

(E) in Gazette of India dated the 20th October 1972 under sub-section (2) of section 3A of the Foreigners Act, 1946

12.04-1/2 hrs.

MATTER UNDER RULE 377

[Placed in Library See No LT 3844/72]

(2) A copy of the Annual Assessment Report for the year 1970-71 (Hindi and English versions) on the programme for accelerating the spread and development of Hindi and its progressive use for various official purposes of the Union

EXAMINATION OF BALYOGESHWAR BY CUSTOMS AUTHORITIES

MR SPEAKER Shri Jyotirmoy Bosu

SHRI JYOTIRMOY BOSU (Diamond Harbour) This Balyogeshwar issue although I have raised it at least three times before this House and many members have expressed anxiety on this issue

[Placed in Library See No IT 3843/72]

श्री ज्योतिर्मय बसु (डायमंड हार्बर) :
इस के बारे में कुछ बहस होनी चाहिये।

MR SPEAKER He is making a statement

अध्यक्ष महोदय कुछ एप्रेशियेट की करना चाहिये—मिर्धा साहब की लड़की की शादी हो रही है उस से मे उट कर आये है।

SHRI JYOTIRMOY BOSU The most astonishing statement is that one Customs Officer has demanded a lakh of rupees from him as bribe. Even a Congress Member Shri Shambu Nath Misra is defending his case as a lawyer. If he has done so in his wisdom, it is upto him. It is very clear, Sir that we want a clear and categorical statement about this on the floor of the House

श्री एस० एम० बनर्जी (कानपुर)
हिंदुस्तान का ऐसा ही आदमी चाहिये।

MR SPEAKER When is the Minister going to make the statement?

12.04 hrs

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K R GANESH) Now itself

INDIAN RAILWAYS (AMENDMENT) BILL*

MR SPEAKER Yes

THE MINISTER OF RAILWAYS (SHRI T A PAI) I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890

SHRI ATAL BIHARI VAJPAYEE (Gwalior) Then will you allow clarification?

MR SPEAKER The question is

अध्यक्ष महोदय कल क्लेरिफिकेशन होते होते कहा तक काल-एटेंशन चला गया, क्या आप इस को भी इसी तरह से बनाना चाहते हैं

"That leave be granted to introduce a Bill further to amend the Indian Railway Act 1890"

The motion was adopted.

MR SPEAKER You can ask for a Debate but no clarification. Don't break the rule every day

SHRI T A PAI I introduce the Bill

SHRI JYOTIRMOY BOSU: You can see the record, Sir, I am the most obedient Member of this House.

MR. SPEAKER: Shri K. R. Ganesh.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH). Shri Prem Pal Singh Rawat 'alias' Bal Yogeshwar was summoned under Section 108 of the Customs Act 1962 to appear in person before the Assistant Collector of Customs (Preventive) New Delhi on 21-11-72 at 10.00 hrs. in the Custom House for giving evidence and producing documents in connection with alleged smuggling of Foreign Exchange, Jewellery and Watches at Palam on 7-12-72.

In response to the summons, Shri M. N. Kacher, Advocate for Shri Prem Pal Singh Rawat made a written request that Shri Rawat may be examined on 22-11-72 at 6.00 P.M. in Ashoka Hotel. This was agreed to.

On the appointed date and place, Shri Prem Pal Singh Rawat presented himself before the Assistant Collector of Customs (Preventive) New Delhi at 6.20 P.M. He was accompanied by 8 other persons including Sarvashri—

1. S. N. Misra, MP and Sr. Advocate, Supreme Court.

SHRI SHYAMNANDAN MISHRA (Begusarai): Please say clearly who is this S. N. Misra. Please say that he is belonging to your party. He is Mr. Shambhu Narayan Misra.

SHRI PILOO MODY (Godhra): He is belonging to the Congress Party.

SHRI K. R. Ganesh. The others are: Sarvashri

2. Y. S. Mahajan, MP and Bar-at-Law.

3. N. S. Bist, MP and Advocate.

4. B. M. N. Kacher, Advocate

5. B. D. Mukherjee, Advocate

Shri S. N. Misra, MP, Advocate raised a preliminary point that under Article 20 of the Constitution Shri Rawat was not bound to make any statement to the Customs. The Assistant Collector of Customs informed him that Article 20 of the Constitution which provides that "no person accused of any offence shall be compelled to be a witness against himself" was not applicable to this case as Shri Rawat had not been summoned at this stage in connection with any offence for prosecution as contemplated under the Constitution. Shri Misra then contended that the interrogation of Shri Rawat should take place in their presence and also insisted that they shall tape-record the enquiry proceedings. They had brought a tape-recorder with them for this purpose. The Assistant Collector of Customs informed Shri Misra and others that under Section 108 of the Customs Act 1962 under which the summons had been issued gives the Customs Officer necessary powers to summon a person either in person or by an authorised agent and since in this case the summons had been issued requiring Shri Rawat to attend in person, he could not allow several counsels or agents to be present. He also added that there was no provision entitling a person summoned under Section 108 to the use of a tape-recorder. Shri S. N. Misra insisted that both the conditions laid down by him must be fulfilled. Discussions continued, each side maintaining its position. Finally, at 1.00 P.M. Shri N. S. Bist and Shri S. N. Misra got up to go and took Shri Rawat and others with them.

