

श्री जगन्नाथ राव जोशी : मिनिस्टर साहब उपस्थित है....

अध्यक्ष महोदय : मूंगफली का कर रहा है। कालिंग एटेशन ठर देगे। बगर पूछे क्या खडे हो जाते है। मैने आपको अनुमति नही दी है।

एक और बड़ा मसला पेश हो गया है। पता नही सभी ने कालिंग एटेशन देना शुरू कर दिया है। पचास से ज्यादा घा जाते है रोज और बड़ी मुश्किल पेश आती है। नोटिस साठे दस बजे तक दिये जा सकते है। उसके बाद हाउस मे भी म्यारह बजे आना होता है। मिलने का भी किसी को बक्त दिया जाता है। बिना समय लिए हुए मैम्बर भी घा चुसते है। बड़ी परेशानी पैदा हो जाती है। कभी सुना है पचाम कालिंग एटेशन। कुछ तो रहम करना चाहिये। फिर भी कभी तगल्ली नही होनी है। 377 के अन्तर्गत नोटिस जो होने है वे भी कालिंग एटेशन पर डिरोड करने है। उसकी भी तोड़ मरोड़ कर उसकी तरफ बना लिया है।

THE MINISTER OF AGRICULTURE (SHRI F. A. AHMED): As the hon. Member will appreciate the distribution of foodgrains and sugar is done by the State Government The hon. Member has made allegations which are of a general nature. I shall certainly communicate these to the State Government and ask them to look into it.

MR. SPEAKER: We adjourn for lunch now and we shall re-assemble at 3 p.m.

I thank hon. Members for the very fine, wonderful warming which they gave me on my birthday, the finest warming

SHRI S. M. BANERJEE: Wish you the best of luck, Sir.

MR. SPEAKER: I shall remember this warming all the time.

14.06 hrs.

The Lok Sabha adjourned for Lunch till Fifteen of the Clock.

The Lok Sabha reassembled after Lunch at three minutes past Fifteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

CUSTOMS, GOLD (CONTROL) AND CENTRAL EXCISES AND SALT (AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: We resume discussion on the following motion moved by Shri K. R. Ganesh on the 1st August, 1973, namely:—

"That the Bill further to amend the Customs Act, 1962, the Gold (Control) Act, 1968 and the Central Excise and Salt Act, 1944, as amended by passed".

SHRI Ramavatar Shastri to continue his speech.

श्री मधु लिमये (बांका) : उपाध्यक्ष महोदय, जिस प्रश्न के बारे मे इतना हंगामा हुआ है, क्या उम के बारे मे कुछ कहने देगे ?

MR. DEPUTY-SPEAKER: What?

SHRI MADHU LIMAYE: About hunger-deaths in Orissa.

MR DEPUTY-SPEAKER: No, no.

श्री राजाबतार शास्त्री (पटना) : उपाध्यक्ष महोदय, हम लोग स्वर्ण (नियंत्रण) विधेयक के संज्ञोचन का तीसरा वाचन कर रहे है। उस दिन मैने बताया था कि स्वर्ण (नियंत्रण) विधेयक को पेश करते हुए उस समय के वित्त मंत्री, श्री मोरारजी देसाई, ने कहा था कि इस से हम लोहे की तस्करी को रोक सकेंगे, जिन कुछ लोनों ने लोहे पर कब्जा जमा रखा है, उस को उनके पास से निकाल कर हम उस को जनता और देश के

रुस्तेमाल में लायेगे। लेकिन धफलोम के साथ कहना पड़ता है कि उन का यह उद्देश्य पूरा नहीं हुआ, और जब तक यह पूजावादी व्यवस्था है, तब तक यह पूरा नहीं होगा। 1968 में जब यह विधेयक पारित किया गया, तो उस समय भी हम लोगो ने कहा था कि हमारे देश के लिए यह दुर्भाग्य की बात है। जिस दिन यह विधेयक पारित किया गया, वह हमारे देश के लिए, और खास तौर से स्वर्ण उद्योग में लगे हुए सोने चांदी के कारीगरों के लिए, काला दिन था। वह अवस्था आज भी बरकरार है, जो कि उस समय इस विधेयक को सदन के सामने पेश करने वाले मंत्री महोदय नहीं हैं।

