

[Shri Ghanshyam Oza]

upon the hon. Members to accept the small amendment, because, so many of them are worried about the activities which are not in the larger interests of the public, and this will enable the Government to control those activities and I will certainly request them to reconsider what they have said.

Some Members waxed eloquent about hoarding and profiteering and all these things. In spite of this, they say that even when this piece of legislation is brought to the Statute-Book, hoarding is going on and profiteering is going on. They forget what is the function of the Forward Market Commission and what is the purpose of bringing this legislation. As I said in the beginning, under Article 19(g) of the Constitution, every citizen is free to practise any trade, business or profession. So, he is free to do that. That is a fundamental right given by the constitution to every citizen. But Article 19(6) also says that this right can be reasonably restricted by the larger public interest, and therefore it is that this Forward Market Commission Act has stood the test of the courts; it is a legal piece of legislation, it cannot be Challenged, because it reasonably restricts the right of the citizen to practise any trade. Therefore, the function of the present legislation is only to regulate forward trading. As we have been saying we want to regulate forward trading effectively particularly in agricultural commodities when it is allowed. In my speech I said that we wanted to see that so far as agricultural commodities were concerned future trading was not practised or allowed.

Some hon. Members asked how many prosecutions were launched and how many cases were put before the court? Every year we are having raids on so many markets which are functioning illegally or improperly and put up cases before the court...*(Interruptions.)* In 1963, 91 persons were convicted and in 1964, 53 were convicted. If you cooperate we shall be able to bring many more persons within the grip of the law.

This small Bill is only an attempt to plug the loophole which was being taken advantage of by unscrupulous people. We want to give a stern warning to persons who do not abide by law. We will not tolerate all these things; we shall launch prosecutions whenever it is necessary to do so. With these words I

request the hon. Members to pass this small Bill.

MR. DEPUTY-SPEAKER : I shall now put to vote the amendment moved by Shri Daga for referring this Bill to a Select Committee.

*The amendment was put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That the Bill further to amend the Forward Contracts (Regulation) Act, 1952 be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER : The question is :

"That Clauses 2, 3 and 1, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted*

*Clauses 2, 3 and 1, the Enacting Formula and the Title were added to the Bill.*

SHRI GHANSHYAM OZA : Sir, I move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

15.07 hrs.

#### SMALL COINS (OFFENCES) BILL

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

"That the Bill to provide for the prevention of melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof, and for matters connected therewith or incidental thereto, be taken into consideration."

Government had been receiving reports of shortage of small coins in several parts of the country since the middle of last year. Action was taken immediately to step up the production of small coins in the mints. The two mints at Alipore and Hyderabad were put to 60 hours working per week, as against 48 hours earlier, from the month of October/November 1970. The mint at Bombay was put to two-shift working of nine hours each from July 1970. The number of men engaged in the production of coins was also increased. As a result of these measures, the daily rate of production in the mints went up from 12 lakh pieces per day in August 1970 to 35 lakh pieces per day in January/February 1971. The current rate of production of small coins is over 50 lakh pieces per day. Government have also taken several other measures for stepping up the pace of output of coins in the mints. The ten paise coins are now being minted in aluminium magnesium alloy which enables a faster pace of output than the aluminium-bronze alloy in which this denomination of coins used to be minted until recently. With a similar object in view, it has been decided to mint fifty paise coins in cupro-nickel, instead of in nickel and to resume the minting of 25 paise coins (in cupro-nickel alloy instead of in pure nickel) holding in abeyance further minting of the 20 paise coins in aluminium bronze. The minting of these coins in the new alloy will commence shortly. The measures already taken have undoubtedly contributed to ease the coin shortage to some extent and are expected to further improve the situation in the near future.

An analysis of the possible causes of shortage has revealed that considerable quantities of the earlier minted coins in cupro-nickel alloy of the denominations of 2 paise and 5 paise, and to some extent 10 paise also, have gone out of circulation because, with the rise in the price of the metals used in them, their metallic value outstripped their face value and it became a paying proposition to use the coins as metal for various purposes. There are also reports that aluminium-bronze 20 paise and 10 paise coins are being melted for production of cheap trinkets and fountain-pen nibs. The diversion of coins for other uses has been responsible for reducing the volume of coins in circulation. The additional quantities since put into circulation have not fully neutralised the erosion already taken place

and still taking place due to melting of coins.

It became clear that complete normalcy could not be reached unless the business of melting of coins is put an end to. Legally, however, melting of coins was not an offence. There was no provision in the Indian Code, or the Indian Coinage Act, or Metal Token Act which debarred a person from melting a coin. This legal lacuna had to be made good on an urgent basis, if further diversion of coins for purposes of melting was to be stopped. Government had, therefore, no alternative but to promulgate the Small Coins (Offences) Ordinance, 1971, on 22nd October, 1971 declaring melting of small coins and hoarding such coins for the purpose of melting an offence in law. The Bill now introduced is meant to replace this Ordinance. As shortage of small coins, which this legislation is intended to tackle, is expected to be a temporary phenomenon, it is proposed to enact the law with a duration of three years only.

I commend this Bill to the House.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to provide for the prevention of melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof, and for matters connected therewith or incidental thereto, be taken into consideration."

SHRI M. C. DAGA (Pali) : I beg to move :

"That the Bill to provide for the prevention of melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof, and for matters connected therewith or incidental thereto, be referred to a Select Committee consisting of 8 members, namely :—

- (1) Shri Bashwchshwar Nath Bhargava
- (2) Shri Hiralal Doda
- (3) Shri K. R. Ganesh
- (4) Shri Vikram Mahajan
- (5) Shri Shrikishan Modi
- (6) Shri Nawal Kishore Sharma
- (7) Shri S. N. Singh ; and
- (8) Shri R. P. Yadav

[Shri M. C. Daga]

with instructions to report by the last day of the next session." (7)

\*SHRI E. R. KRISHNAN (Salem) :  
Mr. Deputy Speaker, Sir, I am grateful to you for giving me an opportunity to participate in the debate on the Small Coins (Offences) Bill.

At the outset, I would refer to the fact that this Bill is to replace the Ordinance issued by the President during the inter-session on 22.10.1971. The Government was aware that the Parliament would be convened on the 15th of this month. The Government was also aware of the fact that there was countrywide shortage of small coins during the past 12 months. While the Government did not take effective steps during this period to meet the situation, suddenly just 22 days before the starting the session an Ordinance was issued by the President. Will such a step lead to creation of sound parliamentary conventions in the country? Does such an action on the part of the Government not show the utter disregard of parliamentary and democratic traditions? Having waited 12 months to assess the situation, the crisis would not have become worse if the Government had awaited for another 22 days and introduced this Bill in the Parliament. I refer to this because at least for the future the Government would take note of the sentiments of Members of this House and would not take recourse to Ordinances of this nature when the Parliament is not in session.

On 26th March 1971 while replying to a question the then Minister of State for Finance, Shri V. C. Shukla, stated that the Government had no legal powers to prevent the melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof and in the very near future the Government would introduce a legislation in this regard. I am happy that this Bill has been introduced now and I welcome it.

Sir, you must have come across the news item that in Bangalore small coins worth Rs. 10,000 were recovered by the Police. There was also another news item that 20 paise coins were sold for Rs. 4 each. It was also found out that the small coins were used as washers. It was stated that because the

metallic content of 20 paise was worth Rs. 4 it was being sold for that amount. I need not say that when this Bill becomes an Act, these undesirable activities will be put an end to.

But, here I would like to point out that all the ills do not lie in such misuses of the small coins. The serious shortage of small coins resulted from the considerable scaling down of production of small coins in the Government Mints. I would give some figures to prove my contention. In the year 1966-67, the production of small coins was 169.60 crores of pieces; in 1967-68 184.54 crores in 1968-69 142.46 crores; in 1969-70 38.58 crores and in 1970-71 32.40 crores. From this it is clear that the steep fall in the production of small coins is the main cause for the shortage of small coins through out the country.

I would also like to bring to your notice another factor which contributed to this shortage. In April 1970 the Reserve Bank of India withdrew from circulation old coins worth Rs. 20 crores. If there is on the one hand steep fall in the production of small coins and on the other there is also sudden withdrawal from circulation of small coins worth Rs. 20 crores, there is no wonder that such an acute shortage of small coins will become inevitable.

The State Trading Corporation has also been obtaining export orders for small coins from some South-east Asian countries like Thailand, Malaysia etc. I do not know the value of such export orders executed by our Mints during this period. I would like the hon. Minister to tell the House the value of such export orders executed by our Mints.

Because of 75% copper content and 25% nickel content in the old small coins, there was demand from foreign countries for the supply of huge quantities of old blank coins. I know that the S.T.C. was trying its best to procure export orders for the old blank coins. I would like to know from the hon. Minister the value of such export orders received by the S. T. C. for the supply of old blank coins. If only the Government had made an attempt to melt these old coins and produced new small coins, this crisis could have been averted.

\*The original speech was delivered in Tamil.

