

12.00 hrs.

PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT OF MADRAS FERTILISERS LTD., FOR 1973-74

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI K. R. GANESH): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956:—

- (1) Review by the Government on the working of the Madras Fertilisers Limited, Manali, Madras for the year 1973-74.
- (2) Annual Report of the Madras Fertilizers Limited, Manali Madras, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-9483/25.]

NOTIFICATION UNDER COMPANIES ACT

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): I beg to lay on the Table a copy of Notification No. G.S.R. 409 (Hindi and English versions) published in Gazette of India dated the 29th March, 1975, declaring M/s. The Kumbakonam Diocesan Catholics Permanent Fund Limited, a company having its registered office in Tamil Nadu, to be a 'Nidhi', under sub-section (3) of section 620A of the Companies Act, 1956. [Placed in Library. See No. LT-9484/75.]

PARAFFIN WAX (SUPPLY, DISTRIBUTION AND PRICE FIXATION) SECOND AMENDMENT ORDER, 1975

THE DEPUTY MINISTER IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI C. P. MAJHI): I beg to lay on the Table a copy of the Paraffin Wax (Supply, Distribution and Price Fixation) Second Amendment

Order, 1975 (Hindi and English versions) published in Notification No. G.S.R. 194 (E) in Gazette of India dated the 11th April, 1975, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-9485/75.]

12.02 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED ATTEMPTS OF INTERNATIONAL CARTELS TO SMUGGLE HUGE QUANTITIES OF SYNTHETIC TEXTILES INTO INDIA

SHRI PILOO MODY (Godhra): Mr. Speaker, Sir, I call the attention of the Minister of Finance to the following matter of urgent public importance and request that he may make a statement thereon.

"Reported attempts of international cartels to smuggle huge quantities of synthetic textiles into India and their reported meeting at Bangkok."

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PRANAB KUMAR MUKHERJEE): Mr. Speaker, Sir, The Government have seen some press reports to the effect that a meeting was held recently in Bangkok by, what the press reports called, a world Cartel of foreign manufacturers of synthetic fabrics, with importers at Dubai and landing Agents in India. According to these press reports plans had been made for smuggling large quantities of synthetic fabrics into India.

The Intelligence reports available to the Government do not confirm these press reports. It may however be mentioned that shift in smugglers' emphasis from gold to watches and synthetic fabrics is not a recent development and has been noticed for the last couple of years.

As a result of the recent anti-smuggling drive, launched by the Govt. including preventive detention of smugglers, foreign exchange racketeers and

their associates, it was reported that there was considerable slump in the smugglers' activities in the areas from which the contraband meant for India usually emanated. It was also reported that this contributed to piling up of stocks of synthetic fabrics and other goods in these areas and several firms there faced serious problems in raising credits from their banks. In the light of recession in the textile industry in the manufacturing countries abroad, this created serious difficulties to both the fabric manufacturers and the smugglers. It is understood that some manufacturers have curtailed their production considerably and there have also been reports of distress sales of the stocks.

The Govt. have been collecting intelligence and keeping a constant vigil on the developments in this regard. As a part of the anti-smuggling drive, they have implemented a scheme of establishing a wireless communication network to provide secret and dependable service to the preventive staff, strengthened the preventive intelligence machinery by augmentation of staff, deployment of shore guards, road checking parties and city preventive parties. The preventive staff have also been supplied with more motor vehicles, arms and ammunition and a fleet of sophisticated speed boats fitted with light machine-guns and modern equipment like electronic night sights and radar for locating suspect crafts.

As stated earlier we do not have any specific information about any meeting in Bangkok. However, the effective measures we have taken in recent months, including preventive detention have had considerable impact in curbing smuggling. The concern of the interests involved in the racket over the loss of this substantial illicit market is therefore understandable.

SHRI PILOO MODY: Sir, there are two things that I am really sorry about. I am sorry that the Minister of Finance, Mr. Subramaniam, is not here to reply to this Call Attention because he is

really the main culprit and the villain of the peace and I do not know why the hon. Minister of State has been made to face this unpleasant task like a sacrificial goat because he had nothing to do with it. Sir, from the statement that has been made, it is quite clear that the information that the Government is supplying today is the information available with them prior to the Budget. The whole mischief in this international smuggling racket started after the Budget proposals were announced. (*Interruptions*)

Will you stop talking, three of you?

SHRI DINESH SINGH (Pratapgarh): Are you afraid that your voice will be drowned?

SHRI PILOO MODY: I don't like little insects buzzing in my ears. Mr. Speaker, Sir, it is my contention that the Budget proposals were not as innocent as they sound.

It is my contention that in spite of the fact that two Ministries of the Government of India, the Ministry of Petroleum and Chemicals and the Ministry of Commerce had advised the Finance Ministry that it would be disastrous, particularly from the point of view of smuggling if the duties on these synthetic filaments and yarn and textured fabrics were to be increased, the Ministry of Finance did not listen to them. As it is, the differential between local prices and the prices abroad was something like 6 to 1 prior to the budget proposals and today this differential has risen to something like 10 to 1.

The most acute significance of this is that the entire small scale industry which deals in the manufacture of these yarns is today sitting unemployed because they cannot afford to buy the local material at the price that it will cost after the excise duties have been levied in the budget. I imagine anywhere from 5 to 6 lakhs of people are today unemployed and the three centres that are most heavily hit are Jullundur and Ludhiana and Bhiwandi in Maharashtra where the main bulk of these small scale looms and machines are

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working, generally in a shop directly behind the residence of the man, some with two looms, some with one loom.