उस समय जब हम ने यह सवाल उठाया कि सोने-चांदी के उद्योग में काम करने वाले लाखों कर्मचारी और मजदूर, और उन पर आधारित लोग, भूखों मरेगे, व बेकार हो जायेंगे तो यह धारणा दीया गया था कि इस की वजह से जो लोग बेकार होंगे, जिन का धंधा छिन जायेगा, उन के पुनर्वास की व्यवस्था सरकार करेगी। मैं यह जानना चाहता हूँ कि यह काम क्या तक हुआ है। मैं अभी अभी बिहार में घूम कर आया हूँ। पटना में हजारों कारीगर मारे-मारे फिर रहे हैं और आज-कल जब कि आर्थिक सकट इतना ज्यादा है, महंगाई इतनी बढ़ गई है, उन को बड़ी भयंकर स्थिति का सामना करना पड़ रहा है। मंत्री महोदय यह बताये कि जिन लोगों के बारे में सरकार और उस समय के विन मंत्री ने यह वादा किया था कि उन को कोई नुकसान नहीं होगा, उन के पुनर्वास के लिए, या उन को नौबरी रोजगार देने के लिए, वह कुछ भी नहीं है या नहीं। यह एक बहुत बड़ा सवाल है, क्योंकि सोने के उद्योग में काम करने वाले लाखों स्वर्णकार बंकार हैं और उन के परिवारों में लोग भूखों मर रहे हैं। जब तक मंत्री महोदय उन की समस्या का समाधान नहीं करेंगे, तब तक उन की सरकार उन लोगों की प्राह से बच नहीं करेगी। अगर मंत्री महोदय उन की प्राह

से बचना चाहते हैं, तो वह उन के लिए कोई रास्ता निकालें। (ध्वजध्वनि)।

मुझे मालूम है कि सरकार सोने का नियंत्रण तो कर नहीं सकेगी, सोने की जो ईंटें बड़े बड़े कालावाजारियों और बड़े बड़े मरमायादारों के पास हैं, उन को तो सरकार निकाल नहीं सकेगी, क्योंकि उस को उन लोगों से चन्दा मिल जायेगा। इस समय मैं उस में नहीं जाना चाहता हूँ। लेकिन मैं चाहता हूँ कि स्वर्ण उद्योग में लगे हुए जो लोग बेकार हो गये हैं, बर्बाद हो गये हैं, भूखों मर रहे हैं, सरकार उन की तरफ ध्यान दे। सरकार और कुछ भी नहीं कर सकेगी—बहु तस्करी रोक सकेगी और न कुछ और कर सकेगी। काला धन अपनी जगह पर है, वह जमा रहेगा। मंत्री महोदय इतना जरूर करे कि ये बेचारे गरीब बच जायें और उन की रक्षा की जाये। अगर वह उन की रक्षा नहीं करेगे, तो हम लोग सगठन बना कर उन पर हमला करेगे, आन्दोलन करेगे और फिर उन को झुकना पड़ेगा और हमारी बात माननी पड़ेगी।

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI K.
R. GANESH): Mr. Deputy-Speaker,
Sir, I have already replied to the
general debate on the consideration
of the Bill and the point that has
been raised by the hon. Member.
Shri Ramavatar Shastri, was dealt
with by me in reply to that discus-
sion. He was not present here. I had
stated that the Gold Control Act is
the second line of defence as far as
preventing the smuggling of gold
into the economy of our country is
concerned.

