नेतृत्व ने जनता को धोखा दिया है।

इस नाते से मैं यह कहना चाहता हूँ कि आज इस सोने को इस तरीके से सरकार छीन करके इस देश की अर्थ-व्यवस्था को धक्का पहुंचायेगी, इस देश के एक ऐसे वर्ग को समाप्त करेगी जिस वर्ग को मैं समझता हूँ आज की देश की बेकारी की हालत में हमें और अधिक बेकारी में नहीं डालना चाहिए। बेकारी तो देश के अन्दर बढ़ रही है। माननीय के० सी० पन्त ने राज्य सभा में जो वक्तव्य दिया उसमें स्पष्ट रूप से उन्होंने कहा कि हम सुनार वर्ग को धीरे धीरे अपने समाज से समाप्त कर देना चाहते हैं, इस वर्ग को एलिमिनेट कर देना चाहते हैं, इस वर्ग के अन्दर हम नयी भर्ती नहीं होने देना चाहते हैं। अगर सरकार की यही नीयत है तो इस गोल्ड कन्ट्रोल

विधेयक के सारे के सारे प्रावधान, सारी की सारी धारायें हमारी समझ में आ जाती हैं क्योंकि सरकार हर सोने का धंधा करने वाले आदमी को, हर सोनार को, इस काम में लगे हुए हर एक व्यापारी को धीरे धीरे समाप्त कर देना चाहती है, निकाल देना चाहती है। अगर यह सरकार की स्पिरिट है, इसके लिए सरकार ने सारे प्रावधान किए हैं तो तो फिर मैं यह कहना चाहूंगा कि इतना लम्बा पचड़ा करने की क्या जरूरत थी? इस नाटक की क्या जरूरत थी? आप एक ही कानून बताते कि हम इस वर्ग को कानून से समाप्त करते हैं, वह खत्म हो जाते, पुलिस चली जाती, उनके ऊपर ऐक्शन ले लेती। सब बातें हो जातीं। यह लोकतन्त्र है। अभी अभी यहाँ पर इस प्रश्न के ऊपर चर्चा उठने के पहले कानून का प्रश्न उठाया गया। कितने ही माननीय विधान शास्त्रियों ने विधान का हवाला देते हुए यह बात कही कि इसके कुछ इस प्रकार के प्रावधान हैं जो व्यक्ति के मूलभूत अधिकारों पर आघात पहुंचाते हैं इसलिए इस कानून को, इस विधेयक को वापिस लेना चाहिए क्योंकि यह विधान के विरुद्ध है, उसकी भावना के विरुद्ध है, उसमें निहित, व्यक्ति को दिए गए मूलभूत अधिकारों के विरुद्ध है। माननीय मोरारजी ने कहा कि अगर किसी को ऐसा लगता है तो वह सुप्रीम कोर्ट में जाये। ठीक है। मैं समझता हूँ बहुमत के अहंकार के अन्दर और हठवाद के अन्दर इस प्रकार की बात आदरणीय सदस्यों के द्वारा कही जा सकती हैं। लेकिन मैं विनम्रतापूर्वक कहना चाहता हूँ सारी स्थिति के ऊपर दृष्टि डालिए। देश के अन्दर कानून का आदर कितना बढ़ रहा है, कानून की प्रतिष्ठा कितनी बढ़ रही है, कामन आदमी कानून के प्रति कितना आदर का भाव लेकर चल रहा है? क्यों वह कानून का आदर घट रहा है, क्यों कानून की प्रतिष्ठा घट रही है? क्योंकि इस प्रकार के शोड़े अव्यावहारिक और आयोय्य प्रकार के कानून बनाए जा रहे हैं जो कुछ सुप्रीम कोर्ट में

[श्री यज्ञदत्त शर्मा]

जाकर टूट जाते हैं, कुछ हाई कोर्ट में ओर कुछ जनता में जाकर टूट जाते हैं। कुछ के लिए प्रसाह्निक अधिकारी हाथ पर हाथ रखकर बैठे रहते हैं। इस स्थिति के अन्दर मैं यह कहना चाहता हूँ कि न तो कानून की प्रतिष्ठा घटे, न हमारे देश का कलाकार वर्ग बेकार हो, न देश के अन्दर एक चीज जो आदिकाल से चली आ रही है और व्यवहारिक दृष्टि से चली आ रही है, आज भी जिसका औचित्य उतना ही अधिक है बल्कि पहले से भी अधिक बढ़ा हुआ नजर आता है उस सम्बन्ध में सरकार विचारपूर्ण दृष्टि से इस विधेयक में उचित संशोधन करे। आगे मैंने कुछ संशोधन दिए हैं, उनके ऊपर अपने विचार रखूंगा। मैं यह कहना चाहूंगा कि स्वर्णकारों के सम्बन्ध में सटिफिकेट देने का जो प्रावधान किया गया है वह अत्यन्त अनुचित है। किसी वर्ग को इस तरह से उसके पेशे से, उसके कार्य से वंचित नहीं किया जा सकता। सरकार इसको वापिस ले। तीन सौ ग्राम की शर्त लगाई है डली बनाने की। वह अगर धंधे के जानकार लोग हैं तो जानते होंगे कि डली उनको पहले बनानी पड़ती है। आभूषण जो देकर जाता है उसके सारे आभूषणों को गलाकर डली बनानी पड़ती है। वह अत्यन्त आवश्यक है। इसी तरीके से यह भी प्रावधान किया गया कि वह हाई कोर्ट में कैसे करे। बेचारा छोटा स्वर्णकार हाई कोर्ट में कैसे जायेगा? उसको किसी भी कोर्ट में जाने की छुट होनी चाहिए अगर गड़बड़ होती है, जिससे उसके साधन, उसकी सीमा, उसकी शक्ति, उसकी सामर्थ्य जहाँ तक है, उसके अनुसार वह किसी भी कोर्ट में जा सके, केवल ला क्वैश्चन पर नहीं, फँक्ट्स के ऊपर भी, किसी भी क्वैश्चन के ऊपर अगर उसके साथ कोई जोर ज़बर्दस्ती होती है तो वह जा सकता है।

इन शब्दों के साथ मैं कहना चाहूंगा कि इस विधेयक के अन्दर ये सब संशोधन किए

जायें और इसको वित्त मंत्री महोदय अगर वापिस लें तो देश के इतिहास में उनका स्थान ऊंचा होगा। हजारों स्वर्णकार और सोने के धंधों में लगे हुए लोगों की आत्मायें उनको बहुत धन्यवाद देगी।

श्री रवि राय : एक विनती है कि बिजनेस एडवाइजरी कमेटी की ओर से आठ बंटे टाइम दिया गया है इसके ऊपर विचार करने के लिए तो जनरल डिस्कशन का टाइम भी बढ़ना चाहिए।

सभापति महोदय : हां, वह बढ़ा देंगे।

SHRIMATI ILA PALCHOUDHURI (Krishnagar) : I certainly support the spirit of the Bill because what do we seek to do by this Bill? We seek to restrict non-monetary use of gold, to bring out hoarded gold, to reduce the internal prices of gold and to stop smuggling of gold into the country. These are some of the main things that we want to do and these are causes which are very laudable. So, as far as the spirit of the Bill goes, I support the Bill, but there are certain things which I would like to bring to the notice of the hon. Minister.

