

इस तरीके से इस संबंध में और बोनस के संबंध में भी, मेरी और मैनेजमेंट की एम्पलाईज यूनियन के लीडर्स के साथ बराबर बातचीत हुई। मैनेजमेंट की तरफ से यह स्पष्ट किया गया है कि वर्तमान कानून के अन्तर्गत 20 परसेंट बोनस देने के संबंध में क्या असमर्थताएँ हैं। हमारी हर तरह से यह कोशिश होती है कि इंडस्ट्रियल रिलेशनज नार्मल और कांडियन रहें।

भूतपूर्व सरकार द्वारा जारी किये गये वारंट

1. श्री हुकम चन्द कछवाय : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भूतपूर्व सरकार ने 2500 व्यक्तियों के विरुद्ध वारंट जारी किये थे और क्या उनमें से दो हजार व्यक्तियों के विरुद्ध वारंट अब भी प्रभावशील है ;

(ख) यदि हाँ, तो क्या सरकार का विचार इन व्यक्तियों को गिरफ्तार करने का है ;

(ग) यदि नहीं, तो इन वारंटों को अभी तक निरस्त न करने के क्या कारण हैं ; और

(घ) इस बारे में सरकार की क्या नीति है ?

THE MINISTER OF FINANCE (SHRI H. M. PATEL): (a) Prior to 21st March, 1977, 322 detention orders were issued by the former Central Government and 3026 detention orders were issued by the various State Governments. At present 118 persons are in detention against these orders; while 202 detention orders have not yet been executed as the concerned persons are absconding.

(b) to (d). All detention orders issued prior to 21st March, 1977 are being reviewed by the concerned detaining authority and revoked on merit of each case.

श्री हुकम चन्द कछवाय : मंत्री महोदय ने बताया है कि केन्द्रीय सरकार द्वारा 322 और राज्य सरकारों द्वारा 3026 वारंट जारी किये गये थे। क्या यह सही है कि भूतपूर्व सरकार ने इन लोगों को पहले मीसा में बन्द किया और उस के बाद उन पर काफ़ेरीसा लगाया; यदि हाँ, तो जो व्यक्ति इस समय बन्द हैं, उन की नजरबंदी की मियाद कब समाप्त हो रही है? क्या यह सही नहीं है कि उन लोगों पर दुश्मनी या बदले की भावना से प्रेरित हो कर आरोप लगाये गये थे? क्या जनता पार्टी को सरकार उन सब नजरबंदी के आदेशों को वापस लेने और उन अभियुक्तों पर मुकदमा चलाने का प्रयास रखती है?

SHRI H. M. PATEL: Sir, there may have been some cases in which persons may be arrested and detained under MISA and later converted under COFEPOSA. But that was not so in all cases or in most cases. I think the hon. Member would like to know about the rest. Out of the Central Government orders the number of persons who remained under actual detention after 21st March, 1977 was 28. The detention orders in respect of 47 persons had not been executed as the concerned persons were absconding. During this period from 21st March, 1977 to 11th November, 1977, out of these 47 persons 3 persons have been detained, 29 detainees have been released and only 2 persons are in actual detention at present. The cases of absconders were reviewed and for 13 absconders orders have been revoked. One absconder has died and we are now left with 30 absconders on 11th November, 1977.

श्री हुकम चन्द कछवाय : मंत्री महोदय ने नजरबंद व्यक्तियों की संख्या 28 बताई है, जब कि मूल उत्तर में कहा गया है कि 118 व्यक्ति नजरबंद हैं। इस में क्या खलता है कि मंत्री महोदय गलत-गलत बतार रहे हैं। क्या यह सही नहीं है कि जिन लोगों के खिलाफ ये अभियोग लगाये गये हैं, उन में से काफी लोग फरार हैं और काफी मर चुके हैं? क्या

