

15.19 hrs.

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

MR. DEPUTY-SPEAKER: We shall now resume further consideration of the following motion moved by Shri K. R. Ganesh on the 31st July, 1973, namely:—

“That the Bill further to amend the Customs Act, 1962, the Gold (Control) Act, 1968 and the Central Excises and Salt Act, 1944, be taken into consideration”.

SHRI VASANT SATHE (Akola): I rise to welcome the Bill seeking to amend the Customs Act, the Gold (Control) Act and the Central Excises and Salt Act. I am particularly interested in the part relating to gold control on which I would make certain submissions.

As regards gold control, the Bill is restricted to a limited purpose of (1) extending the punishment and (2) making certain changes in sec. 100 changing the definition of ‘petty transaction’ etc. On this, I would like to submit that we know what havoc the Gold Control Order which was brought in and adamantly insisted upon and pursued ruthlessly by Shri Morarji Desai....

SHRI MADHU LIMAYE (Banka): It was a Cabinet decision.

SHRI VASANT SATHE: I am saying ‘as a member of the Cabinet’; I said ‘pursued’. We know what havoc it has caused, particularly to the smaller goldsmiths. It destroyed their life. Lakhs of goldsmiths in the country were thrown out of their business and deprived of their means of livelihood. I know what great sympathy the Prime Minister had when she was President of the Congress when she expressed herself on the suffering of these goldsmiths.

Today the position is that in spite of various amendments and changes brought in the Act, the plight of the goldsmiths continues. The smaller goldsmiths cannot carry on their business. We changed the 14 carat law. The result was that there was a demand for goldsmiths and the 14 carat had no meaning. The result was that it was the big jewellers and big dealers you see all over in the towns everywhere who have benefited. You will find people like Kapur Di Hatti, Mehre De Hatti, Nanubhai and others manufacturing gold ornaments to the tune of crores of rupees and placing them in their showrooms, ornaments of 22 carat gold. But the smaller goldsmiths in the rural areas or small towns cannot manufacture an ornament. He cannot in fact get down from his customer an old ornament and renew it or make a new ornament by adding even a few grammes of gold to it, which is very essential in making or re-making an ornament. This, therefore, has taken away the business from the small goldsmiths and lakhs of goldsmiths in the country are suffering under this particular provision. I would, therefore, submit that the hon. Minister may bring a comprehensive Bill incorporating these various provisions.

Now I would invite his attention to cl 16 where it is proposed to amend section 100 so as to change the definition of ‘petty transaction’.

“Nothing in this section shall apply to the acceptance, purchase or other receipt, by way of petty transactions in the course of a day, of gold upto a quantity of one hundred grammes, by a licensed dealer or refiner or certified goldsmith, as the case may be”.

You want to increase the quantity from 25 to 100 grammes. That is good. But what about section 42? Will it automatically be affected or abrogated because this is a later section? As we

(Shri Vasant Sathe.)

know, if in later section of a law there is anything contrary to what is contained in an earlier section, it might have the effect of neutralising the provision in the earlier section. Section 42 says:

"No certified goldsmith staff either own or have at any time in his possession, custody or control any quantity of standard gold bars in excess of 100 grams or any quantity of primary gold including standard gold in excess of 300 grams."

I hope this is not going to be in any way derogatory, and the provisions of this section will remain. But, all the same, I would suggest and I hope and I plead that the hon. Minister should accept this suggestion which I am making, that this 100 grams be increased to 500 grams. This is for the simple reason, as you know, that if ornaments are to be made by a goldsmith during the course of his transaction in the course of a day, 100 grams may not be enough. Therefore, I would suggest that this should be amended and my suggestion be accepted.

When you bring a comprehensive Bill, I may also make a few suggestions to be carried out at that time, and I shall make those suggestions pointedly so that I do not take much of our time. You know one more cause for the suffering of the small goldsmiths is because of the loan repayment. Up till now, the period of loan for repayment was extended to five years. We know fully well that the object was the loan was given for rehabilitation. Now, many of the smaller goldsmiths who do not know any other trade, could not rehabilitate themselves even during that period and are not in a position to repay the loan. I would submit that these are small people, and the Government are not going to gain any big amount or revenue by forcing them to repay the amount in this particular period. So, my request is that this period may be extended by another five years.

There is one more point which may be made in this connection. At present, non-payment of the loan makes them liable for cancellation of the certificate. That is not fair. I can understand some penalty which can be imposed for non-payment, like the charging of some interest or something like that, but to take away the certificate and deprive the goldsmith of his livelihood and business because he is not able to repay the loan, is not fair. The very fact that he is not able to repay the loan shows that he is poor and incapable. In addition to that, if you deprive him of his business, you will be only killing him and his family. Therefore, that must not be the condition, and under no circumstances must you deprive him of his source of livelihood, that is, the cancellation of the certificate. This point may, therefore, be considered.