As far as the question of rehabili-
tation of the goldsmiths is concerned,
we have from time to time given
figures here to the House, and I have
stated during my earlier interven-
tions that their problems are being

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looked into with sympathy, and whatever other problems they might have, the Government will look into them with sympathy and try to solve them in as best a way as possible.

There are many points which Shri Limaye has raised. During the general discussion most of the speakers concentrated on the Gold Control Act. Shri Madhu Limaye has raised the question of smuggling and various other problems connected with it. Some reply is indicated to the various points the hon. Member has raised. He tried to link up the question of smuggling and various things to certain formulations which he is used to do always. I do not want a debate on that because the question of smuggling is a very vital matter and I shall not allow small irritants to stand in the way of my taking the House into confidence as far as the menace of gold smuggling is concerned. I am required to contest certain points he has raised, like the question of the Congress Party having raised funds during the Bombay session of the Congress from certain people he mentioned. That is not a fact and it is necessary for me to state that. Apart from that he has brought into focus the question of the evil and disastrous effects of smuggling on our economy, social life and foreign exchange position.

As the House is aware, this is a short Bill which seeks to implement various recommendations of the Law Commission on the question of enhancing the punishment and giving deterrent punishment and various other consequential matters.

Before I go into the specific points, I should like to read a passage from the report of the Law Commission dealing with this aspect of socio-economic crimes. What are the dimensions of these crimes? In their 37th report, on page 4, the Law Commission state as follows:

"The importance of suppressing social and economic crimes in any modern society is obvious. The transition from a rural and simple society to an industrialised and complex one entails regulation by or under law of activities having an economic import. The same process of transition from a simple to complex and a rural to urban society also necessitates an increasing attack on malpractices which were previously unknown, but which now emerge as a result of the process. The process gives rise to a two-fold increase in such malpractices—increase in the number of socio-economic malpractices and increase in their variety. Thus, newer forms of harmful activities not known previously—such as, unfair competition—raise their heads. And malpractices which would previously have been of a simple recurring, monotonous type, now assume diverse and varying manifestations. Adulteration of foods and drugs is an example in point.

This has happened in every modern society. In a developing economy, it assumes still greater importance, because conduct which, though criminal, could previously have been overlooked—e.g., petty smuggling—has now to be dealt with more seriously. Just as in war, every inch of territory has to be defended, whatever the risk, so in an economic crisis or in a massive effort to build up a society with a sound and healthy social structure, the purity of every grain has to be protected and every dot of evil has to be wiped out.

The reason why offences against laws enacted to combat such evils do not find adequate response in the social consciousness is psychological. Our minds are familiar with conventional offences like murder, rape and theft—offences where a tangible person or property of an individual is attacked. But it takes time to

realise the seriousness of non-conventional crimes where intangible property, in the sense of economic resources of the community are involved, or where the harm caused is indirect and remote, and there is no immediate tangible object of the harm visible to the mind. Neither the offender nor the society adequately realises the harm, because of the absence of an immediate victim."

This is how the Law Commission has given the dimensions of the problem of smuggling etc. in a very profound way. I have no hesitation in accepting many of the ramifications of smuggling operations which the hon. members has referred. It is a fact that inward remittances by Indians living abroad is one of the main sources of financing smuggling. I can provide him the latest figures. The Kaul Committee has gone into the matter and come to this conclusion that this is one of the main sources of financing smuggling operations. As a result of the recommendations of the Law Commission, the Foreign Exchange Regulation Bill is now before the House, after passing through the Select Committee stage, and provision has been made therein to plug this loophole. This Foreign Exchange Regulation Bill will take care of invoice manipulations also. It also a fact that, as a result of very high international price, gold smuggling has gone down considerably in this country, specially for the last two months and smugglers have taken to other goods for smuggling like synthetic yarn, luxury goods, etc. Government is aware of these mechanics. In reply to many questions, we have given various steps Government has taken with regard to tightening the enforcement machinery. Some measures like re-deployment of staff in sensitive and vulnerable areas, setting up of zonal units of Revenue Intelligence and setting up of the Directorate General of Revenue Intelligence and Investigation for achieving closer

coordination amongst various intelligence and investigation agencies and reorganisation of preventive formations in Bombay, Madras, Ahmedabad, Cochin and Madurai. The Government is also award of the inadequate of the equipment as far as anti-smuggling staff are concerned with regard to fast going launches, etc. which are necessary if we have to make any impact an smuggling operations.