To bring out hoarded gold, Government had issued gold bonds. Gold bonds were issued. At that time, according to the Reserve Bank's estimation, there was Rs. 1,800 crores (international price) worth of gold hoarded in India or Rs. 4,000 crores (market price) worth of gold hoarded in India. How much was brought out by the gold bonds? The first series of gold bonds issued between November 1963 and February 1964 brought in Rs. 8.62 crores worth of gold at the international price. The second series, from March to May 1965, brought even less; but even to that extent in bringing out the hoarded gold it was successful; that much I will say, although it cannot be said to have been very successful. This will show that the people in India are not yet oriented to gold bonds; they yet like gold

ornaments. As my friends on the other side have said, gold ornaments do not really lie idle to the extent that we make out to be, because in the rural areas it is deposited and money taken during the sowing season; just as you deposit the money in the bank and take it out, gold ornaments are deposited and money taken. So, they are not lying entirely idle.

In 1966, the hon. Prime Minister had made a statement in this House. She had said this—I may be permitted to read this out:

“All restrictions on making gold ornaments of more than 14 carat, imposed under the Gold Control Order, will be withdrawn. This will give relief to a large number of goldsmiths.”

What relief will this Bill give to goldsmiths? You will see that there are clauses in this Bill that really militate against goldsmiths; I have my own amendments on them and I shall speak on them actually later when the amendments come.

But, on the non-monetary use of gold, I would like to make a suggestion. The more effective method that I would suggest is putting a big sales-tax on gold ornaments; that will bring money to the exchequer; that will give you a certain amount of money; as long as the rural population goes on buying gold ornaments, they have to pay tax; and this will channelise that money into the coffers of Government for development purposes.

I will say that this Bill militates against the goldsmiths which number, at least in West Bengal alone—I do not know if my figures are perfectly right—2,22,000, and all over India it will run into crores... (Interruptions) It will be nearly a crore if you take into account the goldsmiths and the people who work with them and in the various ancillary industries. Actually, this Bill affects them. What is going to happen to them? They were maintaining themselves. This

will throw them out of their jobs in many ways because some of the clauses militate against them very much; particularly the clause I have given my amendment to; I shall come to that later.

The public itself is allowed to keep 2,000 grams of gold, but the goldsmiths will not be allowed to keep that. This is very funny. All over India, there have been 200 to 300 cases of suicides among goldsmiths. In Bengal, I know there have been over 10 suicides of goldsmiths, 8 practically in my own constituency. There was a very telling couplet. I want to repeat it here so that those who know Bengali can understand it:

“Kothay galo, Kothay ‘galo-sabai deke bole, Sonar anga Shankra bow, ache galar tale.”

‘Where is she?’ Everyone is wondering where is the goldsmith’s wife. The golden-skinned goldsmith’s wife. She is under the water. She has committed suicide because she could not face the condition of her family owing to the unemployment of the goldsmith.

There are many clauses which need redeeming in this Bill. I hope the amendments will be considered. The High Court of Calcutta has also passed an order an injunction. Justice S. P. Ghosh has passed an order causing clause, all the amendments will be operative. This is the same as cl. 48 of this Bill. So I hope that on that clause, all the amendments will be considered by the Finance Minister.

Lakhs of rupees will have to be spent to rehabilitate goldsmiths. Upto now, not one goldsmith has been able to get a job in any government concern or office or in any public undertaking. If you give him some money and say, ‘Go and learn brick-laying’, how is it possible for him to do this? In a traditional, artistic, and creative work of imagination, you cannot ask the man to go and take to another trade. I think India has come to a stage when we should think in

[Shrimati Ila Palchoudhuri]

terms of entering the gold jewellery export business in a big way. As it is, without any boost from Government, gold jewellery export has earned Rs. 11 crores foreign exchange. If it is boosted, it can earn far more. In the International Fair held in America in 1964, it was an Indian goldsmith who won the award for the most exquisite work that he exhibited.

This exquisite art should not be allowed to die out. We should see that the goldsmiths are not thrown out of work. We should see that more incidents like the suicide of the goldsmith's wife who committed suicide by drowning do not take place.

SHRI S. M. BANERJEE (Kanpur) : I once again rise to oppose this Bill. I submit that even as a member of the Joint Committee, all the basic amendments which we proposed were rejected. So we have had to append a minute of dissent. In that minute of dissent signed by Shri Tridib Chaudhuri, Shri Fernandez, Shri Z. A. Ahmed and myself, we have made this request :

"We, therefore, appeal to our friends in Parliament to raise their voices and see that this useless piece of legislation is thrown out. We are utterly dissatisfied with the manner in which basic amendments have been rejected."

The Finance Minister has said that some of the amendments moved in the Joint Committee were accepted. They were very minor ones. We argued in the Committee that there should be no summary trials. He was not even prepared to accept it and convert it into a regular trial. I shall deal with this point when we come to the clauses.

What did we achieve? What was the objective behind the Gold Control Order? We were told here that there would be no smuggling, or at least it would be minimised, that the price of gold here would be comparable to the international price and last, but not least, concealed and hoarded gold

would come to the surface. Did we achieve any of these objectives? No. As so ably explained by my hon. friend Shri Dandekar, smuggling has increased. Does the Finance Minister think that the poor goldsmith is smuggling gold? It has been found that people who have got links with big business houses, who are connected with international gangs are smugglers. Even Chief Ministers, ex and present—they are the biggest gold smugglers. The Finance Minister may admit it or not but it has been proved beyond doubt that in the Choti Sadri gold smuggling case in Rajasthan the present Chief Minister is involved. Any impartial enquiry will prove he is in it, though he may deny it.

Another object with which this was brought forward was that the price of gold would go down. After the Chinese aggression when the slogan was given ornaments for armaments, our wives, sisters and mothers readily parted with their ornaments, in certain cases even with their mangala sutras and they thought that they would be able to defend this country. What has happened to that gold? I want an explanation from the hon. Minister as to what happened to the gold collected by various agencies including Mr. Atulya Ghosh. We have no account. I do not know if the same fate that overtook our national defence fund overtakes this also; it must have happened like that here also. Even after that, I would have understood if gold had been used for correct purposes. It was never used like that. It was used for boosting up their party purposes.

SHRIMATI SUCHETA KRIPALANI: Has he any proof for what he says?

SHRI RANDHIR SINGH: He must prove it. Or, it should be expunged.