Another suggestion is this. Why not consider the question of treating the loan up to Rs. 1500 as a subsidy straightway, particularly the loan given on a personal bond? You know who gives the personal bond. There are poor workers of goldsmiths working in the rural areas, villages and small towns, who could never have asked for a loan, and if one is not able to repay the small amount that you give, only to the tune of Rs. 1,500 or Rs. 1,000 on a personal bond, I would request the Government to treat it as a subsidy for these poor people who, for no fault of their own, suffer because you took away the work and livelihood of a generation of these artisans with one stroke by the Gold Control Order. Therefore, if you gave them the amount it was not as if to oblige them. I would submit that the Government may consider this, in their own interests also, and as we say, write it off, or treat the loan as a subsidy.

At present, what is happening is that these certificates to the goldsmiths are not given properly. The-

rules are so cumbersome. One rule says that those who had applied before 1968, or up to 1968, would get them. Another commission said, up to 1968, those who apply, their sons would get, but their dependents might not; nephews would not, but a son would. I am told that by a notification, not by amendment of the Act, you have said: no, it does not mean this, even a son of the goldsmiths after 1968 would get, but most of the people do not know that notification, even your officers do not know; the organisations do not know. Why not amend the Act and say, any goldsmith, if he qualifies, will get a certificate, or if he is trained for one year or so under a goldsmith or somebody.

It is contrary to the principles of our Constitution. Right of avocation is guaranteed under the Constitution. Are you against anybody doing work as a goldsmith? If you are not, why do you say hereafter so and so, if he is not the son of a goldsmith or a nephew of a goldsmith or a cousin of the goldsmith will not get a licence or certificate. Why do you want to put this ban? This is very irrational. Give the certificate to anyone who qualifies by his training to do this avocation. Tomorrow if somebody wants to open a cycle repair shop, can you say that unless he is the son of a repairer, he will not get a certificate. If you say that by doing this you stop the use of gold or you get gold into the treasury, it has never been achieved. Therefore, do not put any restriction on avocation. Are we able to provide alternative employment in this country? Lakhs of people are without jobs. Why do you want to deprive those who want to do a traditional job to eke out a living?

All certified goldsmiths should be allowed to purchase old ornaments and gold from cutomers and gold dealers to the extent of 200 grammes each time and to stock ornaments not exceeding 500 grammes at a time. If

some goldsmith manufactures ornaments of more than 5 kgs, he would become a dealer. How many small goldsmiths can come to this standard? You say: we have put this restriction so that we are able to have control over the dealers, check their accounts and all that. Thereby again your entire gold control order and the amendments go in favour of big dealers. It is against our policy, because our policy is to help small man. If your Act and notifications and implementation are all working only in favour of big dealers, allow a chance to the small man also to manufacture gold ornaments and keep some gold ornaments with him for selling to the customers. I would beg of the hon. Minister to consider all these aspects and bring a comprehensive Bill as the intention of this Bill, he would agree, is limited. If he could give an assurance that he would bring a comprehensive Bill it will satisfy us.

MR DEPUTY SPEAKER: I appreciate it is rather difficult to delink this amending Bill from the main Act; but nevertheless I have to point out to Members that the object of this Bill is limited to the question.... (Interruptions) The whole tenor of the hon. Member's speech was on the Gold Control Act itself.

AN HON. MEMBER. This is the only opportunity when we can bring it to the notice of the House.

MR. DEPUTY-SPEAKER: I understand, I have said that it is difficult to delink it. But all the same it is a little out of the scope of this Bill. Anyway, Members have pointed out to the Minister the need for doing something about changing the principal Act, especially with regard to the Gold Control Act. Even so, we are limited in time and I request Members to kindly bear this in mind, the scope of the Bill is limited.

*SHRI KRISHNA CHANDRA HALDER (Ausgram): Mr. Deputy Speaker Sir, I support the object of this amendment Bill. You have stated Sir, that the object of this Bill is very limited. It has been stated what the object of this Bill is to plug the leakage of foreign exchange through invoice manipulation. I entirely agree that the holders of black money, the capitalists, the big importers and exporters in our country are cheating the country of valuable foreign exchange through unfair practices like under-invoicing, over-invoicing etc. As has been voiced by my previous speakers also, the object of this Bill is laudable but it is only a half measure. It is necessary to bring forward a more comprehensive Bill to provide exemplary punishment to all those big financiers, importers and exporters, who indulge in such sort of anti-social and anti-national practices. We will support all such measures. But Sir, as a result of the Gold Control Order of 1968, we have seen that the trade of Goldsmiths as a cottage industry, practically died away. There were demonstrations and agitations all over the country against that order. Sir, in my State of West Bengal alone over 100 goldsmiths committed suicide—as they lost their means of livelihood. ,

SHRI A. K. M. ISHAQUE (Basirhat) Over 100?

SHRI KRISHNA CHANDRA HALDER: Yes, over 100 You are forgetting that since you are sitting on the treasury benches. However, as I was saying a more comprehensive Bill is necessary. As has been proposed by others also, I feel that the time for repayment of loans may be extended in the case of small goldsmiths so that they may be helped to survive. I suggest Sir, that the time for repayment of loan may be extended from the present five years to ten years. The Government may also not insist on the small goldsmiths who have been given a loan of Rs. 1500 to re-

pay their loans. That may be treated as a subsidy and no repayment may be demanded. This will be a great help to the small goldsmiths to reinstate themselves in their trade. Another suggestion has come before us from Shri Madhu Dandavate and also Shri Sathe that if a goldsmith applies for a licence and it is certified by a certified goldsmith that he has worked with him for one year then the applicant should be granted a licence forthwith. I entirely agree with this suggestion. Next Sir, I feel it is very necessary to allow a small goldsmith when he goes to sell old ornaments to buy 200 tolas of gold at a time.

