

14.17 hrs.

### GOLD (CONTROL) AMENDMENT BILL

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI K. R.  
GANESH): Sir, I beg to move:\*

"That the Bill further to amend the Gold (Control) Act, 1968, be taken into consideration."

This Bill seeks to make certain amendments to the Gold (Control) Act, 1968, which have become necessary as a consequence of a judgment delivered by the Supreme Court on 30th March, 1971.

As I mentioned in my statement which was laid on the Table of the House under Rule 71(1), certain provisions of the Gold (Control) Act, 1968 relating to filing of returns by pawn brokers, ban on possession of primary gold by private persons, filing of declarations and the powers of search, penalties, confiscation and prosecution for non-declaration were challenged before the Supreme Court. Challenge was also made to the validity of the Act. The Supreme Court upheld the validity of the Act as also of the provisions relating to submission of returns by pawn brokers, ban on possession of primary gold by private persons, filing of declarations, search, levy of penalty, and prosecution for non-declaration. The Court, however, held that Section 71 relating to confiscation of gold or other thing was unconstitutional as it appeared to place an unreasonable restriction on the right of a person to acquire, hold and dispose of gold articles or gold ornaments, and could be applied indiscriminately.

Section 71 is an omnibus provision which provides for confiscation of gold not only for non-declaration but also for contravention of other provisions of the Act. While this section only creates a liability for confiscation of gold, the enforcement of this liability is provided for by Section 73 which provides for levy of a fine in lieu of confiscation equal to twice the value of the gold or other thing confiscated.

The Supreme Court was dealing with the question of gold in the hands of a pawn broker in excess of the exemption limits which be-

came liable to confiscation because of the default of non-declaration by the pawnee, even though the persons to whom these belonged had not committed any offence under the Act in relation to their gold. In this context, the Court has observed that although the law provides that the owner has, under Section 79, to be given a hearing, and he has a right of appeal under Section 80, the provision of Section 73 which allows for the levy of a fine in lieu of confiscation not exceeding twice the value of the gold or other thing in respect of which confiscation is authorised, appeared to be unduly harsh. The Court also observed that there did not seem to be any justification for an order of confiscation under Section 71 merely because of a failure to comply with Section 16 relating to declarations.

The Supreme Court, as I mentioned earlier, upheld the validity of Section 86 which authorises prosecution for non-declaration. The observation of the Court that the provision for confiscation of gold for non-declaration amounted to an unreasonable restriction on the fundamental right of a person to acquire, hold and dispose of property appears to be based on the fact that for a mere act of non-declaration the owner becomes liable to an unconscionably high fine which may be equal to twice the value of the gold.

This Bill, therefore, seeks to substitute the invalidated Section 71 with a new provision with built in safeguards for an innocent owner so that where any gold which has become liable to confiscation belongs to a person other than the person who has for his failure to declare the gold or for contravention of any other provisions of the Act rendered such gold liable to confiscation, and where such contravention has been made without the knowledge or connivance of the person to whom such gold belongs, such gold shall not be confiscated but the person who has contravened the law will be liable to such other punishment as is provided by the Act. Similarly, since the maximum fine in lieu of confiscation provided for in Section 73 acted unduly harshly, this Bill further seeks to amend Section 73 to bring down the maximum fine from twice the value of the gold to an amount not exceeding the value of the gold.

The Bill also makes provision for reopening

\* Moved with the recommendation of the President.

[K. R. Ganesh]

of past cases where any order of confiscation or option given to pay fine in lieu thereof was not in conformity with the provisions of Section 71 and 73, as sought to be amended.

Hon'ble Members will observe that the amendments which this Bill seeks to make are intended to safeguard the interests of innocent owners whose gold becomes liable to confiscation for an act or omission of another person and also to provide that in the event of confiscation where fine in lieu of confiscation is prescribed, such fine shall not be unduly harsh. In the circumstances, there need be no controversy about the provisions of this Amending Bill. With these words, Sir, I move—

MR. DEPUTY-SPEAKER: Motion moved:

“That the Bill further to amend the Gold (Control) Act, 1968, be taken into consideration.”

Mr. Daga, are you moving your amendment?

Shri M. C. DAGA (Pali): Yes, Sir. I move:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th September, 1971.”

MR. DEPUTY-SPEAKER: All right. Shri Madhuryya Halder.

SHRI MADHURYA HALDAR (Mathurapur): Mr. Deputy-Speaker, Sir, the main object of the Gold (Control) Amendment Bill, as he has said, is to bring out the hidden gold and to stop smuggling of gold. Gold is always being smuggled into India, and hidden gold worth Rs. 7,000 crores is in India. Mr. Mohan Dharia, the Minister of State, said the other day in Bombay that there is hidden gold in India worth Rs. 7,000 crores. He also stated that if this hidden gold were brought to the surface, then we need not have so much worry over our Plan execution. This Government cannot lay its hands on the rich. That is why they cannot bring out the hidden gold, as this Government cannot collect arrears of income-tax to the tune of Rs. 700 crores. The entire Bill has become a farce, and the amendment which has come following the Supreme Court judgment, has become more a farcial, because

there was a provision in the Original Bill that gold would be confiscated if smuggled into India. Instead of that confiscation, now you are going to fine the person, and the amount of the fine would be worth the value of the gold. That is, you are practically inviting international gold smugglers to smuggle gold into India. Mr. Walcott and his associates may be encouraged by this Bill. There is also a provision that if the gold belongs to an innocent person and not to the offender, such gold shall not be ordered to be confiscated. The smuggler or his associate may pose as innocent. The matter may be taken to the court and after long proceedings, he may be set free.

This Bill is actually going to reward the smuggler. Therefore, I oppose this amending Bill as well as the parent Act, whose withdrawal has been demanded several times in this House. This amending Bill also has to be withdrawn. If the smugglers are to be punished and hidden gold is to be brought to the surface, severe punishments have to be laid down and the Constitution has to be changed in this respect.

श्री मूलचम्ब डगा (पाली) : स्वर्ण निष्करण कानून, गोल्ड कंट्रोल एक्ट बनाने का आपका जो परपक्ष था क्या वह पूरा हुआ या नहीं हुआ ? कानून आप किसलिए बनाते हैं ? कानून बनाने की कोई इच्छा तो होनी चाहिए जिसकी पूर्ति आप करना चाहते हैं। आपने इस कानून को बनाकर 22 लाख सुनारों को बेकार कर दिया। अब 250 के करीब सुनारों ने कुतुब मीनार से कूदकर तथा न जाने किस किस प्रकार से आत्महत्यायें कर लीं। आप कहते हैं कि 4100 करोड़ का सोना हिन्दुस्तान में है। आपने कानून बनाया तस्कर व्यापार को बन्द करने के लिए, क्या वह बन्द हो गया है ?