I am also unable to understand another strange phenomenon. During this critical period, the weekly overtime work of the Mints had been reduced from 22½ hours to 10½ hours. You can imagine how this shortage of small coins would have come about when the Mints had to execute huge export orders but their overtime work had also been reduced by 50% simultaneously. I do not also know how export orders could be accepted by the Government when there was acute shortage of small coins inside the country. I would like the hon. Minister to explain this situation.

It is easy and possible for the Government to bring forward legislations any time they like. But it has been proved that it is not possible for the Government to produce the required quantity of small coins to meet the acute shortage in the country. It is also easy for the Government to put the blame on the anti-social elements in the country for any crisis. It should be clear to all from what I have said so far that all the faults for this crisis do not lie with the anti-social elements in the country, but the Government also must bear the major part of the blame for this shortage. When the Government pays attention to the export of small coins and does not care for the sufferings of the poor people, one is forced to construe that this Government is callously indifferent to the needs of the people.

It is said that a sum of Rs. 33 lakhs as foreign exchange has been earned through these export orders. But, what about the sufferings of the 50 crores of people? Whether it is a tea stall or a pawn shop or a grocer's shop the people were harassed to tender the actual change if they wanted to buy anything. It did not end here. If one went to the Railway Platform or a Post Office and sometimes even in the Banks, he was abruptly told to tender exact change. The late Ram Manohar Lohia used to repeatedly point out in this House that the *per capita* income of an Indian was just 70 paise. You can imagine, Sir, how a poor man would have faced this acute shortage of small coins.

As early as 21st January, 1971 the Reserve Bank of India issued a statement that the shortage of small coins would be over. We have been frequently hearing such statements from the Reserve Bank, but the situation has not improved so far. Previously, the capitalists and the industrialists used to find fault with

the policies and services of the Reserve Bank. But now even the common men have started blaming the Reserve Bank for their difficulties. If a solution is not at sight, it is better to keep quiet than making announcements at random. I would request that the Government should concentrate more on constructive action than on announcements.

In the end, I would like to suggest that for the time being no export orders for small coins should be accepted by the Government till the situation inside the country improves. Even the export of blank coins to foreign countries should be stopped at once. Secondly the weekly overtime work prevailing in the Mints before this shortage occurred should be revived so that they are able to produce more. Thirdly, every attempt should be made by the Government to step up production of small coins to the level of 169.60 crores of pieces that obtained in the year 1966-67 and to the production level of 184.54 crores of pieces in 1967-68.

Unless these measures are adopted by the Government forthwith, the shortage of small coins prevailing in the country now cannot be remedied. I don't think that the Government will be able to achieve its objective merely by this legislation. They should implement the suggestions made by me vigorously and earnestly.

**SHRI MADHURYYA HALDAR (Mathurapur):** Mr. Deputy-Speaker, Sir, the small coins shortage was discussed in this House on 25th of March this year and, before that, it was discussed in the Rajya Sabha on 4th December, 1970. The hon. Minister, Shri Vidya Charan Shukla, on 4th December, 1970, expressed the hope and assured the House that the small coins shortage would be met by sufficient supply and proper distribution of small coins.

At that time, he felt and admitted that there is no such law that can punish the anti-social elements who melt these coins and get the metallic portion of the coins. But I may mention here that the Internal Security Act is being applied to the political opponents. The Internal Security Act could have been applied to those anti-social elements engaged in this trade. Small boys of 12 or 10 years of age collecting small coins and giving them to some big businessmen. Everyone knows that

[Shri Madhuryya Haldar]

these boys are working on commission basis and big businessmen are making profit out of it. The Government should have taken note of it earlier that the metallic value of these coins is double the face value of the coins.

Now, after a lapse of one year with the assurance that they hoped to overcome the small coins shortage in 2-3 months, they issued an ordinance just before the Parliament was going to meet. May I ask the hon. Minister how many persons have been arrested under this Ordinance? Small boys or the persons who make some profit out of it may be taken into custody and punished. But the big businessmen who possess the technical know-how and apparatus behind this racket and who make huge profits are not touched and none of them has yet been arrested till this day. Like many other laws, this law also will meet the same fate. It will not be effective because the Governmental machinery which has to enforce the laws operates under the pressure of these big business people.

So, I would like to say only one thing that the Government should take care of this that the big people who are making huge profits out of these small coins should be taken into custody or severely punished so that the country may be saved from the shortage of small coins. There is no point in punishing these little boys because they are only getting 5% or 7% from this to live on after 25 years of independence. This ordinance must have some provision so that the big business people should have been punished heavily.

श्री झारखण्ड राय (घोसी) : अध्यादेशों के बल पर शासन चलाना सर्वथा अनुचित है। सदन के दो सत्रों के बीच में एक दर्जन से अधिक अध्यादेश प्रसारित किए गए हैं। सदन की बैठक शीघ्र ही होने वाली थी फिर भी अध्यादेशों का सहारा लिया गया। इनसे देश को और हम सब को बचाया जा सकता था। अध्यादेश दो प्रकार के होते हैं, अच्छे भी और बुरे भी। अच्छे अध्यादेश जो कि अपरिहार्य हों, जिनके बिना काम चल न सकता हो, लागू न किये जायें, यह मैं नहीं कहता हूँ। इस तरह के अध्यादेशों के हम विरोधी नहीं हैं। लेकिन जो बुरे अध्यादेश हैं, उनसे बचा जाना चाहिये। जहाँ तक मुझे याद है भारत की स्वतंत्रता के

बाद यह प्रथम अवसर था कि संसद की बैठक होने वाली थी फिर भी टैक्सों का सत्तर करोड़ का बोझा जनता पर अध्यादेशों के द्वारा लाद दिया गया है। मंहगाई बढ़ने का यह एक प्रधान कारण है। एक तो ये टैक्स लगाये ही नहीं जाने चाहिये थे और अगर लगाने ही थे तो इनको अध्यादेशों के द्वारा तो बिल्कुल ही नहीं लगाना चाहिये था। जो तरीका अपनाया गया है इनको लगाने का वह बिल्कुल गलत है, अनुचित है। टैक्स तभी लगाये अथवा बढ़ाये जाने चाहिए जब दूसरा कोई उपाय न रह जाय। कुछ अपराध तो हमारे देश में राष्ट्रीय अपराध घोषित कर दिखे जाने चाहियें। किसी प्रकार की मिलावट को राष्ट्रीय अपराध घोषित किया जाए। इस तरह से सचयखोरी, चोर-बाजारी, मुनाफाखोरी, सट्टेबाजी आदि करने वाले लोगों को भी राष्ट्रीय अपराध घोषित कर दिया जाना चाहिये। जहाँ तक सिक्कों की जमाखोरी या इनको गलाने का सम्बन्ध है, मंत्री महोदय ने जो कुछ इनके बारे में कहा है, उसमें मुझे कुछ जोड़ना नहीं है। मैं कहूंगा कि ऐसे सभी लोगों को जो इस अपराध के दोषी पाए जाएं, राष्ट्रीय अपराधी घोषित किया जाना चाहिए और उनके साथ वही बरताव होना चाहिये जो इस प्रकार के अपराधियों के साथ होता है। इनके नागरिक अधिकार जब ये सजा से छूट कर आयें, छीन लिये जाने चाहिए, ये अधिकार उनको नहीं दिये जाने चाहिए।

इस विधेयक में जमानत की भी चर्चा है, उसका भी प्राविजन उनके लिए दिया गया है। मेरा सुझाव है कि ऐसे लोगों की जमानत कतई नहीं होनी चाहिए। या तो सजा को काट कर वह छूटें या केस से बिल्कुल निर्दोष छूटें तब वह बाहर आएँ। इस विधेयक में सजा की भी चर्चा है कम से कम तीन महीने से लेकर उसके ऊपर तक की सजा निर्धारित की गई है। मेरा सुझाव है कि यह सजा बहुत कम है। इस तरह के राष्ट्रीय अपराध के प्रति कड़े से

कड़ा ढण्ड देने की व्यवस्था होनी चाहिए। सरकार को इसमें कोई हिचक भी नहीं होनी चाहिए। सारा देश और देश की सारी प्रगतिशील जनता उसका समर्थन करेगी। मेरा सुझाव है कि कम से कम सजा 5 वर्ष होनी चाहिए और ज्यादा से ज्यादा ऐसे लोगों को सजा फांसी तक की होनी चाहिए। फांसी की सजा फायर स्कवाड के सामने दी जानी चाहिए। मामूली फांसी, जो कन्वेन्शनल फांसी है वह न देकर विशेष प्रकार की फांसी दी जानी चाहिए। माननीय मंत्री जी ने इस बात को स्वीकार किया है कि छोटे मिककों की कमी देण में हुई। सरकार उससे चिन्तित हुई। माननीय शुक्ला जी के दिए वचन को लगभग एक साल बीत चुका लेकिन संतोषजनक मुधार इस स्थिति में नहो हुआ है। यह सरकार ने और मंत्री जी ने अपने भाषण में स्वीकार किया है। इसलिए प्रभावो कदम उठाने चाहिए। ऐसा न हो जाय कि पुनिस को घूम लेने का और घूम लेकर अपराधियों को छोड़ देने का एक अवसर और एक अड्डा और मिल जाय। इसकी रोकथाम होनी चाहिए। जैसा हमारे पूर्व बक्ता मार्क्सवादी कम्युनिस्ट पार्टी के माननीय सदस्य ने कहा इस बात का भी डर है जैसा कि अब तक समाज में होता रहा है, समाज में जहां गरीब हैं और अमीर भी हैं और अमीरों में भी बड़े बड़े अमीर हैं, उसमें छोटे अपराधी ही पकड़े जाते हैं, बड़े अपराधी बच जाते हैं। छोटी मछलियां तो सिकार हो जाती हैं, लेकिन जो बड़े बड़े ह्वेल हैं वह सजा से बच जाते हैं। यहीं पर सबसे पहले कानून और कानून के व्यवस्थापकों को ध्यान देना चाहिए और उनकी पकड़ करनी चाहिए। इसमें इस बात का भी प्राविजन नहीं है।