SHRI VASANT SATHE. It is not 200 tolas, it's 200 grams.

SHRI KRISHNA CHANDRA HALDER: Yes 200 grams, I am sorry. Thank you. So it is necessary to bring forward a comprehensive Bill incorporating all these provisions. I again stress, Sir, that I have full support for all the measures that the Government may adopt to punish the importers and exporters and other big financiers who are cheating the country of valuable foreign exchange by indulging in unfair trade practices and anti-national activities. But, Sir, today when over 4-1/2 crores of people in our country are unemployed and they are committing suicide, their children are also unable to find any employment, it is very necessary to bring forward a comprehensive Bill through which the goldsmiths may be helped to re-establish themselves in this trade. They may be helped to set up their trade as a cottage industry so that they may survive and find means of livelihood. With this appeal to the Minister I conclude my speech.

SHRI BANAMALI PATNAIK (Puri): Mr. Deputy-Speaker, Sir, my friend, Shri Sathe, has already explained the position of the goldsmiths. Really they are the most hard-hit people. In one section it has been mentioned that they have to keep the

accounts. Most of them are illiterate and they cannot keep accounts; it is not possible for them to do that. Notifications after notifications have been issued, calling for applications to grant them licences. A large number of applications made during the period 1963 to 1968 are still pending with the Assistant Collector of Customs, Bhubaneswar. The applications have not been considered yet. The poor goldsmiths go to the Office every day to find out the fate of their applications and return disappointed. In this way the poor goldsmiths are being harassed from time to time. to

Moreover, under the law of goldsmith who is travelling from village to village is found to be in possession of gold, the customs officers catch hold of them and release them only when they get some illegal gratification. In this way also the goldsmiths are harassed. After all, the goldsmiths have to go from village to village to carry out repair work. They cannot always do it only in their workshops. So, the rules should be so framed that they will not be harassed when they travel from village to village with a small amount of gold in their possession. Orders should be issued to the officers not to harass these goldsmiths. As long as they carry the licences with them, they should not be troubled. After all, in spite of the Gold Control Order people who want ornaments are still making them and people who were in possession of large quantities of gold continue to hold them. They are not being harassed; so also the big bullion merchants; but the poor goldsmiths in the villages find themselves in difficulties.

The goldsmiths find that they are not liable to repay the industrial loan of Rs. 500 which they have been given. Many of the State Governments have written to the Centre that it is not possible to realise the amount and so it must be written off. It cannot be written off unless they have the concurrence of the Centre. The Orissa Government have also written to the

Centre. I hope that some action will be taken in the matter soon.

The Government of India have given the Cuttak Filigree Works a grant. Yet, it is not functioning. The goldsmiths prefer to go to the big goldsmiths rather than have the work done by the artisans of the filigree workers. Some of the customs officers are also creating trouble for this organisation. It should be seen to it that this organisation families well because this is one of the organisations which does the facts figures work of gold and silver which is even exported. In fact, they have got an order worth Rs. 10 akhs, but they could not execute it on account of the trouble created by the customs.

Now there is no separate Collectorate for Central Excise in Orissa. There is only one Assistant Collector and he is tagged on to Calcutta. There is every justification for a separate Collectorate for Orissa. When this question was raised, an assurance was given that instead of having a separate circle there will be a separate directorate for Orissa. But even that decision has not been implemented. I would request the Minister to see whether a directorate can be set up there immediately so that the difficulties which the people in that region are now facing can be removed?

श्री फूलचंदबर्मा (उज्जैन) . उपाध्यक्ष
महोदय, आज हम सीमा-शुल्क, स्वर्ण (नियंत्रण)
और केन्द्रीय उत्पादन शुल्क और नमक
(मशोधन) विधेयक पर चर्चा कर रहे हैं।
इस बिल के उद्देश्य और कारणों में बताया
गया है कि ना कमीशन की सतानीसवीं
रिपोर्ट के आधार पर यह बिल लाया गया है।
यह रिपोर्ट मेरे पास है। मैंने उसे पढ़ा है।
लेकिन मुझे एक बात इस में समझ में नहीं
आई, इसमें कहीं इस बात का उल्लेख नहीं
है कि तीन-तीन फीलों को एक सा

[श्री फूलचन्द बर्मा]

जोड़ कर लाया जाय । मन्त्री महोदय एक साथ तीन बिल लाये हैं । इस सबध में मेरी यह आपत्ति है कि यह असल असल मिल लाते तो कहीं ज्यादा उचित होता । अब जब तीन बिल एक साथ लाए हैं तो इस में एक तो यह बिल इतना भारी भरकम है कि पढ़ने के समय समझ में नहीं आता कि किस बात को पहले कहा जाय किस बात को बाद में कहा जाय । कन्स्यूजन हो जाता है । उपाध्य महोदय ने कहा कि बहुत सीमित है । लेकिन देखने में तो बहुत लम्बा चीज़ है ।

