

[Shri Chapaendu Bhattacharya]

15.36 hrs.

self. What has been the shortfall in the total mica export earnings? My last question is directed to the Finance Ministry really, which has been wringing out Rs. 4 crores as export duty from a labour-intensive industry like mica, but which is not ploughing back sufficient funds into the industry. The Mica Corporation says it has no funds to make purchases. They are making *mala fide* rejections of mica supplies and so the small producers of mica are forced to make distress sales of mica to bigger producers with its melancholy chain-effect on three lakhs of families over the 72-mile mica belt in Bihar.

An equally melancholy denouement is being revealed in the shellac industry. There collusion is reflected in equalising the minimum export price of hand-made shellac with one per cent impurity with the minimum export price of machine-made shellac of .5 per cent impurity, which is simplicity itself. This will mean that the entire shellac industry of the small men who are manufacturing hand-made shellac will go to the wall.

That is precisely what has taken place. So, all I want is that the traditional differential price between hand-made shellac and machine-made shellac, that is, about Rs. 250 per maund should be re-established and *status quo* maintained in the differential price. If they want to earn more foreign exchange, let them add Rs. 500 per quintal of machine-made shellac to the present price of Rs. 2,618 per quintal as on 30-5-74, fixed as minimum export price for hand-made shallac also. Unless this is done, this will impinge upon the production of stick lac itself and already prices have crashed from Rs. 1200 to Rs. 600 per maund. It will be a melancholy day for the tribal belt in Chhotanagpur from which I come.

We must have a debate on this.

STATUTORY RESOLUTION RE: DISAPPROVAL OF MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCE AND MOTION RE: DISAPPROVAL OF PRESIDENTIAL ORDER SUSPENDING CITIZEN'S RIGHT TO MOVE A COURT AGAINST DETENTION ORDERS UNDER MISA AND CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES BILL—Contd.

MR. DEPUTY-SPEAKER: We will now take up the Statutory Resolution on the Maintenance of Internal Security (Amendment) Ordinance, the motion on the Presidential Order and the Conservation of Foreign Exchange and Prevention of Smuggling Activities Bill.

Shri Mavalankar to continue his speech.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, I have one submission to make.

In order to enable the House to complete this particular item within time because we are already running short of time—it is a humble request to you—would you, Sir, indicate at what time the Minister will be called so that the discussion may not go on endlessly and we are able to finish it within time?

AN HON. MEMBER: Tomorrow.

SHRI SHYAMNANDAN MISHRA (Begusarai): The Presidential Order is a very important one. You cannot shut out discussion.

SHRI K. RAGHU RAMAIAH: I am not shutting it out.

MR. DEPUTY-SPEAKER: I will just give the facts to the House and what the position is with regard to

this item. We had allotted 4 hours for General Discussion out of which 2 hours and 55 minutes have been taken. So, only 1 hour and 5 minutes remain. That is on paper. All this is easily said than done. I find from the list that many big guns are yet to open their mouth. So, I really do not know. If he asks me to fix time arbitrarily, it will become very difficult.

**SHRI K. RAGHU RAMAIAH:** It is for the consideration of the House. Instead of 4 hours, let it be 5 hours for general Discussion. At the end of the fifth hour, you please call the Minister so that the remaining time is left for clause-by-clause consideration and we can finish the whole thing in time.

**AN HON. MEMBER:** It will not be finished today.

**SHRI SHYAMNANDAN MISHRA:** You can cut time on any other motion but not on this. The Presidential Order is reprehensible.

**SHRI K. RAGHU RAMAIAH:** I am only suggesting, out of 6 hours allotted, instead of 4 hours, you take 5 hours for General Discussion and leave 1 hour for clause-by-clause consideration. I am suggesting extension of time by 1 hour for General Discussion. I hope, it will be accepted by the House.

**SHRI SHYAMNANDAN MISHRA:** Mr. Limaye will take one hour.

**श्री कृष्ण लिमये :** (बाँका) नहीं मुझे लम्बा वापण नहीं करना है, एक ही मूढ़े तक अपने को सीमित रखना है। जितना काम से कम समय लगेगा उतना ही लूगा, अधिक मे अधिक समय नहीं लूगा।

**श्री श्यामनन्दनमिश्र** फिर भी अन्दाज ?

**श्री कृष्ण लिमये :** 15 मिनट।

**SHRI K. RAGHU RAMAIAH:** We are prepared to cooperate with you. I am not shutting out any discussion. Let us allot 5 hours for General Discussion and 1 hour for clause-by-clause consideration. Let us agree to that.

**SHRI MADHU LIMAYE:** Agreed.

हम लोग भी सहयोग करते

**MR. DEPUTY-SPEAKER:** I will try to implement the agreement. Shri Mavalankar.

**SHRI P. G. MAVALANKAR (AHMEDABAD):** As I was saying yesterday when the House was about to rise for the day, it was absolute nonsense for the Members from the Congress Benches to suggest that not many of us on this side of the House were in favour of any effective, drastic and immediate action being taken against smugglers. The real point is in order to take such effective and drastic action against the smugglers, what kind of legal actions they want to resort to, and, further, whether under the excuse of taking action against smugglers, you want not only to shield them and shield the politicians behind them, but also detain in jail without trial, all those who are opposed to the establishment and the Government. That is the charge and that is the very fundamental issue of any democratic polity.

Therefore, I was saying yesterday that the Government are doing this under emergency. It is a great tragedy and indeed a very angering thing to see that in this country, although there are no conditions for continuing the emergency, this Government has been persisting in continuing the emergency by some kinds of action being taken again and again. This particular Presidential Order has been issued, we are told, under Article 359(1) which prohibits any person from moving the court of law if that person feels aggrieved that his fundamental rights as enshrined in Part

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III of the Constitution are in jeopardy. That broad blanket power is given to the executive only in times of emergency. What does the Constitution say? Art. 352 says very clearly and I quote:

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect."

Now, I want to know about all this. Let the Finance Minister tell us whether there is any war that is going on just now, whether there is any external aggression and whether there is any internal disturbance. I can concede the point that the smugglers' behaviour is terribly menacing. It is anti-national. I agree with him when he says that the Law Commission's report on the economic and social offences has to be implemented. But, then, instead of trying to improve the law, instead of trying to plug the loopholes through which the alleged smugglers or the real smugglers are going to courts or having resort to the courts and getting themselves freed because of the courts' judgments, the Government are trying to have the blanket power of putting anybody they want to behind the bar and not giving him or her any chance of appeal. Surely, it is not the rule of law, it is not democracy, and surely, all this is not in tune with the emergency provisions as laid down by our democratic constitution. I would go one step further and suggest that countries like UK, Canada and many countries in the democratic world have clearly accepted and recognised the citizen's right to fundamental rights even during war and emergency. The late Prof. Harold Laski, in his "A Grammar of Politics", has argued so admirably and in so many words, the case for civil liberties existing even

in times of war, and Laski argued that if the executive ever tastes an excessive power under the excuse of war or emergency, a time may come when even after the emergency is over, because the executive has had the taste of it, it would like to keep it and will not be ready to part with that extra-ordinary power. This is the charge against this Government. Having tested emergency powers, they are not able now to now give up those powers. Moreover, they are using those powers not in any genuine sense, but under the excuse of emergency they are bringing legislation and ordinance to say that they want to take action against the smugglers. If it is so, why do you not tone up the existing law? Why do you not improve the existing legal provisions? That is my point.

As I was saying yesterday, it is absolutely childish and mischievous to say that many of us on this side of the House believe in the fundamental rights of smugglers. There are no fundamental rights for smugglers. In fact, the smugglers have no right, but the point is: are you quite sure that each and every person that you arrest under this blanket power is necessarily a real smuggler? Even if one of them is arrested wrongfully, then the principle of justice is definitely violated because the principle of justice is that it is better to let 99 guilty people run away than to punish wrongfully one innocent person. Now, if the Government say that they have evidence with them that such and such person to be detained is a smuggler, is a confirmed smuggler, then they should go in for an open trial in a court of law against him; let the Government bring out the evidence to show that this man was guilty of such and such an offence. People will then know what is happening and they will know that it is a good punishment. I demand this because the matter concerns the liberty of every private individual, every citizen of this country.

Sir, the Finance Minister has stated many things in the Statement of Objects and Reasons and some of these reasons and objects are quite understandable and we have sympathy for them.

But, Sir, the whole point is that by this Presidential Order, Government have opened the flood-gates that make it impossible for private citizens to have recourse to the fundamental rights enshrined in our Constitution.

The ordinary man, the man in the street, feels perhaps that though Government is doing everything, it is the smugglers who are going to law courts. Therefore, these common people are naturally carrying the feeling that Government must have full power and that attitude of sympathy of the commoners is being taken advantage of by the Government. The ordinary man does not know that under the excuse of this special provision of power, this Government wants to enjoy and to exercise absolute power.

Now, that absolute power may not perhaps be objectionable if otherwise this Government conducted itself with decency, with honesty and in a straight-forward manner. If they had not employed such tactics, fascist and propagandist techniques, as they did and are doing in Bihar and elsewhere in the country, we would have understood that they are genuine, sincere and all that; but the way in which Governmental powers have been used, we have lost faith in the credibility of this Government, and we are not sure whether they will democratically, affectively, sincerely and honestly exercise this absolute power. This is my submission and this is my objection.

And, Sir, regarding Personal Liberty, the celebrated *Hindu* of Madras had this to say in its Editorial of 19th Nov., 1974. I quote:

"But the snag is that once Authority names a person a smuggler and

nah, him, there is an end to it, whether he is really one or not. All that has to be done is to give the dog a bad name to hang him."

That is the difficulty because blanket power is colossal and the exercise of this power is full of dangerous and explosive implications. It is from that angle that I say this, and it is important that I say this. It cannot be my case to bring in this discussion this or that smuggler, perhaps my friend Mr. Shamim may do it better than I can, but I say all this to show that Government should not do it in such a way that, in the name of curbing smuggling activities in this country, they put behind the bar people who are honest, people who are honestly dissenting from the Establishment, and the Government. That is my point. I do not want to say anything about people who are no longer in the House much less about esteemed people who are no longer alive. But the Congress Members were asking us again and again, whether we wanted Fundamental Right for the smugglers....

MR DEPUTY-SPEAKER: If you want to smuggle yourself to heaven will you come under the mischief of this Act?

SHRI P G MAVALANKAR: Was it not a fact that as esteemed a man as the late Mr. Mohan Kumaramangalam had been in the Supreme Court on behalf of an alleged smuggler? Somebody from those benches said it was a part of professional behaviour; all right, but then if a practising lawyer can plead on behalf of an alleged smuggler in the Supreme Court, have we, as Members of Parliament, no duty to ask under the Constitution to which we have taken oath to see that no person is unjustly punished and that the emergency is not wrongly used? This is my basic point. If the late Mr. Kumaramangalam had not appeared in the court for an alleged smuggler I will be very happy. But my point is, if a lawyer can do it, we as Members of Parliament, have a duty, and

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indeed citizens have every right to say that this particular measure should not be used in an atrocious and unconstitutional way This is my point

I am not saying anything about the collusion between politicians, administrators and smugglers in our country That has been well brought out by some others who have spoken earlier Money power in election is terrible and it is the smugglers who are the source of the money to the party in power and that is why they are not able to take effective action I ask the Finance Minister Some months have already passed since several alleged smugglers were arrested under MISA, whether since he took office recently, what he has done by way of taking effective followup action Please tell us what is the follow-up action that you have taken? There is none Now, I want to say a word about the smuggled goods What is the Government doing with the confiscated goods? How are they going to dispose them of? A suggestion was made here to re-export them I suggest another course as well We must create a moral climate against smugglers and their anti-national operations Will the Government do what I suggest them now?

My suggestion is to organise a public bonfire of the smuggled goods in the metropolitan cities like Bombay, Calcutta, Madras and Delhi Mahatma Gandhi taught this when he gave a programme of burning foreign goods publicly in the streets in order to create climate so that people do not use foreign cloth Similarly, we should have now such public demonstrations and bonfires of smuggled goods thereby telling the people that it is unpatriotic and anti-social not only to purchase smuggled goods but even to use them Finally Sir, once again, in the name of democracy and constitution I am appealing to the

Finance Minister not to resort to extra-ordinary powers.