सरकार की नीति उन्हें इसी प्रकार रख कर मारने की है? क्या सरकार ऐसी नीति अपनायेगी कि जिन व्यक्तियों के खिलाफ अभियोग लगाये गये हैं, उन सब के विरुद्ध ये प्रादेश वापस ले कर उन पर मुकदमा चलाया जाये? ये प्रादेश पहली सरकार द्वारा लगाये गये थे, वर्तमान सरकार द्वारा नहीं। पिछली सरकार ने यह एक गलत काम किया था। उसने यहाँ बैठे हुए काफी लोगो को बिना कारण नजरबंद किया था। या सरकार ऐसे सब व्यक्तियों के विरुद्ध लगाये गये अभियोगो को वापस ले कर उन पर नये सिरे से मुकदमा चलाने के लिए तैयार है?

SHRI JYOTIRMOY BOSU: Sir, how is it that the Finance Minister is replying to this question?

MR. SPEAKER: He can reply on behalf of the Government.

SHRI JYOTIRMOY BOSU: He can reply to the question regarding detentions under COFEPOSA only.

MR. SPEAKER: It is for him to say.

SHRI JYOTIRMOY BOSU: You kindly read out the question. You kindly read this How is the Finance Minister to reply?

MR. SPEAKER: It has been addressed to the Finance Minister and the Finance Minister is in a position to reply, he can reply on behalf of the government.

SHRI KANWAR LAL GUPTA: It should be about persons arrested under COFEPOSA; otherwise detention come under the Ministry of Home Affairs. He must have clearly stated people arrested under COFEPOSA and only then the Finance Minister could reply. We must accept that it is an omission.

MR. SPEAKER: Probably it concerns partly the Finance Ministry and partly the Home Ministry. The

Finance Minister has undertaken to answer it. It is for him to say.

SHRI JYOTIRMOY BOSU: Those who do a little home work will find that the question does not mention COFEPOSA.... (Interruptions).

MR. SPEAKER: It is for him to say.

PROF. P. G. MAVALANKAR: Kindly hold over the question till next week.

MR. SPEAKER: I am not holding it over.

SHRI H. M. PATEL: What is the need to hold over this question. I am answering this question. Two persons are in detention under the Central Government Orders 116 are in detention under the state governments orders. He wanted an explanation for 118.

श्री हुकूम खंभ कछवाय : मेरे प्रश्न के दूसरे भाग का उत्तर ही नहीं आया। मैंने पूछा है कि यह जिन लोगों पर अभियोग लगाया गया है, ये अभियोग पिछली सरकार ने लग ए है जिस सरकार ने यहाँ पर बैठे हुए लाखों लोगों को ग्रेस्ट कर रखा था तो क्या उस सरकार के द्वारा लगाए गए अभियोग को विदग्धा कर के दौपी लोगों पर यह सरकार मुकदमा चलाने का विचार रखती है? दूसरे, यह जो अभियोग लगाए गए, यह किसलिए लगाए गए? ये राजनैतिक अपराध के लिए है या सामाजिक अपराध के लिए है?

SHRI H. M. PATEL: They are all brought before the advisory board that has been constituted and we are only detaining those whom the advisory board advises us to detain as there is sufficient evidence, etc. against them to detain them for a further period. We will go strictly according to the law. There is no question of anybody being detained after the period is over. They will be proceeded against in the court as soon as enquiries are over.... (Interruptions).

श्री हुकम चन्द कछवाय : मुझे जवाब कीजिए, मैं ने साफ पूछा है कि इधर बैठे हुए लाखों लोगों को उस सरकार ने बरेस्ट कर रखा था...

MR. SPEAKER: I am on my legs; please sit down. He has answered the question: "Will you release all of them because the orders for detention were issued by the former government"? He says: No; we are going to send everything to the advisory board and we go by the advice of the advisory board. The answer is complete.