उस में जो आप ने सशोधन रखा है उस के सबध में मेरा निवेदन है कि यदि इस बिल को जनमत जानने के लिए प्रसारित किया जाता तो इस में बहुत अच्छा लाभ होता । यदि इस में कोई कठिनाई थी तो इस को सेलेक्ट कमेटी में भेज देते तो भी जिस भावना से यह बिल माप लाए है वह भावना पूरी होती और यह एक पूर्ण विधेयक बन कर हमारे सदन के सामने आता ।

स्वर्ण नियंत्रण बिल इसलिए लाया गया था श्री गोरार जी देमाई के समय में कि सोने की स्मॉलिंग देश के अंदर रुके, लेकिन आज यह स्थिति देश के अंदर हो गई है कि सोने की स्मॉलिंग रुकी नहीं है । उस का निरंतर प्रसार देश के अंदर हो रहा है और उसके कारण स्वर्ण नियंत्रण अधिनियम पूरी तरह से प्रभावित हुआ है, अपने आप में वह असफल हो गया है । और इसका जो उद्देश्य था वह अपने आप में समाप्त हो गया है । हमारे देश में करोड़ों रुपये का सोना स्मॉल हो कर आता है । मैं एक नाम आप को बताना चाहता हूँ—मैकेने दुवर्दी जो अरब देश की तरफ है वहाँ से पन्द्रह गीम नौकाएँ सोने को स्मॉल कर के प्रतिदिन बम्बई आती हैं और जो हमारे कस्टम के अधिकारी हैं, मेरा स्पष्ट आरोप है कि वे लोग उन से मिले

हैं । जब वहाँ से उनकी कंसावट होती है तो नाम मात्र के लिए एकाग्र केस वह पकड़ लेते हैं । केवल कागज की खाना पूर्ति के लिए । इस से हमारे देश का करोड़ों रुपये का नुकसान हो रहा है । इसको रोकने के लिए मैं मन्त्री महोदय से आग्रह पूर्वक निवेदन करूँगा कि इस सबध में वह अधिक सतर्कता बरते हुए इस प्रकार से जो स्मॉलिंग सोना आता है उस को रोकने के लिए कठोर से कठोर कार्यवाही करे । बताया गया है कि सात वर्ष का कठोर दण्ड दिया जायगा और जो सोने की इस प्रकार से स्मॉलिंग करने वाले हैं उन के नाम घोषित किए जाएंगे । यह स्वागत योग्य बात है लेकिन जो सात वर्ष की अवधि निश्चित की है मैं समझता हूँ कि इस को थोड़ा और बढ़ाना चाहिए था । स्मॉल करने वालों का डर लगना चाहिए । अगर हो सके तो इसके अंदर और भी सजा बड़ाई जानी चाहिए । अगर और भी कठोर दण्ड दे सके तो देना चाहिए ।

एक माननीय सदस्य फासी देनी चाहिए श्री फूलचन्द बर्मा वह भी जरूरी होता देनी चाहिए । जो देशद्रोह करने हैं उन को फासी भी देनी चाहिए । लेकिन जो स्मॉलिंग सोना आ रहा है वह रकना चाहिए । यदि यह रुकेगा नहीं तो देश के अंदर सोने का भाव बढ़ेगा । आज देश के अंदर माट्टे तीन सौ और पीने चार सौ रुपये का दस ग्राम सोना मिल रहा है । सोना के पास जाएँ तो सीधे स्पष्ट रूप से कहता है कि हमारा धन चाँपट हो गया ।

मैं निवेदन करना चाहता हूँ कि जहाँ तक बिल का सवाल है इस बिल के अंदर आप सशोधन आए हैं लेकिन जो पहले स्वर्ण नियंत्रण कानून लागू किया गया था उस से देश के अंदर करोड़ों स्वर्णकार चाहे वह छोटे छोटे हो गांवों में फेरी लगाने वाले बम्बई में बैठ कर आभूषण बनाने वाले

हो वह सब लोग प्रभावित हुए हैं। मैं यहाँ पर छोटे लोगों की बात करना चाहता हूँ। आज वे लोग काफी प्रभावित हैं। जब स्वर्ण नियंत्रण कानून लागू किया गया था, उस समय यह कहा गया था कि स्वर्णकारों के बच्चों को प्राथमिकता के आधार पर नौकरी दी जायेगी, कालिज और विद्यालयों में छात्रवृत्ति दी जायेगी, उन्हें अपना उद्योग चलाने के लिये सरकार आर्थिक मदद करेगी लेकिन अब ये सब बातें खत्म कर दी गई हैं, आज कोई मदद उन को नहीं दी जा रही है। उन के परिवार के लोग बेकार हैं, उन के पास नौजवान के माधन नहीं है, यहाँ तक कि उन के बच्चों को कालिजा और विद्यालयों में जो बर्तीफा मिलता था, वह भी उन्मत्त कर दिया गया है। इस लिये मेरा निवेदन है कि जहाँ तक इस बिल की मसा और भावना का सम्बन्ध है, उस को देखते हुए आप इन वृत्तियों को दूर करने का प्रयास करें।