I read a very sad news item in the Hindustan Times two days ago about the accident of a young, talented and promising administrator, Shri Anil Chopra, Collector of Daman, Dadar and Nagar Haveli The said report says he had in his possession much information about the smuggling operations in Daman area in Gujarat He was killed by an Army truck No action has been taken The truck man has gone and no case has been registered This mystery should be cleared.

Sir, I want it to be clearly put on record that no decent man and no democratic man in this country and in this House wants any loose action against smugglers, but in the name of taking strong action against smugglers you cannot take into your hands such excessive powers and arbitrary authority to put anybody behind the bar without giving him any cause of detention and without giving him an opportunity to move the court of law for redressing his grievance

SHRI BISWANARAYAN SHASTRI (Lakhimpur) Mr Deputy-Speaker, Sir, I rise to support this Bill which is before the House and I strongly oppose the motion moved by the Opposition I am surprised to hear the hon Member, Mr Mavalankar, who says the Members of Parliament have every right to speak for the smugglers Nobody disputes his right but ..

SHRI P G MAVALANKAR. Sir, he is my esteemed friend but let him not say what I have not said

SHRI BISWANARAYAN SHASTRI You have said the Members of Parliament have the right to speak for the smugglers

SHRI P G MAVALANKAR. Kindly first read my speech tomorrow and then speak!

**SHRI BISWANARAYAN SHASTRI:**  
 I am understanding but I am not challenging the right of Mr. Mavalankar to plead for smugglers.

**SHRI P. G. MAVALANKAR:** Sir, I strongly object to the words he is using. That is exactly my point. These people are deliberately using this argument inside and outside the Parliament. You make your point. But, you have no right to suspect my bonafides. I am no less patriotic than you are.

**SHRI BISWANARAYAN SHASTRI:**  
 I am not disputing that. I am not contradicting what you said. I am simply conceding. The matter before the House is that there is smuggling in the country and smuggling has brought the economic situation of this country to its bottom. Strong action has to be taken by Government. Government cannot be a passive onlooker. Therefore, in the last few months, Government has started taking action against those smugglers and those who are indulging in smuggling activities, the MISA has been applied against them. It has been amended by the Presidential Order so that those smugglers can be arrested and kept under detention for a certain period, without producing before a court of law.

Now, Sir, when the MISA Bill has been introduced in Parliament in 1971—I remember and I have gone through the speeches of some hon. Members belonging to the Opposition parties—they said at that time that this Act was meant for the political opponents. But, Sir, it was not applied against them.

After that, they accused as to why the MISA had not been applied against the economic offenders and smugglers. But, when this Act has been applied against the smugglers, there is a hue and cry from the hon. Members belonging to the Opposition Party that the fundamental rights of these smugglers have been denied.

They say the right of the smugglers to vindicate their fundamental rights in a court has been taken away.

Sir, this logic is not understood by Government or by the Members belonging to this side. What is to be done? They have stated that a stern action should be taken against the smugglers. What stern action can be taken against the smugglers than this? Can the Government go on killing the smugglers? Can this be done in a democratic country? In a democratic country, by democratic process, a law has to be applied. That has to be done by some procedure or law. To repeal those Ordinances, the Bill is now before the House. According to this Bill, those indulging in smuggling can be detained for a certain period and they will not have the right to move the court for their liberty. Is it a bad thing? This is what the Government is going to do. By this, the smugglers will be arrested, and the smuggling will be prevented. All other laws can be invoked after the offence is committed but this Act prevents smuggling.

Suppose they are let off tomorrow and if they again indulge in the same activity, in that circumstances, what else can Government do? Is it the contention of the Members that we should oppose it? I fail to understand this. The fundamental right is a sacred thing. There is no doubt about it. But, the same cannot be upheld always when the security of the country is in danger. There can be danger by external aggression and internal disruption. The internal disruption—when the economic situation is going to be bad—is more dangerous than even the external aggression. The country cannot afford to have such a situation in the country. To prevent it some drastic measures will have to be taken. And it is through the MISA that this is done and now this Bill will serve this end. In this connection, I can just narrate a story.

[Shri Biswanarayan Shastri]

16 00 hrs.

In a particular area, there was a demon who wanted to measure a person on his bed. If a person is longer by one inch, he is cut. If a person is shorter by one inch, he is stretched. Both ways, the person is killed. Similarly, when the Government does not take certain measures promptly, they are accused of being lenient towards smugglers. But, when the Government takes prompt and strong measures in order to arrest the process of smuggling, then also, they are accused. Sir, it is difficult to understand this.

Sir, I would like to submit that according to this Bill, Government is going to stop the process of smuggling and by this process, I think, smuggling will be reduced, if not completely eradicated.

Sir, it is true that Government cannot take away fundamental rights. But, it has been provided in the Bill that the issue of orders for arresting smugglers would be by competent authorities and only persons with knowledge and experience will be empowered to do this. There is a provision for an advisory body also which will look into the matter.

In the context of the present situation of our country, it is a right and proper measure that our Government have taken. This is appreciated by one and all except those belonging to Opposition parties.

With these words, I support this Bill.

**श्री मधु लिमये (बांका) :** उपाध्यक्ष महोदय, मंत्री महोदय सदन में नहीं हैं, लेकिन श्रीमती सुशीला रोहतगी तो हैं। विदेशी मुद्रा की चोरी रोकना और विदेशी मुद्रा की राशि को बढ़ाना, इस डबल उद्देश्य से प्रेरित हो कर सरकार ने यह विधेयक लाया

है। उस लिए मैं इन विधेयक के उद्देश्यों के समर्थन में बोलूंगा। लेकिन जो तरीके हैं, उनमें मैं परिवर्तन का सुझाव देना चाहता हूँ। जो भी काम करता है वह भ्रष्टाचारियों के जगिए न किया जाये। इस मानी में मैं अटलजी के प्रस्ताव का समर्थक हूँ, और उस बिल के जो उद्देश्य हैं, उन का भी समर्थक हूँ।

आज मे आर के सामने एक महत्त्वपूर्ण बात रखना चाहता हूँ कि जो तस्कर लाग है, तस्कारी करते करते जब उन के पाम धन-संचय हो जाता है, तो वह उसको व्यापार और उद्योगों में लगाने लगते हैं। जो कल का तस्कर है, वह आज का विजिनेम मैन या उद्योगपति बन जाता है, और जो उद्योगपति है वह भी विदेशी मुद्रा की चोरी करने का काम करना है। प्रकार अलग है, लेकिन दोनों का राष्ट्रीय अर्थ-व्यवस्था पर समान अग्रर पड़ता है। इस लिए मैं दोनों के कामों को राष्ट्र-विरादी और देश द्रोही समझता हूँ।

अगर सरकार इस के बारे में कोई व्यापक कानून बनायेगी, तो मैं उसका स्वागत करूंगा लेकिन इस कानून में केवल छः महीने के लिए नजरबन्द करने का प्रावधान बियः गया है। उस से कुछ होना-हुवाना नहीं है। इस लिए मैं सुझाव देना चाहता हूँ कि सरकार इकानॉमिक आफेडर्ज के बारे में एक सम्यक कानून लाये। कानून के कार्यन्वयन की जो मशीनरी है, उस का वह शुद्धीकरण करें। पुलिस, कस्टम्स, एक्साइज, एनफोर्समेंट डायरेक्ट्रेट में सब अष्ट लोग घुसे हुए हैं; सरकार को उन्हें निकालना पड़ेगा। उद्योग-पतियों और नोकरशाही, इः दोनों से साठ-गाठ करके इस तरह का गंदा काम करने वाले राजपुरुषों के खिलाफ भी सरकार को सख्त कार्यवाही करनी चाहिए। तस्कारों की सम्पत्ति को जब्त करना होगा।

आज मैं उद्योगपतियों के एक बड़े परि-वार का मामला आप के सामने रखना चाहता

हू। मैं पहले ही टम की सूचना दे चुका हू। यह मामला है मोदी परिवार के बारे में। श्री गुजरमल मोदी अग्रजों के जमाने में अग्रजों की चापलूसी करने थे। अग्रजों की चापलूसी करने करने इन दो भाइयों न "राय बहादुर" और "रायजादा" इन दो पदवियों को हासिल किया। जब जमाना बदल गया—अग्रज गये और काग्रम आई—तो वह काग्रम की चाकरी करने लगे, और "पद्मभूषण" की पदवी को भी उन्होंने प्राप्त कर लिया। यह मोदी रबर की बॉट आफ डायरक्टर्स की रिपोर्ट है। इस में लिखा है, 'चेयरमैन राय बहादुर मेठ गुजरमल मोदी, पद्मभूषण'। साम्राज्यवाद और राष्ट्रवाद दोनों का यह मिलाप है, समन्वय है।

इस मोदी रबर के बारे में मैं सक्षेप में कुछ तथ्यों को रखना चाहता हूँ। इस में जो पूजी शेरर कपिटल, लगा हुआ है, उस में एक बड़ा हिस्सा सरकारी वित्तीय सस्थाओं, गर्वनमेन्ट फिनांशल इन्स्टीट्यूशन्ज ने ईक्विटी में लिया है। इसके अलावा मोदी रबर को 16 करोड़ रूपए कर्ज, लाग टर्म लोनज के रूप में दी गई है।

मोदी रबर ने पश्चिमी जर्मनी को एक कम्पनी के साथ, सक्षेप में जिस का नाम है "कान्टीनेटल" उस के आगे भी कुछ शब्द हैं, लेकिन सक्षेप में उसको "कान्टीनेटल" कहा जाता है—, सहयोग का करार किया। वित्त मंत्रालय के तहत जो आई० डी० बी० आई है, उसने इस करार को एक माडल एग्रीमेंट के रूप में परिचालित, सकुलेट, किया है, और सब लोगों को इस का अनुसरण करने के लिए कहा है। लेकिन सरकार को एक असौ तक इस बात का पता नहीं था—हधर कुछ दिनों से पता चला है, हालांकि कोई कार्यवाही नहीं की गई है— कि मोदी परिवार के लोगों ने कान्टीनेटल कम्पनी के साथ जिस दिन यह माडल एग्रीमेंट किया, उसी दिन एक गुप्त करार भी किया, और इस गुप्त करार की जो शर्तें हैं, वे सरकार से छिपा कर रखी हैं।

मझे यह गुप्त करार प्राप्त हुआ है। कल मैं आप को यह दिखा चुका हूँ, और मैं आप की अनुमति चाहता हूँ कि मैं इस करार को मेज पर रखूँ; साथ में मैंने एक तुलनात्मक, कम्पैरेटिव, स्टेटमेंट दिया है। उस में पता चलता है कि सरकार का जो शर्तें बनाईं, उन के अलावा कुछ गुप्त शर्तें, मीक्रेट बलान्ज, थी, जिन के तहत कुल मिला कर लगभग पचास लाख रूपए, मैं राऊड फिगर्ज दे रहा हूँ—अधिक विदेशी मुद्रा में उस वैन्ट जर्मन कम्पनी को देने का करार किया गया।

माडल एग्रीमेंट में कहा गया कि परचेज कमीशन नहीं दिया जाएगा और सीक्रेट एग्रीमेंट में कहा गया है कि मोदी द्वारा 2 परसेन्ट परचेज कमीशन दिया जाएगा। माडल एग्रीमेंट में कहा गया है कि इजीनियरिंग फीस 5 लाख डालर्स है, और गुप्त एग्रीमेंट में 20 लाख वैन्ट जर्मन मार्क्स की बात कही गई है। इन तरह का आश्वासन भी दिया गया है कि इस बीस लाख वैन्ट जर्मन मार्क्स पर टैक्स नहीं लगाया जाएगा। आगे चल कर गुप्त करार की शर्तें में कहा गया है कि यह जो अधिक विदेशी मुद्रा दी जाएगी, उस की पूर्ति मशीनरी का खर्चा बढ़ा कर दी जाएगी, जिसको अभी साननीय सदस्य ओवर-इनवॉयसिंग कह रहे थे, अर्थात् मशीनरी का खर्चा बढ़ा कर दिखाओ और उस में से यह पैसा काट कर ले लो।

इस के अलावा यह करार हुआ था कि रेडियल टायरों पर टैक्स परसेट रायल्टी दी जाएगी, लेकिन गुप्त करार में व्यवस्था की गई है कि पाच परसेट रायल्टी दी जाएगी।

इस के अलावा भी और सप्लीमेंटरी एग्रीमेंट्स हुए हैं, लेकिन समय समय पर मैं आप के सामने इन चीजों को रखता जाऊंगा। फिलहाल यह जो उस के साथ एग्रीमेंट है...