आपने सुप्रीम कोर्ट का जजमेंट पढ़ा है जो कि 30 मार्च को निकला था बंदी प्रसाद के केस में। बंदी प्रसाद ने कहा कि मैं प्लेजिंग का काम करता हूँ, गिरबी रखता हूँ और मेरे पास चौदह लाख का सोना रखा हुआ है। आपके अफसर रेड करने गए। उनको अधिकार था या नहीं था सच करने का, इसका कोई प्राविधान आपने गोल्ड

कन्ट्रोल एक्ट में नहीं रखा था। 29 मार्च से सर्च शुरू हुई और 6 अप्रैल को खत्म हुई। डाकुमेंट्स आप ले आए। आपके अफसर सैटिसफाई होते हैं कि यह जो काम कर रहा है गलत है, इसका प्राविजन आपने किया। आपने तब एमेंडमेंट किया और कहा कि आफिसर्स शुब् बी सैटिसफाईड। आप सारा काम उन आदमियों को देना चाहते हैं जो शासन में कहना चाहिये कि ईमानदार नहीं है। इस एक्ट को बनाने का आपकी मंशा क्या थी? आज भी हिन्दुस्तान में तस्कर व्यापार होता है। आज भी हिन्दुस्तान में गढ़ा हुआ सोना बहकर नहीं आया है। उसका भाव बढ़ा है। कानून बनाने की आपकी जो इच्छा थी उसकी पूर्ति नहीं हुई है। आज भी हिन्दुस्तान में 50-60 जो स्मगलर हैं ब्रह्मी सोने से कमाते हैं और मेरे खयाल में हम लोगों के जो अधिकारी हैं वे उत्तसे मिले हुए हैं, यह मैं कहने के लिए तैयार हूँ। आप इस तरह का कानून क्यों बनाते हैं जिसकी मालना आप नहीं करवा सकते हैं? यह तो सरकार की कमजोरी है। आपने कानून बना दिया और कह दिया कि चौदह कैरट के जेवर बमंगे। हुआ क्या? सुनारों को परेशान करने के लिए आपके एक्साइज डिपार्टमेंट के अफसरों ने जाना शुरू कर दिया। जिस तरह से फूड एडल्ट्रेशन एक्ट के अन्तर्गत इस्पेक्टरों की आमदनी का जरिबा शुरू हो गया उसी तरह से आपके एक्साइज डिपार्टमेंट के कुछ अफसरों की आमदनी का भी एक जरिया शुरू हो गया। मिनिस्टर साहब ने सुप्रीम कोर्ट का जजमेंट देखा और यह दो लाइन का एमेंडमेंट ले आये। हम रांग डूअर के खिलाफ कैसे एक्शन लेंगे? हम सोना कैसे पकड़ेंगे? इस बिल में कहा गया है: "प्रोवाइडिड दैट व्हेयर इट इज एस्टाब्लिशड टु दि सैटिसफैक्शन आफ. . .।" किस की सैटिसफैक्शन? अफसर की सैटिसफैक्शन। अगर अफसर सैटिसफाईड है, तो गोल्ड को पकड़ा जा सकता है। अगर अफसर चाहे, तो वह किसी सुनार की दुकान पर जाकर कह सकता है कि उसके पास जो सोना है, उससे इस कानून का खलबंदन होता है और वह उसको अपने कब्जे में ले सकता है। सुनार को पुराना सोना लेकर गहने बनाने का अधिकार नहीं है।

अगर वह ऐसा करेगा, तो वह पकड़ा जा सकता है। जो घंथा बाईस लाख स्वर्णकारों के पास था, वह सरकार ने व्यापारियों को दे दिया है। सरकार कहती है कि सुनार अपटू-डेट एकाउन्ट्स रखें। क्या यह पासिबल है?

इस बिल में प्रोवाइड किया गया है कि जिस व्यक्ति को उसका पकड़ा हुआ सोना वापिस नहीं किया जाता है, उसको उस सोने की कीमत के बराबर पेमेंट कर दी जायेगी। इसमें इस बात की कोई डिस्टिक्शन नहीं की गई है कि गोल्ड किन सर्कमस्टेंसिज में पकड़ा गया, उसकी नेचर क्या है और उस व्यक्ति की इन्टेन्शन क्या है। किसी कानून में कोई सजा रखने के लिए यह देखना चाहिए कि आफेंडर की इन्टेन्शन क्या है। लेकिन इस बिल में वह नहीं देखा गया है। अगर कोई गहने बनाने के लिए सोना ले जा रहा है और सरकारी अधिकारी सैटिसफाईड है कि उससे इस कानून का उल्लंघन होता है, तो वह उसको पकड़ सकता है। सरकार ने तो यह समझ लिया है कि उसके डिपार्टमेंट वाले खुदा हैं और जनता चोर है। सरकारी अधिकारियों को सब अधिकार दे दिये गये हैं। न तो मिनिस्टर ने इस पर ध्यान दिया है और न ही डिपार्टमेंट ने कि इन एमेंडमेंट्स का क्या असर होगा। उन्होंने सुप्रीम कोर्ट का जजमेंट देखा और वे ये एमेंडमेंट्स ले आये। बदरी प्रसाद ही सुप्रीम कोर्ट तक जा सकता था। वह बेचारा सोने का चौदह लाख रुपये का घंथा करता था।

श्री शशि भूषण : बेचारा !

श्री मूलकाव डगगा : यह उसका रोज का घंथा था। लोग उसके पास गिरवी रखते थे। 29 मार्च को सर्च शुरू हुआ और 6 अप्रैल को खत्म हुआ।

कोई भी कानून बनाने से पहले वह सोचना चाहिए कि उसका इम्प्लीमेंटेशन होना या नहीं। अगर इम्प्लीमेंटेशन नहीं हो सकता है, तो वह कानून नहीं बनाया जाना चाहिए। पाराबन्दी का कानून बनाया गया है, लेकिन पाराब बन

### [श्री मूलचन्द डागा]

रही है। इसी तरह गोल्ड कंट्रोल एक्ट से भी कोई परपज सर्व नहीं हुआ है।

अगर सरकार सोने को कानफ्रिस्केट करना चाहती है, तो उसको मेनशन करना चाहिए कि किन सर्कमस्टेंसिज में, किन ग्राउंड्ज पर उसको कानफ्रिस्केट किया जा सकता है। इस बिल में ऐसा नहीं किया गया है। इसमें सरकारी अफसर नहीं बल्कि जुडिशल अफसर की सैटिसफ़ेशन का प्राविजन होना चाहिए था। मौजूदा हालत में तो सरकारी अफसर जो चाहे करे, उसे कोई नहीं पूछ सकता है।

श्री शशि भूषण (दक्षिण दिल्ली) : उपाध्यक्ष महोदय, यह बड़ी खुशी की बात है कि सरकार ने सोने के नियंत्रण के सिलसिले में कानून बनाया जिस में यह एमेडमेंट लाई गई है। इसका मतलब यह है कि सरकार बहुत गम्भीरता से सोने के बारे में अपनी पालिसी बनाना चाहती है। मुझे उम्मीद है कि इस तरह के और भी बिल लाये जायेंगे।