Therefore, I feel that in spite of the two Ministries advising them—and I also know it authentically that intelligence reports supplied to the Ministry had told them that if they increased this duty, it would result in smuggling—the Government has been able to do nothing in the matter.

The Minister says over here in the statement that the shift of emphasis from gold to watches and synthetic fibres is not a recent development. That means the Government is aware that now it is no longer gold that is being smuggled, but it is watches and synthetic fabrics, and yet the Government goes on increasing the duty on synthetic fabrics, almost saying to the smugglers: 'Come, let us have some more smuggling in the matter' So the budget has really enhanced it if the Government believed that that was so.

The Minister says in his statement :

"In the light of recession in the textile industry in the manufacturing countries abroad, this has created serious difficulties to both the fabric manufacturers and the smugglers".

So did the Finance Ministry oblige the textile industry abroad and did it oblige the smugglers that in spite of the fact that there is a world glut, you increase the duty in India so that smuggling can take place from abroad into India? Was the budget meant to provide relief to these fabric manufacturers abroad and smugglers? I do not understand the logic of their thinking.

SHRI B. V. NAIK (Kanara): You seem to be speaking on the Finance Bill. This is only about international cartels.

SHRI PILOO MODY: Hold your tongue. Even you will take time to understand certain things.

He talks about any number of preventive measures. These preventive measures cost money. On the one hand, you increase the duties. Then hand, you increase the duties. Then you get Rs. 28 or Rs. 38 crores or tious figure that the Government seems to have arrived at. There are complete charts showing how many additional crores of rupees worth of money the Government intends to make as a result of these duties. On the other hand, they spend more money to check smuggling. I do not understand the vicious circle that you are embarking on.

As a result of this, as I have mentioned in the call attention notice, international cartels were meeting saying: 'Ah, here is the great opportunity of our life'. In that connection, I would like to read to you a letter, a copy of which I have received, which is most revealing. It is a letter written by a Swiss firm called Textilacentur Edgar Lang in Zurich to a Mr Chaturmal of International Traders (ME) Ltd—that is Middle East Limited—in Dubai. I will read the letter to you to show how they considered the Government, in what contempt they hold your Government.

It says:

"Dear Chaturmal,

You must by now have heard the outcome of the meeting at Bangkok. There is an excellent opportunity to do substantial business because of the very favourable prices agreed upon. I have just now been informed that about 2 m. yards of fabrics in the following Varieties are ready for immediate delivery:

- (1) 100 m. yds suiting double knit;
- (2) 0.54 m. yds jersey crimp fabrics;
- (3) 4.50 m. yds. . . ."

I think there is misprint in the letter or something.

"(3) 4.50 m, crimp woven dress material printed.

As soon as you confirm the order and open Letter of Credit under the usual terms of the contract, we shall arrange to load the vessel for immediate despatch.

I am anxious to know the results of the efforts our friends are putting in New Delhi. I believe today is the Budget day there and all of us are anxiously awaiting news, though I heard from Joseph..."

Whoever that is, that is something you have to find out.

"...that we have almost succeeded. Nevertheless it is prudent to wait.

I met MB..."

I do not know who that is.

"...the other day and he has assured me that he will be able to do very successful business this year in view of our friend's excellent organisation in Bombay and the influence he has in Dubai and Beyrouth.

Please send word to Madras and Solanki..."

I suppose they must be some officers of your Government enforcement or customs.

"...that their interest are being properly safeguarded.

With regards,

Yours,

....."

I do not know the authenticity of this letter to be quite frank. I have a photostat copy of it and I will hand it over to the Minister or I shall place it on the Table of the House, if you like it. If this letter is an authentic letter, it reveals a great deal. It reveals that the budget proposals were influenced by a bunch of international cartelists interested in increasing duties on items which they could easily smuggle into the country. It means that they have

contacts not only in Government but also that they have contacts with our enforcement agency. What is the point of buying ships and hovercraft and motor vehicles and arms and ammunition, fleets of sophisticated speed boats and light machine guns and other equipment like radar and electronic night sighters? What is the use of all this if on the one hand your budgets can be manipulated and if on the other hand your coastline can easily be reached?

You know after all what is caught is only about 5-10 per cent of what is actually smuggled. My information is that in the month of March alone about Rs. 80 crores worth of goods must have slipped into the country. There is a report in the Times of India which says that two Arab vessels were caught with Rs. 30 lakhs worth of goods. One more vessel which was chased was sunk and it is suspected to have had Rs. 10 lakhs worth of goods. There was another item of news in the Economic Times the day before that another Rs. 20 lakhs worths of goods were caught in Bombay. If this represents 5-10 per cent of the goods which are actually smuggled into the country, you can imagine the disastrous effects of this on the economy. You know the loss in foreign exchange that we have to suffer as a result of smuggling and also the loss in import duties and things like that. There is also the erosion of the external value of the rupee that takes place as a result of this. There is the problem of black money which has to be generated to finance this sort of transactions. There is corruption which is pervading up and down and through everything that the Government touches. In view of the serious consequences of all these, I want to know who are the officers responsible for framing the budgetary proposals, particularly in respect of the enhancement of the excise duties on the three items I have mentioned. Unless you can get to the source of it, who is responsible for insisting that this should happen, I do not think we will get to the bottom of this. By all means you can continue with your efforts to catch them. I am sure there

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are any number of honest and efficient officers not only in the Government but also in the enforcement agencies who are anxious to catch them but for the few who stand to benefit by doing this sort of thing, I condemn them. I say this has been done deliberately so that for the ensuing elections, Congress can lay its hands on enormous funds from the smugglers made available and possible as a result of interfering with budgetary proposals

SHRI B. V. NAIK: Can we make a counter-allegation that the entire thing is framed by the synthetic textile lobby?