.... (व्यवधान) .... इस को मैं टे विल



## [जो अब लिखिये]

पर रख रहा हूँ। मेरे कहने का मतलब यह है कि मोदी रबड जिन को 16 करोड़ का कर्जा घाप ने दिया.....

THE MINISTER OF FINANCE  
(SHRI C. SUBRAMANIAM): Please  
pass it on to me; I will return it

SHRI MADHU LIMAYE: You will  
get a copy.

यह घाप ले लीजिये। घाप को जोटाने की  
जरूरत नहीं है।

अध्यक्ष महोदय, अब मुझे श्रीर कुठ बानो की ओर घाने दीजिये। सरकारी वित्तीय सन्ध्याओ की ओर से दो डायरेक्टर्म मोदी रबड के बोर्ड आफ डायरेक्टर्स पर थे। एक का नाम है—एल० एम० जदवानी श्रीर ठूमरे का नाम है—डी० शर्मा। डी० शर्मा साहब, ज्वाइन्ट जनरल मैनेजर प्राइ०डी० वी०प्राइ० हैं श्रीर जदवानी साहब इण्डस्ट्रीयल फाइनेन्स कारपोरेशन के दिल्ली डिवीजन के अध्यक्षारी हैं। ये सरकार की ओर से नामजद किये गये। इस सदन के भी एक सदस्य इस बोर्ड आफ डायरेक्टर्स पर है श्रीर एक मित्र के नाते, जब इन बानो की जानकारी मुझे मिली तो मैंने उनसे कहा कि मोदी रबड के मैनेजिंग डायरेक्टर्स जो हैं—तीनों मोदी—इनके बारे में बहुत मनसनीखेज समाचार मुझे मिले हैं। विदेशी मुद्रा की ये लोग चोरी करते हैं, ये लांग चीटिंग कर रहे हैं, कास्परेमी कर रहे हैं, फारन एक्सचेंज रेगुलेशन एक्ट को तोड़ रहे हैं, कन्टम एक्ट को तोड़ रहे हैं। फारन एक्सचेंज के इन्फोर्मेशन डायरेक्टोरेट के जो नियम हैं उनको भी ये लोग तोड़ रहे हैं। तो घाप या तो यह मामला बोर्ड आफ डायरेक्टर्स में उठा कर उनको सारी बातें बतला दीजिये श्रीर फिर सरकार को रिपोर्ट दीजिये, यदि प्रबन्धक मस्य बताने का काम नहीं करते हैं तो घाप को जो भी करना है, वह कीजिये।

बाद में मैंने उनको पत्र भी भेजा है श्रीर उन्होंने मुझ को कहा है कि अगर यह बात सही है तो मैं इस्तीफा दे दूंगा। अब वह क्या करते हैं—वह जानें। मैं आज उनका नाम नहीं लेता, लेकिन मित्र के नाते मैंने उनको यह सलाह दी। यह जो जदवानी है श्रीर मि० शर्मा है—इन दोनों को भी मैंने पत्र लिखे हैं।

उस पत्र में मैंने जो लिखा है, वह पढ़ देना चाहता हूँ—उसके बाद मैं लम्बा भाषण नहीं करूंगा—

“Dear Shri Jadhvani,

Subject: Malpractices in Modi  
Rubber

I have before me the Second Annual Report, 1973, of Modi Rubber Ltd. This seems to be their latest published balance sheet. I understand that this Company was given permission by the authorities to extend the date of their next Annual General Meeting.

2. The Annual Report shows that Rai Bahadur Seth Gujar Mal Modi is the Chairman of the Company. The Report calls to mind the feat of G. M. Modi in obtaining high honours both from the erstwhile British Government in India as well as Padma Bhushan from the Government headed by Mrs. Gandhi. Kedar Nath Modi also obtained honours from the former British Government. He was given the title of Raizada by the imperialist rulers. I guess he will also obtain a Padma Bhushan from our President very soon.

3. The Company's authorised capital of Rs. 6 crores is fully subscribed. From the prospectus of the Company which I happened to see three years ago, the public financial institutions hold a substantial proportion of the equity of this Company. If anything, this proportion must have gone up

4. The Report further says that the term lending institutions and banks have agreed to give the Company long term loans of Rs. 12 crores. Subsequently, this sum has been raised, I understand, to Rs. 16 crores.

5. The U. P. Government have given Modi Rubber 117 acres of land at a concessional rate for their factory and they have also agreed to give an additional loan and subsidy of Rs. 25 lakhs.

6. The Company's collaborators are Messrs. Continental Gummi-Werke A. G. Hannover (West Germany).

7. I reliably understand that the Company's management has sold part of its steel and cement quotas in the blackmarket at a considerable profit. What is much more serious is that the management controlled by G. M. Modi, K. N. Modi and V. K. Modi have entered into secret agreements with their foreign collaborators (Continental) which amount to a conspiracy to defraud the Government and the shareholders. The agreements, I am told, have not been disclosed to the Government, and constitute a gross violation of our foreign exchange regulations. I cannot but call this an unethical, unpatriotic and anti-national act.

8. You are Manager of the IFC, Delhi Division and you represent public financial institutions on the Board of Directors of Modi Rubber. As such, it is your duty to protect the interests of these institutions, the shareholders and the general public.

9. I am sorry to say that you have not carried out your duty properly. You seem to be either ignorant of what is happening in this Company, or although you are aware of the true state of affairs, you are indifferent to public interests, or what is worse, you are an abettor of the crimes that are being perpetrated by the Modi trio.

10. I would like to know what you do at the meetings of the Board of Directors. Don't you ever ask searching questions? Don't you ever insist that all information pertaining to the affairs of the Company be disclosed to the Board of Directors and to the Government? Do you go to the meetings only to collect your travelling expenses and allowances?

11. I do not know you personally and, believe me, I am not motivated by any malice. I was induced to write this to you because I thought that it was only fair that I should give an opportunity to explain your position before I criticise you in Parliament."

SHRI R. S. PANDEY (Rajnandgaon): Your friend has resigned.

SHRI MADHU LIMAYE: I have not taken his name; you can see the record.

मैंने इनके बारे में कुछ नहीं कहा है—  
आप क्यों इनको उक्सा रहे हैं। मैं इससे ज्यादा और क्या प्रीकोशन ले सकता था। मैंने अपने मित्र को पत्र लिखा, उन्होंने दो-तीन दफा मुझे से बात की। मुझे उस बारे में और कुछ नहीं कहना है। लेकिन यह जदवानी और शर्मा इतने चालाक हैं—जदवानी इंडस्ट्रियल फाइनेंस कारपोरेशन का दिल्ली डिवीजन का आदमी है और डी० शर्मा—आइ०डी०वी० आइ० के ज्वाइंट जैनेरल मैनेजर हैं। इन लोगों को मैंने 20 नवम्बर को पत्र लिखा, इन लोगों ने एकनोलिज तक नहीं किया है। अब मुझे पता लगा है कि जैसे ही मेरा पत्र मिला, वे छुट्टी पर चले गये। मैं आपका अधिक समय नहीं लेना चाहता, लेकिन यह जरूर मांग करना चाहता हूँ कि इन लोगों ने जो अपराध किये हैं, इन अपराधों का सरकार को ख्याल करना चाहिए। मुझे सब से ज्यादा आश्चर्य इस बात को लेकर हुआ कि इनसे सम्बन्धित कुछ आवश्यक डाक्यूमेंट्स एन्फोर्स-मेन्ट डायरेक्टोरेट दिल्ली को दिये गये, लेकिन

[Shri Madhu Limaye]

SHRI MADHU LIMAYE: I have showed it to you. It is my responsibility.

उसके बाद भी एन्फोर्समेंट डायरेक्टोरेट ने किसी तरह की कार्यवाही नहीं की। जब आप स्मॉलिंग खत्म करने की बात करते हैं, विदेशी द्रा की चोरी को रोकने की बात करते हैं और इस तरह बिना मुकदमा चलाये हुए नजरबन्द करने के कानून भी बना रहे हैं तो मैं दो सवाल आप से पूछना चाहता हूँ। साधारण कानून के तहत इन सारे चीरों को और समाजद्रोही तत्वों को खींच कर उनके खिलाफ मुकदमा चला कर उनको पूर्णतया एक्सपोज करके जेल में भेजने का काम आप करने वाले हैं या केवल नजरबन्दी के कानून की भाड़ में छुपाने वाले हैं। दूसरा जो मुद्दा—मोदी रबड़ का सवाल मैंने उठाया है, इन लोगों ने अपने बोर्ड आफ डायरेक्टर्स में भी मेरे द्वारा बताई गई इस इन्फार्मेशन को छिपाया। सचने साहब को तो इसकी जानकारी नहीं थी ?

ऐसी हालत में सरकार के साथ धोखाधड़ी, बोर्ड आफ डायरेक्टर्स के साथ धोखाधड़ी, शेयर होल्डर्स के साथ धोखाधड़ी, सचिव के साथ धोखाधड़ी—आखिर यह मामला कैसे चल सकता है। क्या मैं अपेक्षा करूँ कि यहाँ जो लोगों को गिरफ्तार करने की बात चल रही है, क्या इन रायबहादुर, रायजादों, पद्म भूषण को भी तत्काल गिरफ्तार करके उनके खिलाफ इण्डियन पीनल कोड, फारन-एक्सचेंज रेगुलेशन एक्ट, कस्टम्स एक्ट, आदि कानूनों के तहत सख्त से सख्त कार्यवाही की जायगी और जिन अधिकारियों ने इस और ध्यान नहीं दिया है, उन एन्फोर्समेंट अधिकारियों को भी दण्डित किया जायगा ?

ये दो सवाल पूछ कर मैं अपना भाव्य समाप्त करता हूँ।

मैं इस डाक्यूमेंट को ट्रेबिल पर रख रहा हूँ।

MR. DEPUTY SPEAKER: You can hand it over to me.

श्री श्यामसुन्दर मिश्र (बेगूसराय) : क्या अपनी चिट्ठी को रख रहे हैं ?

श्री मधु लिमये : चिट्ठी को नहीं, यह सिफ्ट एषीमेन्ट है जो राजमान्य मोदी ने बैस्ट जर्मनी की एक कम्पनी के साथ किया है।

श्यामसुन्दर मिश्र, मैं श्याम बाबू की जानकारी के लिये कहना चाहता हूँ— राजमान्य मोदी अंग्रेजों के जमाने में भी राजमान्य थे और कांग्रेस के जमाने में भी राजमान्य हैं। क्या इनको गिरफ्तार किया जायगा—यही मैं जानना चाहता हूँ।

MR. DEPUTY-SPEAKER: Mr. Limaye, I am just referring to what you said at the end. Let there be no misunderstanding.

He did met me yesterday. He did say that he has written to the Minister. That is why I have allowed all this. He also did show it to me. But he took it away. I could never read the whole thing.

Moreover, may I point out the rule? Whenever you want to lay a paper on the Table, you can put it on the Table but that is not treated as laid on the Table. The Speaker must give you permission to do that.

श्री मधु लिमये : फिर आप से पहले मिलने का क्या फायदा हुआ? मुझे कोई लाभ नहीं हुआ।

MR. DEPUTY-SPEAKER: You showed it to me for two minutes.

SHRI MADHU LIMAYE: I gave a proper notice.

MR. DEPUTY-SPEAKER: You just showed me.