चाहे सोने के नियंत्रण का सवाल हो, चाहे राजे-रजवाड़ों के प्रिवी पर्सिज का सवाल हो और चाहे बड़ी शहरी मिलिक्यत का सवाल हो, इस देश में कोई भी सामाजिक कानून नहीं चल पायेगा, जब तक कि हम सम्पत्ति के फंडामेंटल राइट को समाप्त नहीं कर देते। सब से पहले वही करना चाहिए, वरना कोई बेचारा (जैसा कि मेरे माननीय मित्र ने कहा है) गरीब स्मगलर, चौदह लाख या पचास लाख रुपये का काम करने वाला, किसी दूसरे कानून का रास्ता अख्यार करके छूट जायेगा। बुनियादी बात यह है कि जब तक सरकार के हाथ में, प्रजातांत्रिक ताकत के हाथ में, सामाजिक परिवर्तन करने का पूरा अधिकार नहीं होता, तब तक इन दिक्कतों का सामना करना पड़ेगा और सुप्रीम कोर्ट के फैसलों की वजह से इस तरह की एमेडमेंट्स लानी पड़ेगी।

राजा-महाराजाओं के पास अरबों रूपयों का सोना पड़ा हुआ है। उनके पास सोने की छतरियां

और न जाने क्या क्या चीजें पड़ी हुई हैं। हमारे देश में सात हजार करोड़ रुपये का ब्लेक का सोना बाहर से आता है और पंद्रह हजार करोड़ रुपये का सोना हमारे देश में गड़ा हुआ है। आज हमारे राष्ट्र को सोने की जरूरत है। हमको देश के विकास के लिए करोड़ों अरबों रुपये चाहिए, लेकिन वे हमें नहीं मिलते हैं। विदेशी बैंकों द्वारा अंडर-इनवायसिंग और ओवर-इनवायसिंग किया जाता है और अरबों रूपयों का सोना हमारे देश में लाया जाता है। हमारे रिजर्व बैंक के बड़े अफसर विदेशी बैंकों के एडवाइजर बनते हैं और पांच छः हजार रुपये तन्स्वाह पा कर उनको एडवाइस देते हैं। इसलिए विदेशी बैंकों पर नियंत्रण करना चाहिए। हम किसी को अपने देश के भाग्य के साथ खिलवाड़ करने की इजाजत नहीं दे सकते हैं। राजाओं के पास जो सोना है, उसको भी निकालना चाहिए।

जब हम अपने देश के गरीब आदमियों को जमीन देना चाहते हैं, तो बड़े जमींदारों की लाबी के लोग शोर करते हैं कि सरकार गरीब आदमियों की जमीन और झोपड़ी लेना चाहती है। अमीर आदमियों की रक्षा के लिए, जिन्हें अभी एक माननीय सदस्य ने "बेचारे" कहा है, गरीबों का नाम लिया जाता है। इसी तरह खखीराबाजों की रक्षा के लिए सुनारों का नाम लिया जाता है और कहा जाता है कि सुनार बेकार हो गए, सुनार मूखों मर रहे हैं।

इसमें कोई शक नहीं है कि हमारे देश का सुनार एक बहुत अच्छा आर्टिस्ट है, अपने काम में दक्ष है और बड़े अच्छे जेवर बनाता है। लेकिन हम उनको दूसरे कामों में रोजगार दे सकते हैं, उनको घड़ियों और दूसरी इंडस्ट्रीज में लगा सकते हैं।

राजा-महाराजाओं के पास अरबों रूपयों की दौलत पड़ी हुई है। राजाओं ने पिछले इन्फ्लेशन में बम्बई में दस करोड़ रुपये की जुलरी बेची। बम्बई के लोग ज्यादा जानते हैं कि वह किसने खरीदी। इसका इलाज यह है कि हम जल्दी से

जल्दी कानून लाकर व्यक्तिगत सम्पत्ति के फंडा-मेंटल राइट को समाप्त कर दें, ताकि देश की रक्षा की जा सके। विदेशी बैंकों पर फौरन नियंत्रण किया जाना चाहिए। सरकार ने पिछले दिनों जेनेरल इनशोरेंस और विदेशी इनशोरेंस कम्पनियों का नेशनलाइज कर के एक बहुत मुबारक काम किया। हमारे देश के बड़े बड़े अधिकारियों को विदेशी बैंकों और कम्पनियों के एडवाइजर बनने की इजाजत न दी जाये। इस तरह के कानून बनाये जायें, जिनसे गरीब आदमियों को राहत मिले और अमीरों पर हाथ डाला जा सके। जिस तरह वार टाइम में ट्रेटर्ज के साथ सुलूक किया जाता है, उसी तरह का सुलूक स्मगलर्ज के साथ किया जाना चाहिए। चाहे वे कोई भी हों, चाहे वे किसी के रिश्तेदार या भाई हों, उनके खिलाफ बड़ी सख्ती से कदम उठाना चाहिए। जब तक करोड़ों रुपये का सोना हमारे देश में स्मगल होता रहेगा, तब तक हमारा राष्ट्र अपने पैरों पर खड़ा नहीं हो सकता है। इसलिए इस बारे में सख्त से सख्त कानून बनाया जाना चाहिए। मैं इस बिल का समर्थन करता हूँ और उम्मीद करता हूँ कि मंत्री महोदय आगे और भी अच्छे कानून सदन के सामने लायेंगे।

SHRI D. K. PANDA (Bhanjanagar): Mr. Deputy-Speaker, Sir, in spite of mounting pressure from the public all over India, it is a pity that the Government has not been bold enough to come forward to scrap this Act. This time also, there is no guarantee that no more amendments are going to be moved by the Government.

After Supreme Court decision on 30-4-69, this Act was amended and it related to eight Sections, that is, 5(2), 8, 27(2), 27(6), 32, 46, 88 and 100. Again, those were struck down. Whenever there was any attempt or any action being taken under a particular Section, and if the aggrieved person took the matter to the Supreme Court, we have seen that it is struck down again.

There was again a Gold Control Amendment Ordinance which sought to amend Section 8(2). Again, under the judgment dated 30-3-71, a particular section which was validated, revised, modified, was struck down, that is, Section 8.

That is the fate of this Act. There is a saying in Sanskrit which, I think, will not be out of place here.

काकस्य चंचु यदि स्वर्ण युक्ता,  
माणिक्य युक्तौ चरणौ तस्य ।

एक एक पक्षे गजराज मुक्ता,  
तथापि काकः न अपि राजहंसः ॥

If a cock is coated with gold and fitted with diamonds and other ornaments, it can never be a *Rajhans*. A cock can never be converted into a *Rajhans*.

This is an Act which fundamentally strikes at the very craft itself which is an ancient, traditional one and a craft which is based upon artistic skill. From our experience we have found till now, that the President of the All-India Goldsmiths Association has been moving through out the country. These very docile people, the goldsmiths, the very ordinary people, and who were meek, being roused into an agitation. About 200 of them have died by committing suicides. There have been 200 deaths. Now, about 45,000 people are faced with the most difficult problem. About 7500, as has been reported by their President, were given a loan of Rs. 500 each. Now, they are going to be deprived of their avocation and occupation.

Not only that. When the Act was put into force, we found that more than 25,000 were arrested. I want to ask the hon. Minister: Has it achieved its purpose? The Government is not in a position till now to make it known to all the Members of Parliament and outside that it has really achieved its purpose. It wanted to stop smuggling. But the smuggling has gone deeper. It wanted to stop price rise. Now price is ruling high. In 1963, it was 94 points; today we find it is more than 230. That is the real position.