SHRI PILOO MODY: Quite possible. Please ask your Government to investigate that also. Let us not have the investigation stopped at any point. Let us investigate who is benefiting out of it. I want certain assurance or if you want, I shall frame them into questions: Would you please find out who are responsible for framing the budget proposals and whether they were in any way influenced by outside agencies? Would you please find out if this meeting in Bangkok did take place and what they discussed at that meeting? Would you please find out who are the people referred to in this letter and what they were upto and how they came to be associated with this international cartel? If you can find out these things, I will be satisfied for the moment

SHRI PRANAB KUMAR MUKHERJEE: So far as the conclusion drawn by the hon member that the entire budget proposals were made keeping an eye on the fact that it would give some advantage to smugglers by enhancing the duty on synthetic products is concerned, it is totally wrong. No individual officer could be held responsible for the budget proposals. The Finance Minister places the proposals before the House and the House considers them.

SHRI PILOO MODY: Is it true or not that two Ministries advised the

Finance Minister against these particular excise proposals regarding synthetic products? The Minister is sitting right next to you and you may consult him. Secondly, may I know whether the Government did receive an intelligence report from them not to enhance the duties on these products?

SHRI PRANAB KUMAR MUKHERJEE: When the various budget proposals are considered, various ministries are consulted and they give their views. It is not possible for me to indicate which particular ministry gave what sort of information.

If I heard him correctly, the hon. member had come to the conclusion that as a result of the new duties imposed on synthetic products, the ratio of indigenous production to that of imported ones would be 1:10. After getting various types of representations from the industry and other agencies about the effect of these budget proposals, we have made some calculation. The present ratio is 1:3.

After the incidence of the new taxes, it may be of the order of 1:3.5. But the Calling Attention is not to discuss the effect of the excise duty on certain items. The hon Member will get an opportunity to discuss that when the Finance Bill is taken up for discussion.

So far as the conference of the textile manufacturers abroad and the Bangkok meeting are concerned, as I have mentioned in the text of my reply we have no information that such a meeting took place. I have already admitted in the statement that there is a change in the nature of the smuggled goods from gold to synthetic products and watches. In fact, a large quantity of synthetic garments and watches were captured as a result of the seizures.

Regarding the letter which the hon. Member mentioned, this is for the first time I came to know about it. If he passes it on to us, we shall look into it to see whether there is any substance in it.

I do not know whether the hon. Member asked any other specific questions. But I can assure him that the tax proposals are not the outcome of the decisions of any individual officer. Government as a whole take the decision which we place before the House.

श्री हुकुम खन्ड कछवाय: (मुरेना) : अध्यक्ष जी, माननीय मंत्री जी, ने जो वक्तव्य सामने रखा है, इसमें इस बात को कहा है कि तस्करी को रोकने के लिये हमने कुछ सुदृढ़ आधुनिक यंत्र, तेज चलने वाली नौकाएँ और कुछ जवान तथा कर्मचारी तैनात किये हैं। क्या यह बात सही है कि तेज चलने वाली जो 10 नौकाएँ आपने लगाई हैं वह जब से लगाई हैं, तब से ही बेकार पड़ी हैं, उनका कोई उपयोग नहीं है? उन्हें कस्टम अधिकारियों ने बेकार कर के छोड़ रखा है उसका कोई उपयोग नहीं किया है?

आपने जितने साधन बढ़ाये हैं, उनका केवल सदन में उल्लेख जरूर किया है लेकिन यह कार्य में नहीं आ रहे हैं। यह बात बिल्कुल साफ है कि बड़े बड़े कस्टम अधिकारी उन लोगों का साथ दे रहे हैं, मैं इसका उदाहरण दे रहा हूँ। कल के नवभारत टाइम्स में है कि जब न्यायालय ने बखिया को छोड़ा है तो कस्टम अधिकारियों और पुलिस के लोगों ने बेहद खुशी मनाई है, काफी धाराब पी है, जलसे मनाये हैं तथा मिठाइयाँ बांटी हैं। यह बखिया को छोड़ने का परिणाम है। ये लोग आपके कर्मचारी हैं, जिन्हें आप पैसा देते हैं।

अध्यक्ष जी, सरकार ने बहुत बड़ा अभियान चलाया तस्करी को पकड़ने का। सारे देश में तस्कर पकड़े लेकिन उन पर मुकदमा नहीं चलाया। न्यायालय उन लोगों को छोड़ती जा रही है, उनके खिलाफ सरकार द्वारा कोई कार्य नहीं हो रहा है क्योंकि सरकार के पास कोई ठोस प्रमाण नहीं है। आप उन पर

मुकदमें इसलिये नहीं चलाना चाहते हैं कि शायद जब खुली अदालत में केस चलेगा तो काफी लोगों के नाम वे बताएँगे कि हमसे किस किस मंत्री ने कितना रुपया लिया। उसी डर के कारण सरकार मुकदमा नहीं चलाना चाहती। क्योंकि चुनाव नजदीक आ रहे हैं, उससे डरकर आप मुकदमा नहीं चलाना चाहते हैं। बड़ी मात्रा में उनको छोड़ रहे हैं क्योंकि उनसे पैसा लेना है। वह दूध दोहने वाली गाय है। आप उनसे ही अधिक पैसा ले सकते हैं। इसीलिखे आप इस बात से डरते हैं। इतना ही नहीं, इकनामिक टाइम्स में उल्लेख किया गया है कि न्यायालय ने काफी लोग छोड़े हैं, सरकार के पास कोई ठोस प्रमाण नहीं है और कोई तथ्य नहीं है। इसी कारण से उनको छोड़ा जा रहा है। इसलिये सरकार इसमें मजबूर है।