श्री लक्ष्म कान्तम्मा : सभापति महोदय, मेरा व्यवस्था का प्रश्न है। जो आदमी यहाँ पर नहीं हैं वह अपने को डिफेन्ड नहीं कर सकते। इस लिये न का नाम यहाँ नहीं लिया जाना चाहिये।

श्री सा० मो० बनर्जी : मैं ने यह कहा है कि जितने सोने का कलैक्शन हुआ है उस के बारे में यह नहीं मालूम हुआ कि कितने लोगों ने कितना सोना दिया है। मैं ने सोना दिया है, मैं चाहता हूँ कि नैशनल डिफेन्स फंड में जितने सोने का कलैक्शन किया गया है, उस की अदालती जांच की जाय। अगर अदालती जांच हो तो आप को मालूम होगा कि कितना सोना कहाँ गया।

श्री रणधीर सिंह : हम सोना देने वाले हैं, हमें ठीक मालूम है कि सोना कहाँ गया।

श्री सा० मो० बनर्जी : यह हो सकता है कि श्री रणधीर सिंह की बीबी के सोने का ठीक इस्तेमाल हुआ हो, लेकिन मेरी बीबी के हाथ के कंगन का क्या हुआ, मुझे अभी तक मालूम नहीं। • इस लिये मैं कह रहा हूँ कि . .

श्रीमती लक्ष्मी देवी : सभापति महोदय, मैं आप की रूनिंग चाहती हूँ।

MR. CHAIRMAN : He is not levelling any charge against anybody; he is asking what happened to the gold bangles of his wife.

श्रीमती लक्ष्मी देवी : नाम आया है।

SHRI NAVAL KISHORE SHARMA : (Dausa) : He has levelled a charge against the Chief Minister of a State.

MR. CHAIRMAN : You should have raised this point at the time he did so.

श्री इवि. राय : मोहन लाल सुखाड़िया के बारे में भी हम लोग इन्तजाम कर रहे हैं।

SHRI S. M. BANERJEE : I would have answered their points but I did not want to put you in an embarrassing position.

MR. CHAIRMAN : You do not put yourself in an embarrassing position.

SHRI S. M. BANERJEE : There should be an enquiry into the whole affair including Shri Mohanlal

Sukhadia who is involved in Choti Sadri.

MR. CHAIRMAN : Mr. Banerjee, it has not been proved that he has been involved, and therefore when he is not here to defend himself, I think you should not drag his name.

श्री सा० मो० बनर्जी : मैं कह रहा था कि इस के तीन मकसद थे। एक तो यह कि सोया हुआ सोना बाहर आ जायेगा, मगर वह सोता ही रह गया, कभी बाहर नहीं आया, दूसरी चीज यह कि तस्कर व्यापार बन्द होगा या कम होगा। तस्कर व्यापार को अगर आप देखें तो 1963 से ले कर आज तक वह ज्यादा हो हुआ है, कम नहीं हुआ है, और तीसरी चीज जो थी वह यह कि सोने के दाम कम होंगे और वह अन्तर्राष्ट्रीय स्तर पर आ जायेंगे। लेकिन बदकिस्मती है कि वह भी नहीं हुआ। मैं वित्त मंत्री जी से पूछना चाहता हूँ कि आखिर यह क्यों लाया जा रहा है। क्या उन की प्रतिष्ठा का सवाल है? यदि यह प्रतिष्ठा का सवाल है तो दूसरी बात है। लेकिन अगर यह प्रतिष्ठा का सवाल नहीं है तो मंत्री महोदय को इस बिल को वापिस लेना चाहिये।

16.56 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

अभी मेरी मोअज्जि बहन श्रीमती इला पालचौधरी ने कहा कि दस स्वर्णकार उन्हीं के क्षेत्र में आत्महत्या कर चुके हैं। मुझे खुशी है कि एक कांग्रेसमैन ने गिना तो कम से कम कि कितनी खुदकुशियां हुईं। लेकिन अखिल भारतीय स्वर्णकार संघ के माध्यम से जो हम लोगों को मालूम हुआ है उस के मुताबिक सारे देश में तकरीबन 100 सुनार आत्महत्या कर चुके हैं। मैं पूछना चाहता हूँ कि आज कौन सा मुआवजा उन को मिलने वाला है? मैं चाहता हूँ कि आज बतलाया जाय कि उन को मुआवजा मिशेगा या नहीं या कि उन की हत्या के लिये जिम्मेदार कौन

[श्री स० मो० बनर्जी]

है। अगर कोई दूसरा देश होता और इस काले कानून को लागू करने के कारण यह लोग आत्महत्या करते तो 302 का मुकदमा उस वित्त मंत्री के खिलाफ चलाया जाता जो ऐसे काले कानून को लाता है। लेकिन मूसीबत की बात तो यह है कि इस देश में ऐसी कोई चीज होने वाली नहीं है। यहाँ पर तो बहुमत के बल पर ऐसे कानून पास कर लिये जाते हैं।

उस के बाद कहा यह गया इस हाउस में कि यह रीज़नेबल रेस्ट्रिक्शन्स हैं। रीज़नेबल रेस्ट्रिक्शन की बात जो कही गई...

MR. DEPUTY-SPEAKER: The hon. Member's time is up.

SHRI S. M. BANERJEE: Eight hours have been allotted.

MR. DEPUTY-SPEAKER: If it is the recommendation of the Business Advisory Committee—I have no report with me—it is all right. You may take a little more time.

SHRI VASUDEVAN NAIR: The Business Advisory Committee has given it more time.

श्री स० मो० बनर्जी: मैं कह रहा था कि आखिर यह रीज़नेबल रेस्ट्रिक्शन क्या हैं? एक कम्प्यूनिटी को, जिस को आप बैकवर्ड क्लास कहें या जो कुछ कहें, जो सुनारों की कम्प्यूनिटी सारे हिन्दुस्तान में है और यह जिस का ट्रेडिशनल काम है, उसके काम को आप खत्म करेंगे यह कह कर कि ल्योर आफ गोल्ड को हमें हटाना है। उस के आर्ट को आप हटायेंगे और इस तरह से उस की नस्ल को बाप खत्म करने जा रहे हैं। मुझे ताज्जुब होता है यह सुन कर कि उस के ऊपर रीज़नेबल रेस्ट्रिक्शन लगाये जा रहे हैं। क्या यह रीज़नेबल रेस्ट्रिक्शन है कि जो आदमी सुनार का काम करता है और खुशकिस्मती से या बद्किस्मती से सुनार के घर में पैदा हुआ है, आज उस का रक्षक