Under this Act, hoarded gold could not be unearthed. Of course, Mr. Desai is out. But, under these circumstances, there is no guarantee absolutely and I hope the hon. Minister also cannot stand a guarantee that these very sections which are now sought to be amended will stand the test of time, will stand the test of law courts, will be successful in its operation, in its application. Can anybody stand a guarantee that it will stand the test? No. Nobody can stand guarantee that it will stand the test of the Supreme Court.

[S'ri D. K. Panda]

What are the remarks of the Supreme Court? I wish to deal with this. Every section has been dealt with by them. I don't want to enumerate all. . .

MR. DEPUTY SPEAKER: You may kindly confine yourself to this particular section which is under consideration.

SHRI D. K. PANDA: Yes, I am confining myself to this section only. Under Section 27(2)(d) it was found that powers were given under that section which are 'vague' 'arbitrary' and which 'violated the very right guaranteed under the Constitution.' So, it is stated by them that the power is wide and vague and it had also been stated by the Supreme Court that some of the sections were rendered 'meaningless'. So, in some places, it is wide, in some places it is meaningless.

Therefore, the more the amendments you bring, the more troubles you will have. It becomes the subject-matter of further amendments only to be struck down by the Supreme Court once again. That has been our experience.

As far as the history of legal jurisprudence is concerned, we, in our country, have never come across such a draconian Act which has passed through such numerous amendments as this. We are all aware that so many Acts have been enacted and we are also aware that those Acts have never been subjected to so many amendments. There was absolutely no necessity, no need, to make such amendments. But the whole trouble with this Act is this. From the very beginning, from top to bottom, this Act is anti-national. It has brought untold misery upon millions and millions of the families of goldsmiths. That is why I not oppose this amendment—because it cannot improve the matter,—but also I would say this, that a thing which cannot be mended should be ended. That principle is very well known, which applies to the present position and the question of pure jurisprudence is also involved in this matter.

I therefore think that my friends in the ruling party also, basing on their own experience, will oppose these very amendments. At the same time, I strongly demand for the scrapping of the entire Act. Thank you.

श्री एम० राम गोपाल रेड्डी (निजामाबाद):  
माननीय उपाध्यक्ष महोदय, माननीय सदस्य

जिन्होंने अभी अपनी तकरीर खत्म की है, उनको समझना चाहिए कि ला फालोज़ दि क्राइम। क्राइम जितना जितना बढ़ता जाता है ला भी उतना ही बढ़ता जाता है। यह पहली चीज़ है। अब जो अमेंडमेंट लाया जा रहा है इसके बाद भी अगर कुछ लूपहोल्स रह जायें तो फिर अमेंडमेंट लाने की जरूरत पड़ेगी। लेकिन यह तो ला को ही खत्म करने की बात बोल रहे हैं। अब थैफ्ट या चोरी रोकने के लिए कानून है, इसके बावजूद भी चोरियां चोरियां होती जा रही हैं तो क्या माननीय सदस्य यह कहेंगे कि चोरी रोकने के कानून को ही एकदम से खत्म कर दिया जाय? यह बिल्कुल गलत है। जो भी अमेंडमेंट लाया गया है वह बहुत सही अमेंडमेंट है। आज हिन्दुस्तान में करोड़ों रुपये का सोना बाहर से स्मगल किया जा रहा है, इंटरनेशनल प्राइस 50-60 रुपये फी तोले से ज्यादा नहीं है और हिन्दुस्तान में 230 रुपया तोला बिकता है। अगर कोई स्मगलर तीन दफा लाये और दो वक्त पकड़ा जाय, तो भी फायदे में रहता है। इस वास्ते गवर्नमेंट को बहुत विजिलेंस के साथ अपने सी-शोर पर निगरानी करनी चाहिये ताकि वह सोना ज़ब्त किया जा सके, क्योंकि जो पनिशमेंट इसमें प्रेसक्राइब किया गया है, वह काफी नहीं है। चूँकि सुप्रीम कोर्ट ने उस से ज्यादा सख्त कानून न बनाने के लिये जजमेंट दिया है और उस जजमेंट का अहताराम करना जरूरी है, इसलिये इसको लाना पड़ा है।

हमारे गोल्ड-स्मिथ्स के पास कितना सोना रहता है। उन के पास बहुत कम सोना रहता है। हमारे पीलू मोदी साहब ने अभी राजा-महाराजाओं का नाम लिया, लेकिन मैं उनको कहना चाहता हूँ कि हमारे गोल्ड कन्ट्रोल आर्डर का जो अमेंडमेंट लाया जा रहा है, वह किसी एक व्यक्ति के वास्ते नहीं है, बल्कि पूरा हिन्दुस्तान के वास्ते है। वह राजा-महाराजाओं के लिये ही नहीं है, उनके पास तो अब सोना बहुत कम हो गया है, दौलत भी कम हो गई है, जो थोड़ी-बहुत है, वह इलैक्शन लड़ने में खत्म हो रही है, एक-दो इलैक्शन के बाद तो वे बिल्कुल आडिनरी

लोग हो जायेंगे, इसलिये हमें उनकी फिर नहीं करनी चाहिये, बल्कि जो आज कल के नये राजा-महाराजा बन रहे हैं, जिनके पास दौलत इकट्ठी हो रही है, उनको रोका जाय। मैं चाहता हूँ कि किस किस के पास कितना सोना है, उसकी डिटेल हासिल की जाय और अगर किसी के पास लिमिट से ज्यादा है तो उसको जब्त कर लेना चाहिये।

उपाध्यक्ष महोदय, अभी परसों तक जब हमारे यहां गल्ले की किल्लत थी, हर रियाया के पास कितना अनाज होना चाहिये, उसके बारे में सरकार ने कानून पास किया था और बहुत सी जगह उसके तेहत प्रोक्वोरमेन्ट हो रहा है, तो जब गवर्नमेंट गल्ले का प्रोक्वोरमेन्ट कर सकती है तो सोने का प्रोक्वोरमेन्ट क्यों नहीं कर सकती, सोना जाती चीज नहीं है, नेशनल प्रीपर्टी है, इस लिहाज से सोने को लेना चाहिये। जब तक हम इसको नेशनल प्रीपर्टी डिक्लेअर नहीं करेंगे, जब तक इसको व्यक्तिगत प्रीपर्टी समझते रहेंगे, यह चीज हमेशा चलती रहेगी। आज इसकी वजह से बहुत से डाके पड़ते हैं, घरों में सेफटी नहीं है, इसके लिये पब्लिक को एजूकेट करने की जरूरत है। जिस तरह से ज़मीन का सीलिंग मुकर्रर किया गया है, कि 30 एकड़ से ज्यादा ज़मीन किसी के पास नहीं होनी चाहिये, मैं सरकार से पुरजोर सिफारिश करता हूँ कि सोने के ऊपर भी इसी किस्म की पाबन्दी क्यों न लगाई जाय। आज हम 10 या 15 लाख की प्रापर्टी पर पाबन्दी लगाने जा रहे हैं, उसी तरह से सोने के इस्तेमाल पर, होल्डिंग पर पाबन्दी लगाई जाय और उस पर सख्ती से अमल किया जाय।