मेरा विचार है कि छोटे बड़े पैमाने पर संगठित रूप से और जिसने भी गुप्त रख कर मारे जा सकें, मारे जाने चाहिए ताकि इस प्रकार के कुव्यवसायी पकड़े जा सकें और उनको सजा दी जा सके। क्षुफिया विभाग की सेवाएं भी इसमें ली जानी चाहिए थीं। केवल राज-

नैतिक लोगों का पीछा करने या सियासी गति-विधियों का देखरेख करने के लिए ही इनका प्रयोग न किया जाय, बल्कि जो इस प्रकार के अमामाजिक तत्व हैं, समाज-विरोधी और राष्ट्र-विरोधी तत्व हैं, उनको पकड़ने के लिए भी इंटे-लिजेंस का इस्तेमाल किया जाना चाहिए।

जहां तक माननीय मंत्री जी ने इसके उद्देश्य की चर्चा की है, वह पवित्र है। मैं उसका समर्थन करना हूँ चूँकि यह जनहितकारी है। लेकिन उसके ऊपर अमल इम आर्डिनंस के लागू होने के बाद भी सुचारु रूप से या प्रभावी तरीके से नहीं हो रहा है। खबरें कभी-कभी निकलती हैं कि एक एक टुक छोटे सिक्के पकड़े गए। यह कहा से आते हैं, कहाँ ले जाए जाते हैं, इनके जो बड़े बड़े जमाखोर हैं, जखीरेबाज हैं, उन पर कुछ अंकुश लगना चाहिए और उसके लिए इंटेलिजेंस की सेवाएं कारगर सिद्ध होंगी, इसमें कोई संदेह नहीं।

मैं माननीय मंत्री जी से सहमत हूँ कि पिछले कुछ दिनों में स्थिति में कुछ सुधार जरूर हुआ है। वरना चवन्नी का चाय के लिए अगर हम एक रुपया दें या अठन्नी दें तो कोई चाय वाला चाय नहीं देना था। यह स्थिति ट्रेन में दौरे के समय हमें अनुभव होती थी। उसमें जरूर कुछ सुधार हुआ है।

आखिर में मैं यही कहूंगा कि आज पूंजीवादी व्यवस्था के पूंजीपति और विगेषकर एकाधिकारी पूंजीपती देश के हर व्यवसाय में अग्रसर होते जा रहे हैं, तो ऐसा न हो जाय कि कानून तो डाल डाल चले और यह समाजद्रोही पात पात चले और उसमें यह सरकार हार जाय। एक साल से आज तक स्थिति सुधारी नहीं जा सकी माननीय शुक्ला जी के वक्तव्य के बावजूद भी। इसलिए मैं चाहूंगा कि सजा बहुत सख्त दी जाय, कार्यवाही बहुत प्रभावी ढंग से की जाय और इंटेलिजेंस की सेवाएं ली जाय।

जो मजदूरों का काम बढ़ाया गया है

[श्री झारखंडे राय]

48 घंटे की जगह 60 घंटे उनको उसका बाजिब मुआविजा जरूर दिया जाय। इन शब्दों के साथ मैं विषयक की मूल आत्मा का समर्पण करता हूँ।

श्री राम रतन शर्मा (बांदा) : उपाध्यक्ष जी, इस बिल के अंदर निहित भावना का स्वागत किया जाना चाहिए। यह बात मर्यादा है और माननीय मंत्री महोदय ने भी जो अपना बक्तव्य दिया है, उसमें यह माना है कि जून, 1970 से सिक्कों की कमी का उनको ज्ञान था, तब इस बिल के लाने में इतनी देर क्यों की गई? सबसे बड़ी बात जो इस बिल में उठती है, वह इसके परमानेंट नेचर का न होना है। इस बिल में यह कहा गया है कि वह तीन वर्ष तक रहेगा। क्या सरकार यह समझती है तीन वर्ष के बाद इस तरह के अफेन्सेज नहीं होंगे? क्या धातुओं के दाम नहीं बढ़ेंगे? क्या फिर सिक्कों की मेल्टिंग वगैरह बन्द हो जायेगी? किस भावना से सरकार यह चल रही है? क्या हमारा अनुभव यह नहीं बताता है कि अफेन्सेज में कोई कमी नहीं आ रही है? इसलिए मेरा निवेदन है कि मन्त्री जी इसको एक परमानेंट करक्टर दें, परमानेंट लेजिस्लेशन बनायें बजाय इसके कि तीन वर्ष के लिए यह रहे। कानून को लाइयर्स पैरा-डाइज नहीं होना चाहिए। जब इस बिल को मैंने पढ़ा तो मुझे लगा कि कन्फ्यूजन कुछ अवश्य है। कोई स्पष्ट भावना नहीं है। तरह तरह के लैकुनाज है जिनको मैं अभी बतलाने का प्रयत्न करूंगा और मुझे आशा है मन्त्री महोदय उस पर ध्यान देंगे तथा एक कांमिन्-हेंसिव बिल इसकी जगह लाने का प्रयत्न करेंगे।

पहले तो मेरा यह कथन है कि अपराधों को दो वर्गों में बाटा गया है। एक तो गम्भीर या गुरुतर अपराध और दूसरे साधारण अपराध। यह अपराध किस कोटि का है, यह पता नहीं चलता। जब हम देखते हैं कि इसमें

पनिशमेंट तीन महीने से लेकर पांच वर्ष तक है तो लगता है कि यह अपराध गुरुतर है, गम्भीर है लेकिन जब दूसरे सेक्शन को देखते हैं कि अफेन्स बेलेबिल है तो लगता है कि आप इसको गम्भीर नहीं मानते, साधारण मानते हैं। जब अफेन्स बेलेबिल होता है तो उसमें बेल एज ए राइट मिलती है और पुलिस स्टेशन से ही एक्यूज्ड को बेल मिलने का अधिकार प्राप्त हो जाता है एज ए राइट। इसलिए इसको बेलेबिल अफेन्स करके इस अपराध की गम्भीरता को कम कर दिया गया। पांच साल का पनिशमेंट दिया जा रहा है और इसके बाद आप इसको बेलेबिल बनाना चाहते हैं। मेरे ख्याल में इसको नान-बेलेबिल रखें तो अच्छा है। यह थोड़ा सा संशोधन इसमें होना चाहिए। यह कोई बड़ी बात नहीं है।

एक बात और है जिससे लगता है कि साधारण अपराध की कोटि में लाया गया है और वह है इसका समरी ट्रायल। मेरा यह कहना है कि पांच वर्ष का पनिशमेंट जिसको दिया जा रहा है, उसका समरी ट्रायल न करें। समरी ट्रायल के गुण और दोष सबको मालूम है।

श्री स० मो० बनर्जी (कानपुर) : आप इसको बेलेबिल नहीं चाहते हैं ?

श्री राम रतन शर्मा : इसीलिए तो मैं समरी-ट्रायल नहीं चाहता हूँ। इसका ट्रायल होना चाहिए। समरी ट्रायल में एविडेंस रिकार्ड नहीं होती है, सब कुछ मैजिस्ट्रेट की विम्ज पर होता है। इस तरह से तो किसी को झूठा भी फमाया जा सकता है, पोलिटिकल रिजन्ज से भी फंसाया जा सकता है, कोई आर्ग्यूमेंट्स नहीं हो सकती हैं। बकील लोग इस बात को अच्छी तरह से जानते हैं। समरी ट्रायल में कुछ अवगुण भी हैं और कुछ गुण भी हैं। इसीलिये 302 में समरी ट्रायल क्यों नहीं रखते हैं? जब हम इसको बड़ा अफेन्स

मानते हैं तो फिर इसका समरी-ट्रायल न रखें, वो आडिनरी प्रोसीजर होता है, उसी को रखें।

इसमें एक क्लॉज है—2, क्लॉज बी, सब सैक्सन 2—इसमें कौन एसेस करेगा? आपने सब कुछ मैजिस्ट्रेट पर छोड़ दिया है, इन्वेस्टीगैटिंग आफिसर पर छोड़ दिया है। इसमें कहा गया है—

His total daily requirements of small coins, the nature of his business, occupation or profession, the mode of his acquisition of small coins.

It is a question of evidence.