गोल्ड कंट्रोल आफिसर होगा? अगर उस सुनार का पिता होता चाहे नहीं हो सकता। यह सुन कर ताज्जुब होता है कि यह किस तरह का रीज़नेबल रेस्ट्रिक्शन है। इसी रीज़नेबल रेस्ट्रिक्शन की बात कही गई थी कम्प्लेसरी डिपॉजिट के सिलसिले में। जिस समय हम लोगों ने मांग की थी कि संविधान के अन्तर्गत अटॉरनी जनरल आ कर भाषण दे सकता है और समझा सकता है इस लिये उस को बुलाया जाय, तो उस को बुलाया गया था। उस का फैसला हमारे खिलाफ हुआ या माफिक हुआ इस की तह में मैं नहीं जाना चाहता, लेकिन यह बात सही है कि हम को उस को सुनने का मौका मिला। वित्त मंत्री जी आखिर कोई कानून के पंडित तो नहीं हैं। वह कैसे कहते हैं कि रीज़नेबल रेस्ट्रिक्शन हैं। यह कह देना कि अगर कोई कानून या वैधानिक आपत्ति है तो सुप्रीम कोर्ट का दरवाजा खटखटाओ, गलत होगा। जो बेकार सुनार हैं आप आज भी उन से लोन वापस लेने की चेष्टा कर रहे हैं। आप कहते हैं कि दो साल में वह देंगे। यह तो 1000 या 2000 रु० दे कर उन के घरों को बरबाद करने की बात है। आज भी मैं कहता हूँ कि शाइलाक बन कर गोल्ड कंट्रोल आफिसर या दूसरे एग्जिक्यूटिव आफिसर जब रुपया वापस लेंगे तब उन को सर्टिफिकेट दिया जायेगा और कहा जायेगा कि आन बन कंडिशन कि दस साल तक वह लोन वापस कर दीजिये। वह लोन भी वापस लेने की बात हो रही है। आप यह देख कर दंग रह जायेंगे कि सर्टिफिकेट देने की शरायत कितनी कड़ी है। सज़ा भी बहुत सख्त रखी गई है। जब क्लॉजिज़ पर बहस होगी, उस वक्त हम इन बातों पर चर्चा करेंगे। इस वक्त मैं सिर्फ यही कहना चाहता हूँ कि जब तीनों मकासद श्लत साबित हो गये हैं, तो मैं समझता हूँ कि वित्त मंत्री जी इस बिल को वापिस ले लें। माननीय सदस्य, श्री दांडेकर, श्री यज्ञदत्त शर्मा और मजिज़ बहन, श्रीमती इला पालचौधरी, ने काफ़ी तफ़्सील के साथ बताया है कि हमारे

स्वर्णकार बन्धुओं को कितनी मुसीबतों का सामना करना पड़ा रहा है।

17 hrs.

जायंट सिलेक्ट कमेटी में इतनी जल्दी-जल्दी काम हुआ कि मालूम होता था कि गवर्नमेंट किसी भी हालत में इस बिल को पास करने पर तुली हुई है। उस कमेटी के काम करने के ढंग को देख कर ऐसा लगता था जैसे अली बाबा और मर्जीना अकेले बैठ कर मोहरें गिन रहे हों। किसी को कमेटी के सामने एविडेंस देने के लिए नहीं बुलाया गया। हम ने कहा कि अखिल भारतीय स्वर्णकार संघ को कमेटी के सामने एविडेंस देने के लिए बुलाया जाये, लेकिन कहा गया कि यह नहीं हो सकता है।

मैं इस रिपोर्ट के मिनट्स में से कुछ पढ़ना चाहता हूँ :

"At the outset, the Chairman mentioned to the Committee about the receipt of a telegram from the Madras Jewellers and Diamond Merchants Association, Madras requesting for being given a personal hearing by the Committee."

और जो लोग एविडेंस देने के लिए आये, उन को बुलाने के लिये कहा गया।

"At this stage, Shri Dahyabhai V. Patel pointed out that certain affected parties were already in the capital and they should be given an opportunity for a hearing by the Committee."

लेकिन उन लोगों को एविडेंस देने का मौका नहीं दिया गया।

"He was joined in this by some other Members viz. Sarvashri Tridib Chaudhuri, N. Shivappa, O. P. Tyagi, Banka Behary Das and K. B. Abraham, who suggested that the Joint Committee might ask for an extension of time instead of hustling through the matter. After some discussion, the Chairman ruled that there was hardly any force in reiterating the point in the context

of the earlier decision of the Joint Committee."

वे सब लोग दिल्ली में मौजूद थे, लेकिन कहा गया कि उन को बुलाने की जरूरत नहीं है। वे इस पार्लियामेंट, इस लोक सभा, प्रजातांत्रिक उम्मीलों के आधार पर बनी हुई इस लोक सभा के दरवाजे को खटखटा रहे थे और उस के सामने अपनी फरियाद रखना चाहते थे, लेकिन उन को यह कह कर घुसने नहीं दिया गया कि हम ने नी दिन में इस बिल को पास करने का फ़ैसला कर रखा है। अखिल भारतीय स्वर्णकार संघ के लोग गुजरात, अहमदाबाद, बम्बई और दिल्ली के लोग यहां पर मौजूद थे। दिल्ली वालों के जूते चक्कर लगाते-सगाते घिस गये, लेकिन उन के लिए इन्साफ़ का दरवाजा बन्द था। कहा गया कि हम ने जो आर्डिनंस पास किया था, इसी सेशन में उस को कानूनी शकल देनी है। लेकिन वह आर्डिनंस क्यों पास किया गया? उस से क्या मिला? आप देखिये कि कितने लोगों ने अपन मेमोरेण्डम भेजे थे।

All India Jewellers Association,
New Delhi.

Akhil Bhartiya Swarnakar Sangh,
Delhi.

All Delhi Sarafa Association, New
Delhi.

Meerut Bullion Association.

Vidarbha Mahajan Samiti, Nagpur.

The Federation of Andhra Pradesh
Chambers of Commerce and Indus-
try, Hyderabad.

MR. DEPUTY-SPEAKER: He need
not read the whole list.

SHRI S. M. BANERJEE: I am only referring to this to show what great injustice has been done to these people. They were knocking at the doors of Lok Sabha Secretariat and they were not heard. Is it justice? And, we are being asked to pass this piece of legislation after these nefarious activities. The Finance Minister had the courtesy to consult the big bankers before the Banking Law was

[Shri S. M. Banerjee]

passed. Their informal advice was accepted formally. But in this particular case, I am sorry to say, all these poor goldsmiths and their representatives were not consulted. That is why I say that no Member of this House should be a party to the passage of this by simply saying that in order to remove the lure of gold the Gold Control Bill will be there. Let us decide, here and now that this piece of legislation should be rejected outright and that there is no need for this legislation.