यह केवल यही की बात नहीं है, जो तस्कर माल बाहर से लेकर आते हैं, केवल वही बात नहीं है। आज बहुत बड़ी मात्रा में भारत की कलात्मक मूर्तियाँ विदेशों में लाखों रुपये में बेची जाती हैं। और ऐसीही एक तस्कर मनी राम गुप्ता, जो दिल्ली दरया गंज में रहते हैं। उनके बारे में चर्चा है कि वह अफसरों को 10 लाख रुपये देकर छूटे।

अध्यक्ष महोदय : यह मोशन क्या है, आप क्या कहते जा रहे हैं? मनीराम गुप्ता की बात इसमें कहाँ आती है?

श्री हुकुम खन्ड कछवाय : वह तो कबूल किया कि सोना आना बन्द हो गया, लेकिन जो षड़ियाँ चगीरा आती हैं जो लाते और ले जाते हैं, उसे सरकार ने पकड़ा है, लेकिन कई ठोस कार्यवाही नहीं की है। सरकार के कानून में बहुत लचीलापन है, बहुत लुटि है। सरकार के पास तथ्य नहीं है। उसका ही मूल कारण है

[श्री हुकुम चन्द कछवाय]

कि आप उनके खिलाफ कार्यवाही नहीं करने जा रहे हैं। न्यायालय ने बहुत बड़े मात्रा में उन लोगों को छोड़ा है जो इस प्रकार के काम कर रहे हैं।

मंत्री महोदय यह बताने की कृपा करें कि जितने बाहन उनको दिये गये हैं उनका कितना उपयोग हुआ है? अब तक कितने केस पकड़े गये उनके द्वारा? आपने जो रडार लगाया है, उसके माध्यम से कितने केस पकड़े गये? बखिया को छोड़ने से जो खुशिया मनाई जा रही है, उसके खिलाफ आप क्या कार्यवाही करने जा रहे हैं? इसके अतिरिक्त जो माल बेचते हैं, माल ले जाते हैं, उनके खिलाफ भी क्या कार्यवाही की जा रही है?

SHRI PRANAB KUMAR MUKHERJEE: The hon Member is not correct in saying that all these speed boats are out of order and that they are not functioning. Up to date we have received 20 speed boats against orders placed with a Norwegian firm Six have not yet been put into Commission. Fourteen were put into commission, and out of these 14, only one has been damaged, and that is not functioning. The rest of the 13 are working. If you look at the number of seizures by these boats, you will find that even in the first week of November one speed boat which was put into operation captured goods worth nearly Rs. 75 lakhs. Certain other seizures have also been made. Therefore, it is not correct to say that the speed boats are not working and that all of them are out of order. In fact, their utility is of a high order. But these are sophisticated boats which have been put into operation for the first time. Sometimes they develop some snags, but they are taken care of. Neither is there any question of keeping them idle or sabotaging them. This type of questions came before the House and the position was clarified.

Regarding the release of Bakhia and other detenus, it is known to the hon. Member and to the House that as a result of the decision of the court, they were released. We have also applied to the High Court for special leave to appeal and it is under consideration.

श्री हुकुम चन्द कछवाय : आपने उस पर केस चलाया है. कोई तथ्य दिये हैं क्या? वह बताया जाये।

SHRI PRANAB KUMAR MUKHERJEE: The hon. Member is under the impression that if they had been brought to book with sufficient evidence, if sufficient material were available, there would have been no necessity of putting them behind the bar under preventive detention, and they could have been produced before the courts under the ordinary laws, but preventive detention is an extraordinary measure which is applied to cases where the charges cannot be established or sufficient material is not available, but there is evidence to believe that these people are indulging in all sorts of smuggling activities. That is the very basis of this Act, and then the Act was passed by this hon House, all these points were clarified. Still, I have already mentioned that we are looking into the other legal aspects, but it will not be possible for me to indicate what type of action would be taken regarding the persons who have been released by the courts.

Regarding the other type of smuggling activity, which the hon Member has mentioned, I have no such information and I cannot provide him with any information like that.

श्री हुकुम चन्द कछवाय : कस्टम विभा के और पुलिस के कर्मचारियों ने काफी खुशिया मनाई है, क्या इसकी जाच करायेंगे? यह समाचार-पत्रों में आया है, नवभारत टाइम्स ने दिया है।

अध्यक्ष महोदय : खुशियां मनाई तो क्या हुआ, हरेक ने मनाई। आपको क्या पता कैसे खुशी मनाई जाती है।

श्री हुक्म चन्द कछराय : यह अखबारों में आया है। क्या आप सहमत हैं ?

अजय महोदय : हाँ, मैं खुश हूँ।

SHRI M. RAM GOPAL REDDY (Nizamabad): Unfortunately, the Swatantra Party and the Jan Sangh are still supporting businessmen, traders and also smugglers. Their speeches reveal the same thing now. They are trying to hide it, but it has come out of their mouth that they are the favour of these smugglers. The Swatantra Party has always been against levying heavy tax on anybody, and without levying tax on anybody the Swatantra Party wants that all amenities should be provided to everybody in this country.

That is their policy. They want to put the Government in trouble by talking all these things. They talk against the levy of taxes because they want to get some money for the elections in Gujarat. That is their motive behind this Call Attention.