अगर किसी चीज पर हम अमल नहीं कर सकते हैं तो एक आदर्श हो सकता है, जिस पर हम चलते रहते हैं। लेकिन उस आदर्श पर एक दिन में नहीं पहुंच सकते हैं। इस के लिये कानून न बनाया जाय, मैं इस बात से एग्री नहीं करता, यह गलत बात है। किसी आइडियल पर पहुँचने के वास्ते बहुत सी मन्जिलें होती हैं। एक एक मन्जिल पर चलने में दिक्कतें होती हैं, रास्ते में कई रोड़े आते हैं और बहुत सी पार्टियां ऐसी हैं

जो हमेशा अच्छे काम में रोड़े अटकाने की कोशिश करती हैं। अगर कांग्रेस की तरफ से कोई अच्छा काम हो रहा है तो उन बेचारों को बहुत तकलीफ़ होती है। चूंकि ये लोग अच्छा काम कर रहे हैं, इस लिये इन के पाँव में रोड़े अटका कर इनको गिराना चाहिये, इस किस्म की चीज वे लोग करते जाते हैं। मैं मिनिस्टर साहब से दरखास्त करना चाहता हूँ कि वे इस तरफ खास ध्यान दें, क्योंकि हिन्दुस्तान का बहुत ज्यादा पैसा बाहर चला जा रहा है। चन्द दिनों पहले हमारे रुपये की जो वैल्यू अरब कन्टीज़ और दूसरी जगहों पर थी, वह आज गिर गई है, इस वास्ते कि हमारा बहुत सारा पैसा सोने के स्मग्लिंग से वहाँ पहुंच चुका है और वे लोग वही पैसा लेकर हमारे पास आकर वही सोना माँग रहे हैं और हम से 60 रुपये में माँगते हैं। हमें रुपये के बदले सोना देना पड़ता है। इस लिये यह एक नेशनल ईशू है, हमें स्वतंत्र पार्टी या जनसंघ पार्टी के नुकतेनज़र से इसको नहीं देखना चाहिये। हमारे मुल्क की दौलत बाहर जा रही है, उस को बाहर जाने से रोकना पड़ेगा और बाहर से जो सोना आ रहा है वह इन्डिविजुअल लिहाज से नहीं आना चाहिये और अगर आना है तो गवर्नमेन्ट के थू आना चाहिये, 60 रु० तोले में आना चाहिये।

इस लिये मैं गवर्नमेन्ट की इस अमेण्डमेन्ट की तार्ईद करता हूँ।

SHRI G. VISWANATHAN (Wandiwash): Most of the members who participated in this discussion are no doubt agreed that the very purpose of the parent Act has been defeated. This wonderful Gold Control Act owes its origin to the then Finance Minister, Shri Morarji Desai. The ruling Congress has done away with Shri Morarji Desai's association, but not with the Gold Control Act.

What is the result of the implementation of the Bill in the last three or four years? We were told that smuggling would cease, hidden gold would come out and the price of gold would be controlled. What has happened to these three objectives? Have they been fulfilled? Clearly Government cannot tell us that smuggling has ceased; it is, on the other hand,

[Shri G. Viswanathan]

going on as usual. As Shri Ram Gopal Reddy pointed out, it is going on and Government are not able to stop it. If Government say that by amending the Act, smuggling will be stopped and can give an assurance that by these improvements it will be stopped, I am prepared to support the Bill. But Government have not been able to do it in the last three or four years. How is this amendment going to achieve that purpose?

From its very inception, this legislation has caused havoc in the country. In its destructive effects, it is worse than an epidemic or earthquake. It has driven many goldsmiths out of the profession and many of them committed suicide. As previous speakers have pointed out, there is no purpose in amending the Act once in a year or in six months. It has to be done away with *in toto*. The desire for the yellow metal has not diminished with the passage of the original Act and I do not know whether we can make this desire vanish in this country. Since the very purpose of the Bill has not been achieved even with three or four years of its working, there is no purpose in amending the Act once in six months and Government had better withdraw the Bill.

**डा० लक्ष्मी नारायण पांडे (मंदसौर) :**  
उपाध्यक्ष महोदय, प्रजातान्त्रिक परम्पराओं में प्रशासन को सही रूप से चलाने की दिशा में कई कानून बनाने पड़ते हैं और कई को रद्द किया जाता है, कई कानूनों में बार-बार संशोधन भी लाये जाते हैं, लेकिन इस समय जो संशोधन लाया गया है, उसे मंत्री महोदय अपनी स्वेच्छा से लाये हैं, ऐसी बात नहीं है, या जनता को कुछ सहूलियत देने की दृष्टि से लाये हैं, ऐसी बात भी नहीं है। इस समय जो संशोधन प्रस्तुत किया गया है, उसे सर्वोच्च न्यायालय के एक निर्णय के कारण विवश होकर लाना पड़ा है।

मैं इस सम्बन्ध में निवेदन करना चाहूंगा कि प्रारम्भ से ही यह सारे का सारा कानून एक बड़ा विवाद का विषय रहा है। इस के साथ श्री मोरारजी देसाई का नाम यहाँ पर लिया गया, इस सारे काण्ड के अन्दर जिन लोगों ने आत्म-हत्यायें कीं, उन लोगों के प्रति उनको दोषी कहा गया, तो वह अत्युक्ति नहीं होगी। जिन परिवारों को

इसके कारण आर्थिक हानि उठानी पड़ी, जिनको एक स्थान से हटा कर दूसरे स्थान पर ले जाना पड़ा, वह हमारे देश के अन्दर असन्तोष का बहुत बड़ा कारण बना और उसके कारण हमारे देश के अन्दर वह जो एक अच्छी जाति थी कला की दृष्टि से, वह विशृंखलित हुई, उसके अन्दर बेचैनी पैदा हुई, घबराहट पैदा हुई और उनको विस्थापित मान कर सरकार ने सहायता देना स्वीकार किया। लेकिन फिर भी उससे समस्या हल नहीं हुई। सरकार सोने का मोह छुड़ाना चाहती थी, लेकिन वह छुड़ा न सकी, चोरी छिपे जो सोना आता था वह रोका जाय लेकिन चोरी छिपे सोने का आना रुका नहीं। जो लोग सोने का मोह छोड़ देने की बात कहते हैं शायद वही सोने का उपयोग भी सबसे ज्यादा करते हैं। यदि आप उनके घरों में जाकर देखें तो उनकी पत्नियों के हाथों में सोने की चूड़ियाँ मिलेंगी। तो आप सोने का मोह तो छुड़ा नहीं सके। आप इस प्रकार के संस्कार नहीं डाल सकते, आप इस देश में चरित्र निर्माण नहीं कर सकते। राष्ट्र का चरित्र निर्माण करने के लिए जिन सामाजिक व्यवस्थाओं को लाने की आवश्यकता है उसको करने की क्षमता सामने की शासकीय कुर्सियों पर बैठने वालों में नहीं है।

15 hrs.