Anyway, your purpose is served. The whole thing has gone to the Minister....

SHRI SOMNATH CHATTERJEE (Burdwan): They cannot privately exchange documents on the floor of the House.

MR. DEPUTY-SPEAKER: There is nothing private. He has mentioned it. There are certain rules; there are certain directions about it. It is nothing secret because he has referred to it very elaborately and also a copy has been given to the Minister. But I have to go by the rules.

PROF. MADHU DANDAVATE (Rajapur): There is a *prima facie* case to permit him to lay it on the Table of the House.

MR. DEPUTY-SPEAKER: But it has to be done in a proper way.

SHRI N. K. P. SALVE (Betul). Sir. Mr. Limaye very fairly stated that I had absolutely no idea of the document because this is the first time I am seeing the document. The allegations have been made against the management Modis Rubber Co. Ltd. I do not know whether they are true or not. Therefore, I have written to Mr. Gokhale that the allegations be inquired into through the Company Law Board. I have resigned my Directorship, not because I believe in the allegations. I am told that this document is a forged document. I do not know whether it is forged or it is not forged. I am seeing it for the first time. Some agency will have to inquire into it..

श्री मधु लिमये : आप को किसने कहा ?

क्या रायबहादुर ने कहा है ? मैं इतना बुद्धि भावमी नहीं हूँ, मुझे फोर्स मत कीजिये—मैंने नोटरी पब्लिक से सर्टिफाई करा कर सारे डाकमूमेन्टस पढ़े हैं—

don't try to say that this is a forged document.

एक घोर कहेंगे—इस्तीफा दिया है,

दूसरी तरफ़ कहेंगे—

I am told this. Don't try to ride two horses.

श्री नरेन्द्र कुमार साल्वे : आप मेरा इस्तीफा पढ़ लीजिये ।

श्री मधु लिमये : आप को किसने कहा ? रायबहादुर की यह हिम्मत कि मेरे साथ सचर्चा करेंगे ? ऐसे रायबहादुर, रायबादों को मैंने बहुत देखा है । मैं सब को ठीक कर सकता हूँ ।

Don't try to give currency to rumours.

SHRI N. K. P. SALVE: If the management of a company misbehaves and if there is an allegation, I thought it will be best that I should dissociate. But to determine whether the document is genuine or not, is not for me, it is for somebody else to do that.... (Interruptions) I thought at least Prof. Madhu Dandavate is a person who has some degree of balanced thinking. I said that it is said that the document is a forged one. That is what they have said. For that, I have written to Mr. Gokhale that the matter be looked into through the Company Law Board. What is the other method by which it can be investigated? Tell me.

One thing I wish to make clear. Modis have little stakes in this company. It is a magnificent project. They are manufacturing tyres and tubes, and 80 per cent shares and 90 per cent finances have come from

[Shri N. K. P. Salve]

the public institutions and the money belongs to the public and it is their interests which need to be safeguarded....

SHRI MADHU LIMAYE: What else did I say?

SHRI N. K. P. SALVE: If there are any contraventions or any economic offences, I would be one with him or, for that matter, anybody and there will be no compromise on that account.

PROF. MADHU DANDAVATE: I thought it was your own. I stand corrected.

SARDAR SWARAN SINGH SOKHI (Jamshedpur): I rise to support the Maintenance of Internal Security (Amendment) Ordinance, 1974, promulgated by the President of India on the 17th September, 1974.

As stated by the hon. Finance Minister, the ordinance was very much needed in the existing circumstances, especially when the Parliament was not in session.

16.28 hrs.

[SHRI VASANT SATHE *in the Chair*]

This Bill which has been introduced was also necessary because of the rampant smuggling going on and the smugglers were taking undue advantage of the existing Act. Certain clauses and sections which have been amended, are for giving more powers to the authorities to check smuggling, save the country from the catastrophe and for preventing anybody or foreigners for smuggling goods or abetting other persons to smuggle goods or in dealing with smuggled goods.

I am surprised even women are also active in smuggling contraband.

But I am not in agreement with the opposition leaders who have spoken earlier to me, that all of them are against smugglers and would like the Government to take stringent action. If so, why do they oppose this Bill?

I am also of the opinion that the Government servants such as Police and customs officials should not harrass anybody or use this Act for taking revenge or use it with any *mala fide* intentions. I think this is the doubt in the minds of the opposition leaders.

Regarding certain allegations about some persons named yesterday, I think that the members should restrain from abusing each other. Today one person may be an honest person but tomorrow he may turn into a smuggler or a bad character.

MISA should not be abused under any false suspicion because our police officers have not as yet changed their attitude. One day I asked a high police officer, 'Why have you sent your boy to the Engineering College?'. You know what he said? 'I do not want my son to serve in police because it is a very dishonest job.'

I praise our President, Shri Fakhruddin Ali Ahmed in taking a right step at the right moment by promulgating the ordinance and surprising every smuggler in the country....

SHRI S. A. SHAMIM (Srinagar): He only signed. He also would have heard it on the radio.

SARDAR SWARAN SINGH SOKHI: Similar would be the fate of hoarders if they do not come to their senses. Due to smugglers and hoarders the economy of our country has been severely affected and the enemies of the country, in the real sense, are these smugglers and they deserve no sympathy. But I am very sorry to

learn that the High Courts of the country are releasing them or bailing them out, one by one almost every day. The Judges should understand what they are doing. Also the Government servants should not leave any loophole while arresting any person under this Act. Only showing the numbers of case, of arrests by police or excise officers, would not serve any real purpose when they are let off the next day by the courts.

Now I come to the smugglers indulging in foreign exchange and currency. They should be seriously dealt with. But the persons who masterminded smuggling operations by working behind the scene still manage to operate despite the increasing tempo of seizures and the Government should seriously implement the Act and put honest officers for this job.

It gives me great pleasure that we the Congress and the Opposition on the other side both are anxious to deal with these smugglers. Then why this Bill is not unanimously passed by accepting some of the amendments of the other side, if they suit the purpose? The Members of the Lok Sabha are all representatives of the people and have come here to do something good for them and for the country as a whole and we should not quarrel in this way wasting public money as every hour costs lakhs and lakhs of rupees of the tax payers' money.

I am coming to my last two points. I think if this Bill is passed unanimously the smuggling itself would be routed.

I welcome the Conservation of Foreign Exchange and Prevention of Smuggling Activities Bill and the powers given under this Act in regard to detention orders, absconding persons, execution of detention orders etc. should be honestly and properly executed. I have no doubt in my

mind that smuggling and hoarding would disappear from our country in due course.

With these words I support this Bill for unanimous passage.

श्री० एस० शमीम (श्री नगर)

चेयरमैन साहब आज प्रेसीडेंसियल क्वार्टर पर जो बहस हो रही है इस बहस को खास तौर पर मैंने इस लिये तबियत से सुना है ऐसा मालूम हो रहा है कि दोनों तरफ गे कोशिश गह हो रही है कि दूसरे पुरीक को, दूसरी जमानत को दोषी करार दे कर अपनी बगुनाही साबित की जाय। लेकिन मैं इस बहस में जाने से पहले आप को यह याद दिलाना चाहना हूँ कि इस मुकदमे में एक बहुत ही महत्वपूर्ण पेश हुआ है, और वह आज पेश नहीं हुआ है बल्कि 31 मई को पेश हुआ था और उस गवाह को क्रास एग्जामिन मैंने किया था। मैं चाहता हूँ कि सदन के सामने असली मुजरिमों की जवान से असली हक़ायत आ जाय कि इस समाज में हमलिय जैसी बुराईया कंग प्रार क्यो पैदा होती है। ..

SHRI K. P. UNNIKRISHNAN (Badagara) Is your speech going to be a confession or personal explanation or what is it going to be?

SHRI S. A. SHAMIM: As Mr. Unnikrishnan has started feeling guilty he has started protesting now itself, he should have protested at the last, because in any case, I am not going to mention names and you should feel happy.

SHRI K. P. UNNIKRISHNAN: Please do

श्री एस० ए० शमीम : मैं प्रार्ज कर रहा था कि इस समाज में हमलिय जैसी बुराईया क्यो पैदा होती हैं और उन को पैदा करने की जिम्मेदारी किन लोगों के ऊपर

आयद होती है। आज हुक्मरान जमात के मेम्बरान ऐसे प्रोटेस्ट करते हैं जैसे यह बगुनाह लोग, पहनी मत बा इन्हें इतला मिली हो कि इस मुल्क में स्मगलिंग का घधा हो रहा है। और जैसे ही खबर मिली इन्होंने फौरन कानून बनाया यह बात नहीं है। मैं समझता हूँ कि आप के मुकाबले में हाजी मिर्जा मस्तान जिसका बार बार नाम लिया जा रहा है ज्यादा दयानतदार हैं ज्यादा काबिले एतवार हैं। हाजी मिर्जा मस्तान आपके बारे में कहते हैं और इजाजत दीजिये आप को पढ़ कर सुनाऊँ :

“इस वक्त मेरी उम्र लगभग 15 या 16 साल की थी और यह हकीकत बाजे हो चुकी थी कि इस दुनिया पर सिर्फ पैसे का राज है और दुनिया वाले सिर्फ पैसे वालों की इच्छत करते हैं। उन का हुक्म मानते हैं और उनकी राहों में आखे बिछाते हैं। गरीब की मेहनत, उसकी दयानत और और इमानदारी की कोई कद्र नहीं, जिस शक्य के पास पैसा नहीं, उसके पास कुछ भी नहीं है।” और जनाबवाला, स्मगलिंग का घधा कसे इस आदमी ने शुरू किया जो स्मगलरो का बादशाह बन गया, उस की कहानी उस की जबानी सुनिये

—

“जब हवाई जहाज जितनी बड़ी मोटरो से बड़े बड़े लोग सवार बन्दरगाह पर आया करते थे तो कस्टम के आला से आला हुक्काम उन के एहताराम में खड़े हो जाते थे, उनका हर हुक्म बजा लाते और उन्हें इस इच्छत और एहताराम से उस्त करते थे कि जैसे वही उन के माई बाप हो। जहाजों से आने वाले बड़े बड़े 420 मुसाफिर जब मनो और इनो सामान के हमराह बन्दरगाह पर उतर जाया करते थे तो सामान की तलाशी पर मामूल कस्टम के अफसरान

उन की खिदमत में इस तरह खड़े रहते थे कि जैसे वह कोई बहुत बड़े बुजुर्ग या महात्मा हो। और वह सब रूपये की करामत थी। यह बुनिषाद है हमारे समाज में, हमारी सोसायटी में स्मगलिंग की। क्योंकि हमारे यहा जिस के पास पैसा हो यह नहीं देखा जाता कि पैसा किस में लाया और कहा से लाया। और स्मगलिंग का नाम आप इस लिये ले रहे हैं कि आज आप ने उन को बैडनेम दे कर आप ने 500 आदमियों को गिरफ्तार किया। लेकिन मैं इस एबान को बताना चाहता हूँ कि स्मगलिंग में 500 आदमी नहीं है, कम से कम 25 हजार लोग बावस्ता है इस घधे में। और इस लिये जिनको आप ने गिरफ्तार किया है यह खुद अभी स्मगलिंग नहीं करते। इन की तो बाकायदा एजेसीज है। आप ने जिस को पकडा, आप किस को धोखा देना चाहते हैं ?