Now, I congratulate the Government and also the officers and the staff of the Finance Department for doing good work to stop smuggling in this country. They have almost stopped smuggling on the western coast. These smugglers have now gone to Bangkok and from there they want to renew their activities. To that extent, I am sure, the hon. Minister will take steps to stop that.

The hon. Member, Shri Pilo Mody, tried to condemn the officers in the Finance Department. Several officers have already lost their lives under mysterious circumstances. I want that the Government should give sufficient protection to the officers who are conducting anti-smuggling operations.

It is estimated that thousands of crores of rupees worth of synthetic fabrics are lying in Dubai. I want to know from the hon. Minister as to from which countries all this stock has come, whether the Government has protested to the Governments of the countries from where the

smugglers are trying to smuggle the goods into our country and whether they are friendly countries or otherwise. I also want to know how the cost of smuggled goods is being paid, whether in our own currency or in foreign exchange or in kind, in the form of silver or gold or rice. I want to know all these details.

Further, I want to know the action the Government is taking against these smugglers. I think, in some countries, these smugglers are being shot at sight, in Iran and other places. I want to know whether similar action is being contemplated by the Government so that the smuggling is stopped completely.

The smugglers are now being released by various High Courts. I want to know whether a foolproof law will be made so that smugglers are not released and they remain inside the jails till all the chains of smuggling operations are broken.

SHRI PRANAB KUMAR MUKHERJEE: So far as the countries from where the smuggled goods are coming, they are mainly from Hong Kong, Dubai and some other places. So far as the local Governments are concerned, we always receive the cooperation and assistance from them whenever we seek their cooperation and assistance. We also exchange information. We get information from them and we also provide information to them. Therefore, there is no lack of assistance and cooperation between the Governments of various countries, particularly these areas from where the smuggled goods are coming to India.

Regarding the legal position, the hon. Member is aware that in the present case, the courts dwelt on the facts of the case, not on the merits of the law. It will take some time for us to consider in detail and find out the implications of the judgment. After doing that, if certain changes in the legal system are considered necessary, we shall certainly look into that. Regarding the comprehensive legislation, we have already mentioned

[Shri Pranab Kumar Mukherjee]

on the floor of the House that a Committee has been set up to look into various aspects, particularly the legal implications. As soon as we get the report, we will arrive at a decision and, naturally, if the Government decides to have a legislation, the Government will come before the House.

SHRI M RAM GOPAL REDDY In which currency is the cost of smuggled goods being paid?

SHRI PRANAB KUMAR MUKHERJEE That is obvious, it is in foreign exchange.

श्री मधु सिन्घे (बाका) अध्यक्ष महोदय, श्री पीलू मोदी ने जो पत्र सदन के सामने रखा है उस में पाच नाम लिए गए हैं। एक नाम लिया गया है मद्रासी का, एक है एम० बी०, एक है सोलकी और एक है जोजफ तो मुझे भी यह शक हुआ कि कहीं यह जाली पत्र तो नहीं है। इसलिए मैं ने पता लगाने की कोशिश की ये लोग कौन हैं? तो एम० बी० और मद्रासी का तो पता नहीं चला लेकिन सोलकी और जोजफ के बारे में यह पता चला कि ये बम्बई के तस्करो के सकल में क्याति-प्राप्त लोग हैं। ये कोई फर्जी व्यक्ति नहीं हैं। ये बम्बई इलाके के बड़े स्मगलर हैं और इन का रिश्ता उन के तमाम स्मगलरो के साथ है किन को आप ने बन्द कर के रखा था जिसे सुकर नारायण बाखिया, मस्तान युसुफ, और नयनमल पूजाजी शाह।

सब से पहले बाखिया के केस में दिल्ली हाई कोर्ट ने जो निर्णय दिया है उस की ओर मैं मंत्री जी का ध्यान दिलाना चाहता हूँ। इस में जस्टिस प्रकाश नारायण कहते हैं, यह हिन्दुस्तान टाइम्स की रिपोर्ट है

“Mr Justice Prakash Narayan who delivered the judgment in Bakhia's case observed that the allegations in one of the grounds appeared to be concocted and placed before the detaining authority as a padding up

of the grounds on which the detenu could be detained. It was, therefore, held that, even if one of the grounds of reasons which led to the subjective satisfaction of the detaining authority was non-existent or misconceived or irrelevant, the order of detention would be invalid.”

यह सोचने लायक बात है। मेरा इस सरकार के ऊपर और इन के अफसरो के ऊपर यह आरोप है कि डिटेनशन के केस के बारे में सुप्रीम कोर्ट के निर्णयों से आप अवगत थे कि अगर आप सात ग्राउण्ड देते हैं, उन में दो भी गलत या बोगस साबित होते हैं तो सुप्रीम कोर्ट यह निर्णय देता है कि हम नहीं कह सकते कि किस ग्राउण्ड को लेकर सबजेक्टिव सेटिस्फैक्शन हुआ। तो मेरा यह आरोप है कि शुरू से जब सितम्बर में आप ने स्मगलरो को गिरफ्तार करने का नाटक या नीटकी चलाई तो आप के अफसरो ने जानबूझ कर हर एक केस में ऐसे वेग या बोगस या फर्जी ग्राउण्ड देने का सिलसिला चलाया क्यों कि वे जानते थे कि कानून के अंदर इस तरह के फर्जी और बोगस ग्राउण्ड दिए जाएंगे, नान-एग्जिस्टेंट ग्राउण्ड दिए जाएंगे तो अदालत के सामने कोई रास्ता नहीं रहेगा सिवाय इस के कि इन को छोड़ दे। आप हमेशा अदालत बनाम सरकार का झगडा पैदा कर के जनता को गुमराह करते हैं। आप का जो आइनेस था या आप ने फारेन एक्सचेंज के बारे में जो कानून बनाया इन कानूनों को सुप्रीम कोर्ट ने या हाई कोर्ट ने अवैध घोषित नहीं किया। तो कोई नहीं कह सकता है कि पार्लियामेंट और जूडिशियरी का इस में कोई सवाल आता है क्यों कि पार्लियामेंट के द्वारा जो कानून बनाए गए, अधिनियम बनाए गए, उनकी वैलिडिटी को हाई कोर्ट ने स्वीकार किया है। तो गलती कहा पर है? गलती एग्जीक्यूटिव की है?