श्री रणधीर सिंह (रोहतक) : डिप्टी स्पीकर महोदय, इस में कोई शक नहीं है कि गोल्ड कंट्रोल से मुताल्लिका आर्डिनंस और रूल्ज से हमारे एक तबका-ए-आवादी पर जरूर एक बहुत जबर्दस्त असर पड़ा है। मैं कहूंगा कि इस एक करोड़ या इस से ज्यादा आवादी के हिस्से ने देश के हित में उसी तरह अपना पूरा बलिदान दिया है, जिस तरह कि मुल्क की तक्सिम के बाद मशरिफी और मग़रबी पाकिस्तान से आने वाले लोगों ने देश के लिए कुर्बानी दी और तकलीफें बर्दाश्त कीं और जिस तरह चीन और पाकिस्तान के हमले का मुकाबला करते हुए हमारे लोगों ने कुर्बानी दी और शहीद हुए। गोल्ड कंट्रोल आर्डर के वजूद में आने का यह असर हुआ कि आज आप को गांवों में कहीं स्वर्णकार देखने को नहीं मिलता है।

आज-कल की डेबेलप्लड इकानोमी में देहात से बनिया और व्यापारी गुम हो गया है, शहर में आ गया है, क्योंकि उन के लिए देहात में कोई ऐवेन्यूज नहीं रहे हैं। इसी तरह जो एक और तबका देहात से ऐसे गुम हो गया है, जैसे भेड़ के सिर से सींग, वह है स्वर्णकारों का। मुझे उन भाइयों से पूरी हमदर्दी है। लेकिन मैं चाहता हूँ कि हमारे भाई अपने दिलों को साफ़ करें। इस देश में हर एक बात में सियासत आती है और यह एक बहुत बुरी बात है। अमर देश के हित की कोई बात हो, तो उस में भी सियासत आती है। अगर

पार्टी-बाजी से बालातर हो कर कोई काम किया जाता है, तो उस में भी सियासत आती है। अगर कोई आदमी देशभक्ति से प्रेरित होकर और मुल्क के मुफ़ाद के लिए किसी बात पर मजबूती से अड़ा रहता है, तो उस को भी प्रैस्टीज पर अड़ा हुआ और प्रैजुडिस डब किया जाता है।

इस लिए हमारे भाई ज़रा दिल पर हाथ रख कर सोचें कि क्या श्री मोरारजी देसाई को स्वर्णकारों से दुश्मनी है, क्या उन को देश के देहात और शहरों में रहने वाले गरीब लोगों से कोई दुश्मनी है। जब देश पर एक बड़ी भारी मुसीबत आई, तो उन्हें देश के मुफ़ाद के ज़बे से और देश को बचाने के लिए यह कदम उठाना पड़ा। मैं हरगिज़ यह मानने के लिए तैयार नहीं हूँ कि डिप्टी प्राइम मिनिस्टर ने किसी प्रैजुडिस या पर्सनल आवेसेशन के कारण यह कदम उठाया। उन्होंने यह कदम देश के हित में उठाया। जब कोई भी देश हमें अपने बचाव के लिए हथियार देने के लिए तैयार नहीं था, जब हर एक हम से फ़ारेन एक्सचेंज और गोल्ड मांगता था, जब कोई हमारी साख़ मानने के लिए तैयार नहीं था, उस वक्त श्री मोरारजी देसाई ने यह कदम उठाया।

हमारे भाई, श्री बनर्जी, ने इस बिल पर बोलते हुए कांग्रेस के खिलाफ़ सौ बातें कह डालीं। मुझे खुशी है कि हमारी मोहतरिमा भाभी साहिबा ने देश के लिए अपने गोल्ड आर्नामेट दे दिये। इस में कोई शक नहीं है कि जब देश में हंगामाखेज हालात हों और जब देश पर आपत्ति आये, तो गोल्ड के जरिये हम अपने देश के बचाव के लिए बड़े से बड़े हथियार मंगा सकते हैं। मैं मानता हूँ कि उन के दिमाग़ में भी वही जज्बा था, जो हमारे दिलों में है। इस के अलावा अगर इस देश ने तरक्की करनी है, आगे बढ़ना है, ज्यादा से ज्यादा प्राइव्शन करना है, तो वह कौन सी चीज़ है, जो इस काम में सब से ज्यादा मददगार हो सकती है ?

हमें बाहर से ट्रेक्टर लाने हैं, मशीनें लानी हैं, ऐसी चीजें लानी हैं जिनमें फौरन एक्सचेंज की दरकार है। हर देश लिखता है, रूस लिखता है, अमरीका लिखता है—हमें तुम्हारी रुपये की करेन्सी नहीं चाहिये, हमें तो असली गोल्ड चाहिए, फौरन-एक्सचेंज चाहिये, तुम्हारी करेन्सी पर हम को यकीन नहीं रहा, वह तो दिवाले की दुकान है। इसलिये मोरारजी भाई ने जो स्टैंड लिया है, वह बहुत मजबूत स्टैंड है, अगर देश को डवेलप करना है, उस में ज्यादा से ज्यादा धन पैदा करना है, कृषि से धन पैदा करना है, इण्डस्ट्री से धन पैदा करना है, तो हमें फौरन-एक्सचेंज महिया करना पड़ेगा, जो बाद में जा कर गोल्ड बनेगा। जो गोल्ड आज बेकार घरों में पड़ा हुआ है, मेरी मां के गले में है, मेरी बहन के कानों में है, उत्तमको देश के लिये बाहर लाना होगा। हमारे देश में एक तरह का कन्डरवे-टिज्म आ गया है, एक बेकार चीज को स्वामस्वाह पूजा की चीज बना डाला है, कितना गोल्ड आज बुद्धियाओं के पास, दादा-परदादाओं के पास जेवरात की शकल में पड़ा हुआ खराब हो रहा है। मेरे भाई बुरा न मानें—यह सही बात है, आज जनता महसूस करने लगी है कि जेवरात के लिये जो गोल्ड दिया जाता है वह आधा भी नहीं रहता है। अगर एक पाँड के जेवरात बनाये जायें, तो उन में आधा पाँड ही असली सोना रह जाता है। लोग आज सोचने लगे हैं कि जेवरात बेकार की चीज हैं। मेरे भाई बारबार उस की वकालत करते हैं—लेकिन जो होशियार औरतें हैं, जो अपने बच्चों को इन्जीनियर बनाना चाहते हैं, डाक्टर बनाना चाहते हैं, बड़ा अफसर बनाना चाहते हैं, उन्होंने अपने जेवरात को बेच दिया है और अपने बच्चों को पढ़ाने में, ऊंची तालीम में उस धन को लगा दिया है। मैं एक किसान की फैमिली से हूँ, मेरी मां अनपढ़ है, मेरे घरवाले अनपढ़ हैं, लेकिन उन्होंने भी जेवरात को पहनना छोड़ दिया है, उन्होंने बच्चों की तालीम के लिये, उन के प्रोस्पेक्ट्स के लिये,