श्री हुकम चन्द कछवाय : मेरा मतलब है कि वह बहुत धीमी गति से काम कर रहे हैं, गति जरूरी होनी चाहिए।

श्री उपसैन : जसा कि मंत्री जी ने अभी बताया है काफी लोग जो आर्थिक अपराधों में गिरफ्तार थे उनको छोड़ दिया गया, मैं उनसे स्पष्ट जानना चाहूंगा कि इस समय जो कुछ लोग आर्थिक अपराध कर रहे हैं या करने वाले हैं उनके विरुद्ध क्या प्रक्रिया उन्होंने अपनाई है जिससे कि देश में भ्रष्ट जनता पार्टी के राज में आर्थिक अपराध न हो सकें? क्या इसकी स्पष्ट रूपरेखा मंत्री जी सदन को बतायेंगे?

SHRI H. M. PATEL: There is a little mix up in this matter. These are all economic offenders. As I was saying, we are strictly proceeding according to law and we are seeing to it that all those who should be released are released. Everybody who is detained is being brought before the Advisory Board and the number of releases, as you can see, is very large. What is now left will be settled very soon.

श्री उपसैन : मेरा यह सवाल नहीं है। श्रावे जो एकोनामिक् प्रोफेस करेंगे।

How do you propose to punish them? This is my question.

SHRI H. M. PATEL: That is not a question which arises from this.

SHRI UGRASEN: No. How can you say so?

SHRI H. M. PATEL: Hereafter, the detention will be under COFE-POSA and not under MISA or any other Act.

SHRI JYOTIRMOY BOSU: The country loses about Rs. 1000 crores through invoice manipulation in foreign exchange. Can the hon. Minister tell the House if it is not a fact that the erstwhile Government headed by Shrimathi Indira Gandhi, in their circular No. 671/46/76-Cus. VIII dated 24th of November, 1976, had circulated that persons engaged openly in normal and legitimate trade, in the course of which some infractions of the economic laws might occur should normally be dealt with for specific Contraventions of the laws concerned... For instance, in the normal course of imports or exports, there may be infractions of the Import trade control or Export trade control or Foreign Exchange Regulations or Customs Act involving importation of goods in excess of licenced capacity or difference in the quality or specification of the goods or wrong declaration of value, etc. which constitutes offences under these Acts? Is it a fact that the previous Government on the strength of the order had completely kept out the invoice manipulators and only went after the small smugglers under COFEPOSA?

MR. SPEAKER: This is information. The question is not allowed. You can lay it on the Table of the House.

SHRI JYOTIRMOY BOSU: Sir, I will lay it on the Table of the House. I will certify it.

*Laid on the Table of the House. [Placed in Library. See No. LT-1134/77].

MR. SPEAKER: You place it on the Table. It will be examined.

श्री कंबर लाल गुप्त : मंत्रीजी ने अभी कहा कि बहुत सारे लोगों को काकेपोसा में छोड़ दिया गया है केवल दो बाकी बचे हैं और कुछ स्टेट गवर्नमेंट के बाकी बचे हैं। मेरा कहना यह है कि उसके बाद काफी लोगों ने फिर स्मगलिंग एक्टिविटीज करनी शुरू कर दी है और आपके मिनिस्टर आफ स्टेट ने यह बयान दिया था, जा अभी अखबारों में छपा कि कई स्मगलर्स पोलिटिकल लीडर्स के साथ मिलकर स्मगलिंग करते हैं और उसकी टेप-रिकॉर्डिंग आपके मंत्रालय में है। अगर यह सब कुछ है तो मैं मंत्री जी से जानना चाहता हूँ क्या यह इफार्मेशन ठीक है कि पोलिटिकल लीडर्स के साथ मिलकर स्मगलर्स आज भी स्मगलिंग कर रहे हैं। दूसरी बात यह है कि आपके मंत्री बनने के बाद कितने स्मगलर्स को पकड़ा गया है ?

SHRI H. M. PATEL: We have today under detention, I think, somewhere about 90 persons, who were detained under COFEPOSA during the present Government.