कार्यपालिका की है। आप ठीक तरह जो सबूत है उस को इकट्ठा क्यों नहीं करते और जो नोटिस दिया जाता है या ग्राउण्ड दिया जाता है उस में आप जानबूझकर हेरफेर करते हैं जिस के फलस्वरूप ये लोग छोड़े जा रहे हैं? इस का आप के पास क्या जवाब है? क्यों कि अदालत ने कहा है कि एक ग्राउंड नान-एग्जिस्टेंट था और दूसरा कानकाक्टेड था। तो पहले इन अफमरों की जांच होनी चाहिए जिन्होंने यह नोटिस फ्रम किया है। पहले इन को सस्पेंड करने के बाद ही और कार्यवाही होनी चाहिए... (अध्यापन)

अध्यक्ष महोदय, इतनी जल्दी आप घंटी बजाएंगे तो नहीं हो सकेगा। मैं तो पहले मुझे पर था। बीच में तीन लोग बोले नहीं, पीलू मोदी ने भी दस के बजाय पाच मिनट ही लिया है। तो वह समय आप मुझे दें।

अध्यक्ष महोदय : आप ने खुद ही फंसला किया है। अब आप पाच मिनट में खत्म करें।

श्री मधु लिनये : अब यह जो कर बढ़ाए गए जिस के चलते इस पत्र में कहा गया है कि हम लोगों को एक बढ़िया मौका मिला है इस कपड़े को स्मगल करने का इस के बारे में मैं कहना चाहता हूँ कि जो तस्करों के द्वारा माल ले जाया जाता है और उस के लिए जो मार्केट यहाँ पर मिल रहा है उस के मैं दो कारण मानता हूँ।

एक तो हमारे लोगों के दिमाग पर यह असर है कि जो विदेशी चीज होती है वह अच्छी होती है, जो स्वदेशी की भावना है, वह हमारे लोगों के अन्दर नहीं है। दूसरा कारण—आर्थिक कारण है। जब तक आप

को आर्थिक नीतियां, कर सम्बन्धी नीतियां ऐसी रहेंगी कि विदेशों में जो कपड़ा पैदा होता है—वह सस्ता पड़ेगा—मान लीजिए इटली या जापान से जो कपड़ा आता है, वहाँ भारत के मुकाबले में वेजेंज बहुत ज्यादा हैं, हमारे यहाँ मजदूरी बहुत कम है, फिर भी उन का कपड़ा सस्ता आता है और आप का कपड़ा जहाँ मजदूरी कम है, महंगा पड़ता है—तो जाहिर बात है कि स्मगलिंग होगा। इस का कारण क्या है? कारण यह है कि आप पांच स्ट्रेजेंज पर ड्यूटी बसूल करते हैं—सब से पहले जो रा-मटेरियल है—डी०एम० टी० कटोलैक्टम—उस पर ड्यूटी लगाते हैं, उस के बाद फायबर पर लगाते हैं, फिर घागे पर ड्यूटी लगाते हैं, उस के बाद क्रिस्मिंग टेक्सचराइज्ड प्रोसेस पर ड्यूटी लगाते हैं। उस के बाद कपड़े पर, फॉब्रिक्स पर ड्यूटी लगाते हैं। नतीजा यह होता है कि जिस कपड़े का एक्स-मिल दाम ड्यूटी लेकर मान लीजिये 110 रुपया हो जाता है, वही कपड़ा जब विदेशों से दुबाई हो कर आता है तो उस का दाम 22 रुपया होता है।

अध्यक्ष महोदय, जिन तीन कपड़ों की चर्चा यहाँ पर की गई है—उस में एक तो इन्होंने कहा है—निटेड-फॉब्रिक्स, दूसरे ड्रेस मैटीरियल वगैरह—मैं इन के नमूने दिखाता हूँ—यह स्वदेशी कपड़ा है और आप देखिये कितना बढ़िया है, विदेशी के मुकाबले क्वालिटी में कोई फर्क नहीं है—ऐसी स्थिति में क्या बजह है कि हिन्दुस्तान में विदेशी कपड़े के लिये माग ज्यादा है। हमारे छोटे-छोटे लोग जिस कपड़े को बना रहे हैं, वो आज विदेशों के मुकाबले टिक नहीं पा रहे हैं। इस का कारण यही है कि जो नई कर योजना इन लोगों ने इस बजट में बनाई है वही इस के लिये जिम्मेदार है। इस में दो रायें नहीं हो सकती हैं, यह कामनसेंस की बात है, जब स्वदेशी कपड़े,

(श्री मधु लिमये)

का दाम ऊंचा उठ जायगा, आप की करनीति से 25-30 हजार मीटर बढ़नेवाला है, जब विदेशी कपड़े और स्वदेशी कपड़े में इतना अन्तर पड़ जायगा तो जाहिर बात है कि ये स्मगलर्स जोखिम उठाने के लिये तैयार हो जायेंगे, बावजूद इस के कि आप उन को जितना चाहे पकड़ने की कोशिश कीजिये।