विधेयक में धारा 71 और 73 में संशोधन करने की बात कही गई है। जैसा मैंने प्रारम्भ में निवेदन किया, मैं इन संशोधनों का विरोध करने के लिए खड़ा नहीं हुआ हूँ। विरोध इसलिए आवश्यक नहीं है कि क्योंकि यह एक अनिवार्य आवश्यकता है। सुप्रीम कोर्ट के निर्णय के बाद यह करना ही पड़ेगा। इसलिए इसमें विरोध या समर्थन का प्रश्न ही नहीं उठता। आवश्यकता इस बात की है कि इस सारे के सारे कानून का पुनरावलोकन किया जाये। जैसा कि माननीय सदस्य ने कहा कि एक्साइज आफिसर्स जिस प्रकार का व्यवहार करते हैं, वे जिस ढंग से घरों में घुस करके छोटे लोगों को पकड़ कर, चाहे उनका स्वयं का सोना हो या न हो, परेशान करने

की बात करते हैं—धारा 66 में इस प्रकार का अधिकार दिया गया है—मैं समझता हूँ इसमें भी संशोधन लाने की आवश्यकता है। तो देखने की बात यह है कि यह सीज करने की जो पावर दी गई है उसमें भी संशोधन लाने की आवश्यकता है या नहीं अन्यथा सीज करने की पावर वैसे ही बनी रही और अधिकारी उसका दुरुपयोग करते रहे तो आपका जो यह कानून है वह शायद प्रभावशाली नहीं रहेगा। अतः मैं आपसे निवेदन करना चाहता हूँ कि इस सारे के सारे कानून पर फिर से विचार किया जाये। यदि इस कानून को ठीक ढंग से उपयोगी और देश की आवश्यकता के अनुरूप बनाया जाये तो इसका लाभ होगा अन्यथा जैसा कि माननीय सदस्य ने कहा इस कानून से बजाय लाभ होने के हानियाँ ही हुई हैं। इस कानून के कारण इस देश में सैकड़ों लोगों ने आत्महत्या की है, हजारों लोगों का अपना व्यवसाय छूट गया। आपने करोड़ों रुपये की सहायता भी दी है लेकिन फिर भी आप उन सुनारों, कलाकारों को आजीविका का साधन नहीं दे सके। इस दृष्टि से इस पर विचार करने की आवश्यकता है, ऐसी मेरी मान्यता है। हमारे देश को स्वर्ण भूमि कहा जाता था। विदेशी आक्रांता जैसे मोहम्मद गौरी हमारे देश में इसलिए आये कि सोमनाथ मंदिर का फाटक सोने का था। हमारे देश में विपुल सम्पदा थी। सोने का मोह ही उनको यहां पर खींच लाया था। हमारे देश से पर्याप्त सोना चला भी गया और है भी। यह देश तो स्वर्णभूमि है किन्तु आप कानून के द्वारा जिस ढंग से सोने को बाहर लाना चाहते हैं और उसका उपयोग इस देश के अर्थतंत्र में करना चाहते हैं उससे न तो देश के अर्थतंत्र में उसका कोई उपयोग हो रहा है और न इस देश से बाहर जाने वाला सोना ही रुक रहा है और न ही सोने की कीमतें ही स्थिर हो पा रही है। इसलिए आपका कानून इस देश के लिए किसी प्रकार से भी उपादेय नहीं बन रहा है। मैं आपसे पुनः निवेदन करना चाहता हूँ कि ठीक कानून बनाकर ठीक ढंग से उसका व्यवहार हो, इस दृष्टि से आप पूरे कानून पर विचार करें। सर्वोच्च न्यायालय के निर्णय को ध्यान में रखकर केवल एक दो धाराओं में संशो-

धन करने के बजाय यदि आप पूरे कानून पर विचार करके बृहद संशोधन लाने की चेष्टा करेंगे तो वह इस देश के राष्ट्रीय जीवन तथा अर्थतंत्र में सहायक सिद्ध होगा।

SHRI ANANTRAO PATIL (Khed): This Bill seeks to replace the Gold Control (Amendment) Ordinance of 1971. The Minister has said in his speech that this enactment would not require any addition to the present staff and hence there will not be any involvement of recurring expenditure.

The main purpose of the Ordinance was to prevent circulation of smuggled gold, and as the provisions of the old Act were invalidated by the Supreme Court, the Government thought it fit to promulgate the Ordinance to see that smuggling is checked.

The Minister says that the present staff is sufficient to prevent smuggling of gold.

If the staff is so competent enough, it is well and good. But the state of affairs does not seem to be so good. Delhi is the capital of this country. People who know the state of affairs say that every day there is smuggling to the tune of hundreds and hundreds of kilos of gold in the form of the biscuits from the border across Pakistan. Smuggling in big cities like Madras, Bombay and Delhi has not stopped. Government is not able to curb or check smuggling. This smuggled gold is brought by those who have unaccounted money or black money. If for one day the Government takes the power to open the safe deposit vaults of the bank they will be able to discover maunds of gold not accounted for. The Government will have to examine whether they are sufficiently armed with the provisions of the Act. I think the Government will have to come forward with radical measures to see that smuggling is stopped and the circulation of smuggled gold is checked.

The other day I went to a Delhi shop to buy two bangles for my daughter who passed the SSC examination and joined a college. The dealer asked me whether I wanted to have bangles of gold or other biscuit gold. Since I could not follow him, he explained that the biscuit gold was pure gold smuggled from outside. The central intelligence forces which were working under the Finance Ministry have been

[Shri Anantrao Patil]

taken up by the Home Ministry and instead of having co-ordination between various boards the customs board, the excise boards, they quarrel among themselves and do not function properly. At present there is no Director General of the Central Intelligence Board. When some person is transferred his vacancy is not filled for months together. The posts of director or superintendent are vacant. How are we going to check smuggling. Let the Government come forward with measures to discover the yellow metal in the bank deposits and stop the smugglers also.

The provision is that if a person is in possession of unauthorised gold it can be confiscated. If an innocent person is involved, he has to be fined and the fine may be equal to the value of gold which has been taken into possession. Powers are given to the competent authority under section 78. The point is whether he will be able to use those powers scrupulously. He has to decide whether gold has to be confiscated or given back. If he is a good officer, honest and sincere, he will use the powers quite correctly. But there are some officers who are the cause of the malady.

With these words I request the Government that if they want to come with an amendment for the gold control bill, let them come with radical measures and give the competent authorities full powers so that they can stop the circulation of smuggled gold.

SHRI K. R. GANESH: Sir, this is a simple Bill and tries to meet the decision of the Supreme Court making section 71 of the Gold Control Act unconstitutional. But the debate encompassed gold smuggling naturally and various other factors connected with the administration of the Gold Control Act. I was surprised that our hon. friends on the other side were speaking in two voices. Mr. Halder referred to the taking over of the entire gold which is there in the country, and Mr. Panda referred to the failure of the Gold (Control) Act and also the consequential hardships that the goldsmiths had. My hon. friend Shri Shashi Bhushan pointed out the alleged gold that is there with the Maharajahas and other sections of our society. But I never knew that the lure for gold was there on that side also. The point is this. This Bill seeks to meet the points that have been made by the Supreme Court: it strengthens section 71. *(Interruption)*

The object of the Gold (Control) Act was to prevent primary gold in the possession of unauthorised persons entering into the economy of the country and distorting and vitiating the economy. That is the object of the Gold (Control) Act. By the judgment of the Supreme Court, this particular measure, the major objective of the Act, could not be implemented and therefore this Bill seeks to strengthen section 71 by introducing the amendment and meeting the weaknesses which were there in section 71, and also, preventing innocent persons from being harassed as a result of certain weaknesses in section 71. This is the objective as far as this amending Bill is concerned.