आज स्वर्णकारों की दोग में दानी दयनीय हालत है कि उन का वर्णन शब्दों में नहीं किया जा सकता। अभी कुछ माननीय सदस्यों ने बतनाया—मैरडा लोग आत्महत्या कर के मर गये। आज किसी प्रान्त में सूख की स्थिति है किसी में प्रताड़ित के कारण लोग परेशान हैं—ऐसी स्थिति में यह स्वर्णकार लोग और भी ज्यादा परेशान हैं—जब लोगों को अन्दर परचेजिंग-कमिटी दी नहीं है तो उन का चिन्तित होना स्वाभाविक है, इसका उन पर भी असर पड़ेगा। ऐसी स्थिति में स्वर्णकारों को शासन की ओर से अधिक से अधिक मदद मिलनी चाहिये।

एक बात और कहना चाहता हूँ—बम्बई से जो सोने का आभूषण बनाने वाले उन

को लाइसेंस दिए हुए हैं। लेकिन अभी कस्टम विभाग की ओर से एक आदेश प्रसारित हुआ है कि वे अपने शोरूम में सोने से निर्मित चीजों को नहीं रख सकते। मेरे को यह बात समझ में नहीं आती है इस प्रकार का आदेश जारी करने की क्या तुक है, उस के पास लाइसेंस होते हुए भी बनाई हुई चीजों को शोरूम में नहीं रख सकता—इस पर आप को गौर करना चाहिये।

स्वर्ण नियंत्रण अधिनियम से जो बातें उत्पन्न हुई हैं और जो उस में कही गई बातें हैं, उन से ऐसा लगता है कि स्वर्ण नियंत्रण जो बिल आया है, इस में सोने का नियंत्रण नहीं हो रहा है, लेकिन स्वर्णकारों का नियन्त्रण ज़रूर हो गया है। आज वह स्थिति आ गई है कि सरकार के सामने वह किनता की अनुनय-विनय बने कोई सुननेवाला नहीं है। आप जो बिल ला गये हैं और इसके द्वारा जो सशोधन करने जा रहे हैं उस से स्वर्णकारों की समस्या हल होने वाली नहीं है। मैं चाहता हूँ कि इस महंगाई के जमाने का ध्यान में रखते हुए उस के लिये कुछ करें।

अन में, मैं कुछ थोड़ा सा नमक के बारे में कहना चाहता हूँ। इस में कहा गया है कि सरकार नमक पर उत्पादन शुल्क का निर्धारण करने जा रही है। मैं आप को इस अवसर पर आजादी की लड़ाई के दिनों की याद दिलाना चाहता हूँ—दाड़ी में महात्मा गांधी जी ने नमक आन्दोलन चलाया था, उन्होंने अंग्रेजों के जमाने से इस की खिलाफत की थी और आज महात्मा गांधी के अनुयायी, जो इस देश के सत्तारूढ़ दल में बैठे हुए हैं, किस तरह से इस तरह की कार्यवाही कर रहे हैं। क्यों नमक पर उत्पादन शुल्क का निर्धारण करने जा रहे हैं।

श्री बल्लभ साठे (अकोला) इस मामले में आप महात्मा गांधी को मानते हैं ..

श्री फुलचन्द्र शर्मा : हम तो महात्मा गांधी जी को सब से ज्यादा मानते हैं, आप नहीं मानते हैं। महात्मा गांधी जी ने दाऊ पीना मना किया, लेकिन आप ने सब प्रदेशों में दाऊ की दुकानें खुलवा दी।

मैं कह रहा था कि नमक पर जो शुल्क निर्धारण की बात कही गई है, इसे वापस लेना चाहिये। इन शब्दों के साथ मैं पुनः यही कहना चाहूंगा कि या तो आप इस बिल को जनमत जानने के लिये प्रसारित करे अथवा इसे सिलेक्ट कमेटी के सुपुर्न करे, जिस में यह बिल अपना पूर्ण रूप लेकर सदन के सम्मुख आये और उस की जो मंशा है, भावना है, वह पूरी हो सके।

श्री शशिभूषण (दक्षिण दिल्ली) उपाध्यक्ष महोदय, आज हम अर्थपूजीवादी और अर्थ-सामान्तवादी व्यवस्था में गुजर रहे हैं। हमारे देश में आज भी सोने के प्रति जो आस्था है, वह इतना बुरा रोग है कि पता नहीं इस से कैसे पीछा छूटेगा। समार के पूजीवादी देशों में या समाजवादी देशों में सोने से व्यक्ति का मोह धीरे धीरे खत्म होता जा रहा है लेकिन हमारे यहां बढ़ता जा रहा है। दो-तीन सौ करोड़ रुपये साल का सोना विदेशों से से स्मगल हो कर हमारे देश में आता है और वह जमीन में गाड़ दिया जाता है। इस देश का मेहनत कश चाहे जितनी मेहनत करे, चाहे जितना पसीना बहाये, अगर यह सोना गाड़ा जायगा तो यह देश कभी तरक्की नहीं कर सकेगा। आज राजस्थान कैनाल के लिये पैसा नहीं मिलता लेकिन लोग सोने को गाड़ रहे हैं ये सोना गाड़ने वाले देश के दुश्मन हैं।