अभी इस हाउस में मैंने एक मवाल पूछा था, मैंने कहा था कि यह फिल्म स्टार जिन से आप मंच खिलवाते हैं उनको बुला कर दो लाख पये की रकम जमा करते हैं और उम के बाद उन को तो आप महात्मा मानते हैं उन के साथ तस्वीर खिचाने में फख्र महमूस करते हैं। लेकिन यह तस्वीर हाजी मस्तान मिर्जा, सब से बड़े स्मगलर के पर छू रही है, और यह माननीय आइ० के० गुजराल के हीरो राव कपूर की है। सुबहाय्यम जो जब इस के बने की शादी होती है तो मिनिस्टरो की मोटरो की लाइन लग जाती है। उस वक्त यह नहीं देखा जाता कि हम रेस्पेक्टबिलिटी दे रहे हैं, हम रिक्मनीशन दे रहे हैं चोरो को, कफन चोरो को। सवाल यह है कि ईसा ने कहा था गुनहगार को कौन पहले पत्थर मारता है। मैं इस एबान के मेम्बरो से यह पूछना चाहता

हूँ कि आप के दायें बायें कितने लोग हैं जो यह मानते हैं कि आप के इन दोस्तों में बड़े बड़े कफन चोर, बड़े बड़े स्मगलर मौजूद हैं। लेकिन जो पकड़ा गया वह स्मगलर, जो पकड़ा नहीं गया वह हीरो। और इस की मिसाल यो मिलती है कि वाजपेयी जी ने इस इशू को भी, जो खालिम सेक्यूलर इशू हैं क्योंकि स्मगलर में हिन्दू, मुसलमान, सिख, ईसाई सब आपस में भाई भाई। और वाजपेयी ने इस को भी खास ऐनक से देखा। उन्होंने हाजी मस्तान का नाम 50 बार लिया लेकिन बाखिया का नाम उन की जबान से नहीं निकला, नारंग का नाम भी नहीं निकला। उन्होंने केरल में मस्जिद देखी लेकिन कितने बड़े बड़े मन्दिर स्मगलरों ने बनाए हैं, उन की तरफ उन की निगाह नहीं गई।

मैं बहना चाहता हूँ कि सयासी जमातों के मुताल्लिक और इन को फरक कैसे मिलता है इस के मुताल्लिक मैं फिर गवाह पेश करता हूँ। वह गवाह जो जानता है, और मैं ने आप से कहा यह बड़ी बात है हाजी मिर्जा मस्तान ने अपनी जबान से वह बात कही, आज नहीं जब आप ने गिरफ्तारी का चलन किया, 31 मई को, चार महीने पहले कहा जब आप लोगों को खयाल आया कि इस मुल्क में स्मगलर का प्रंधा चलता है

“मेरी इस बात को भुगालते पर महतूंग न कीजिये, कि बम्बई शहर की आधी से ज्यादा दौलत काली है और इस दौलत बनाने में, इस की पैदावार में अमीर, बखीर, हाकिम और हर मयासी जमात के नेता लोग शामिल हैं। मैं बहुत से ऐसे सयासी गदारों की जानता हूँ जो दिन की रोशनी में मुझे गालियाँ देते हैं,

मुझे बुरे मे बुरे नाम से पुकारते हैं और फिर रात के अंधेरे में भवकी नजरें बचा कर हाथ में कशकोल लिये लिये मुझ ने मिलने के लिये आते हैं। इन्कशन लड़ने के लिए मुझ ने पैसे की भीख मांगते हैं इस वक्त इन के चेहरे काबिले दाद होते हैं और इनकी शराफत, इखलाकी बुलन्दी और उनकी ईमानदारी का मर्म खुल जाता है। मैं उनकी कशकोल में मकदूर भग खैरात डाल कर मनही मन में उनकी रैयाकारी पर मुस्कराता हूँ।”

मब से ज्यादा जोरदार इंडिकटमट जो इस निजाम के खिलाफ होना चाहिये वह हाजी मस्तान की जबानी ही आप मुनें। उन्होंने यह कहा है।

“As I became more experienced in business, instead of helping the operators, I began to get across my own stuff. This was much more profitable.”

“You read every day in the papers that so many smugglers' trucks carrying contraband goods have been seized, so many people arrested. But perhaps you do not know that these operations are staged only to appease the public. Questions are asked in Parliament about the steps Government is taking to check the evils of smuggling. Ministers give you long-winded replies, telling you what they are doing to check smuggling. They merely hoodwink you. The fact is that the highest civil and police officials are involved with us in the racket. Otherwise we would not be able to operate at all.”

जिस ने इस बात को माना हूँ कि वह स्मगलर करता है उसने ये बातें कही हैं। जिस मो-साइटी में, जिस समाज में इस बात को इञ्चन हो कि किस के पास कितना पैसा है और



[ श्री एस० ए० शर्मा ]

जब तक वह अपना यह स्टिगमा खत्म न करे कि उसके पास पैसा नहीं है तब तक आपके जो समूचे हैं वे गाना गावित होंगे फिर चाहे आप पांच सौ या हजार स्मगलरों को बन्द भी करा न कर दें। इस वास्ते गान में जरूरी बात यह है कि आपके समाज को बदलना होगा।

क्या मैं पूछ सकता हूँ कि यूगुफ पटेल नाम के स्मगलर का दारा इटिया लाइसेंस किस ने दिया था बहुत रखते हैं ? या यूनिवर्सल डिप्टी मिनिस्टर यह चीजें — (व्यवधान) उसी मुगलने में यूगुफ पटेल महात्मा मालूम होना है — जहाँ इसी वक्रे में किसी ने पूछा है क्या उस डिप्टी मिनिस्टर ने नहीं दिलवाया है ? अटल जी ने हाजी मस्तान का नाम बार बार दिया है और हर शरीक आदमी की पगड उछाने की कोशिश की है। पठिन नोटिंग में उन्होंने फ़ख्र अब्दुल्ला पर यह इतज़ाम लगाया है कि जब वह बम्बई गए थे तब हाजी मस्तान के यहाँ ठहरे थे। यह भी उन्होंने कहा है कि हाजी मस्तान काश्मीर गए थे और उस में भी दिलचस्पी था यह कहीं है या इतज़ाम यह लगाया है कि वह काश्मीर इसलिये गए थे कि फ़ख्र अब्दुल्ला व साथ ममझीता हों गये। और इस वास्ते उनका जाने का मतसब यह था कि पाकिस्तान के साथ तब स्मगलिंग का कारोबार शुरू किया जा सके। यह बात एक महान जमात व मस्तान नेता की उबान से सुनना और कहना अच्छा नहीं लगा। क्या उन में कोई पूछने वाला है कि मस्तान ज्यादा बुग है या वह आनन्द मति जिस के यहाँ में सिर्फ की खोपड़िया निकली थी जिस को मिलने के लिए अटल जी हवाई जहाज़ में उसके पास गए थे ? उसके यहाँ उनकी बीबी ने कहा था कि यह अनन चुरख आफ़ेन्सिब कमिट करता था और उसके यहाँ से खोपड़िया

बरामद हुई थी। उन्हीं को मिलने के लिए वह हवाई जहाज़ से गए थे। क्या उससे भी हाजी मस्तान ज्यादा बुग है। आपने तो कातिलों को रिसर्कटेबिलिटी दी है। कैरव की मस्जिद तो आपको नबल आर्ट लेफिन बड़े बड़े मस्जिद जो स्मगलिंग के पैसों से बने वे आपको भंग नहीं पाए। प्योरनी पैकजलर मामले को भी आपने न प्यूनल रंग दे दिया है, कम्प्लेन लाइसेंस देखा है। आपकी जमात के ही एम एन ए जम्मे में स्मगलरों की पर्दाशगी करते हैं। चावल मसगल होता था पारिगान और आपकी जमात के ऋषि कुमार कौशल उमरी परदादारी करते थे। यह मुझे वहाँ स्टेट मिनिस्टर ने बताया है कि जब हमने स्मगलर पकड़े तब यूपी कुमार जी सिफारिश ले कर आए। तबत तबत गाना के बाप को स्मगलिंग का इतज़ाम में पकड़ा गया और सिफारिश प्रहा में गई। फिर पत्नी क्या क्या पटर फॉलो ? अगर राजी मुस्लिम लीग को पैसा देना है तब हिन्दू स्मगलर जब सब का पैसा देते हैं और आपकी दुश्मनी भी टपी पस पर चलती है। किस मुझे मैं आप इस तरह की बातें कह सक्त हैं ? (व्यवधान) प्रणाम गीग भी किया था, ने न मैंने छिटा। तब, आपकी इज्जत रखी।

बुनिमदी बा को आप लें। काशेम को तरफ से अमर कहा गया है कि आप परदादारी करते हैं, जाती नीर पर मितां ह हाजी में। लेफिन मैं आपकी तरह खोरी छिपे नहीं मिलता हू, काम नहीं करना हू, सबों की तरह मिलता हू, दिन की रोगनी में मिलता हू, रात के सजरे में मिलने वाले और हूँ। क्या वह सब से जबरदस्त इडिक्टयेट नहीं था जो मैंने इस मुक्त के सामने पेश किया है ?

किसी के बिहारे देख कर आम यह नहीं कह सकते हैं कि यह एकमुब्ब है। परिश्रम

जलसे में अटल जी ने शेष अद्बुल्ला पर लजाम लगाया है। क्या किसी के माथ पर लिखा रहता है कि वह स्मगलर है? या किसी के माथे पर यह लिखा रहता है कि वह कतिल है? कौन जनता है कि आपकी जमायत में भी कौन कौन स्मगलर हैं। यह बात तो तभी जाहिर ही सकती है जब वे पकड़े जाएं। हमारा मुतालबा यह है कि स्मगलरों का इसलिए मत पकड़ो कि हुक्मरान जमायत कहती है कि वे स्मगलर हैं वलिक इस वास्ते पकड़ो कि आपके पास वाकई ऐसे सबूत हैं जिन की बिना पर उन्हें पकड़ा जाना जरूरी है।

श्री ایس اے شمیم (سرینگر):  
 چیئر مین صاحب - آج پریزیڈینشل آرڈر پر جو بحث ہو رہی ہے اس بحث کو خاص طور پر میں نے اس لئے توجہ سے سنا ہے ایسا معلوم ہو رہا ہے - کہ دونوں طرف سے کوشش یہ ہو رہی ہے کہ دوسرے فریق کو یہ دوسری جماعت کو دوشی قرار دے کر اپنی بے گناہی ثابت کی جائے - لیکن میں اس بحث میں جانے سے پہلے آپکو یہ یاد دلانا چاہتا ہوں کہ اس مقدمے میں ایک بہت ہی اہم گواہ پیش ہوا ہے اور وہ آج پیش نہیں ہوا ہے بلکہ 31 مئی کو پیش ہوا تھا - میں چاہتا ہوں کہ عدالت کے سامنے اصلی متقدموں کی زبان سے اصلی حقائق آج جانے کہ اس سماج میں سنگلنگ جیسی برائیاں کیسے اور کیوں پیدا ہوتی ہیں -

SHRI K. P. UNNIKRISHNAN  
 (Badagara): Is your speech going to

be a confession or personal explanation or what is it going to be?

SHRI S. A. SHAMIM: Mr. Unnikrishnan has started feeling guilty; he has started protesting now itself, he should have protested at the last, because, in any case, I am not going to mention names and you should feel happy.

SHRI K. P. UNNIKRISHNAN:  
 Please do.