जेवरात को बेच कर उस रुपये को उनकी तालीम पर लगा दिया है। एक भाई ने कहा कि औरतों के पास एक ही चीज थी—गहने पहनने के लिये, लेकिन इस सरकार ने उस से भी उन को महरूम कर दिया है—यह उन पार्टियों के चीफ स्लोगन हैं—मैं तो चाहता था कि अपोजीशन की तरफ से चाहे एक ही आदमी कहता लेकिन सही बात कहता। वह इस बात को किसी जाती जज्बात के तेहत न कह कर देश के लिये कहते तो मुझे बहुत खुशी होती। मैं यह मानने के लिये तैयार नहीं हूँ कि यह बदला निकाला जा रहा है—गोल्ड स्मिथ्स से मोरारजी भाई की क्या लड़ाई है। लेकिन इस बात को मैं मानने के लिये तैयार हूँ और यह एक बुनियादी बात है—कि यह करोड़ों आदमियों की जिन्दगी का सवाल है। यह सही बात है कि गोल्ड कन्ट्रोल से पहले भी कई कन्ट्रोल हुए हैं—क्लाथ का कन्ट्रोल हुआ, शुगर का कन्ट्रोल हुआ, अनाज का कन्ट्रोल हुआ, कई असेन्सलज आफ लाइफ की चीजों का कन्ट्रोल हुआ—ऐसी चीजें जो देश की इकानमी को बढ़ाती हैं, फैलाती हैं, उन का कन्ट्रोल करना पड़ेगा। सवाल यह नहीं है कि औरतें जेवर पहनती हैं या नहीं पहनती हैं—अगर देश की गरीबी को दूर करना है, देश को डवेलप करना है तो हमें इस काम को करना होगा।

डिप्टी स्पीकर महोदय, मेरे कुछ भाइयों को गोल्ड कन्ट्रोल की वजह से कुछ तकलीफ हुई है, दुख हुआ है—तो यह तकलीफ या दुख देश के हित में हुआ है—मैं भी मोरारजी भाई से कहना चाहता हूँ कि इस का असर लाखों नहीं करोड़ों आदमियों पर पड़ा है। आप जो बिल लाये हैं इस की देश को जरूरत है, अगर आप की जगह कोई दूसरा होता तो वह भी यही करता—लेकिन आज जिन लोगों की रोजी का सवाल है, उस को हमें अपने सामने जरूर रखना होगा। इस का असर शहरों के मुकाबले देहात पर ज्यादा पड़ा है। शहरों में तो हमारे भाई बहुत सयाने हैं—कोई

[श्री रणधीर सिंह]

हार्ड कोर्ट का जज बन गया है, कई बड़े-बड़े कान्ट्रेक्टर बन गये हैं, मैं यह मानने के लिये तैयार नहीं हूँ कि कलकत्ता और बम्बई के गोल्ड स्मिथ्स पर ज्यादा असर पड़ा है, बीसियों काम उन लोगों ने कर लिये हैं, किसी ने कारखाना लगा लिया है, किसी ने कोई दूसरा धन्धा कर लिया है, लेकिन जो अनपढ़ हैं उन के ऊपर इस का असर पड़ा है। मैं आपसे यह कहना चाहता हूँ कि आप अपने रूल्स को ऐसा बनायें कि अगर कोई भाई यह काम करना चाहता है तो वह कर सके, उस को आप कैसे डिबार कर सकते हैं। एक भाई ने जो यह दलील दी—उस में काफ़ी वजन है—कि अगर कोई भाई यह पेशा अख्तियार करना चाहता है—तो उस को रूल 39—40 में आप कैसे डिबार कर सकते हैं। इस लिये मैं मोरारजी भाई से कहना चाहूंगा कि इस बिल के तहत आप जो रूल बनायें उस में अगर कोई वकील, इन्जीनियर, कोई एस० पी० या दूसरे भाई—शहर का हो या देहात का—अगर गोल्ड स्मिथ का पेशा अख्तियार करना चाहता है तो उस को क्यों डिबार किया जाय। मैं कुण्डे साहब की इस बात से सहमत हूँ कि इस में क्लास शब्द का इस्तेमाल क्यों किया जाय। जब हम क्लासलैस सोसायटी की तरफ़ जा रहे हैं तो किसी एक क्लास को इस किस्म का सर्टिफिकेट दिया जाय और दूसरे को न दिया जाय—यह मुनासिब नहीं है।

आखिर में जनाब में यही अर्ज करना चाहता हूँ कि जिस तरह से लाखों लोगों ने कुरबानी दी थी, जैसे मगरवी पाकिस्तान और मशरकी बंगाल के उजड़े हुए भाइयों को बसाने की इखलाकी जिम्मेदारी सरकार ने अपने ऊपर उठाई थी, उसी तरह से इन स्वर्णकार भाइयों को रिहैबिलिटेड करने की इखलाकी जिम्मेदारी सरकार की है और सरकार को इसे उठाना चाहिये। उन के बच्चों को सर्विसिज में प्रिफरेंस दिया जाना चाहिये,

उन को कर्जा दिया जाना चाहिये, उन को हर तरह की सहूलियतें दी जायें ताकि वे रिहैबिलिटेड हो सकें।

मोरारजी भाई ने इस बिल को ला कर गलती नहीं की है, अगर कोई कमजोर मिनिस्टर होता तो आपके चीप स्लोगन के सामने इस को ड्रूप कर देता, लेकिन वह मजबूत मिनिस्टर हैं और चूंकि उसूलन यह बात ठीक है, देश के हित में जरूरी है, 50 करोड़ हिन्दुस्तानियों के हित के लिये जरूरी है—इसलिये वह इस को मजबूती के साथ यहां लाये हैं। इन लोगों का क्या है—लीडरी पकाने के लिये जलूस निकाले, एक तरह से मदारी का तमाशा इन अपोजीशन वालों ने बनाया हुआ है। मैं कहना चाहूंगा कि जो कदम उठाया गया है वह सोच विचार कर उठाया गया है। मैं महसूस करता हूँ कि इस में कोई गलती नहीं है। देश के हित के लिये, कौम को मजबूत बनाने के लिये, वह इस को लाये हैं। लेकिन जो लोग इस से भुतास्तिर होंगे, उन की जिम्मेदारी सरकार पर है, उन की मुशकिलात को हल करने के लिये सरकार को पूरी मदद करनी चाहिये—कहीं ऐसा न हो कि वे एक दूसरे हरिजन बन जायें, उन को लिबरली कर्जा दें, नौकरियों में उन को प्रिफरेंस दें और अगर वे इस प्रोफेशन को करना चाहें तो उन उन को प्रिफरेंस दें।

उपाध्यक्ष महोदय, मैं बड़ा मशकूर हूँ कि आपने मुझे इस बिल पर बोलने का मौका दिया। मैं पुरखोर अलफाज में इस बिल की हिमायत करता हूँ और चाहूंगा कि मेरे ध्यालात पर मोरारजी भाई गौर करेंगे।