हमारे पड़ोस में एक बड़ा राष्ट्र चीन है, जिस में हमारा मुकाबला है। उन्होंने कबरो

से सोना निकाला, लोगों से दातो से सोना निकाला, अगठियों से सोना निकाला और सारे देश के सोने को इकट्ठा किया। वह देश किसी समय हमारे मुकाबले बहुत पिछड़ा हुआ देश था, लेकिन आज किसी से कर्जा नहीं लेता, कैश-सोना देता है। इस ससब में काफी मैम्बरजें सोने की अगूठिया पहने हुए बैठे हैं, चैन डाल कर बैठे हुए हैं, महिलाये सोना पहनती हैं—समझ में नहीं आता राष्ट्र के कर्णधार सोने से इतना प्रेम क्यों करते हैं। क्या इस पर बैन नहीं लगाया जा सकता? कोई नया शादी-बुदा आदमी साल-दो साल अगूठी पहन ले तो ठीक है, लेकिन यहा ती कुंवारे भी अगूठी पहन कर बैठते हैं।

मोरारजी भाई ने कम से कम एक प्रहार तो किया था, एक धक्का लगा, लेकिन फिर गरीब सुनारों के नाम पर आबाज उठाई गई, हम उन की मदद करना चाहते हैं — ऐसे लोगों से मुझे कोई हमदर्दी नहीं है। आज फूड कारपोरेशन हमारे देश में अनाज मुहिया करने का काम कर रहा है अभी हम को चावल का व्यापार अपने हाथ में लेना है, तेल का को लेना है सारे काम सरकार को अपने हाथ में लेने हैं। इस लिये मैं कहना चाहता हूँ

MR DEPUTY-SPEAKER Then you should have brought an amendment for that purpose

श्री शशिभूषण मैं कह रहा था कि जो छोटे सुनार हैं, उन को फूड कारपोरेशन में नौकरी दीजिये, उन को काम दिया दीजिये, ताकि वे अपना धन्धा बदल सके। एक साहब कह रहे थे कि अगर लोगों का व्यापार बदलेगा तो उन को दूसरा धन्धा देना होगा। जैसे प्रोस्टीट्यूशन को कत्म किया तो जो हमारी बहनें हैं उन को आश्रम में या दूसरी जगहों पर स्थान देने की बात की जाती है। इसी तरह से अगर कोई रोगजार देश के हित में नहीं है तो जो आदमी उन

से निकले उन को फूड कारपोरेशन में, रेलवे में या किसी दूसरे डिपार्टमेंट में जगह दें। इस लिये जो हमारे गरीबी सुनार हैं, उन की इस तरह से मदद की जाय ताकि जो ब्लैकमार्केट का सोना आता है, वह बन्द हो सके।

MR. DEPUTY-SPEAKER. I would like to know whether you have read this Bill.

SHRI SHASHI BUSHAN: Yes, I have read.

MR. DEPUTY-SPEAKER. What does it provide for?

श्री शशि भूषण : मैंने इस बिल को पढ़ा है। इसी लिये मैं कह रहा हूँ कि अच्छा होता इस बिल में हिन्दुस्तान में सोने के इस्तेमाल पर बैन लगाया जाता। स्मगल करने वालों को फांसी देने की व्यवस्था होती। स्मगलिंग करनेवालों के लिये सिर्फ सात साल की सजा रखी गई है। एक आदमी चार-पाच बार गोल्ड स्मगलिंग में पकड़ा गया, डिपार्टमेंटली उम का सोना जप्त कर लिया गया और उस पर फाइन कर के छोड़ दिया गया। यह पहला डिपार्टमेंट है, जहाँ एक आदमी 10-12 साल में काम करता है, जब उस को कहा जाता है कि इस को प्रोसीक्यूट करने के लिये केस भेजना है तो पैमा लेकर नहीं भेजता है। इस तरह से क्या स्मगलिंग रुक सकता है, क्या यह सम्भव है? यह सम्भव नहीं है।

इस लिये सोने के प्रति जो आस्था है, उस को मूल भूत खत्म किया जाये, सोने के यूज को बैन किया। अगर हमें इस देश को बनाना है तो उस के लिये सख्त कार्यवाही करनी होगी। एक बात और है जो लोग पकड़े जाते हैं, उन में 99 प्रतिशत कैरियर्स पकड़े जाते हैं, जो वास्तव में स्मगलर्स हैं उनको नहीं पकड़ा जाता। ऐसे लोग अफसरान और नेताओं के पाम आते जाते हैं,

उन से चन्दा भी लेते हैं, लेकिन उन को पकड़ा नहीं जा सकता तो इसलिये उस को पकड़ा जा सके इस में इस की कहीं गुजायश नहीं है। अब यह कहा जाता है कि दयाभाव से काम लिया जाय। अगर पहली बार किसी को पकड़ा जाय तो कम सजा दी जाय और दूसरी बार पकड़ा जाय जाय तो ज्यादा सजा दी जाय। वह क्या तरीका है? जो देश के साथ चोरी करता है, अन्याय करता है उस को पहली बार ही इतनी बड़ी सजा देनी चाहिये जिस से दुबारा उस काम को करने की हिम्मत ही न करे और दूसरे को भी उस से सबक मिले। जिस देश में ऐसी व्यवस्था हो, सापो को दूध मिलाया जाता हो, जिस देश के कानून में यह व्यवस्था हो पहली बार कम सजा दी जाय और दूसरी बार उम से ज्यादा, तो इस से काम नहीं चलेगा।

16 hrs.