On the next day a letter was received from Shri B. M. N. Kacher, Advocate stating that he was very sorry to say that due to some misunderstanding Shri Prem Pal Singh Rawat could not be interviewed on 22nd November. He requested for the hearing being fixed on the 23rd at 6.00 P.M., at the same place, only one person being allowed to come along with him. Towards the evening, however, information was received that Shri Rawat had fallen ill.

In this connection, I would like to state that this information had been obtained as the Hon'ble Speaker had desired that I should make a statement in the House. The proceedings will continue in accordance with law and the Government would not wish to interfere, in any way, with the normal course of investigations by the competent field officers or with the subsequent adjudication proceedings.

MR SPEAKER Under the rules no questions are allowed.

SHRI JYOTIRMOY BOSU Then what about the findings? We are anxious to know about it.

MR SPEAKER Under the rules, no questions are allowed after a statement. The hon. Member may ask for a debate on it. But there can be no questions on the statement.

SHRI JYOTIRMOY BOSU On a point of order....

SHRI R. S. PANDEY (Rajnandgaon) A serious allegation was made against a customs officer namely that he wanted to take Rs. 1 lakh. It was very unfortunate on the part of any person to make such allegations against a customs officer.

SHRI S. M. BANERJEE (Kanpur) Why should they go to Ashoka Hotel to interrogate him?

SHRI G. VISWANATHAN (Wardha) Why should the Government officers go to Ashoka Hotel for interrogating him? (Interruptions)

SHRI PHOENIX MODY It was easier to take a bribe at the Ashoka Hotel.

SHRI JYOTIRMOY BOSU I had made a specific allegation. It has come out in the press that the customs officer had demanded a lakh of rupees..

MR SPEAKER Order, please. No questions are allowed after a statement. He can ask for a discussion. There will be no more questions on it.

श्री ज्योतिर्मय बसु : बलौरिपिफोन दिसवाइए
 SHRI G. VISWANATHAN Let us have a discussion on this.

श्री ज्योतिर्मय बसु इ बिश्न हिण्ड ।

MR SPEAKER There is no change in what I have said. It will be considered on merits.

SHRI S. M. BANERJEE May I seek your guidance? Do you sincerely think that the customs officer should go to Ashoka Hotel for interrogating him? After all he is a fourteen year old boy, and he could easily walk. I am told that legal opinion has been obtained that a fourteen year old boy cannot be punished. What is all this? I cannot understand.

SHRI G. VISWANATHAN He should be sent to a juvenile court because he is fourteen years old.

SHRI S. M. BANERJEE He is always fourteen years only and never more than fourteen years. What is this?

SHRI DINEN BHATTACHARYYA (Sirampur) That is why he is Balyogeshwar.

SHRI AMRIT NAHATA (Barnes) Balyogeshwar.

SHRI DINEN BHATTACHARYYA He is getting protection from the hon. Member's party.

MR SPEAKER No more questions now. I am taking up the next item.

SHRI JYOTIRMOY BOSU May I have one clarification from you, Sir..

MR SPEAKER He can ask for a discussion. There can be no questions and clarifications now.

SHRI JYOTIRMOY BOSU I on a point of order.

MR SPEAKER I am sorry I am not allowing anything further on this now. There can be no clarifications now. (Interruptions)

SHRI JYOTIRMOY BOSU: On a point of order....

अध्यक्ष महोदय : एक साथ सारे लोग क्यों बोल रहे हैं ।

SHRI G. VISAWANATHAN: May I seek one clarification from you, Sir?

SHRI JYOTIRMOY BOSU: May I seek one clarification from your good self, Sir?

MR. SPEAKER: He wants clarification from me only on the point of order or he wants information about the Balyogi?

SHRI G. VISAWANATHAN: In regard to the procedure adopted by the customs authorities, under the Government rules....

MR. SPEAKER: No, let him not go into it in this circuitous way. This cannot form part of the record....

SHRI VASANT SATHE (Akola): I am told that the Balyogeshwar is as old as Shri Piloo Mody? Is it a fact?