यह शहादत का प्रश्न बन गया है, जिस तरह से क्रिमिनल कोर्ट में होता है, दो गवाह लाकर खड़ा कर देंगे और कहेंगे कि मेरी रिक्वायरमेंट यह है। इससे इस बिल का जो मकसद है, वह खत्म हो जायगा। इसलिये इसको किसी मैजिस्ट्रेट की विम्ज पर न छोड़ कर, वकीलों का पैराडिज न बना कर, इसको एक्जास्टिव बनाइये, इस तरह से डिफाइन कीजिए कि आप कितना चाहते हैं। कितने से ज्यादा बढ़े तो आप कर दें, इस तरह की रिक्वायरमेंट की सहुलियत इसमें लानी चाहिए। तब ही इस इनैक्टमेंट का कोई परपज निकल सकता है, वरना जिस तरह से इस दूमरे इनैक्टमेंट बने हैं, उसी तरह से वह बन जायगा और इसमें जो भावना निहित है, वह पूरी नहीं हो सकेगी और जो जन-कल्याण आप करना चाहते हैं, वह नहीं कर पायेंगे।

**SHRI S. M. BANERJEE** : What does the Minister say about the new coins, for instance, the ten NP one? Suppose I want to telephone from a public call booth. If I put one new coin and one old, you cannot do it because the new one cannot pass through it.

**DR. KARNI SINGH (Bikaner)** : I rise to support the Bill that has been brought forward. I think the Bill reflects the mood of the House and the country because the small coins shortage has created a very difficult situation in our country for the last few months. I had raised

a call attention myself on the floor of the House on this subject and the hon. Minister had then replied to say that in a very short while the situation would be eased. But not only has it not eased; it has, if anything, grown worse.

There is only one thing that has been bothering me after I listened to the speeches in this House is the emphasis that is being paid to the penal clauses in my Bill. There should be a two-pronged approach to this question. The first, of course, is the punitive one, how a citizen who hoards will be punished, the various ways and means whereby he can be punished in such a way that it acts as a deterrent. The other one which, in my opinion, is the more reasonable and more humane way of handling this situation in such a way as to make hoarding unprofitable. In this House of late, we have been heaped with so many pieces of legislation. The hon. Minister opposite will probably bear me out when I say that very few citizens realise today when they are breaking a law and when they are not, when they are breaking a law which is of such a nature that they can be punished by being sent to jail and so on. Even Shri Chavan, I am sure, does not know because he has created so many laws. Even in regard to taxation laws, even the average citizen today does not know when he will be sent to jail and when he will not be. The result is that the average human being is becoming numb to the fear of punishment. He is not being frightened of punishment any more. The hon. Member from the communist party suggested just now that we should have punishment by hanging people for these minor offences. I feel that this is only the beginning or the suggestion of the beginnings of a police state that India may unfortunately very soon see. I feel that jails and punishment is not the answer to this problem. The answer is to bring about metal coins whose face-value is more than the real value of the metal. I am sure that is possible, and if the other countries can do so, which India for some reason cannot, I would suggest that we start having postage-stamps or something similar for a period of two or three years which makes it almost impossible or removes the motivation from the minds of the persons to hoard or melt such coins. You will need far too many jails if you go on making such pieces of legislation, and creating difficulties for the people. Therefore I do feel that your approach has to change, in regard to more and more punishment.



[ Dr. Karni Singh ]

Now, if Government permits the shortage to take place, the shortage will inevitably be there. Last time, when we had this call Attention in Parliament we found out that the Bombay mint had not minted metal coins for a very long time; that the Hyderabad mint was making medals, tokens, hammers and Gandhi badges. Surely, the Government mints are meant primarily for producing coins and if there is a shortage in this country, and the people throughout our land are suffering as a result of the shortage, the mints should be given higher priority to producing coins. I have no doubt that our prestige in foreign countries is enhanced by our making coins for Greece and Thailand. Some of our mints have been doing that e. g. in Bombay. But surely that is not the primary function of the mints. A mint is primarily meant to produce adequate coins for the needs of the country first, priority to your own countrymen and thereafter other countries, should be our policy.

Sir, the common man has been very adversely hit by small coin shortage, because I have seen it personally. You go to a shop today. You buy something. Nearly always the small shopkeeper is a loser, because if the man who wants to make a purchase cannot give him the change, the small shopkeeper has to do without the ten paise or 15 paise, and consequently, he loses over the sale that he makes.

I remember in Bombay, about four months ago, I had gone to send a telegram, and when I went there, a little girl had come along, and she brought a telegram which cost about one rupee and a few paise. I was standing next to her in the queue. The man who was handling the telegrams said that he was sorry that he had no small coins. And unless the girl went back and brought the coins, the telegram could not be sent. I brought this matter immediately to the attention of the Minister...

SHRI S. M. BANERJEE : Stamps.

DR. KARNI SINGH : They issued nothing. The girl was asked to go back. I wrote a letter to the Minister because I thought this was something which was absolutely wrong. At the stage, fortunately I had a few coins with me and I helped the little girl out. But I thought this was no way that the Government should be run.

Our mints will have to be run to full capacity. If we have to work overtime, we must

work overtime. The metallic value and the face value ratio must constantly be reviewed by the Government. Soaring coins prices have eroded the face value of and have increased the value of the metal content. The holding of the price-line has a direct bearing on the intrinsic value of the coins. These are matters that the Government will have to consider.

While supporting this Bill, I would once more appeal to the hon. Minister that the emphasis that you are putting in each and every legislation, on the punitive clauses or, how to put more and more citizens behind the bars, to frighten the citizen that if he did something wrong, he would be punished, is an un-Gandhian way of handling this matter. I am quite sure that they could create conditions in this country where by the motivation to hoard is removed, the motivation to melt the coins is also removed. If that motivation is removed, there will be much less motivation to do the wrong thing, and much less reason for this Government to threaten the citizens with Jail and other dire consequences.

SHRI H. M. PATEL (Dhandhuka) : I want to refer to two matters. One of course is : why an Ordinance was necessary for this purpose ? This particular problem was known to Government on their own admission for almost two years. It was brought before this House early this year and at that time the Minister in his reply gave a persuasive analysis of the situation. In his view the Government had already taken a decision to mint coins of different kinds, using metals which would be of no value or very little value. That of course was a step in the right direction. He also said that he was well aware of the fact that coins were being melted and used for purposes other than coins but he did not feel that any special action was called for. He knew well at that time that some penal action would be necessary if offences were being committed on a large scale. But taking a constructive view of the situation, for which I think he deserves credit, he decided to take more constructive action to mint coins of a kind which would not be melted.

Having taken that step and having proceeded to mint the new coins on a large scale, virtually valueless coins in terms of metal content etc. why is it necessary to bring this Bill at all ? They have now increased pro-

duction to 50 lakhs of pieces per day. In no time, I imagine, the requirement of the country would met. In fact it is surprising that the Minister in his statement has nowhere stated what their assessment of the total requirement of the different coins is. There must be some method which the Government would undoubtedly be following in assessing the total requirement of coins.

The melting of coins has been going on for a long time. It is very doubtful, having regard to the long period during which shortage has existed in the country, if very much more remains to be melted. Why then was such a Bill necessary? Why was an Ordinance necessary? Could they not have waited until Parliament met? What damage would have been caused to the economy of the country? Having ignored the request of this House for several months that something should be done about this, suddenly they come along with an Ordinance when hardly three weeks or a little more were left for Parliament to meet. What harm would have been done if they had waited for another month or so?

The tendency to have recourse to Ordinances is something which must be deprecated. What surprises me more is that when one of the speakers started referring to the fact that it was very undesirable for the Government to have had recourse to an Ordinance, the hon. Minister exclaimed almost as if he was astonished that anybody should make such a suggestion. Since what was happening was undoubtedly so undesirable .. (*Interruptions*). You are entitled to your astonishment and I am entitled to mine, because in your astonishment it is clearly implied that you do not have regard for democracy or democratic institutions. Why was an ordinance necessary? I would agree if you could indicate that the damage that would have happened to the economy if you had waited a few more days would have been great to do something which you have ignored under repeated pressure from this House; you did not take action; you were so confident that in reply to a call attention notice you said that the whole matter would be resolved in a very short period of time. When you were so confident and you found yourself so much in the wrong, now suddenly and unashamedly within three weeks of the session of Parliament you have had recourse to an Ordinance.

What exactly have you achieved in these three weeks? Is it the contention that the melting has been greatly reduced? Is there any yardstick by which the quantum of melting can be measured? Have there been any offences that have been committed? What gain or advantage have they achieved?

Now we have this Bill in which there are provisions for summary trial and very high punishment. What for? What exactly is going to be achieved now? The horse has bolted and thereafter you proceed to close the doors of the stable. That is the precise position here.

In my view the Government has shown grave disrespect to this House in dealing with a matter of this nature through an Ordinance, the more so when really this action had already become unnecessary. If the Minister's own statement is correct, production has now been stepped up to such an extent that the shortage will be speedily overcome, must have been overcome by now. This I say on the basis of my own calculations, but it would have been very much more helpful had he himself assisted us in this process by telling us precisely what his assessment of the requirements of the country was and how long he thinks it will take to meet the country's requirement.