दुवाई से जो सोना इश्योर्ड हो कर आता है, और यहाँ पर स्मगलर्ड गोल्ड इश्योर्ड है, तो ब्रिटिश सरकार को कभी हम ने लिखा कि उन के यहाँ की इश्योर्स कम्पनीज हमारे देश में स्मगलर्ड सोना भेजती हैं? जिन छोटे छोटे जहाजों से गोल्ड आता है उस से तेज रफ्तार से पानी के ऊपर उड़ने वाले जहाज फ्रांस में दो मगाने वाले थे। उम के बाद स्मगलर्स ने उस स्पीड को भी खत्म कर दिया, तो उन को पकड़ने के लिये ज्यादा से ज्यादा आधुनिक साधन उपलब्ध किये जायें और स्मगलर्स को सख्त से सख्त सजा दी दी जाए। बल्कि मेरा तो कहना है कि ऐंक्ट्रेटर ब्लैक मार्केटियर और करण्ट लोगो को फांसी से कम सजा न हो। यह मेरी प्रार्थना है और चाहूंगा कि इन को सख्त सजायें दी जायें तथा दूसरा एक और बिल लायें, और लाना पड़ेगा अगर आप चाहते हैं कि देश का भला हो। देश की रक्षा चाहते हैं

[श्री मणि भूषण]

तो ऐसे बलन काम करने वालों के साथ सबसी
'ी जाय। इन शब्दों के साथ मैं इस बिल का
समर्थन करता हूँ।

श्रीमती सबोबरा बाई राय (सागर) :
उपाध्यक्ष महोदय, जो बिल सदन के सामने
आया है उस का मैं समर्थन करती हूँ, और
साथ साथ यह कहना चाहती हूँ माननीय
मणि भूषण जी शहर में रहते हैं, देहात में
जो छोटे किसान और अदिवासी लोग रहते
हैं वहाँ पर सोने पर नियंत्रण लगाने के कारण
14 कैरेट का जेवर बनने लगा और एक
मात्रा भी नियंत्रित कर दोड़म से ज्यादा नहीं
बन सकता। मैं तो चाहती हूँ कि 20, 30, 50
तौने से कम नहीं बनना चाहिये। सोना किमान
लोग ज्यादा तरोदत है और जब सूखा पड़ता
है, तब बाधा उठाने देने की बात आती है
या और कोई मुनोबत उन पर आती है तो
सोने के जेवर बेच कर अपना काम चलाने
है। लेकिन आज हमारी बहनें निहत्थी हो
गयी हैं क्योंकि अब वह ज्यादा सोने का जेवर
नहीं बनवा सकती। अब भी किसी पर
मुनीबत आती है धोत मन्त्रालय की गन्ना
निकल कर इनको और अपने पति को मुसी-
बत के समय रक्षा करता था, और पति उस
की रक्षा करते थे। तो यह जा आप ने
अवस्था वो है कि जाना नहीं रहना चाहिये
तो बिना सोने के इशतियास हो जायेगा।

जब हम मरते हैं तो उस समय भी यह
मे थोड़ा बहुत सोना डालते हैं। देहात में
लोग और महिलाएँ सोने के दाग लगवाती
हैं। जब मरघट में जाते थे जो वहाँ भी
अंतिम सरकार के समय 50 ग्राम तक तो सोना
आ ही जाता था। लेकिन अब तो मरघट
में भी सोना बिल्कुल नहीं आता है। मेरा
निवेदन है कि जो छोटे किसान हैं देहात के
सुनार हैं उन पर कोई रोक नहीं लगनी
चाहिये। मैं, आप बड़े सुनारों पर, जिन पर

करों की सम्पत्ति है, उन पर रोक लगावे, मुझे
कोई आपत्ति नहीं होती। बहनों पर सोने के
गहने के लिये कोई रोक न लगायी जाय।
अगर हम चार, पाँच तोले सोने का कोई जेवर
बनवाने जाते हैं तो उतना तो सुनार ही बाब
लेने है और कहते हैं कि इस का क्या बनाये
वह लेते नहीं है, और थोड़ी छुपे
जेवर बनाते हैं। हमारे देश में पुराना
बहुत है, हमें वह भी ध्यान रखना
चाहिये कि गांवों में शादी विवाह में
सोना ज्यादा चलता है, बिना उस के बड़ी
दिककत पड़ जाती है। अब अगर महिलाओं
के लिये सोने का जेवर नहीं बनेगा तो
महिलाएँ निहत्थी हो जायेंगी। पहले तो
बहुत जेवर बनते थे लेकिन अब वह खत्म
हो गये हैं। इसलिये देहात में रहने वाले
छोटे किसानों और सुनारों पर इस बिल के
द्वारा किसी प्रकार का कोई प्रतिबन्ध नहीं
लगाना चाहिये।