श्री रवि राय (पुरी) : उपाध्यक्ष महोदय, मैं इस गोल्ड कन्ट्रोल बिल का जो ज्वाइन्ट सिलैक्ट कमेटी में जाने के बाद हम लोगों के सामने आया है, उस का सख्त विरोध करने के लिये खड़ा हुआ हूँ।

उपाध्यक्ष महोदय, हम को बहुत खुशी हुई कि स्वतन्त्र पार्टी के नेता दाण्डेकर जी ने बहुत अच्छे भाषण के जरिये और तथ्य दे कर इस का विरोध किया है। आपको, उपाध्यक्ष महोदय, यह भी मालूम है कि पिछले सत्र में स्वतन्त्र पार्टी के एक सदस्य के जरिये एक नान-आफिशियल बिल भी इस सम्बन्ध में इस हाउस में लाया गया था, जिस पर हम ने अपने विचार प्रकट किये थे और कहा था कि इस तरह के गोल्ड कंट्रोल बिल को सदन के सामने नहीं लाना चाहिये। लेकिन मुझे दुःख के साथ कहना पड़ता है कि नान-आफिशियल बिल पर विरोधी दल की जो राय थी, उस का असर वित्त मंत्री महोदय पर नहीं पड़ा और उन्होंने जान-बूझकर हिन्दुस्तान के लाखों सुनार भाइयों के ऊपर कुठाराघात किया। उपाध्यक्ष महोदय, हम को लगता है कि आज लोक सभा के लिये एक कलंक का दिन है। दोनों की खराबी है। इस तरह के बिल को वित्त मंत्री महोदय लाकर लाखों सुनारों को बेकार और बेघर करने जा रहे हैं। इस बिल के पास हो जाने से उन स्वर्णकारों का सारा काम व उन की कला आदि खत्म हो जायेगी लेकिन फिर भी वित्त मंत्री महोदय इस बिल को पास कराने की अपनी जिद पर अड़े हुए हैं। सन् 1962 में चीन के हमले के बाद डी आई आर के कानून के चलते चलते वित्त मंत्री महोदय दो इस तरह के बिल लाये। एक के बारे में तो वह जनमत के आगे झुक गये और उन्होंने उसे अपनी कम्पलसरी डिपॉजिट स्कीम को हटा दिया लेकिन इस गोल्ड कंट्रोल के अपने लेजिस्लेशन को वह हटाने पर राजी नहीं हुए और तीव्र विरोध के बावजूद भी यह गोल्ड कंट्रोल बिल लाखों सुनारों के ऊपर लाद दिया है। जब वह पहले यह बिल लाये थे उस वक्त भी हम ने उन्हें आगाह किया था कि यदि वास्तव में वित्त मंत्री की यह मंशा है कि हिन्दुस्तान में इस सोने को लेकर सुनारों द्वारा जो तस्करी व्यापार किया जाता है

उस को वह बंद करना चाहते हैं तो उस वक्त स्वर्णकारों की संस्था की ओर से भारत सरकार को कहा गया था कि हम सुनार लोग और सुनार लोगों की संस्था यह जिम्मेदारी लेती हैं कि हम यह सब सोने को लेकर जो तस्करी व्यापार और गोल्ड की स्मर्गलिंग होती है उस को हम जरूर बंद कर देंगे बशर्ते कि जो बड़े लोगों के, बड़े मंत्रियों के बड़े नौकरशाहों और करोड़पतियों के बेटे हों, वह जब यह सोने का तस्करी व्यापार करते हुए पकड़े जायें तो उन को भी दंड मिलना चाहिए। सुनार लोगों की तरफ से भारत सरकार को ऐसा कहा गया था। सुनार लोग खुद चाहते थे कि सरकार इस तस्करी व्यापार को बंद करने के लिए सही मायनों में जिम्मेदारी उठा ले लेकिन जैसा कि उपाध्यक्ष महोदय, आप जानते ही हैं कि उस वक्त सरकार द्वारा यह चीज नहीं मानी गई। यह भी आप जानते हैं कि जैसा कि मेरे दोस्त श्री स० मो० बनर्जी ने आप की खिदमत में अर्ज किया कि 1100 सुनार लोगों ने आत्महत्या कर ली। वित्त मंत्री महोदय यह जानते हैं कि इस बिल के चलते 1100 लोग आत्महत्या कर चुके हैं और जाहिर है कि उन को आत्महत्या करने में मज्जा नहीं आया होगा लेकिन चूंकि उन को उस से बहुत तकलीफ हुई, उन का सारा व्यवसाय खत्म हो गया, घर से बेघर हो गये इसलिए लाचार होकर उन्हें आत्महत्या का आश्रय लेना पड़ा। मैं मानता हूं कि आत्महत्या करना एक कमजोरी की निशानी है और लोगों को आत्महत्या नहीं करनी चाहिए लेकिन वह इतने दुखी व परेशान थे कि उन्हें यह रास्ता अपनाए पर विवश होना पड़ा।

लेकिन इस सिलसिले में मैं आप को एक चीज बतलाना चाहता हूं कि सन् 1966 में बम्बई में जो अखिल भारतीय कांग्रेस कमेटी का अधिवेशन हुआ था उस अधिवेशन में श्रीमती तारकेश्वरी सिन्हा द्वारा एक नान-आफिशियल प्रस्ताव पेश करने का नोटिस

[श्री रवि राय]

दिया गया था। उन के उस प्रस्ताव में गोल्ड कंट्रोल आर्डर को खत्म करने और उसे वापिस लेने के लिए कहा गया था। जब वह नान-आफिशियल प्रस्ताव श्रीमती तारकेश्वरी सिन्हा अधिवेशन में लाई तो उस समय श्री कामराज नाडार ने उन से यह वायदा किया कि वह जो उन के प्रस्ताव में गोल्ड कंट्रोल आर्डर को हटा लेने और वापिस ले लेने की मांग की गई है उस के ऊपर हम लोग विचार कर रहे हैं। श्री कामराज नाडार ने उन्हें आश्वासन दिया कि भारत सरकार ने उस पर विचार करने के लिए वायदा किया है और उस आधार पर उन के द्वारा अपना वह प्रस्ताव वापिस ले लिया गया। जैसा कि आप जानते हैं भुवनेश्वर में कांग्रेस द्वारा गणतन्त्र समाजवाद को अपनाने का प्रस्ताव पास किया गया लेकिन जैसा यह कांग्रेस वाले देश में गणतन्त्र समाजवाद ला रहे हैं वह सब हम जानते हैं और इस तरह के प्रस्ताव पास करके महज जनता को धोखा देने की चेष्टा की गई है। इस तरह के प्रस्ताव का दरअसल कोई मूल्य नहीं है क्योंकि हम जानते हैं कि श्री कामराज नाडार ने यह आश्वासन दिया था कि भारत सरकार द्वारा इस पर नये सिरे से विचार किया जायगा लेकिन सरकार अपनी उसी पुरानी ज़िद पर कायम है और उन के वित्त मंत्री की ओर से यह गोल्ड कंट्रोल बिल लाया गया है।