SHRI P. VENKATASUBBAIAH (Nandyal): This Bill is intended to replace the Ordinance that has been issued to prevent the hoarding of the small coins in the country. The hon. Member who preceded me has questioned the desirability of issuing an Ordinance when the Ministry was fully confident that it would be able to overcome the shortage and prevent this malpractice. Little does he realise that there has already been an acute shortage, that malpractice on a large scale has been indulged in by vested interests, that it was the common man more than the rich man that was hit by these small coins being hoarded indiscriminately, as explained in the Statement of Objects and Reasons of the Bill, because their metal value was more than their face value.

15-58 hrs.

[SHRI K. N. TIWARY in the Chair]

In this connection I would like to recall that such instances were there before also.

[Shri Venkatasubhai]

After independence when we started minting our coins, the price of the old British Indian coins bearing the figures of Edward VIII and George V went up very high and there was a sort of scramble for hoarding them. But this time the situation is quite different.

I would suggest to the Minister that sufficient care should be taken to see that the new coins minted are not blown off by air. They are of such a light quality that people may not desire to go in for them and there may be a craze for the previous small coins. Some of the new coins recently circulated are so light that they may not even remain in our hands.

I would only suggest to the Minister that proper care should be taken to see that these small coins are distributed properly. While answering a Call Attention in this House he said that they were taking all possible steps to see that these malpractices would not continue. I am reminded of his previous assurance with regard to counterfeiting of notes which was prevalent on a large scale. At one time it was alleged that these malpractices started from the Nasik press. There were many instances. 8 currency notes bearing the same number were brought to the Minister's notice. Recently there was a news item that there had been a large-scale printing of counterfeit currency notes and very influential people are involved. There have been several instances where many people in big centres have become rich overnight by indulging in this racket. I do not know whether the ministry is investigating into this racket, which has been going on throughout the country taking advantage of certain loopholes.

16-00 hrs.

I do not agree with my predecessor who said, there was no need for this ordinance. There was a need for it and a situation had arisen where the poor and middle-class people were confronted with shortage of coins at the shops, post offices, buses, etc. So, he has done well in promulgating this ordinance. He has assured us that this Bill would be valid for three years only, by which time the production of small coins will go up considerably, so that this sort of unfortunate situation may not arise.

With these words, I support the Bill.

श्री भागीरथ शंकर (भाबुआ) : सभापति महोदय, इस समय छोटे सिक्कों के विधेयक पर बहस हो रही है। इस विधेयक को एक डेढ़ साल पहले लाने की आवश्यकता थी, लेकिन शासन ने इस बात पर ध्यान नहीं दिया। पिछले बजट सत्र में भी इस बात की चर्चा हुई थी कि देश में सिक्कों की कमी है और इस कारण जन-साधारण को काफी कठिनाइयाँ हो रही हैं। छोटे-छोटे लोग, गरीब लोग जब दूकानों पर जाते हैं तब उनको कितने ही पैसे वहाँ छोड़ कर आना पड़ता है। इसी तरह से रेलों और बसों में भी जब लोग सफर करते हैं तो रेल वाले या बस वाले उनको छोटे पैसे लौटाते नहीं हैं। इस प्रकार की कितनी ही कठिनाइयाँ जब देश में उपस्थित हुईं और जब बजट सत्र में इस प्रश्न पर बहस हुई तब मंत्री महोदय ने उत्तर दिया था कि यह समस्या बहुत जल्द हल हो जायेगी। लेकिन यह समस्या अभी तक हल नहीं हुई और अध्यादेश के जरिये इस बात का प्रयास किया गया कि लोग छोटे सिक्को को गलायें नहीं, उनका नाजायज फायदा न उठायें, उन पर बट्टाब न लें। लेकिन यह अध्यादेश, जो 22 अक्टूबर, 1971 को प्रसारित किया गया, यदि पहले जारी किया जाता तो काफी फायदा होता। करोड़ों लोग इससे प्रभावित हुए। उसके बाद जब यह सत्र आरम्भ होने वाला था, उसके पहले 22 अक्टूबर को ही इसको अध्यादेश के रूप में प्रसारित किया गया, जिसके कारण जितना फायदा होना चाहिये था, उतना नहीं हुआ। फिर भी मैं इसका स्वागत करता हूँ। यह जो अध्यादेश बिल के रूप में आया है, यह कुछ ही देर में ऐक्ट के रूप में पास हो जायेगा और इससे जन-साधारण को, आस जनता को लाभ होगा।

मैं कुछ सुझाव भी देना चाहूँगा। वास्तव में छोटे सिक्कों की कमी के कारण जो लोग देहातों में अथवा छोटे-छोटे कस्बों में रहते हैं, उनको काफी तकलीफ होती है। वहाँ में

तो लोग बैंकों से या खजाने से अथवा कहीं और से पैसे लेकर अपना काम चला लेते हैं, लेकिन देहातों में, छोटे-छोटे गांवों में यदि कोई एक रुपया ले जाये और 80 पैसे का सामान खरीदे, अथवा 50 पैसे का सिक्का ले जाकर चालिस पैसे का सामान खरीदे तो उसको 20 या 10 पैसे वापस नहीं होते। इसलिये मैं चाहूंगा कि शासन की ओर से कोई ऐसी व्यवस्था हो जिससे गांवों की आम जनता को सुविधा हो सके, उसको लाभ पहुंच सके।

इस विधेयक के उद्देश्यों में यह बतलाया गया है कि जो सिक्के बनेंगे उनकी असली कीमत उन पर लिखी कीमत से धातु की कीमत कम होगी। लेकिन मुद्रकों को ऐसा लगता नहीं है। पहले अंग्रेजों के वक्त में भी इस तरह के सिक्के बनते थे, लेकिन तब भी यह गड़बड़ियां होती थी। पहले जो सोने चांदी के सिक्के बनते थे, उनको भी लोग गला कर दूसरे उपयोग में लाते थे। मैं चाहता हूँ, जैसा और लोगों ने भी कहा है, ऐसे सिक्के निकालने चाहिये जिनको लोग गलाएं नहीं। सुझाव यह भी हो सकता है कि छोटे-छोटे सिक्के 10 पैसे के या 5 पैसे के हम प्लास्टिक या लेदर के बनायें, जिनको कोई गला न सके। अगर इस तरह के सिक्के बनाये जा सकते हों तो हमारे लिये बहुत अच्छा है।

ऐसा बतलाया गया है कि विशेष अवसरों पर भी जो सिक्के बनाये जाते हैं, उनको भी लोग गलाते हैं। ऐसा लगता है कि यहाँ पर लोगों की आम मनोवृत्ति हो गई है कि वह गलत तरीके से इन चीजों का उपयोग करें। इसलिये ऐसे सिक्के बनाये जाने चाहिये जिनका किसी भी रूप में गला कर उपयोग न किया जा सके और आम जनता को उनका लाभ मिल सके। यहाँ पर बहुत से इस तरह के सिक्के बन चुके हैं। पिछले साल मैंने देखा कि एक 10 रु० का सिक्का निकाला गया जो कि चांदी का था। उस सिक्के पर शायद गांधी जी का फोटो था। वह बाजार में भी

ठीक से नहीं आ पाया। वह सिक्का बैंक और सरकारी खजानों में आया। सरकारी खजाने के लोगों ने और बैंक के लोगों ने उसका दुरुपयोग किया और 10 रुपये के सिक्के को 15, 20 या उससे भी ज्यादा रुपयों का लाभ उठाकर निकाल दिया।

मैं अपना अनुभव आपको बतला रहा हूँ। मैं बैंक में पैसा लेने के लिये गया। बैंक के एजेंट ने मुझको एक सिक्का देकर कहा कि यह 10 रु० का सिक्का है जो बाजार में नहीं मिलता। उसने बतलाया कि बाजार में उसकी बहुत कीमत है इसलिए वहाँ मिल ही नहीं पाता आम लोगों को। मेरी समझ में नहीं आता कि जो इस तरह के सिक्के निकलते हैं, उनका दुरुपयोग क्यों किया जाता है। अगर इनका कोई प्रबंध किया जा सके तो बहुत अच्छी बात है, क्योंकि जनता का उससे काफी लाभ हो सकता है।

इस विधेयक में जहाँ सजा को बात रक्खी गई है, वहाँ कम से कम अवधि तीन महीने की रक्खी गई है और अधिक से अधिक पांच साल रक्खी गई है। मैं चाहता हूँ कि कम से कम अवधि पांच साल की हो और अधिक से अधिक अवधि आठ या दस साल की रक्खी जाये। इससे शायद आप इस अपराध पर कुछ रोक लगा सकें। वास्तव में जो कानून बनाये जाते हैं, यदि उनकी ठीक से व्यवस्था न हो तो उनका पालन ठीक से नहीं किया जाता। यह बिल पास होगा, इसके लिये चाहे जैसी व्यवस्था आप करें लेकिन ऐसी व्यवस्था जरूर होनी चाहिये जिससे गांवों में और देहातों में आम जनता का शोषण न हो इस कानून के जरिये से। इस तरह की व्यवस्था इसमें आवश्यक है।

इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूँ और इसके अन्दर निहित भावना का भी स्वागत करता हूँ।

श्री मूलचन्द्र डागा : मैंने एक संशोधन पेश किया है कि इस बिल को सिलैक्ट कमेटी

[श्री मूलचन्द डागा]

को रेफर किया जाए। कानून के जितने प्रिसिपल है उनको आपने इस कानून को बनाते वक्त ताक पर रख दिया है। इसका परिणाम क्या होगा, क्या यह भी आपने सोचा है? सिक्के चलें या न चलें, पुलिस का सिक्का तो चलेगा ही इसके पाम हो जाने के बाद। पहले भी चलता है और अब तो और भी तेजी से चलने लग जायगा। एक भिखारी के पास सिक्के इकट्ठे हो ही जाते हैं। अब क्या आप उसको पनिश करेंगे? क्या पुलिस को आप अधिकार दे देंगे कि वह जाकर उसको पकड़ ले? किसी कुटुम्ब ने शादी के वक्त सिक्के इकट्ठे किए, छोटे सिक्के इकट्ठे किये, अब आप क्या प्रिज्यूम करेंगे? क्या आप यह प्रिजम्पशन करके चलेंगे कि उन कुटुम्ब को उन सिक्कों की जरूरत नहीं थी? सेक्शन 3 में आपने कहा है :

"Whoever contravenes any provision of sub-section (1) of section 3 without any reasonable excuse, the burden of proving of which shall lie on such person, shall be punishable with imprisonment for a term of not less than three months...."