شروی ایس اے شمیم :  
 کر رہا تھا کہ اس سماج میں سنگلنگ جیسی برائیاں کیوں پیدا ہوتی ہیں اور انکو پیدا کرنے کی ذمہ داری کن لوگوں کے اوپر عائد ہوتی ہے - آج حکمران جماعت کے ممبران ایسے پروتیسٹ کرتے ہیں جیسے یہ بے گناہ لوگ پہلی مرتبہ انہیں خیر ملی ہو کہ اس ملک میں سنگلنگ کا دھندا ہو رہا ہے اور جیسے ہی خیر ملی انہوں نے فوراً قانون بنایا ہے یہ بات نہیں ہے - میں سمجھتا ہوں کہ مقابلے میں حاجی مرزا مستان جس کا نام لیا جا رہا ہے زیادہ دیانتدار ہے زیادہ قابل اعتبار ہے - حاجی مرزا مستان آپ کے بارے میں کہتے ہیں اور اجازت دیجئے آپکو پوچھ کر سزاؤں :-

”اس وقت میری عمر 15 یا 16 سال کی تھی اور یہ حقیقت واضح ہو چکی تھی کہ اس دنیا پر صرف پیسے کا راج ہے اور دیا والے صرف پیسے والوں کی عزت کرتے ہیں - ان

[ شری ایس - اے شہم ]

کا حکم مانتے ہیں اور انکی راہوں میں اُنہیں بچھائے ہیں - غریب کی معذرت و اسکی دیانت اور ایمان داری کی کوئی قدر نہیں، اوو جس شخص کے پاس پیسہ نہیں اسکے پاس کچھ بھی نہیں ہے - اور جناب اعلیٰ سمگلنگ کا دفترا کھسے اس آدمی نے شروع کیا جو سمگلروں کا بادشاہ بن گیا اس کی کہانی اسکی زبانی سنوئے :-

دو چھ ہوائی جہاز چٹلی بڑی موٹروں میں بڑے بڑے لوگ سوار بلدرگاہ پر آیا کرتے تھے ان کا ہر حکم بچھا لاتے اور انہوں اس عزت و احترام سے رخصت کرتے تھے کہ جیسے وہی ان کے مٹھی باپ ہوں - جہازوں سے آنے والے بڑے بڑے مسافر جب ملوں اوو تلوں سامان کے ہمراہ بلدرگاہ پر اتر جایا کرتے تھے تو سامان کی تلاش پر معمول کسٹم کے افسران ان کی خدمت میں اسطرح کہتے دھتے تھے کہ جیسے وہ کوئی بہت بڑے بزرگ یا مہانہ ہوں - اور وہ س - روپوشہ کی کرامات تھوئے ؟

یہ بنیاد ہے ہڈوئے سماج میں ہماری سوسائٹی میں سمگلنگ کی کیونکہ ہمارے یہاں جس کے پاس پیسہ ہو یہ نہیں دیکھا جانا کہ پیسہ کس نے لٹایا

اور کہاں سے لیا - اور سمگلنگ کا نا؛ آپ اس لئے لے رہے ہیں کہ آج آپ نے اُنکو بھڈ نم دے کر آپ نے 500 آدمیوں کو گرفتار کیا لیکن میں اس ایوان کو بنانا چاہتا ہوں کہ سمگلنگ میں 500 آدمی نہیں ہوں؛ کم سے کم 25 ہزار لوگ وابستہ ہیں اس دہلندے میں - اور اسائے چلکو آپ نے گرفتار کیا ہے یہ خود بھی سمگلنگ نہیں دوتے - انکی نو باقاعدہ ایجنسیوز ہوں - آپ تے کسی کو پکواہ آپ کس کو دھوکہ دینا چاہتے ہیں ؟

ابھی اس ہارس میں میں نے ایک سوال پوچھا تھا، میں نے کہا تھا کہ یہ فلمسٹار جن سے آپ میچ کھاتے ہیں، ان کو بلا کر دو لاکھ روپوشہ کی رقم جمع کرتے ہیں اور اس کے بعد ان کو تو مہانہ مانتے ہیں انکے ساتھ تصویر کھچانے میں فخر مخصوص کرتے ہیں - لیکن یہ تصویر حاجی مستان مرزا سے بڑے سنگلر کے پھر جو رہی ہے - اور یہ مانڈیہ آئی - کے - گجرال کے ہڈوئے راج کھوڑی ہے - سہرا ہڈوئے سب اس کے دتے کی شادی ہوئی ہے تر ملستروں کی موٹروں کی لائن لگ جاتی ہے - اسوقت یہ نہیں دیکھا جانا کہ ہم دسھکھاتی دے رہے ہیں، ہم رکائشوں دے رہے ہوں

چوروں کو، کفن چوروں کو - سوال  
یہ ہے کہ عیسائے نے کہا تھا کہ  
۱۸۴۰ء کو کون پہلے پتھر سارنا  
ہے - میں اس ایوان کے ممبروں  
سے یہ پوچھنا چاہتا ہوں کہ آپ  
کے دائرہ میں کتنے لوگ ہیں  
جو یہ جانتے ہیں کہ آپ کے ان  
دوستوں میں سے بڑے بڑے کفن چور  
بڑے بڑے سنگسار موجود ہیں -  
لیکن جو پتھر گیا وہ سنگسار جو نہیں  
پتھر گیا وہ ہورو - اور اسکی مثال  
یوں ملتی ہے کہ رچھٹی جی نے  
اس اشیاء کو بھی ، جو خالص سنگسار  
اشہور ہے کیونکہ سنگسار میں ہندو  
مسلمان دیکھ سکتے ہیں سب آپس  
میں بھائی بھائی - اور راجھٹی  
جی نے اسکو بھی خاص عینک  
سے دیکھا - انہوں نے حاجی مسلمان  
کا نام ۵۰ بار لیا ، لیکن ہاکھیا کا  
نام ان کے زبان سے نہیں نکلا  
نارنگ کا نام بھی نہیں نکلا -  
انہوں نے کہوں میں مسجد دیکھی  
لیکن کتنے بڑے بڑے ملدر سنگساروں  
نے دوائے میں ، انکی طرف انکی  
نکال نہیں گئی -

میں کہنا چاہتا ہوں سہاسی  
جماعتوں کے متعلق اور انکو فروغ  
کد سے ملتا ہے اسکے متعلق میں  
پھر گواہ رہیں کرتا ہوں ، وہ گواہ  
جو جانتا ہے اور میں نے آپ

سے کہا یہ بڑی بات ہے - حاجی  
مرزا مسلمان نے اپنی زبان سے وہ  
بات کہی ، آج نہیں جب آپ نے  
گرفتاری کا چلن کیا ، ۳۱ مئی کو  
چار مہینے پہلے کہا جب آپ لوگوں  
کو خیال آیا کہ اس ملک میں  
سنگسار کا دغلدار ہے :

”مدنی امر بات تو نہ لے  
یہ معمول نہ کیجئے کہ بھٹی  
شہر کی آدمی سے زیادہ دولت کالی  
ہے اور اس دولت بنانے میں اس  
کی پوداوار میں امیر غریبہ ، حاکم  
اور ہر سیاسی جماعت کے وقت  
لوگ شامل ہیں - میں بہت سے  
ایسے سہاسی گداگروں کو جانتا ہوں  
جو دن کی روشنی میں مجھے  
نگاہیں دیتے ہیں ، مجھے بڑے سے  
بڑے نام سے پکارتے ہیں اور پورے رات  
کے اندھیرے میں سب کی نظریں  
مجھ کو ہاتھ میں کس کول لئے  
مجھ سے ملنے آتے ہیں - انکشن  
الوے کے لئے مجھ سے پیسے کی  
پوہک مانگتے ہیں - اسوقت ان کے  
چہرے قابل دید ہوتے ہیں اور انکی  
شرافت ، اخلاق ، مدنی اور انکی  
ایمانداری کا بھوم کھل جاتا ہے -  
میں انکی کول میں مقدور پور  
خبرات قال کر میں ہی میں انکی  
سنگسار پر مسکراتا ہوں -“

[شری ایس اے شمیم]  
سب سے زیادہ زور دار انڈکمنٹس  
جو اس نظام کے خلاف ہونا چاہئے  
وہ حاجی مسدان کی زبانی ہے۔  
آپ سنیں۔ انہوں نے یہ کہا ہے۔

As I became more experienced  
in business, instead of helping the  
operators I began to get across my  
own stall. This was much more  
profitable.

'You read every day in the  
papers that so many smugglers'  
trucks carrying contraband goods  
have been seized, so many people  
arrested. But perhaps you do not  
know that these operations are  
staged only to appease the public.  
Questions are asked in Parliament  
about the steps Government is  
taking to check the evil of smug-  
gling. Ministers give you long-  
winded replies, telling you what  
they are doing to check smuggling.  
They merely hood-wink you. The  
fact is that the highest civil and  
police officials are involved with  
us in the racket. Otherwise we  
would not be able to operate at  
all.'

دعویٰ ہے اس بات کو ماننا  
ہے کہ وہ سنگلنگ کرتا ہے اس نے  
یہ باتیں نہیں کہیں۔ جس سوسائٹی  
میں؟ جس سماج میں اس بات کی  
عزت ہو کہ اس کے پاس کتنا پیسہ  
ہے اور جب تک وہ اپنا یہ سٹاک  
ختم نہ کرے کہ اس کے پاس پیسہ  
نہیں ہے سب تک آپ کے جو منصوبے  
ہیں وہ عطا تائب ہو گئے، پھر چاہے  
آپ پانچ سو یا ہزار سنگلوں کو بند  
ہوئی کہوں نہ کہیں۔ اس واسطے

سب سے ضروری بات یہ ہے کہ آپ  
کو سماج کو بدلنا ہوگا۔

ہا میں پوچھ سکتا ہوں کہ  
یوسف پٹھل نام کے سنگلر کو آل  
انڈیا لائسنس کس نے دیا تھا مدد  
دہنے کا؟ جو یونین ڈپٹی منسٹر،  
ہم۔ (وودسٹون) اس نے سنا۔ میں  
یوسف ڈپٹی منسٹر ہوا ہے

کہا اس کے بارے میں کسی نے پوچھا  
ہے؟ کیا اس ڈپٹی منسٹر نے نہیں  
دلوایا ہے؟ آل جی نے حاجی مسدان  
کا نام بازار لیا ہے اور ہر شریف  
آدمی کو، پکوی اچھالنے کی کوشش  
کی ہے۔ پبلک منگ میں انہوں  
نے شیخ سعد اللہ پر یہ الزام لگایا ہے  
کہ جب وہ بمبئی گئے تھے تو حاجی  
مستان نے یہاں تھہرے تھے۔ یہ بھی  
انہوں نے کہا ہے کہ حاجی مستان  
کشمیر گئے تھے اور اس میں بھی  
دلچسپی بات ہے، کہی ہے اور الزام  
لگایا ہے کہ وہ کشمیر اس لئے گئے تھے  
کہ شہج عہد الاء کے ساتھ سمجھوتا  
ہو رہا ہے اور اس واسطے انکا جائے کا  
مقصد یہ تھا کہ پاکستان کے ساتھ  
سب سنگلنگ کا کاروبار شروع کیا  
جاسکے۔ یہ بات ایک مہان اجتماعت  
کے مڈان بیتا کی زبان سے سننا اور  
کہنا اچھا نہیں لگا۔ کہا ان سے کوئی  
پوچھنے والا ہے کہ مستان زیادہ برا  
ہے یا وہ آئندہ مروتی جس کے یہاں  
سے سر کی کپڑے ہاں نکلی تھیں جس

or بمیلہ کے لئے اٹل جی جہاز میں  
ریاس گئے تھے؟ اسکے یہاں اسکی  
بیوری نے کہا تھا کہ یہ انڈیپنڈنٹ  
آفیسر گت کرتا تھا اور اسکے یہاں  
سے کھوپڑیاں برآمد ہوئی تھیں۔ انہی  
کو ملے وہ ہوائی جہاز سے گئے تھے۔  
کیا اس سے بیسی حاجتی مستان زیادہ  
ہوا ہے؟ آپ نے سو قتلوں کو  
دسہکریسیسنگی دی ہے۔ کورل ہی  
مسجد تو آپ کو نظر آئی لیکن بڑے  
بڑے مندر جو سنگلنگ کے پیسے سے  
بلے وہ آپ کو نظر نہیں آئے۔ پیوری  
سیکولر مسئلے کو بھی آپ نے کھونٹل  
رنگ دیدیا ہے کھونٹل لائٹ سے دیکھا  
ہے۔ آپ کی جنامت نے ہی  
ایم۔ ایل۔ اے۔ جموں میں سنگلوز کی  
پردہداری کرتے ہیں۔ چاول سنگل  
ہوتا تھا پاکستان اور آپکی جنامت  
کے رشی کمار کوشل اس کی پردہداری  
کرتے تھے۔ یہ سچے وہاں کے سنگل  
منسٹر تے بتایا ہے کہ جب ہم نے  
سنگل پکڑے تو رشی کمار جی سفارش  
لہکو آئے۔ چمن لال کھتا ہے باپ کو  
سنگلنگ کے الزام میں پکڑا گیا اور  
سفارش یہاں سے گئی۔ کس پر کہا  
کیا پتھر پھینکن گئے؟ اگر حاجی  
مستان مسلم لیگ کو پوسہ دیتا  
ہے تو ہندو سنگل جن سنگل کو پوسہ  
دیتا ہے اور آپ کی دوکان بھی اسی  
پوسہ پر چلتی ہے۔ کس منہ سے آپ  
اس قسم کی باتیں کہہ سکتے ہیں؟