SHRI KANWAR LAL GUPTA: My question is different. Perhaps, the Minister does not understand Hindi. There are two parts in my question. The first part is, is it a fact that the Minister of State for Finance stated openly in the press that there are some smugglers who are in league with some politicians and there is a tape-recording of this too, as to how to smuggle the things? Is it a fact or not? Secondly, how many persons have you arrested after taking over this ministry?

MR. SPEAKER: For the second part, he will require notice.

SHRI KANWAR LAL GUPTA: I protest against you, Sir. You cannot become a minister. Let the minister say whatever he wants to say.

SHRI H. M. PATEL: I do not know on what basis the Minister of State made that statement. I have no information about it. But no doubt he must have had very definite information. If the hon. member or the House wishes to know, I shall ask him to inform the hon. member or the House. About the number of persons detained under COFEPOSA since this government came into power, I cannot give him the exact figure, but is round about 90.

श्री मनी राम बागड़ी : मंत्री जी ने जो कहा है उस पर मुझे आपत्ति है। मुझे कोई सवाल नहीं करना है। मेरा प्वाइन्ट आफ ऑर्डर है। क्या मंत्री जी और स्टेट मिनिस्टर के बयानों में फर्क हो सकता है ? ये जिम्मेदारियाँ अलग अलग नहीं होती हैं। मंत्री महोदय ने अभी यह कहा कि स्टेट मिनिस्टर साहब ने क्या बयान दिया, यह मुझे पता नहीं। मैं पूछना चाहता हूँ कि ऐसा कहना क्या सही है ? स्टेट मिनिस्टर हा या कैबिनेट मिनिस्टर, दोनों की ज्वाइन्ट रेस्पॉन्सिबिलिटीज होती हैं। उम्मीद है मंत्री जी का ऐसा कहना गलत है और पर्याप्त बयान नहीं होनी चाहिए।

MR. SPEAKER: That is correct

श्री राधयजी : मंत्री जी ने यह बताया है कि 116 बंदी राज्य सरकारों ने बनाए हैं। मैं यह जानना चाहूंगा कि कितने कितने बंदी बनाए हैं और कितने बंदी आपात स्थिति के दौरान बनाए गये और कितने आपात स्थिति के बाद बनाए गये ?

MR. SPEAKER: He says he cannot answer that.

श्री नृकम चन्द्र कठवाय : 116 पकड़े गये हैं, यह मंत्री जी ने बताया है। मंत्री जी यह बता सकते हैं कि किन किन राज्यों में कितने कितने पकड़े गये ?

SHRI H. M. PATEL: The number of persons in actual detention out of orders issued prior to the revocation of emergency is Goa, Daman and Diu 11, Gujarat 81, Jammu and Kashmir 1, Karnataka 1, Maharashtra 6, Punjab 3, Tamil Nadu 10, West Bengal 3, Central Government 2—total 118.

SHRI SOMNATH CHATTERJEE: We are all one that the economic offenders should be very strictly dealt with. May I know from the Minister about the policy of this Government? We are told that there have been recently reviews in respect of cases of persons who had been detained by the previous Government. Upon fresh review, if there are materials to justify their continued detention, why can't this Government take adequate steps under the laws under which they can be sentenced to imprisonment upon trial, which will mean the public will come to know the method of the activities indulged in by them and there will be public exposure of those persons, and also, they will be given much more deterrent punishment than this COFE-POSA detention? I want to know why the Government does not go into prosecutions against those persons in respect of whom they are satisfied that there is material upon first review and whether preventive detention laws will be a substitute for prosecution under the ordinary law and whether this Government considers that the economic laws which are there in this country are sufficient or not.

SHRI H. M. PATEL: Wherever there is evidence enough we will certainly go before the court.

MR. SPEAKER: You have not answered his question: Why then do you go in for detention?

SHRI H. M. PATEL: There are only two in detention out of orders issued by the Central Government. That is the position. Wherever there is enough evidence, we will go to the court and prosecute them.