Who will prove this offence ?

जिस आदमी के पाम सिक्के मिलेंगे, वह अपना मुनाह साबिन करेगा? आपने लिखा है :

The burden lies on him

यह बिल्कुल गलत है। उस पर इसका बर्दन नहीं होना चाहिये। फिर आप कहते हैं :

"Small coins substantially in excess of his reasonable requirements...."

What reasonable requirements? Have you defined it?

एक कुटुम्ब के अन्दर ज्यादा पैसे अगर मिल जायें तो आपका पुलिस अफसर पहुंच सकता है और पूछताछ कर सकता है। आपने

कहा है :

"For the purpose of determining the reasonable requirements of small coins of a person, due regard shall be had to...

(i) his total daily requirements of small coins,"

अब अगर एक भिखारी है और उसके पास सिक्के मिल जाते हैं तो पुलिस वाले उसको कहेंगे कि धाने चलो। कानून बन गया है और उस कानून की खिलाफवर्जी करके तुमने सिक्के रखे हुए हैं। अब इसके बाद उस भिखारी को अपनी निर्दोषिता को सिद्ध करना होगा।

Because you have mentioned this. You have said this. You have said that it will be the duty of that person to prove.

आपने लिखा है :

"(ii) the nature of his business, occupation of profession,"

आपने यह भी कहा है :

Melt or destroy.

अब गांवों में बच्चों के गले में सिक्कों में छेद करके पहना दिया जाता है या सिक्कों की माला बना कर पहना दिया जाता है, तो

Will it amount to destroy or not ?

आप क्या कहेंगे? कहेंगे डेस्ट्रॉय कर दिया है? जब आप कोई कानून बनाते हैं तो उसके मंशे के बारे में भी आपको साफ होना चाहिये।

आगे चल कर आपने लिखा है :

"Small coins substantially in excess of his reasonable requirements in such circumstances as to indicate that he is having the possession, custody or control of such small coins for the purpose of melting or destroying such small coins.

For what purpose? How will you find it? Will your police officer or constable go to the spot and recover the coins and say, "You are at fault"? To whom are you going to entrust powers?

आपका कानून बनाने का मंशा क्या है, यह आप अपने लीगल रिमैम्बरेंसर से पूछिये। जो गुनाह करेगा क्या वही अपनी निर्दोषिता साबित करेगा? मैं समझता हूँ कि प्रासीक्यूशन को इसको साबित करना चाहिये। कल को अगर मेरे घर में पांच सौ रुपये के सिक्के हों और शादी के सिलमिले में मैंने एकत्र किये हों और मुझसे पूछताछ काँ जाए तो क्या मुझसे यह नहीं कहा जाएगा कि चलिये थाने और सबूत दीजिये। जब आप कानून बनाते हैं तो आपको साफ बतलाना चाहिये कि कानून बनाने का परपज क्या है? मैं समझता हूँ कि तमाम बैगर्ज को इस कानून के तहत प्रासीक्यूट किया जाएगा, क्योंकि उनके पास लाखों रुपये के सिक्के हैं। आपने यह भी कहा है कि छोटे सिक्के जो एक्वायर किये गए हैं, उसका मोड क्या है? कोई अगर चूर्ण बेचता है तो छोटे सिक्कों की शकल में उसके पास बहुत सा पैसा इकट्ठा हो सकता है। अब उसको लेकर पुलिस इन्क्वायरी करेगी और कहेगी कि तुम्हारे पास ये कैसे आए। पुलिस के सिवा कोई दूसरा इन्क्वायरी कर भी नहीं सकता है। अब उसको पकड़ कर थाने में ले जाएगी...

**श्री सरजू पांडे (गार्जापुर) :** एम पीज को पकड़ कर ले जाएगी।

**श्री अटल बिहारी बाजपेयी (स्वालयर) :** इस पर अमल नहीं होगा, चिन्ता न करें। कोई अमल नहीं होगा।

**श्री मूलचन्द्र झागा :** मैं मंत्री महोदय से जानना चाहता हूँ कि आर्डिनैस जारी करने के बाद कितने लोगों को पकड़ा गया है, इसको जरा वह बता दें।

आगे आपने कहा है।

“Whoever contravenes any provision of sub-section (1) of section 3 without any reasonable excuse, the burden of providing of which shall lie on such person, shall be punishable with imprisonment for a term of not less than three months but not more than five years.”

अब कहां तीन महीनें और कहां पांच साल। कोई रेशियो तो होनी चाहिये। क्या परपज है इसका? जब आप कोई आर्डिनैस इश्यू करें या कानून बनायें तो उसके कंसिक्वेंसिस क्या होंगे, परिणाम क्या होंगे, इसका बिचार तो कर लिया करें। कितने लोगों को इस आर्डिनैस को निकलने के बाद आपने गिरफ्तार किया है? रिक्वायरमेंट शब्द जो इसमें है, इसकी आपने कहीं डैफीनीसन नहीं दी है। पुलिस वालों को सब अधिकार दे दिये हैं और इसको आपने कागनिजेबल अफेंस बना दिया है। कोई आदमी गांवों के अन्दर मजदूरी करता है और मजदूरी करके पैसा इकट्ठा करता है और कहता है कि वह शहर में जा कर कपड़ा बगैरह इससे खरीदेगा और पुलिस वाले उसको पकड़ लेते हैं तो क्या उसको हैरास नहीं किया जाएगा। इसके जरिये आपने रिश्वत का एक नया रास्ता निकाल दिया है। जब आप कोई बिल ड्राफ्ट करते हैं तो क्या आप सोचते हैं या नहीं कि कम से कम कानून बनें और जितने कम ये होंगे उनना ही अच्छा है? कानूनों का जाल नहीं बिछाया जाना चाहिये। साथ ही बर्डन आफ प्रूफ प्रासीक्यूशन पर होनी चाहिये। इसमें किमी की कोई डैफीनीशन नहीं दी गई है। रिक्वायरमेंट की भी नहीं दी गई है। अब एक कम्पनी के अन्दर एक आदमी ने गुनाह किया तो आप कहते हैं कि सारी फर्म और सारे मँम्बर उसके लिए जिम्मेदार होंगे। कैसे हो गए? इसका क्या मापदंड होगा, कुछ पता नहीं। मैं कहूंगा कि केन्द्रीय सरकार कोई कानून बनाना चाहती है तो पहले उस पर चिन्तन करे। जल्दी में कानून नहीं बनने चाहिये। गरीब जनता परेशानी में पड़े, ऐसे कानून नहीं बनने चाहिये। इस वास्ते इसको आप सोचिये, डैफीनीशज के बारे में सोचिये, खामियों के बारे में सोचिये, आप चाहते क्या हैं, इसके बारे में सोचिये। मैं समझता हूँ कि अगर इसको सिलैक्ट कमेटी के सुपुर्द कर दिया जाएगा तो अच्छा होगा।

**श्री अटल बिहारी बाजपेयी :** मैं एक प्रश्न

[श्री अटल बिहारी वाजपेयी]

करना चाहता हूँ। मन्त्री महोदय अपने उत्तर में स्पष्ट करें कि पार्लियामेंट के एक मੈम्बर के पास कितने छोटे सिक्के हों और उसको रीजनेबल माना जाएगा। यह साफ होना चाहिये अन्यथा उनको इसमें धर लिया जाएगा।

**SHRI INDRAJIT GUPTA (Alipore) :** With your permission I would like to take this opportunity to seek one clarification from the Minister. I was not here when he made his opening remarks. But I presume that what is supposed to be an antihoarding measure, that is to say that small coins should not be hoarded, is only one part of the solution. The other part is that the production of the small coins should be increased very rapidly. I would like to know from him whether the difficulties which had recently arisen in the Alipore mint at Calcutta regarding the stepping up of the production of the small coins have been solved. There was a proposal that three-shift work should be introduced in the Alipore mint and the workers of the old silver refinery whose work is now almost over should be absorbed in the Alipore mint and with their help a third shift should be introduced so that the production of small coins could be rapidly increased. There was some difficulty in the way. Some objections had been raised by the union of the mint workers to the introduction of the third shift and the absorption of the workers there. I would like to know from him, when he replies, as to what the latest position is, regarding this matter and whether they have been able to solve this difficulty and if so, how.