यह पकड़ने की कोशिश क्या है—उस को भी सुन लीजिये। पश्चिमी बंगाल में एक अखबार में यह कहा गया है—

“The Union Government is said to have instructed the State Governments to take legal action against absconding smugglers West Bengal accounts for 62 of them About 80 smugglers are now under detention”

आप कह रहे हैं कि हम बड़ा काम कर रहे हैं—क्या कर रहे हैं—82 गिरफ्तार किये गये हैं और 62 एडनकाण्ड कर गये हैं। यह आप की कार्यक्षमता, एफिमियेन्सीज का नमूना है।

दूसरी बात—जैसा मर्यादा ने इलस्ट्रेटेड वीकली में कहा था—10-15 साल से इतना बड़ा धन्धा क्या सरकार की मदद के बिना हम लोग खड़ा कर सकते थे? आपके सरकारी अधिकारी और बड़े बड़े लोग इन से मिले हुए थे। आप ने मन्त्र अखबारों के द्वारा प्रसारित किया है कि 300 कर्मचारियों और अफसरों का ट्रान्स्फर करवाया है, 68 लोगों को आपने रिटायर करवाया है या करवाने जा रहे हैं, 37 लोगों के खिलाफ आप अनुशासन का कायदाही कर रहे हैं। ये ममाचार अखबारों को आप ने ही दिया है, लेकिन जब पकड़े जाते हैं तो कहते हैं कि हमें जानकारी नहीं है। इस लिये, अध्यक्ष महोदय, सरकार इन आबडों के बारे में मेरफ ई दे कि इन में तथ्य कितना है और इस काम में जो ढिलाई हो रही है उस के बारे में में सरकार क्या करने जा रही है?

अभी श्री रामगोपाल रेड्डी ने कहा कि पीलू मोदी इस लिये ऐसा कह रहे हैं कि उन को चुनौती के लिये पैसा मिलेगा। मुझे आपत्ति नहीं है—अगर पीलू को मिल जाय, लेकिन मुझ भी जरूर उस में से हिस्सा दे दे। लेकिन मैं यहाँ निवेदन करना चाहता हूँ कि इयूटीज को कम करने की मांग उन के ही दल के नेता—श्री रजनी पटेल ने भी की है, जो बड़ी तेजी से श्री ललित नारायण मिश्र की जगह ले रहे हैं। उन्होंने भी इयूटीज के खिलाफ बयान दिया है कि इयूटीज घटाई जाये। पीलू मोदी के एक दोस्त हैं—उनका कहना है

SHRI S R DAMANI (Sholapur) I want one clarification, Sir He said that the excise duty is more and therefore smuggling is encouraged Now he is saying that some Members are influencing the Government to reduce the excise duty Now, what actually does he want, I want to know

श्री मधु लिमये: मैं निवेदन कर रहा था कि श्री रामगोपाल रेड्डी ने यह आरोप लगाया कि ऐसा इस लिये कहा जा रहा है कि ये इन लोगों से मिले हुए हैं। मैं यह कहने के लिये तैयार हूँ—कि स्मगलर्स से मिलने की बजाय, अगर छोटे उद्योगवालों से मिलने की बात आयेगी तो हम स्वदेशी लोगों में मिलना पसन्द करेगे, इन स्मगलर्स या विदेशी लोगों से मिलना पसन्द नहीं करेगे। मैं चाहता हूँ कि स्वदेशी उद्योग हमारे देश में पनपे। स्मगलर्स और विदेशियों के द्वारा जो आक्रमण स्मगलिंग के द्वारा हमारे देश के अन्दर हो रहा है, उस को रोका जाना चाहिये। जो विदेशी लोग हमारे देश में घुसे हुए हैं, मैं उन के आक्रमण के खिलाफ हूँ। इस लिये मैं मंत्री महोदय से जानना चाहता हूँ—

1 इयूटी के बारे में खुद सुबहसुबह साहब ने कहा है कि पुनर्विचार कर रहे हैं। यह पुनर्विचार कब खत्म होगा और अपने मुसाब लेकर वे कब हमारे सामने आयेंगे?

- 2 इन सरकारी अफसरों के खिलाफ क्या क्या कार्यवाही की गई है, उस को तफसील सदन को दें ?
- 3 क्या यह सही है कि पश्चिमी बंगाल में 62 एक्टकाण्डस हैं, जिन को अभी तक नहीं पकड़ा गया है ? क्या दूसरे राज्यों में भी यही स्थिति है ?
- 4 जानबूझ कर जो ग्राउण्डस डिटेन्शन में गलत दिये गये हैं—क्या उन मामलों में भी कोई जांच की जायेगी और जो दोषी आफिसर्स हैं उनको जांच कराने से पहले सस्पेंड किया जायेगा ?

मैं इन सब प्रश्नों के उत्तर चाहता हूँ।

SHRI PRANAB KUMAR MUKHERJEE: Regarding official collusion for giving grounds deliberately so that they can get rid of the trouble from the courts, this is not correct.

When such people were under detention, some of them have applied to various other courts.

On the detention grounds, the Delhi High Court has taken a view, while some other view was taken by another High Court in another case. The Judiciary themselves, in their wisdom, have to decide whether they are justified or not. And, we have applied for special leave to appeal in the High Court, in order to find out whether this is justified or not. Till a decision is arrived at in this regard, it is not possible for me to say whether this is justified or not justified. Because, there is one case on which two judgments differ. Two high courts are giving two contradictory judgments. It is impossible for me to judge whether these grounds are justified or not.