जैसा कि श्री बनर्जी ने आप को बतलाया कि लाखों की तादाद में मुनार लोग और उन की देश भर में क्रायम संस्थाओं की ओर से यह एक आवाज़ थी कि यह सेलैक्ट कमेटी के सामने आये और इस बारे में उन के जो विचार हैं उन को वह उस कमेटी के सामने विस्तार से रखें लेकिन उन्हें अपने विचार रखने का मौक़ा नहीं दिया गया। सरकार बहुत जल्दी से ज्वाइंट कमेटी में से यह बिल निकसवा कर संसद के इसी वर्तमान सेशन में विचारार्थ ले आई। मैं वित्त मंत्री महोदय से पूछना चाहता हूँ कि इस बिल को इसी

वर्षाकालीन सत्र में लाने की क्या ज़रूरत थी। मेरी समझ में कोई ऐसी खास ज़रूरत नहीं थी जो वह इतनी जल्दी में यह बिल सदन के सामने ले आते। भले ही श्रीमती इलापाल चौधरी ने उस का विरोध किया लेकिन जैसा कि मालूम होता है वित्त मंत्री महोदय को इस बात की ज़िद है कि जैसे भी हो वह इसे इसी सेशन में पास करवा दें वह इसे ले आये हैं। इस की वजह से लाखों की तादाद में जो मुनार लोग हैं उन का क्या हाल होबा इस की उन्हें ज़रा भी चिन्ता नहीं मालूम देती है और कोई भी उनके साथ सहानुभूति दिखलाने और उन की असहाय हालत पर विचार करने के लिए तैयार नहीं है।

उन का यह कथन ठीक है कि सोने का मोह किसी को नहीं होना चाहिए। लेकिन मैं कहना चाहता हूँ कि यह सम्पत्ति के मोह को खत्म करने के लिए वित्त मंत्री जी क्या कर रहे हैं? आज सम्पत्ति के ऊपर सम्पत्ति लोग इकट्ठा करते चले जा रहे हैं और लोगों को इस सम्पत्ति के प्रति जो मोह है उस को खत्म करने के लिए सरकार कोई चीज़ नहीं कर रही है। लेकिन वह बेचारे मुनार जो यह सोने के गहने बनाने का धंधा करते हैं और थोड़ा बहुत सोना रखते हैं उनके पीछे सरकार हाथ धो कर पड़ी हुई है। कहा जाता है कि यह मुनार लोग सोने का तस्कर व्यापार कर रहे हैं और काफ़ी सोना इस तरह से इकट्ठा कर रहे हैं लेकिन आप जानते हैं कि छोटी सादरी के सोने के कांड को लेकर कितना बड़ा गोलमाल हुआ था और एक राज्य के मुख्य मंत्री के बारे में इस को लेकर गम्भीर शिकायतें मिली थीं लेकिन उधर वित्त मंत्री जी ने कोई ध्यान नहीं दिया और मामला रफ़ा दफ़ा कर दिया गया। दरअसल यह लाखों की तादाद में जो मुनार लोग हैं वह बेचारे कोई उस तरह से सोना इकट्ठा भी नहीं कर रहे हैं। वह तो सोने के आभूषण आदि बनाने वाले कारीगर हैं। हमारे यहां छड़ीसा में यह सोने और सिल्वर का

जो फिल्मी वर्क है वह तमाम संसार में प्रसिद्ध है। वह बहुत बढ़िया कला का नमूना है और उसको बनाने वाले वह साधारण सुनार लोग हैं। लेकिन इस बिल के कारण उन लोगों का घंघा चौपट हो जायगा। सारे देश में जो इस तरह के स्वर्णकार हैं उन की सारी वह उत्कृष्ट कला व कारीगरी खत्म हो जायगी। हम को लगता है कि वित्त मंत्री जी को कला के प्रति कोई रुचि नहीं है, कोई अनुराग नहीं है। हम देखते हैं कि उन के द्वारा एक तरफ तो सम्पत्ति को बढ़ाते जाने की जो प्रवृत्ति छाई है उस को वह खत्म करने के लिए कुछ नहीं कर रहे हैं दूसरी तरफ वह इन सुनार बेचारों को अपना शिकार बना रहे हैं। जो वास्तव में इस घंघे के कारीगर हैं और अच्छे कलाकार हैं उनकी कला को वह खत्म कर रहे हैं। इन्हीं सब कारणों से मैं बिल का जोरदार शब्दों में विरोध करना चाहता हूँ। इसके द्वारा लाखों की तादाद में सुनार लोग बेकार हो जायेंगे उन का सारा काम घंघा खत्म हो जायगा। अभी भी समय है कि वित्त मंत्री महोदय ठंडे दिल से इन सारी बातों के ऊपर सोचें और अपने इस बिल को वापिस ले लें। इतना ही कह कर मैं बिल का विरोध करता हूँ।

SHRIMATI SHARDA MUKERJEE (Ratnagiri) : Many members who have spoken before me have expressed their concern over the unemployment of the goldsmiths. I join them. I would also like to point out that while all sides of the House will, I think, agree that the country is facing a very severe economic crisis and that every effort must be expended to see that there is no further drain of foreign exchange, we also equally feel anxiety about the implementation of the legislation before us.

I would like to quote from the same report that Shri Dandeker quoted from the report of the Informal Group on Gold Control, given as far as I know, in 1963.

SHRI N. DANDEKER : The 1963 report is different from the 1966 report.

SHRIMATI SHARDA MUKERJEE : This has got no date on it. I think it is the 1963 report.

MR. DEPUTY-SPEAKER : She may resume her speech tomorrow. We shall now take up the Motion scheduled for discussion at 5.30 p.m.

17.28 hrs.

MOTION RE: MODIFICATIONS TO INCOME-TAX (SECOND AMENDMENT) RULES, 1968

MR. DEPUTY-SPEAKER : We have half an hour for this. Time will have to be distributed. Ten minutes for the mover; ten minutes will be taken for reply.

SHRI S. S. KOTHARI (Mandsaur) : I beg to move :

"This House resolves that in pursuance of section 296 of the Income-Tax Act, 1961, the following modifications be made in the Income-Tax (Second Amendment) Rules, 1968, published in the Gazette of India by Notification No. S.O. 1112, dated the 18th March, 1968 and laid on the Table on the 1st April, 1968, namely :—

(1) in rule 2, in the proposed rule 11A, for '33-1/3 per cent.' substitute '50 per cent';

(2) in rule 2, in the proposed rule 11A, for 'Rs. 20,000' substitute 'Rs. 25,000';

(3) in rule 5, in the proposed rule 19A, after sub-rule (5), the following be added namely:—

'(6) The resultant sum of capital employed as on the first day of the computation period, determined under this rule, shall be increased by—

(i) The average cost of the fixed assets (including ships) acquired during the computation period; and