**SHRI K. R. GANESH :** I am thankful to the hon. Members who have participated in this debate and made some useful suggestions. As you know, this House has expressed concern about shortage of small coins through Call Attention Notices and through Questions and the attention of the Government was drawn to these shortages. The shortage has been observed from about December, 1970 and from that period itself the Government has been considering the enactment of a law for making the melting of coins and hoarding of coins for the purpose of melting an offence, because under the ordinary law of the land there was no provision. In reply to Shri Vajpayee's question, I would submit that what is being made an offence is melting or

destruction of small coins and possession of small coins for the purposes of melting. They may possess certain coins. Mere hoarding of coins is not made an offence under this law for the same reason which hon. Members mentioned, namely, if a power like this is given, there is every chance of its being misused and even small people who have coins or who accumulate coins may be harassed by the investigating authority.

That is why this Bill seeks to take account of a temporary problem. I agree with some hon. Members who expressed the view that a bigger solution of this problem is the stepping up of the production of small coins, and putting into circulation the necessary coins on the basis of assessment which the Reserve Bank of India makes from time to time.

That is why, Mr. Chairman, Sir, in the Bill the duration of this Bill has been put as 3 years. It has not been put as a permanent measure on the Statute-book because it is the assessment of the Government that within this period the production would have increased and it would be possible to make a viable impact as far as this particular problem is concerned and to make the melting of coins non-profitable, for which various steps have been taken already and in my statement itself I have indicated the various steps that have been taken.

Hon. Members referred to the assurance that my predecessor Shri Shukla made in answer to the Call Attention Notice and in my statement here I have indicated the steps that the Government have already taken for increasing the production of these small coins.

From 15 lakh pieces, we are now producing or minting about 50 lakhs pieces of coins, and so far as the increase in the labour strength is concerned, about increase in the number of hours in the various mints, Shri Indrajit Gupta who raised this is already aware of the fact that a large number of workers of the silver refinery have already been made part of the Alipore Mint.

There are various other problems connected with both the mints, and attempts have been made to solve them. As far as the question of the third shift is concerned, as soon as these transitional problems are solved,

Government will take a decision on the third shift, and there, of course, I would need the assistance of Shri Indrajit Gupta as well as hon. Members of the CPM to bring about this change as early as possible.

It has been said by one hon. Member that the loss of production was there due to the Government's export policy as well as the reduction in working hours. I must submit that as it was known that there had been a shortage of small coins, Government had refused to accept any export orders. I would submit to hon. Members that our mints have got a particular standard and they produce coins which have got a worldwide reputation. As soon as we are in a position to meet the internal requirements, it will be in the national interest to expand the minting processes and streamline them further so that we can meet both the internal requirements as well as the export to orders that many countries might place on us, because it is an established fact that our mints are producing coins which have a world wide reputation.

One hon. Member referred to the loss in production and had asked for the total number of coins that had been minted from June 1970 to September, 1971. Here, there is one point to be noted. While the coins that were minted by the various mints might have been less than what might have been minted before, yet for the reasons that we had indicated from time to time in the House, the number of coins issued to the Reserve Bank of India and which the Reserve Bank of India had released to the general public was very substantial. For instance, June, 1970, the number of coins minted was as follows; 291 lakh pieces were minted and 616 lakh pieces were issued to the Reserve Bank of India, and 1,094 lakh pieces were issued to the general public. I have figures like this from June, 1970 to 1971 to indicate that though there has been shortage in production to some extent, as a result of the Reserve Bank having withdrawn some of their demands since they had accumulated stock, the number of coins issued to the Reserve Bank and to the general public has been in an ascending order.

Shri H. M. Patel had asked about the assessment of the Reserve Bank in regard to the requirements of the coins. As he is probably aware, the Reserve Bank takes into account, the national income and price

trends, the expansion requirement on account of growth of the economy, replacement needs due to wear and tear, requirement of reserve stock, existing circulation and minting capacity. On all these considerations, the requirement of small coins in a particular year is assessed. The current year's assessment is 18,550 lakh pieces against which production from mints is expected to be 15,000 lakh pieces. The net issue of 18,550 lakh pieces this year will be made up by reducing the stock with the Reserve Bank by about 3,550 lakh pieces. To that extent, there will be no shortfall as far as the reserve stock is concerned.

As far as the metal value is concerned, the hon. member indicated that there should have been a periodic review. I have already indicated in my statement that this is being continuously reviewed. For increased production and for seeing to it that the hoarding of coins does not become a profitable proposition, the metal value of various coins has been changed.

Shri Venkatasubbaiah raised the question of counterfeit coins and notes. Although this does not strictly come within the scope of the Bill, I may say that when this question was discussed here in the form of a call attention notice and a number of hon. members had also written to the Finance Minister we took notice of it and a thorough investigation was made as far as the Government mints and printing presses are concerned. It was found that the requirement of security and the checks at various stages of production were all complied with and there was no question of any leakage or any counterfeit notes or coins. I can assure the House that continuously this question is kept in mind.

The other question raised was about the penal clauses. After all, we have to have this legislation for a temporary period. It is the assessment of the Government that unless these economic crimes are made deterrent, it will not be possible to put a stop to these violations of law. I agree with the hon. member that we must go to the root causes, but temporary measures as this are necessary and unless they are made deterrent and unless hoarding and profiteering by anti-social elements is made difficult so that they do not get away, the measure will not have any impact on a solution to this problem.

I commend the motion.



MR. CHAIRMAN: There is an amendment for reference of the Bill to select Committee by Shri M. C. Daga. I shall put it to the House.

*The amendment was put and negatived*

MR. CHAIRMAN: The question is:

"That the Bill to provide for the prevention of melting or destruction of small coins, hoarding of small coins for the purpose of melting or destruction thereof, and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: We shall take up clause by clause discussion. There is no amendment to clause 2. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill*

**Clause 3** (*Prohibition on melting or destruction of small coins*)

SHRI B. R. SHUKLA (Bahraich): I beg to move:

Page 2, line 5,—*add at the end*—"in a destroyed or mutilated State or." (1)

Page 2, line 9,—*after* "destroying" *insert*—"or selling them at a price higher than its face value of." (2)

Page 2, line 18,—*after* "metal" *insert*—"other than the small coins in their usual shape." (3)

I would like to accord my full support to the provisions of the Bill. I have moved these amendments not to whittle down the effect or efficacy of this measure but to plug the loopholes and to make the Bill more effective so that there may be no difficulty in a court of law to punish the real offenders.

As regards the first amendment, in clause 3 the offence of melting or destroying any small coin has been made penal. But curiously, in (b), this aspect of the matter has been omitted. Clause 3(b) reads like this:

"No person shall have in his possession, custody or control, any melted coin, whether in the molten state or in a solid state, or...."

My amendment is that the words "in a destroyed or mutilated state" should be added so that if a person is found in possession of coins which have not reached the stage of melting or are in a solid state but they are in the process of destruction or they are in the process of mutilation, that also should be made penal, and therefore, this amendment should be accepted.

Then, sub-clause (b) (ii), as it stands, provides that no person shall have in his possession, custody or control, small coins substantially in excess of his reasonable requirements in such circumstances as to indicate that he is having them for the purpose of melting or destroying such small coins. If a person is in possession of small coins in excess of his reasonable requirements in circumstances which may indicate that he is hoarding them for the purpose of selling them at a price higher than the face value, that should also be made penal. That point is not covered by this clause. A person may be hoarding coins not for the purpose of melting, but only for the purpose of destruction in the black market, as is generally done these days. Therefore, the scope of this sub-clause should be extended by accepting this amendment, that is, by adding the words, "or selling them at a price higher than its face value of", after the word "destroying". That is my second amendment.

Thirdly, sub-clause (2) says that who ever is found to be in the possession of any metal, which contains alloys in the same proportion in which they have been used in the manufacture of any small coin, shall be presumed, until the contrary is proved, to have contravened the provisions of this sub-section. My submission is that the words "any metal" should be followed by the words "other than the small coins in their usual shape." Because the words "metal" is general, and small coins are only species of a metal. Therefore, although this is not the object or the intention of the framers of this Bill, nevertheless, there appears to be a technical defect. So, it should be removed. That is why I have brought forward this amendment.

Then, about my other amendments—

MR. CHAIRMAN: That is all right. Only the amendments to clause 3 are now under discussion. The hon. Minister.

SHRI K. R. GANESH : As far as the first amendment is concerned, I would accept it if the amendment is put this way ; that is, "any destroyed or melted coin." If the amendment is put in this form, we will be able to accept it. As far as the second amendment, about the destruction of small coins,....

SHRI SEZHIYAN (Kumbakonam) : If the hon. Minister can himself move that amendment—

SHRI K. R. GANESH : Yes, I shall move it. For the prevention of melting or the destruction of small coins with a view to melting or destroying only, the person concerned would be contravening this provision. It does not include selling of small coins at a price higher than the face value.

MR. CHAIRMAN : Read your amendment.