(روندان) آپ کا نام بھی لیا تھا لیکن  
میں نے چھپا لیا آپ کی عزت  
رکھی۔

بذیادی بات کو آپ لیں۔ سنگل  
کی طرف سے اکثر کہا گیا ہے کہ آپ  
پردہداری کرتے ہیں؟ ذاتی طور پر  
ملتے ہوں حاجتی ہے۔ لیکن میں آپ  
کو طرح چوری چھپتے نہیں ملتا  
ہوں؟ کام نہیں کرتا جو مزدوروں  
کی طرح ملتا ہوں؟ دن کی روشنی  
میں ملتا ہی رات کے اندھیرے  
میں ملنے والے اور ہوں۔

کسی کا چہرہ دیکھکر آپ یہ  
نہیں کہہ سکتے ہیں کہ ایکورڈ ہے۔  
یہلک جلسے میں اٹل جی نے شہنچ  
عبد اللہ پر الزام لگایا ہے۔ کہا کسی  
کے ماتے پر لکھا رہتا ہے کہ وہ سنگل  
ہے؟ کہا کسی کے ماتے پر یہ لکھا  
ہوتا ہے کہ وہ قاتل ہے؟ کون جانتا  
ہے کہ آپ کی جنامت میں بھی  
کون کون سنگلو ہیں۔ یہ بات تو  
تھی ظاہر ہو سکتی ہے جب وہ  
پکڑے جائیں۔ عمارا مطالبہ یہ ہے کہ  
سنگلوں کو اس لئے مت پکڑو کہ  
حکمران جنامت کہتی ہے کہ وہ  
سنگلو ہیں بلکہ اس واسطے پکڑو کہ  
آپ کے پاس واقعی ایسے ثبوت ہیں  
جن کی بنا پر انہوں پکڑا جاتا  
ہروری ہے۔

[Shri S. A. Shamim]

Mr. Subramaniam, for your information, I would say this in English. I am sure you would not have understood a word of what I have said. We are not opposed to the spirit of the Bill. We are not opposed to the curbs which you are imposing on the smugglers. But, we doubt your *bona fides*. We doubt your sincerity because this *dhandha* has been going on for the last 27 years. This business, this racket, this regular business has been going on for the last 27 years. Then, where were you for the last 27 years? You cannot say that you were not in power. Unfortunately for this country, you have been in power for the last 27 years. How come that you got all the money for the elections? How come that you have put them in jail, raising a justifiable suspicion that you have put them in jail so that they do not come out and tell the truth. Therefore, I am in agreement with the Bill, but, I doubt your *bona fides*. I am firmly of the opinion that you are dishonest people and any honest measure can also be acted upon dishonestly. That is why, we have no confidence in you.

SHRI C. SUBRAMANIAM: You have only in Mastan.

SHRI S. A. SHAMIM: I found Mastan more honest than you. He gave me every truth which he had. You have your own friends in Tamil Nadu. You have your own Mastans.

SHRI H. K. L. BHAGAT (East Delhi): Mr Chairman, Sir, I was listening to my friend Mr. Shamim and he is always full of interesting arguments and more than that, humour. I listened to his speech just now. May I put a question to him very respectfully? I am sure he did not mean it. But, could he have done a greater service to Haji Mastan and to these smugglers than by reading from Mastan's statement, as if it was a Bible? It is surprising. He quoted

آپ . Mastan told a Pressman, I . you are projecting him. You are projecting him, what he has said. But, you do not know whether what he has said is correct or not. He gives a statement. The point is this. Mr. Shamim said that for the last 27 years, this has been going on in this country. Leave aside these 27 years. But, six months before, you knew about smuggling. You have been a Member of the House. Other friends have also been Members including...

SHRI S. A. SHAMIM: On a point of order. I pointed this out the day I came to know about it. On the 28th of May, I came to know about this and on the 31st May, I raised the issue in the House. What are you trying to say?

SHRI H. K. L. BHAGAT: I am not talking about you. I am talking about everybody. For the last 4 years, all these Opposition leaders have been Members of this House. I would like to know this. I do not believe that Mr. Shamim is so ignorant that till that date, he did not know that smuggling had been going on.

SHRI S. A. SHAMIM: How I could know? I was elected only in 1971. I could not come here 20 years before. Mr. Limaye and Mr. Fernandes have put pointed questions on this.

SHRI H. K. L. BHAGAT: If he was that ignorant, I could only pity his ignorance.

SHRI S. A. SHAMIM: Unlike you I was not dealing in that business.

MR. CHAIRMAN: Mr. Shamim has already taken 20 minutes and he should not take further time by interruptions.

SHRI H. K. L. BHAGAT: Mr. Limaye has been saying in this House that he raised the matter several years ago, five or six years ago. But

what is relevant is not what he or they said seven or six years ago but what they are doing now. They have come out today not against the smugglers. They are virtually speaking in defence of the smugglers. They can say that the Government did not take action early but the Government has taken action today. It is indeed welcome action taken on a big and wide scale. People have been nabbed. It is action not only against smugglers but against tax evaders and against hoarders. Now they say here: you are curtailing the liberty of the smugglers to go to the Court. I am raising the big question. This nation and this Parliament will have to decide this question. There are no two opinions that they were bad and notorious smugglers. The question is this. If individuals are misusing their right and liberty they come here and blame the Government. But now when the Government takes action they come here and champion the right of the smugglers to move the Court.

It is not only a question about smugglers. I am going much further. This Parliament will have to decide this question. There are those who are misusing their liberties to ruin this country. I believe that a time may come when as Jawahar Lal Nehru said you have to hang them by the next lamp post. It will not only be a question of detention under MISA. They are trying to advocate in this country, the right of the smugglers as against the right of the people and the right of the nation for collective economic security.

Shri Vajpayee demanded the appointment of an inquiry commission. He says the political links should be investigated. What evidence has he produced? They are supposed to be responsible leaders of the opposition. I do not know how responsible they are. They say that Mr. Gokhale gave some letter or certificate to somebody. So they want the appointment

of a commission of inquiry consisting of Members of Parliament. People come to us and we give them certificate. Do we know in every case what profession a particular man has. They have no evidence. Mr. Vajpayee has been here for four years. I always listen to his speeches because I have to reply to them here and outside also. He has awakened to this situation only when the Government has acted. Before the Government went against the smugglers with a heavy hand, during the last four years you do not find anything about smuggling mentioned in his speeches. Was he sleeping? If the Government was sleeping he was also sleeping.

The nation has awakened to the situation. Government acted with a strong hand. It should have been welcomed. But even here they are trying to introduce politics. They are not the crusaders of honesty or purity in public life. What they are trying to do is this. The Government has taken action against the smugglers and it may get some credit in the public mind. Therefore they want to do something to wipe that credit. But credit or discredit is not so important. What is important today is to meet the situation in the country. Smugglers and smuggling are a menace and the Government has gone against them. They should ask for further measures. Instead of that, they say: do not detain them; let them be allowed to move the Court of law. What is most fantastic is this.

It is being said that we are detaining them without trial because if we release them, so many things will come out. Nothing can be more fantastic. If we were so much afraid of them, Government would not have gone against them and arrested them. You did not demand their arrest. Government on its own acted against them. If Government wanted to shield them or force or intimidate them, Government would not have taken this action. I am surprised at



[Shri H. K. L. Bhagat]

their logic. You are defending the rights of the smugglers to move the Court. People are not bothered about the witnesses in the licence case. You stand here and pass remarks. You say it is your right. But you forget the rights of the citizens. You talk of your own rights, jeopardising the rights of the citizens.

The country has very much welcomed the strong measures taken by the Government against the smugglers. I am glad the CPI has taken a correct position saying something more should be done. I also want that something more should be done. But the Jan Sangh, Cong(O), Socialist Party and CPM are trying to throw dust in the eyes of the people, cover up the smugglers and dilute the effect of the reaction that is created on the minds of the people. But the people will not be deceived by this. The people very much welcome this Bill.

With these words, I support the Bill.

**SHRI SHYAMNANDAN MISHRA** (Begusarai): Sir, it was rather amusing to hear from Mr. Bhagat that everything that this blessed Government does is welcome to the people and yet, the result of everything they do is unmitigated disaster for the people. This measure is clear evidence of the fact that there is no end to the populist rhetoric or demagoguery of this lot that constitutes this Government. Their populism, economic and political, has already brought about misfortunes for the people and yet, they do not seem to be realising that they have to retrace their steps from this disastrous course. It has been said that those who are against this responsible Presidential Order are pleading for the smugglers. I ask you in all seriousness, who is in a position to help the smugglers? Those who

can sell files, orders, permits and quotas and who are in a position to protect the smugglers—will they plead for the smugglers or those who can do absolutely nothing for the smugglers can plead for them?

**SHRI PRIYA RANJAN DAS MUNSI** (Calcutta—South): If we have been protecting the smugglers, for 23 years, he was a major partner in this game. He must admit that.

**SHRI SHYAMNANDAN MISHRA:** My hon. friend is almost an infant in politics.

17.00 hrs.

May I say that the ex-President of India, Shri V. V. Giri, said the other day that stern action should have been taken against the smugglers four or five years ago? And four or five years was the dividing line between you and me. This is on the testimony of no less a person than the ex-President of India, Shri V. V. Giri.

I was asking you in all seriousness who can be in a position to protect the smugglers? When Shri Modi was caught red-handed with 5,000 bags of flour or so, why is that case pending for so long? You have passed an Ordinance which makes for summary disposal of such cases, and yet that case is dragging on for more than one and a half years. There was a clear accusation in this case that Rs. 50 lakhs have passed into the hands of this Government and, therefore, no action has been taken against Shri Modi.

**SHRI R. S. PANDEY:** Such loose talk about passing on Rs. 50 lakhs and so on should not be made on the floor of the House day in and day out. There must be some dignity, some decorum in such matters...  
 (Interruptions)

MR. CHAIRMAN: The convention is that when an hon. Member is speaking, only when he yields, another hon. Member can speak; not otherwise. I will strictly go according to this rule. Hereafter, if hon. Members violate this rule, whatever they say without the permission of the Speaker will not go on record. I will expunge that. So, do not complain later on. This will apply to both sides.

SHRI S. A. SHAMIM: Does the Speaker include Chairman also?

MR. CHAIRMAN: Yes.

SHRI SHYAMNANDAN MISHRA: Do they not owe an explanation to the country why Shri Modi, who was caught with 5,000 bags of flour, has not yet been put behind the prison bars? An Ordinance was passed about 8 or 10 months back that there would be summary disposal of such cases. Why has this case been allowed to drag on that long in the court? Why has it not been taken out of the purview of the court? According to the Presidential Order all court proceedings are going to be suspended. Why, according to your Ordinance the case was not taken out of the purview of the court and this criminal, who was found with 5,000 bags of flour, is not behind the prison bars?

Similarly, one of the members of the same family was caught at the Palam airport with violation of the Foreign Exchange Regulations. What action has been taken against him... (*Interruptions*) Sir, if you do not protect me, I do not know how I can go on... parliamentary conventions demand...

SHRI C. M. STEPHEN (Muvattupuzha): Sir, I am rising on a point of order. My point of order is this. The parliamentary conventions demand..

MR. CHAIRMAN: Which rule?

SHRI C. M. STEPHEN: There are well-established conventions...

MR. CHAIRMAN: You must formulate your point of order under some rule.

SHRI C. M. STEPHEN: There is no provision in the rule which says that if a Member yields, you can put a question. That is a convention. If a Member yields when another Member rises, then the Member who rises must be given the floor. I rose; I asked him whether he was yielding; he immediately sat down. Now, when he sits down, that means the Member is yielding. He need not say it in so many words. If the Member sits down when another Member rises, it means that he is yielding to the Member who is rising. Once he has yielded, the Member who rises must have the floor and he must be permitted to put a question. That is my point of order.