SHRI BHAGWAT JHA AZAD (Bhagalpur): What about the non-existing grounds? That is what they say.

SHRI PRANAB KUMAR MUKHERJEE: These are existing grounds. This was challenged in another court; on these

grounds, they found that these grounds were justified. These are existing grounds.

SHRI BHAGWAT JHA AZAD: The release was on no other grounds, but non-existing grounds. That is why I want to know on this.

SHRI PRANAB KUMAR MUKHERJEE: Sometimes they are taking a view that on non-existing grounds this is for the court to judge. In one case the grounds were identical grounds. Two high courts are taking two different views. Therefore, it is for the Supreme Court to decide.

श्री मधु लिमये: आप कहते हैं कि बखिया के केस के बारे में कुछ नहीं कहना चाहता हूँ। मैं जानना चाहता हूँ कि बखिया के केस के बारे में क्या आप जांच कराने के लिये तैयार हैं—नॉन-एक्जिजमटेड और कनकाकटेड ग्राउण्डस क्यों दिये गये ? क्या ये लोग बखिया से मिले हुए थे ?

SHRI PRANAB KUMAR MUKHERJEE: I can go into this after getting the final judgment of the Supreme Court. Before that it is not possible. As I said, we are appealing against the findings of the Delhi High Court.

Let the highest court of the land pronounce its judgment. (*Interruptions*)

MR. SPEAKER: Please do not interrupt him. Let him finish.

SHRI PRANAB KUMAR MUKHERJEE: It is for the court to decide.

MR. SPEAKER: You people are introducing many other things.

श्री मधु लिमये: अध्यक्ष महोदय, जूनियर मिनिस्टर को इस तरह बलि का बकरा बनाया जाता है। आप को जीबजरवेशन करना चाहिये इस पर क्यों कि यह बहुत महत्वपूर्ण मामला है। माननीय सुबह मध्यम को यह आना चाहिये था। वह कौन सा ऐसा महत्वपूर्ण काम कर रहे हैं जो यहाँ नहीं आये ?

SHRI PRANAB KUMAR MUKHERJEE: The hon. Member is aware that Shri Subramaniam is not here. He has gone abroad. Regarding the question of West Bengal, he is perhaps not correct in saying that only 82 people have been arrested in West Bengal. Uptodate, 886. . . (Interruptions)

श्री मधु लिखये : मैं वेस्ट बंगाल की बात कह रहा था। मैं ने यह कहा था कि पश्चिम बंगाल में 82 स्मगलर्स पकड़े गये हैं, और 68 ऐब्स-कौन्ड कर रहे हैं। क्या यह बात सही है? 82 smugglers have been arrested and 68 are absconding.

SHRI PRANAB KUMAR MUKHERJEE: That is correct.

श्री मधु लिखये : इनको ऐफौशियंसी देख लोजिये, अक्षय महोदय, 68 ऐब्सकौन्ड कर रहे हैं स्मगलर्स।

अक्षय महोदय : आप उनको बोलने बीजिये।

SHRI PRANAB KUMAR MUKHERJEE : It is not correct to say that 82 people have been arrested.

Regarding West Bengal also, we have already taken steps by taking up the matter with the State Administration and we tried to find out whether these people could be arrested. As regards the effect of excise duty, I have already replied in reply to a question of Shri Piloo Mody that this is not the occasion to discuss what would be the effect of the excise duty. It has already been mentioned that it is the usual practice of the Ministry of Finance if they give some concessions it is done when the Finance Bill is being discussed on the floor of the House, this matter can be discussed. It is not possible for me to indicate just at the moment.

The last point which the hon. Member raised is about what Shri Rajni Patel said. There is nothing wrong in that. Various people have expressed their opinion. And Shri Rajni Patel has expressed his own opinion. Whether the Government is acting as per the advice of Shri Patel or not, it is for

the hon. Member to draw his own conclusion when the Finance Bill comes up.

12.53 hrs.

PUBLIC ACCOUNTS COMMITTEE

HUNDRED AND FORTY-EIGHTH REPORT

SHRI JYOTIRMOY BASU (Diamond Harbour) : I beg to present the Hundred and Forty-eighth Report of the Public Accounts Committee on paragraphs relating to Financial Results and Earnings of the Railways included in the Report of the Comptroller and Auditor General of India for the year 1972-73, Union Government (Railways).

12.54 hrs.

COMMITTEE ON GOVERNMENT ASSURANCES

ELEVENTH REPORT

SHRI B. K. DAS CHOWDHURY (Cooch-Behar) : I beg to present the Eleventh Report of the Committee on Government Assurances.

12.55 hrs.

STATEMENT BY MEMBER RE. INFORMATION GIVEN BY DEFENCE MINISTER ON 20-2-1975 IN HIS REPLY TO USQ NO. 422 REGARDING DETENTION OF MAJOR RAMESH CHANDER DHAWAN AND MINISTER'S STATEMENT CORRECTING THE REPLY

SHRI JYOTIRMOY BASU (Diamond Harbour) : Mr. Speaker, Sir, I am narrating here below how the Defence Minister, Sardar Swaran Singh has given a wrong reply which was misleading to the House.

In reply to my unstarred question No. 422 dt. 20-2-1975 Sardar Swaran Singh, Minister for Defence stated :

Question : (c) Whether it is a fact that Major Dhawan made a statutory complaint to the Central Government levelling certain allegations of corruption, misuse and misappropriation of military stores against some of his superiors ;

Reply : Yes, Sir.

The statutory and other complaints contained allegations against four of his superior officers.'