SHRI S. M BANERJEE (Kanpur): There was a scheme that the Defence Ministry will manufacture some craft.

SHRI K R GANESH: Your information was not correct that somebody has sabotaged it. The Nag Chowdhury Committee has recently made some recommendations and we have taken certain steps. A team of officers had gone to certain countries to find out a suitable craft. A suitable craft has been located and during the next fortnight, we will process the whole thing, so that these fast-moving boats are provided for the anti-smuggling operations. Without that, it will not be possible to stop the massive boats which are used for smuggling goods from Kuwait and Dubai.

The hon member has mentioned a number of cases which have to be pursued vigorously. He has mentioned the case of Abdul Sattar, who a few days ago escaped. I would like to take the House into confidence, because as far as smugglers are concerned it is necessary to expose them before the bar of public opinion. Shri Sattar is a Pakistani national and an accused in the famous Mahim Gold case. He was absconding for three years. The customs officers apprehended him from a fruit vender's shop on 29-5-73 and remanded him to police custody. On 30-7-73 when he was taken by Bombay police to a Hospital for treatment he escaped from the police custody. I am informed the Bombay Police are inves-

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tigating the case. I propose to take this matter with the Chief Minister of Bombay because I consider this a very serious matter that a well-known smuggler, a foreign national, accused in a very serious case of smuggling, caught by the customs authorities after so much of labour, should find himself escaping from police custody. It is a serious matter which will have to be gone into, I agree.

श्री मधु लिवले : मेरा पीइंट ग्राफ चाईर है। मंत्री महोदय की जानकारी के लिए मैंने कहा था कि अस्तान भी जब पकड़ा गया था तो इसी अस्पताल में उसको भेजा गया था। यह लोग कभी जेल में नहीं रहते। उनका एक दिन का 1,200 रु. खर्चा था। मुझ से पुलिस कमिश्नर ने कहा कि हम लोग क्या कर सकते हैं बड़े बड़े लोग इन के साथ हैं। तो केवल अस्पताल स्टाफ का मामला नहीं है। सीट जार्ज अस्पताल स्टाफर्स लोगों का अच्छा धोर बढ़िया इंतजाम करने के लिए रखा गया है।

MR. DEPUTY-SPEAKER: There is no point of order. He only wanted to interpolate.

SHRI K. R. GANESH: I am benefited by the added information which the hon. Member has given.

He has also mentioned about a very famous, or I may take the liberty of the House in calling, a very notorious case of Haji Mastan. The hon. Member has mentioned many cases about him. He is involved in a large number of cases. In some of the cases the value of goods confiscated is about half a crore on rupees. He was also prosecuted for a case known as gold bar case. I would like to give some facts about it.

As a result of these investigations, Haji Mastan Mirza was arrested on 28-9-69 and released on bail of Rs. 20 lakhs. Appeal was filed in the

Supreme Court on 3-9-70 which was dismissed as the Supreme Court did not want to interfere with the discretion of the High Court. A complaint was filed on 1-7-70 in the Court of Chief Presidency Magistrate, Bombay for prosecution of Haji Mastan Mirza and his ten conspirators on charges under Customs Act, 1962, Foreign Exchange Regulation Act, 1947, Import and Export Control Act, 1947 and the IPC. The effective hearing in the case started from 4-8-71. On 11-10-72 the Magistrate passed orders for the discharge of the following accused persons, namely, Haji Mastan Mirza, Nasiruddin Abdul Karim Bawaji, Ashraj U1 Rehman Azimulla Lallu, Jorwar Basaitmal Siroya and Amir-ud-din Sk Dawood. Therefore, even though we have tried to prosecute them, somehow because of the legal procedures they were released by the court. Law Commission have taken these facts into consideration and suggested various measures to be taken to overcome difficulties of this nature.