SHRI JYOTIRMOY BOSU: It cannot catch the real man.

SHRI K. R. GANESH: I will meet some of the points that have been made by the hon. Members. As hon. Member Shri Panda pointed out, section 8 has not been struck down. On the contrary, it has been upheld because the Supreme Court's decision upholds the validity of the Gold (Control) Act. It upholds the validity of various other sections. Only as far as section 71 is concerned, the Supreme Court held that the confiscation of gold places certain restrictions on the right of the persons to hold gold, or ornaments made of gold, and this Bill seeks to remove that weakness.

Sir, I can give also some figures, as far as the other points that have been made by hon. Members are concerned. If you want to stop smuggling of gold, then this Act, however it has been implemented, is absolutely vital, because it is the only statutory restriction that we are placing on the possession of primary gold. After the replacement of the Deferce of India Rules that were there, this Act is absolutely necessary even though hon. Members may not agree with its administration and may not agree that it has been fully implemented, because it is connected with smuggling and various other Acts, but this Act is absolutely necessary for stopping and restricting the possession of primary gold in the possession of private persons. Once this particular vital section is struck down, there is no law for the Government to see that primary gold does not get into the economy; smuggled gold which might go into the country has got to be taken

possession of. Otherwise, there is no sense in having the restrictive measures as the Government is having. So, this law is absolutely necessary for preventing the possession of primary gold in the hands of private persons. I am not going into the question of smuggling. Every day we are answering questions on smuggling, tax-arrears, etc. We have also placed before the House the steps Government have taken to strengthen the anti-smuggling machinery. Various administrative, legislative and economic measures have been initiated for this purpose, but that is a different aspect. That has nothing to do with this Bill. As I said, if there are any weaknesses in the implementation of the Act, Government will see that they are removed. India has a vast coastline and it is a big problem. Smuggling is not confined to India alone; it is there in other countries also. Government cannot immediately put a complete stop to the entire smuggling operations. All that is honestly possible is being done.

So far as goldsmiths are concerned, about 1.90 lakh goldsmiths have obtained certificates. 1.70 lakh goldsmiths have been given rehabilitation assistance. Various other steps have been taken during the last three or four years. I have a long list and I do not want to tire the House by reading it.

SHRI G. VISWANATHAN: How many applications are still pending for loans?

SHRI K. R. GANESH: I will find that out and give.

AN HON. MEMBER: Will it stand the test of the Supreme Court?

SHRI K. R. GANESH: We cannot forecast about that. This has been processed by the highest legal authorities in the Government. That is all I can say. (*Interruptions*).

With these words, I commend the Bill to the House.

MR. DEPUTY-SPEAKER: I will now put Mr. Daga's amendment to the House. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th September, 1971".

*The motion was negatived.*

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Gold (Control) Act, 1968, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: There are no amendments to the clauses. The question is:

"That clauses 2 to 6, clause 1, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 6, clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI K. R. GANESH: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

SHRI JYOTIRMOY BOSU: (Diamond Harbour): Sir, apart from the traditional urge to possess gold in this country, certain things have been happening here during the 23 years of the golden rule of the Congress which have increased this urge. If you really want to check smuggling, it is no use bringing petty Bills every day and taking up the valuable time of the House. People have lost confidence in the Indian rupee, the value of which is eroding every day. People are trying to switch over to something else which will not erode the way the rupee is doing. Today a man takes an insurance policy. He pays the premium with a dearer money and gets much cheaper money when the policy matures. He puts his hard-earned money into the provident fund, which is much dearer money and when he retires, he gets back much cheaper money. You put money in a fixed deposit in the bank. You put much dearer money and you get back much cheaper money. Now, where is the money going? Nothing is usually lost in the country. Due to the wrong policies and measures adopted by the Government, the money is finding its way to the monopolists and capitalists. It is cross-travelling. You contribute dearer money and take back cheaper money. Mr. Birla borrows, say, Rs. 1 crore from the financial institution, with the promise to repay it after 20 years. He borrows dearer money and re-

[Shri Joytirmoy Bosu]

pays cheaper money. There is a cross-flow and the money finds its way into the pockets of the capitalists and monopolists. These *garibi hataowallas* have been making this possible. So, there is an inherent urge for possession of gold.

India is supposed to be the most attractive country for gold smugglers. It has been said here:

“There has been no official estimate ever. Officials decline to even hazard an intelligent guess. Unofficially attempts have been made in this direction from time to time, but these have yielded as many estimates as the number of persons will have made them. Many estimates, however, approximate to the figure of 400 million dollars, equivalent to Rs. 300 crores at the international official price of 35 dollars an ounce.”

It works out to about Rs. 70 for 10 grams, but actually here the price is anywhere between Rs. 180 to Rs. 200 a tola.

Now, I will quote a former member of the Central Board of Revenue:

“Mr. T. C. Seth, a former Member of the Central Board of Customs and Excise and Director of Revenue Intelligence narrated an incident. . . . .

He was once travelling on a plane when a woman, “then an MP and later a full-fledged Cabinet Minister”, asked him why the customs wanted to catch gold smugglers. “Where they not bringing riches into the country?”

That is the type of ministers we have in this Government and yet they want us to believe that they are really wanting to stop smuggling of gold. This is a real stunt.

Then there was a case where a Finance Ministry official, a Hindi translating officer, was almost caught red-handed. He had been writing letters in language which would not be understood by anybody except those in the trade. The milk account, the soft account, the police--this is the kind of language he used. The Prime Minister gave a categorical assurance in April 1970 that the matter would

be thoroughly probed into and if the man was guilty he would be brought to book. We would like to know from Shri Ganesh today, what steps have been taken against the person.

Smugglers have even gone to the extent of having their own airstrip at Colaba District in Bombay in a place near Panvel. Who will believe, unless there are big patrons in power, that they could function here to this extent?

I can tell you that detection represents only a fraction which could be called surrender by mutual agreement. It may be anybody's guess—Rs. 1,000 crores a year, Rs. 1,500 crores a year or Rs. 800 crores a year worth of gold is smuggled. So, you are runing the country.

How do they finance it? When I had raised the issue of overinvoicing and underinvoicing four years ago in this House people laughed at me. Shri Chavan said the other day that it is taking away Rs. 75 crores a year. He is living in somebody's paradise. It is nothing below Rs. 300 crores or Rs. 400 crores a year. This underinvoice and overinvoice surplus money is converted into gold at the rate of Rs. 65 or Rs. 70 a *tola* in Vienna, Trieste, Tangiers, Hong Kong, anywhere. That money comes through the carriers, who get a percentage and who make the bandobast with people in North Block or in Bombay, Calcutta or Madras Customs or people all round. That goes to the household at Rs. 20 a *tola*.