SHRI JYOTIRMOY BOSU: On a point of order. I am seeking a clarification. We want to know the list of the smuggled goods that have been brought in because he is a CIA agent....

SHRI INDRAJIT GUPTA (Alipore): The other day, when I had raised this matter in connection with his interrogation, the Chair was pleased to ask the hon. Minister to make a statement after ascertaining the facts. But when he makes a statement, should that statement not be complete? Should it be incomplete? He has not come out with the information about the articles which were seized or found....

SHRI JYOTIRMOY BOSU: Currency also.

SHRI INDRAJIT GUPTA: That is a very important information. No other individual can enter this country with all that. Let him tell us all that.

SHRI JYOTIRMOY BOSU: Is it a fact that he brought Rs. 50 lakhs in foreign exchange?

MR. SPEAKER: Everything is under inquiry, as the hon. Minister says.

SHRI SEZHIYAN (Kumbakonam). That is not under inquiry....

अध्यक्ष महोदय : एक साथ दो तीन मैम्बर बोलेंगे तो रिकार्ड पर नहीं जायेगा ।

SHRI JYOTIRMOY BOSU: Why does the Government give the impression that it is shielding him?....

MR. SPEAKER: No, no.

SHRI PILOO MODY: May I make a submission of importance?

MR. SPEAKER: What importance?

SHRI PILOO MODY: A submission on procedure unconnected with Balyogi. What I am saying is that we were agitated about several points for which reason we asked you to request the Minister to make a statement. The request for a statement implies that he gives information regarding those matters which are agitating our minds. If he chooses to read an innocuous statement and you in your wisdom thereafter do not permit us any questions, then the only other thing for us to do is to re-request you to re-ask the Minister to re-make his statement which will answer all the questions agitating our minds.

MR. SPEAKER: I am re-replying to it. I did not know that you asked me to direct the Minister to come out with a statement. He has come out with a brief statement.

SHRI PILOO MODY: Innocuous.

SHRI SEZHIYAN: About the goods seized, he could give a list.

MR. SPEAKER: Will it be possible?

SHRI S. M. BANERJEE : Also the total value of the articles.

*Balyogeshwar by Customs
Authorities*

SHRI R. S. PANDEY: On a point of order. A person has been caught at the airport and certain goods were seized from him. An inquiry was constituted. Now it would be very difficult for the inquiry officer to proceed with the inquiry, it would be very difficult for the customs officer to do justice to his work, if a loose allegation that he demanded one lakh of rupees is made. It will vitiate the process of inquiry. To malign the departmental official is very wrong. Some protection must be given to those who are engaged in the inquiry.

MR. SPEAKER. Please sit down.

SHRI K. R. GANESH: When an hon. member raised this question that day, it was confined to this particular proceedings.

SHRI JYOTIRMOY BOSU: You read my notice.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): He is right.

SHRI K. R. GANESH: As far as the particular proceedings are concerned, I have given a reply. As for the larger question, about seizures and about other aspects, there is no doubt that we have seized many things. There is a question coming up day after tomorrow in this very House.

MR. SPEAKER: You will come out with a full list of seizures.

SHRI K. R. GANESH: Yes, Sir, on that day. I would be in a position to answer all the points raised in the question.

There is another point. An allegation has been made against the customs officer. With all responsibility, I must state that the particular officer did his duty. This officer is known for his integrity.

Questioning his integrity is a malicious lie against the officer for doing his duty properly.

SHRI JYOTIRMOY BOSU: I am very glad to hear it.

SOME HON. MEMBERS rose—

MR. SPEAKER: I am not allowing anything further on this. Next item.

12.20 hrs.

RE BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): Sir, that day, at the meeting of the Business Advisory Committee, we consulted the wishes of all the Members and out of the three motions that have been tabled, food has been selected by all. Mr. P. M. Mehta also raised the question that he wanted to discuss the STC. It was observed that that was a very wide subject and that if he could give an amended motion with respect to that we would certainly take it up. I have no objection. Certainly, after this discussion, I will consult the convenience of the Minister of Foreign Trade and include that also.

MR. SPEAKER: That ends the matter. (Interruption)

SHRI RAJ BAHADUR: I have not received Mr. Mehta's amended motion.

SHRI SHYAMNANDAN MISHRA (Begusarai): My objection is this. We have finalised it at the Business Advisory Committee that this is the subject which would be taken up first. Although we do attach importance to food and we had to raise this issue through an Adjournment Motion on prices.....

MR. SPEAKER: The procedure, as I explained the other day, is that this is sent by the Sub-Committee on No Day Yet Named Motions. The Members gave one choice, but so far as the date was concerned, we finally reached the conclusion that the date rests with the Minister. I hope he will fix up the date as these motion keep on coming.