SHRI K. R. GANESH : "Any destroyed or mutilated coin."

MR. CHAIRMAN : Please read it in the form in which you would like it to be.

SHRI K. R. GANESH : Any destroyed or mutilated coin."

MR. CHAIRMAN : What you are accepting, only that need be mentioned.

SHRI K. R. GANESH : The amendment may be accepted subject to the following verbal changes : "(ia) any small coin in a destroyed or mutilated state"

*Amendment made*

page 2,—

*after line 5, insert —*

"(ii) any small coin in a destroyed or mutilated state, or" (9).

(*Shri K. R. Ganesh*)

SHRI K. R. GANESH : The other amendments are not acceptable to us.

MR. CHAIRMAN : I shall now put amendments Nos. 1, 2 and 3 to the vote of House.

*Amendments Nos. 1 to 3 were put and negatived*

MR. CHAIRMAN : The question is :

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

*The motion was adopted*

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

**Clause 4 (Penalty for contravention of Section 3)**

MR. CHAIRMAN : We shall now takeup clause 4.

SHRI B. R. SHUKLA : I move :

Page 2, lines 25 and 26,—

omit "without any reasonable excuse, the burden of proving of which shall lie on such person" (4)

The words 'without reasonable excuse, the burden of proving of which shall lie on such person' should be deleted. There cannot be any excuse for such an anti-social act as the mutilation or destruction of any small coin. It should be treated as an offence if he is in possession or custody or control of any melted coin, whether in the molten state or solid state or destroyed or mutilated state, *per se* ; it should not admit of any protection by way of excuse the burden of proving which would be on the person who is accused of such an offence.

My submission is that the clause should make it penal for any person who melts or destroys any coin or who has in his possession, custody or control of such small coins. My submission is that the moment a person is found to have contravened any of the penal provisions of clause 3 he should not be allowed to escape by proving any reasonable excuse. Reasonable excuse is foreign to such acts as melting, destroying small coins or having melted coins or destroyed or mutilated coins in possession.

As Clause 3 (1) (b) (ii) itself provides for the reasonable requirements of the person concerned, reasonable excuse in Clause 4 becomes redundant. Therefore, the total effect would be that the Clause would read like this :

"Whenever contravenes any provision of sub-Section (1) of sections 3 shall be punishable with imprisonment for a term of not less than three months but not more than five years."

SRHI K. R. GANESH : I do not accept it.

MR. CHAIRMAN : I put Amendment No. 4 to the House.

*Amendment No. 4 was put and negatived*

MR. CHAIRMAN : The question is :  
 "That Clause 4 stand part of the Bill"

*The motion was adopted.*

*Clause 4 was added to the Bill.*

MR. CHAIRMAN : The question is :  
 "That Clause 5 stand part of the Bill."

*The motion was adopted.*

*Clause 5 was added to the Bill.*

**Clause 6** (*offences to be cognizable bailable and compoundable*)

SHRI B. R. SHUKLA : I beg to move :  
 page 3, line 11,—

for "bailable" substitute "non-bailable" (5)

The immediate impact of this legislation is whittled down or almost nullified if offences of this nature are made bailable because these anti-social elements who indulge in such practices do not then feel the impact of such legislation. Therefore, my submission is that the offences under this Bill should be made non-bailable so that there should be an effective curb on anti-social activities of these hoarders and destroyers.

SHRI K. R. GANESH : I do not accept it.

MR. CHAIRMAN : I put Amendment No. 5 to the House.

*Amendment No. 5 was put and negatived.*

MR. CHAIRMAN : The question is :  
 "That Clause 6 stand part of the Bill."

*The motion was adopted.*

*Clause 6 was added to the Bill.*

MR. CHAIRMAN : The question is :  
 "That Clauses 7 and 8 stand part of the Bill."

*The motion was adopted.*

*Clauses 7 and 8 were added to the Bill.  
 Clauses 9. (Provisions of Act 20 of 1958 not to apply to offences under this Act)*

SHRI B. R. SHUKLA : I beg to move :  
 Page 3, line 18,—

*after "Offenders Act, 1958" insert—*

*"or analogous provisions of any State Act or rules made thereunder" (6)*

The probation of Offenders Act, 1958, is a Central legislation. There are analogous Acts passed by the State Legislature which allow the release of the offenders on probation on the production of personal and surety bonds. Clause 9 provides :

"Nothing in the probation of Offenders Act, 1958, shall apply to any offence against this Act."

These crimes are to be punished by the Courts which are functioning under the jurisdiction of the States. Therefore, it might be argued that although the probation of Offenders Act, 1958, is not applicable to crimes committed under this Act, the benefit of the analogous Acts passed by the State Legislatures should be given to the offenders. Just as under the prevention of Food Adulteration Act, it has been held by several High Courts that an offender under that Act can be released on furnishing surety under Release of First offenders Probation Act of the UP legislature. So, my submission is that this amendment may be accepted, so that the section may read thus :

"Nothing in the Probation of Offenders Act, 1958 or analogous Acts passed by any State legislature shall apply to any offence against this Act."

SHRI K. R. GANESH : This amendment is not acceptable to Government.

MR CHAIRMAN : I shall put amendment No. 6 to the House.

*Amendment No. 6 was put and negatived.*

MR CHAIRMAN : The question is :  
 "That clause 9 stand part of the Bill."  
*The motion was adopted.*

*Clause 9 was added to the Bill.  
 Clause 10 was added to the Bill.*

MR. CHAIRMAN : Mr. S. N. Misra is not here to move his amendment to clause 1.

The question is :

"That clause 1 stand part of the Bill."

*The motion was adopted.*

*Clause 1 was added to the Bill.*

*The Enacting Formula and the title were added to the Bill.*

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

"That the Bill, as amended, be passed".

MR. CHAIRMAN : The question is :

"That the Bill as amended, be passed".

*The motion was adopted.*

16.55 hrs

STATUTORY RESOLUTION RE:  
RAILWAY PASSENGER FARES  
ORDINANCE AND RAILWAY  
PASSENGER FARES BILL

श्री अटल बिहारी वाजपेयी (ग्वालियर) :  
सभापति जी, मैं प्रस्ताव करता हूँ :

"यह सदन राष्ट्रपति द्वारा 22 अक्टूबर, 1971 को प्रख्यापित रेल यात्री भाड़ा अध्यादेश, 1971 (1971 का अध्यादेश सं० 17) का निरनुमोदन करता है।"

अभी हमने एक अध्यादेश पर सदन की स्वीकृति की मोहर लगाई है और अब सदन के सामने दूसरा अध्यादेश विचार के लिये प्रस्तुत है। पिछले अन्तर-सत्र काल में 13 अध्यादेश जारी किये गये। इतने अध्यादेश संविधान बनने के बाद से लेकर आज तक कभी जारी नहीं किये गये। संविधान के अन्तर्गत अध्यादेश जारी करने का अधिकार राष्ट्रपति महोदय को दिया गया है, लेकिन संविधान इस अधिकार के दुरुपयोग की इजाजत नहीं देता है। यदि परिस्थिति असाधारण है, यदि जनहित में अध्यादेश जारी करना आवश्यक है तो अपवाद के तौर पर अध्यादेश का आश्रय लिया जा सकता है। लेकिन अब तो ऐसा दिखाई देता

है कि यह सरकार अध्यादेशों के बल पर राज्य चलाना चाहती है। सदन में सत्तावाद दल का दो-तिहाई से अधिक भारी-भरकम बहुमत है। बहुमत के बल पर शासन जो चाहे कर सकता है, फिर भी इस सदन की प्रतीक्षा नहीं करता है।

16 54 hrs.

[SHRI SEZHIYAN in the Chair]

सभापति जी, यह बड़े आश्चर्य की बात है कि टैक्स लगाने के लिये, रेल किराये में वृद्धि करने के लिये, डाक-तार की दर बढ़ाने के लिये अध्यादेश का अवलम्बन किया गया है। इस सदन में पहले भी उल्लेख किया जा चुका है कि स्वर्गीय म.वल्लकर ने अध्यक्ष पद से यह बात स्पष्ट शब्दों में कही थी और मैं उनके शब्दों को उद्धरित करना चाहता हूँ :

"The procedure of the promulgation of Ordinances is inherently undemocratic. Whether an Ordinance is justified or not, the issue of a large number of Ordinances has psychologically a bad effect. The people carry an impression that government is carried on by Ordinances. The House carries a sense of being ignored and the Central Secretariat perhaps gets into the habit of slackness which necessitates Ordinances and an impression is created that it is desired to commit the House to a particular legislation, as the House has no alternative but to put its seal on matters that have been legislated upon by Ordinance. Such a state of things is not conducive to the development of the best parliamentary traditions."

इसके बाद अध्यक्ष मावलकर ने कहा कि अध्यादेश के द्वारा टैक्स लगाना तो समझ में ही नहीं आ सकता। इस सम्बंध में 17 जुलाई, 1954 को प्रधान मंत्री श्री नेहरू को उन्होंने एक पत्र लिखा था, जिसका एक अंश मैं उद्धरित करना चाहता हूँ—

"I may invite your attention to one more aspect, namely, the financial aspect involved in the amendment of the Indian