SHRI K. N. TIWARY (Bettiah): How do you know ?

SHRI JYOTIRMOY BOSU: Are you trying to suggest, “are you a smuggler?” So, I can understand how incapable is your Government.

SHRI K. N. TIWARY: Are you in league with them ?

SHRI JYOTIRMOY BOSU: I will come to it later on.

One young diplomat, called Mitra, because he wanted to know, poked his nose into the affairs and find things out. In Vienna he was mercilessly murdered. I want to know if that case has been unearthed and, if so, what is the story behind it,

What about the big guys, like BOAC ? BOAC was caught with gold. You could not touch them. You did a show; you produced a drama and said, "We are going to do this and that." But you could not touch them.

What about Jardine Henderson and the story of Eastern Queen, the Eastern Saga and the Eastern Light? What happened? They brought gold within steel plates of the hull. You detected them. But you could not touch them, because they are very powerful foreign monopolists. If you touch them, you will be in danger.

Then, there was the Walcott story. There are many like that. What about the case of Kooly Mastan ? He was given a passport to go abroad under a chit by Shri Kanungo, then Governor of Gujrat. Shri Kamal Tiwary should not say that I am a friend of his. His partyman, Shri Kanungo, a Governor instituted by them, gives a chit and a confirmed smuggler goes abroad. For what? For furthering smuggling business. You cannot touch him.

What about the Indian Airlines smuggling in Caravelles? What about the Chief Conservator of Forests, Himachal Pradesh, caught smuggling goods, not gold, only the other day in April 1971? Then, there was the Asansol case involving Rs. 60 lakh worth. You said, you wanted to give it to Interpol. We want to know what you have done in that.

Then, you promised in April 1970 that you were going to bring forward a much stricter legislation to curb smuggling. You owe an explanation to this House because we have seen enough gimmickry, stunts and stories. We want you to tell us today, here and now. Since April, 1970, one year has now passed. Why is it that you have not brought forward the so called stricter Bill to curb smuggling? Because you dare not touch the real big guys who are behind smuggling, because they also happen to be your patrons.

**SHRI K. R. GANESH:** Mr. Deputy-Speaker, Sir, it is a general tirade and a usual tirade which both of us understand and this House also understand. He has referred to certain specific cases for which I do not have information at the moment. I shall get the information and supply to him. . . .

**SHRI JYOTIRMOY BOSU:** I am talking of the so called stricter Bill that you wanted

to bring forward to curb smuggling. In April, 1970, you said that you were going to bring forward a piece of legislation to curb smuggling. More than 365 days have passed, and your glory is increasing, and yet the Bill has not come.

**SHRI K. R. GANESH:** I have already mentioned about administrative, legislative and economic steps that have been initiated to control and check smuggling to the extent possible. Now, smuggling is a part of the evil society. May I submit that it is not possible with all the administrative steps that Government of India might take and which the Government has got to take to stop smuggling completely? Smuggling starts with certain evils that are there in society and in social system. Once you get over the evils of society and social system, once you get over the manipulations that go on, then only it will be possible to stop smuggling. Till then, this Government is committed to introducing various measures which I have already indicated and the Bill will be introduced as soon as these measures are ready.

The hon. Member has given some of the specific cases. He seems to be functioning as the intelligence wing of the Revenue Department to which he referred. It is very useful for the Government. The Government will take all the information that the hon. Member has got and use it. There is one assurance that I can give to this House and that is that there is no question of not tracking down these smugglers, wherever they may be.

It is a general tirade, a general criticism, that he has indulged in, and that is not to be taken as seriously as he is trying to make out. I can assure the House that wherever these smugglers may be, they will be tracked down.

**SHRI JYOTIRMOY BOSU:** Why that Bill has not yet been brought forward? You said that you will bring forward the Bill within a short time to curb smuggling. You have no intention to curb smuggling.

**SHRI K. R. GANESH:** I have already replied to that.

**MR. DEPUTY SPEAKER:** Before I put it to the House, Mr. Jyotirmoy Basu, you sent a slip saying that you will speak on the third reading of the Bill. There was some misunderstanding. You wanted to speak on the first reading itself. But later on, you gave the

[Mr. Deputy-Speaker]  
name of another Member, Mr. Halder. There was no intention to shut you out.

Now the question is:

“That the Bill be passed.”

*The motion was adopted.*

15.34 hrs.

DEMANDS\* FOR GRANTS (RAILWAYS)  
1971-72

MR. DEPUTY-SPEAKER: The House will not take up discussion and voting on the Demands for Grants in respect of the Budget (Railways) for 1971-72 for which 5 hours have been allotted.

There is a large number of cut motions to the Demands for Grants. Hon. Members present in the House who are desirous of moving their cut motions may send slips to the Table within 15 minutes indicating the serial numbers of the cut motions they would like to move.

DEMAND NO. 1—RAILWAY BOARD

MR. DEPUTY-SPEAKER: Motion moved:

“That a sum not exceeding Rs. 1,12,07,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1972, in respect of ‘Railway Board.’ ”

DEMAND NO. 2—MISCELLANEOUS EXPENDITURE

MR. DEPUTY-SPEAKER: Motion moved:

“That a sum not exceeding Rs. 4,90,49,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1972 in respect of ‘Miscellaneous Expenditure.’ ”

DEMAND NO. 8—PAYMENTS TO WORKED  
LINES AND OTHERS

MR. DEPUTY-SPEAKER: Motion moved:

“That a sum not exceeding Rs. 9,51,000 be granted to the President to complete the sum necessary to defray the charges

which will come in course of payment during the year ending the 31st day of March, 1972, in respect of ‘Payments to Worked Lines and others.’ ”

DEMAND NO. 4—WORKING EXPENSES—  
ADMINISTRATION

MR. DEPUTY-SPEAKER: Motion moved:

“That a sum not exceeding Rs. 57,30,78,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1972, in respect of ‘Working Expenses—Administration.’ ”

DEMAND NO. 5—WORKING EXPENSES—REP-  
AIRS AND MAINTENANCE

MR. DEPUTY-SPEAKER: Motion moved:

“That a sum not exceeding Rs. 188,38,29,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1972, in respect of ‘Working Expenses—Repairs and Maintenance.’ ”

DEMAND NO. 6—WORKING EXPENSES—  
OPERATING STAFF

MR. DEPUTY-SPEAKER: Motion moved:

“That a sum not exceeding Rs. 121,25,68,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1972, in respect of ‘Working Expenses—Operating Staff.’ ”

DEMAND NO. 7—WORKING EXPENSES;—  
OPERATION (FUEL)

MR. DEPUTY-SPEAKER: Motion moved.

“That a sum not exceeding Rs. 113,32,52,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1972, in respect of ‘Working Expenses—Operation (Fuel).’ ”

DEMAND NO. 8—WORKING EXPENSES—OPE-  
RATION OTHER THAN STAFF AND FUEL

MR. DEPUTY-SPEAKER: Motion moved:

“That a sum not exceeding Rs.

\* Moved with the recommendation of the President.