SHRI SOMNATH CHATTERJEE: One more point I want to know is whether this Government considers that the provisions contained in the present laws in the country like the FERA, Customs Act etc. are sufficient to catch hold of these persons and launch prosecutions against them. I would like to know whether these laws are sufficient.

SHRI H. M. PATEL: So far as FERA etc. which he mentioned are concerned, they are sufficient for the purpose for which they were constituted. Where there is any weakness, we are examining to strengthen those things. The examination is continuing. The only general law that we have considered necessary to continue for some time is the COFEPOSA.

SHRI SAUGATA ROY: In reply to a Starred Question asked by Mr. Manoranjan Bhakta which did not come up because of the delay in the proceedings, the Minister has said that reports received by Government indicate that there has been no spurt in smuggling activities after the release of smugglers and revocation of Emergency and the top smugglers are lying low. In another part of the statement he said that there is no proposal at present to amend the COFEPOSA. The question Mr. Chatterjee was asking is whether there is any scope for reviewing this Act for smugglers. But Mr. Kanwar Lal Gupta said that the Minister of State for Finance, Mr. Satish Agrawal, made an open statement in the press that smuggling has increased. Not only that. He has addressed a

letter to all M.P.s asking their help to check smuggling. In view of this and in view of the fact that many of the detention orders have not been executed, may I ask what is the value of smugglers' properties that have been confiscated by this Government ever since Mr. Patel took over charge of the Finance Ministry.

SHRI H. M. PATEL: First of all, I think none of these arises out of this. But I can tell you that about 41 people's properties have been confiscated. The value is somewhere round about Rs. 10 crores. I cannot give you the exact figures because you are asking off hand.

WRITTEN ANSWERS TO QUESTIONS

Study regarding impact of release of detenus under COFEPOSA

*85. **SHRI MANORANJAN BHAKTA:** Will the Minister of FINANCE be pleased to state:

(a) whether Government have made a fresh study of the impact of the release of detenus under COFEPOSA after the emergency was lifted and if so, the details thereof;

(b) whether those persons are being prosecuted for their economic offences and if so, the action taken against them; and

(c) whether it is proposed to amend the COFEPOSA in order to deal with the economic offenders effectively and if so, the broad outlines thereof?

THE MINISTER OF FINANCE (SHRI H. M. PATEL): (a) Reports received by Government indicate that there has not been any spurt in smuggling activities after the release of the smugglers on revocation of emergency and that the top smugglers are lying low. Although there were reports of re-grouping and attempts at revival of smuggling, those are not confirmed by any actual

seizures, in spite of exercising greater vigilance and taking intensive preventive steps.

(b) Yes Sir, necessary action under the law (including prosecution) is also taken in appropriate cases.

(c) No Sir, there is no proposal at present to amend the COFEPOSA Act.

Price, availability and distribution of mustard and rapeseed oil

*86. **SHRI L. L. KAPOOR:** Will the Minister of COMMERCE AND CIVIL SUPPLIES AND COOPERATION be pleased to state:

(a) whether in spite of the import of edible oil for the Vegetable Oil Industry to the extent of about 6 lakh tonnes and also the production at the previous year's level, the price of vegetable oil in the market ruled high;

(b) if so reasons therefor and the steps taken to remove such situation;

(c) whether a huge quantity of rapeseed oil has been imported and if so, the total value and quantity since April, 1977 month-wise along with figures for its distribution State-wise;

(d) whether in spite of the fixation of price of mustard oil at Rs. 10 per Kg. no mustard oil is available in the States of U.P., Bihar and West Bengal at this price;

(e) have there been any complaints for the adulteration of mustard oil by rapeseed oil; and

(f) action taken or proposed to be taken to check such malpractices?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND CIVIL SUPPLIES AND COOPERATION (SHRI K. K. GOYAL): (a) and (b). The price of vanaspathi of 16.5 kg. tin (inclusive of excise duty but exclusive of local taxes) was