He has also referred to various other cases. In regard to case of Nainmal Punjabi Shah, his brother has already been sentenced to rigorous imprisonment. A number of cases are pending against both the brothers. Investigations have revealed several inter-linked involvements. As such, they have taken time to complete the investigation.

About the Choti Sadri case I have extensively dealt with in my intervention.

He has also referred about the theft of opium from the Neemuch factory. The facts of the case are that the theft of opium had taken place from the factory's godowns which are situated at Mandsaur. The theft came to the knowledge of the police in the morning of 15-9-67 before the Manager of the Factory had taken over the factory from the police guards on duty. A physical verification of the opium stock revealed that three bags

from Godown No. 1 and 15 bags from Godown No. 2 containing a total of 644 kgs. of opium had been pilfered. Two cases were accordingly registered with the local police. The Inspector-General of Police issued wireless messages to all concerned police officers to see all vulnerable points. The Narcotics Commissioner had instructed the Assistant Narcotics Commissioner, Neemuch, to block all roads leading out of Mandsaur and to alert the preventive staff. In respect of the theft of three bags of opium, four persons were committed to sessions by the ADM, Mandsaur. The judgment in this case was delivered on 28-1-1969 in which three out of four persons were convicted and sentenced to four years rigorous imprisonment and with fine. In the case relating to theft of 15 bags, 28 persons were committed to the sessions for trial and the judgment in this case was delivered on 19-2-69. Out of 28 persons, 8 were convicted and sentenced. The stolen opium has not been recovered so far. The question of "write off" of this loss is under action. Similarly, departmental proceedings against officers in the Department involved are also in progress. All that was necessary in this case has already been done.

These were some of the points that the hon. Member had raised at the third reading stage of the Bill. Because they were specific points, I thought I should reply to them. I would end by only saying that rigorous efforts will have to be made and the Customs staff will have to be strengthened to see that we make an impact on the anti-smuggling operations. I have already detailed the various steps that have been taken.

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

MR. DEPUTY SPEAKER: The question is:

"That the Bill, as amended, be passed"

The motion was adopted.

MR. DEPUTY SPEAKER: Now, the next Bill that we take up relates to the Railways....

SHRI S. M. BANERJEE: Sir.....

MR. DEPUTY SPEAKER: Just a minute, Mr. Banerjee. I am on my legs. You have made a habit that whenever I am on my legs, you always cut me half-way through the sentence.

Having regard to the strike of the Loco men and the concern that the House had shown over that question, I can anticipate that the temptation of the Members discussing about the Railway, would be to refer to this question. May I remind them that the Speaker had said two things in the morning? I am told, if rightly, he had said that he would be prepared to accept a Calling Attention Notice for tomorrow. That is one thing. Then, under pressure from the Members, I think, he had also said that he would be willing for a short discussion on the strike situation sometime today, roundabout 5 P.M. I think, he wanted to ask the Railway Minister whether he would be prepared for that discussion.... (*Interruptions*) Order, please. You do not allow me to regulate the proceedings of the House. This is going to meet your requirements.

I think, the other day, when the question came up, there was a misunderstanding. The Railway Minister had only pleaded his difficulties on that day at that time. That is how I understood it. I think, the Speaker wanted to ascertain from the Railway Minister whether he had any more difficulties before he agreed to the discussion.

I would request the Members, while discussing this Bill, to please avoid this question because if you refer to this question at length, then that discussion will not be necessary. This is in your own interest.

Now, the Railway Minister,