I rose, he sat down, he yielded and I must be allowed to put a question. I am now in possession of the floor.

MR. CHAIRMAN: As you yourself said, this is not under any rule. But it is a convention. When you got up, you will remember that there were four others who also got up. I want to be very fair. Mr. Mishra was protesting to me that I should stop the Members from interrupting him. That is why, practically, in exasperation, for a moment, he sat down. He was not yielding to you or to other Members. Hence, there is no question of yielding or allowing you to ask a question. Therefore, no point of order arises.

SHRI C. M. STEPHEN: Accepted.

SHRI SHYAMNANDAN MISHRA: Sir, to resume the thread, I was submitting that the other day, one of the members of the Modi family had been caught at the Palam airport for the violation of the Foreign Exchange

[Shri Shyamnandan Mishra]

Act. But this man has not suffered any consequence on that account yet. Why?

Now, they ask us to take them very seriously about this business of taking a stern action against the smugglers. May I ask as to what was the reason for giving VIP treatment to these smugglers? They have been transported by aeroplane, an honour which has not gone to any political prisoner. They have been put in special prisons like Mahatma Gandhi. They have been given special comforts. Yet, these honourable gentlemen would ask us to take them very seriously about all this.

Sir, you will be surprised to hear that some of the non-bailable warrants have been turned into bailable warrants. Who has done it? Have we done it? Some smugglers have resisted going to jails on grounds of health. They are kept in hospitals and this facility or privilege was not even granted to Charu Mazumdar, an eminent political person, whatever his political views might be. This is the kind of rule that you are giving this country. And Charu Mazumdar was suffering from...

**SHRI PRIYA RANJAN DAS MUNSI:** I contest it. A panel of doctors was appointed by the Government. He does not know. I personally did it. I took it up with the Government and the Government did it.

**SHRI HARI KISHORE SINGH (Pupri):** Nor was there any article written on Charu Mazumdar by Mr. Shamim.

**SHRI SHYAMNANDAN MISHRA:** The privileges and facilities which have either been granted to political prisoners are being made available to the smugglers under the benign regime of this ruling Party....

**SHRI K. P. UNNIKRISHNAN:**  
Please give instances.

**SHRI SHYAMNANDAN MISHRA:**  
I have given instances.

So, the real intention of this reprehensible Presidential Order is that they want to prevent open trials in which disclosures about politicians, the real patrons of these smugglers, may take place. That is the real intention....

**SHRI K. P. UNNIKRISHNAN:** Mr. S. K. Patil is the first patron of smugglers in India. He is the kingpin.

**MR. CHAIRMAN:** Please do not make a running commentary.

**SHRI SHYAMNANDAN MISHRA:** The other day, my friend, Shri Atal Bihari Vajpayee produced a certificate given by one of your Ministers. Has it been denied yet? Let him come forward and deny it. So far as we are concerned, on this side of the House....

**SHRI N. K. P. SALVE:** A very relevant question I want to put, if he yields.

**SHRI SHYAMNANDAN MISHRA:** The measure is intended to prevent attempts to unmask the real patrons of these smugglers who happen to be in the field of politics and particularly, in the ruling party, in the field of finance in the field of capital and in the field of film industry and in the field of business and so on. That is the real intention of this Presidential Order....

**SHRI N. K. P. SALVE:** Is it your case that we have received a hopeless legacy?

**MR. CHAIRMAN:** Please do not interrupt him. Let him finish. We have got very little time. Please continue, Shyam Babu, and conclude.

**SHRI SHYAMNANDAN MISHRA.**  
 No, no. I have to deal with the legal aspect. Time has to be extended.

**SHRI S. A. SHAMIM:** It is a 27 years' story of smugglers. It cannot be dealt with in 23 minutes.

**SHRI SHYAMNANDAN MISHRA:**  
 Only my friends from the CPI can give a certificate of good intentions to this Government so far as this measure is concerned. Those of us who are suffering under the *mala fide* and reprehensive actions of the Government under MISA in various places, cannot trust them with a measure of this kind.

Of course, members of the CPI do not suffer from such consequences. What is the function of the executive, to which we are asked to give such power? This executive has naturally flourished on the money of the smugglers. We cannot touch them with any action so far as this measure is concerned. So it is merely a cheap gimmickry and an exercise in dramatics.

**सभापति महोदय :** श्यामबाबू, बिजनेस एडवाइजरी कमेटी ने जो टाइम आप की पार्टी को दिया है, वह 5 मिनट है, लेकिन आप 25 मिनट बोल चुके हैं।

**श्री श्याम नन्दन मिश्र :** हम एक मिनट नहीं बोले हैं—आप देख रहे हैं कि ये लोग किस तरह से इन्ट्रूट कर रहे हैं।

**PROF. MADHU DANDAVATE:**  
 There were number of interruptions. He was disturbed.

**MR. CHAIRMAN:** Mr. Shyambabu can speak for himself. I will allow him ten more minutes. Please conclude.

**SHRI SHYAMNANDAN MISHRA**  
 The whole thread is snapped..

**MR CHAIRMAN:**

मैं आप को 10 मिनट बोलने के लिये और दे रहा हूँ।

I will give 10 minutes; please conclude.

**SHRI P. M. MEHTA (Bhavnagar):**  
 Ask them not to interrupt. Otherwise it takes time.

**MR. CHAIRMAN:** Nobody should interrupt.

**SHRI SHYAMNANDAN MISHRA:**  
 Government has not taken any integrated action, any package of measures which can stop smuggling activities in the country. Government only wants to divert attention from political corruption about which they are under severe attack now. It is because of Shri J.P.Narain's movement which has highlighted this corruption.

So far as legal aspects of this measure are concerned I think it has absolutely no basis. Their basic postulate is that the emergency must remain in force for this purpose. It is my submission the emergency has already exhausted itself. It is not my interpretation of the situation but this is on the authority of the Prime Minister of India. I have made that submission earlier. Hon. Prime Minister said to a foreign press correspondents' association on the 15th of June at the Ashoka Hotel that there was no war emergency in the country; there might be economic emergency, but there was no war emergency in the country. In answer to a question from Mr. Samar Guha the Government said this as one of the reasons, namely, the economic crisis, economic difficulties in the country. Therefore it is obvious that the proclamation of emergency as has been approved by Parliament has exhausted itself and the emergency does not

[Shri Shyamnandan Mishra.]

continue any more, in reality. It is said that these smugglers have been released by the high courts and we require to keep them behind the prison bars. I ask you, have you not kept undertrials for 3 to 5 years? I can give you thousands of instances, where undertrials have been kept for a period of three to five years.

Sir, in thousands in West Bengal there have been undertrial prisoners for three to five years. May I give the instance of Shri Kamal Bose of Calcutta who was a social worker in the Chittaranjan Cancer Hospital?

SHRI PRIYA RANJAN DAS MUNSI:  
 A social worker with a deadly weapon.

देखो मेरा हाथ ।

श्री श्यामनन्दन मिश्र : हा को दूध  
 पिलाइये ।

श्री प्रिय रजन दास मुन्शी ( ) : ओल्ड  
 फिनायल को भी कुछ फिनायल देनो चाहिये ।

SHRI SHYAMNANDAN MISHRA:  
 Sir, you must be reading with great interest this Economic and Political Weekly. In this there is an article written by the ex-Economic Adviser of the Government of India, Shri Ashok Mitra, that Shri Kamal Bose has been a social worker in the Chittaranjan Cancer Hospital. Nearly a dozen times this gentleman was released and granted bail yet he was not allowed to come out of the prison. You could do the same with smugglers. What prevented you. Could you not put the smugglers behind the bars without this barbarous and draconic Presidential Order? What came in your way to see that the others could be put behind the bars in a situation like this?

So, this plea does not hold good that you require some legislation.

Mr. Chairman, Sir, since you have been a lawyer you must have head that in one of the cases the Supreme Court has ruled that even adulterators could be put behind the prison bars under MISA because their activity came in the way of essential services and supply. Even adulterators come within the mischief of MISA. I have absolutely no doubt that if smugglers could come within the mischief of MISA and if they wanted MISA to be made more fool-proof then they should have gone by the recommendation of the Law Commission. The Law Commission in its 47th report has asked for the enlargement of the Schedule, that is, constitutional amendment. I am prepared for the constitutional amendment. You go in for that. But you did not go in for the constitutional amendment as suggested by the Law Commission.

Mr. Chairman, Sir, since by now no flaw or lacunae has been discovered by the courts in any one of these cases there was no reason to disturb the present measure. If it requires to be strengthened we would have been all for it. Go in for the most current punishment to the smugglers. You can even sentence them to death. We do not come in the way of that. But, please do not suspend the fundamental rights. Why do I say so? The hon. Minister of State for Finance, Mr. Pranab Kumar Mukherjee, said the other day in Calcutta that..

Even a smoker with a packet of smuggled cigarettes can be dealt with as your political opponent and you can put him behind the prison bar. And that is what has been happening now. Why is the MISA applied only against the political workers? It was never applied against the persons who had committed the economic offences. MISA was meant for this purpose. I say that you have always applied the MISA against the political workers.

SHRI S. A. SHAMIM: In fact all of them can be arrested under MISA!

**SHRI SHYAMNANDAN MISHRA**  
 You never applied that against those who have been found guilty of economic offence.

Therefore, I would submit that if the Government wants to do that that is if they want to strengthen this by a constitutional amendment, we would support that. But, we cannot support this because this measure is bound to be used against the main political opponents. This is only meant for them. This is not meant against the smuggler. This is meant only against your political opponents. They have become so insensitive to public opinion that they have not even made any safeguard against the honest and innocent persons. Is there any safeguard for this? As has been pointed out by the hon Member, Shri Mavalankar quoting from the editorial of the *Hindu*, if any person—if Shri Vajpayee or Shri Shyamnandan Mishra—is dubbed as a smuggler, if I go out of the House, what might happen I know. We have brought to light so many instances of corruption. That is on the basis of their own documents. This Government could not act on it. That is why this confrontation. And therefore we suspect that they are going to use this measure against us and nobody else.

**PROF NARAIN CHAND PARASHAR** (Hamirpur) Sir, it is very unfortunate that a very important measure like the one that is being brought before the House should have been given a political colouring by the friends opposite.

Sir on the one hand they complain that all these 27 years smuggling has gone on and, on the other hand their complaint is that they themselves are going to be arrested under MISA. This is a very funny situation in which they are and they are not ready even to implement this Order which was passed on the 27th September, 1974.

**MR. CHAIRMAN** The hon Member will continue tomorrow.

17 29 hrs.

### HALF-AN-HOUR DISCUSSION

#### SHIFTING OF RATNAGIRI PROJECT FROM MAHARASHTRA TO GUJARAT

**PROF MADHU DANDAVATE** (Rajapur) Mr Chairman Sir, in the course of the last one year and more, I tried to seek a categorical assurance from the Government regarding the public sector aluminium project at Ratnagiri in Maharashtra. I may draw the attention of the House to the fact that on November 15 1973 on March 7, 1974 on April 18 1974 on August 22, 1974 on November 14 1974 and on November 20 1974 I asked Starred as well as Unstarred questions. The people in Maharashtra could not be put to any uncertainty about the aluminium project that is about to be set up in Ratnagiri which is an economically backward region of Maharashtra.

At the very outset I would like to seek information from our Minister regarding certain factual data that is connected with the progress of the work of the aluminium project. The estimated cost of this project is Rs 78.8 crores. This is the information that I have sought through one of the unstarred questions.

Though the net estimated cost is Rs 78.8 crores Government has sanctioned Rs 50 crores for the period of the Fifth Plan and they had assured us earlier that with this expenditure being incurred on the project by the beginning of the Sixth Five Year Plan the work on the Aluminium project, public sector project at Ratnagiri in Maharashtra will be completed. But Sir in spite of this amount which has been sanctioned the actual amount which has been made available for 1974-75 is only Rs one crore. For the entire Fifth Plan the amount sanctioned is Rs 50 crores. For 1974-75 this is only Rs one crore. By mathematical calculations, I do not know whether it would take 50 years for the