एक बात मुझे यह भी कहनी है कि छोटे
सुनारों का अपने पुनर्वास के लिये जा
आप ने पैसा दिया था, कोई धंधा न
हाने के कारण वह आज भूखों मर रहे हैं और
उन में इतनी ताकत नहीं है कि सरकार को यह
पैसा वापस कर सके। इसलिये मेरा
निवेदन है कि आप को उस पैसे को माफ
कर देना चाहिये। आज सुनारों के लड़का
का नौकरी मिलती है और न बालेज में
लिया जाता है, वे बेचारे मारे मारे घूमते हैं।
इसलिये सुनारों का जो धंधा है वह फिर से
चालू होना चाहिये। छोटे छोटे सुनार जो गांव
में रहते हैं या फेरी लगाने वाले हैं उन को आईडर
होना चाहिये कि वे फिर से सोने चांदी की
चीजे बनायें। क्योंकि हमारे देश की सम्पत्ति
चली गयी, अब कागज के नोट रह गये हैं
जितना पानी में भीज गया चला गया,
कुछ बचा नहीं। लेकिन सोना रहता है तो
जबरन पड़ने पर रात के 12 बजे भी
धुना सकते हैं और अपनी आवश्यकता को पूरा
कर सकते हैं।

मानवीय सक्षि भूषण जी ने जो वयान दिया, पता नहीं उनकी शारी हुई कि नहीं, जो गहस्थी वाला है उस को तो साना अवश्य चाहिये। देहात में जो सुनार सोना बनायें और बेचें उन पर कोई प्रतिबन्ध नहीं लगना चाहिये। सोना वक्त पर काम आता है उस से इसान अपना वज्र चुकाता है। मेरी माग है कि छोटे सुनारों को जेवर बनाने का अधिकार दिया जाय और बड़े सुनारों को पकड़ा जाय। आप जा महिलाओं का सोना छोन रहे हैं तो हम लोग आप का पाप गनी देगे

SHRI A K M ISHAQUE (Basirhat) I would like to point out one thing I will do it in a minute Sir this Bill seeks to introduce a basic change in the concept of criminal law in the country So far as the law today in the country is concerned the onus of proof is always on the prosecution to prove the guilt of the accused But for the first time, Clause 8 wants to shift the onus to the accused I am not sure whether it will stand the test of being declared *ultra vires* This is my first point My second point is this The Law of Evidence as it obtains today covers these Acts also In Clause 9 there has been an attempt to amend the Law of Evidence and a new Law of Evidence has been introduced in Clause 9 I would be grateful if the hon Minister would reply to these points

SHRI DHAMANKAR (Bhiwandi) Please give me one minute I want to speak about the Salt Act Certain punishments are enhanced for the contravention of the provisions of the Act which I welcome But the difficulties of the small salt-pan holders who are called shilotris are increasing day by day The office for payment of the fees is at a distance of 10 or 15 miles Salt owners at Bhaynder are required to go to Bassein to pay the licence fees as the office has been shifted there, This creates difficulty If the payment is not made they are liable

to prosecution I request the hon Minister to go through their difficulties and reply to this point of mine (ends)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K R GANESH) Mr Deputy-Speaker Sir I am thankful to the hon Members who have participated in this debate and who have made many valuable suggestions

The object of this Bill is very limited This Bill is based on the recommendations of the Law Commission The Law Commission had gone into the question of economic and fiscal crimes The House is aware that economic and fiscal crimes are assuming very serious proportions in our country with the development of the country with the industrialisation with the urbanisation and with more contacts with the rest of the world We are also imbibing all the worst features of industrialisation Therefore, these crimes—economic and fiscal as also social crimes—are becoming a menace and they have to be dealt with as such The laws do not have the necessary provisions in dealing with the crimes and therefore many of the problems that we are facing to-day are with regard to the direct and indirect taxes or with regard to smuggling or with regard to under-invoicing and over-invoicing Some of the difficulties that we are facing to-day can be related to the laxities in the law as well as the attitude of the judiciary as far as these economic and social crimes are concerned

The Law Commission had gone into it and in their report, they have made very valuable suggestions The provisions which are now included in this amending Bill are based on some of the recommendations of the Law Commission

An hon Member has raised one point about the judiciousness of some of the provisions that are there I can give only one answer I am not

[Shri Dhamankar]

qualified to go into them in a legal manner. These provisions have been recommended by a high-powered Committee like the Law Commission which was presided over by the former Supreme Court judge, Shri Gajendragadkar. And these provisions have already been included in the Foreign Exchange Regulation Bill which has been gone through by the Select Committee. It is now before the House for consideration and passing.

These points have to be discussed. Various points that have been raised by the Members have been gone into. In fact, this is the recommendation of the high-power body. And so, their judiciousness cannot be questioned. Even if we have to make some changes in some way, the old-concept of legal thinking which was more or less necessary in the kind of society that we were living, we have to do that because we have to correspond it to the kind of criminals who are playing heavily with our economy, with our social life and with our foreign exchange resources. Therefore, we have to arm ourselves with the powers that are necessary. This Bill only seeks to take those powers.

The discussion, as it is, mostly is confined to the basic Act—Gold Control Act—and not many hon. Members have any dispute as far as the provisions in this Act are concerned except Shri Sathe and Shri Dandavate and various others who tried to get this clarified. As you yourself had expressed, we are not dealing with the basic Gold Control Act. And it may not be possible for me to go into the entire Gold Control controversy and various other discussions that had taken place. I can only mention here that as far as Government is concerned, with regard to the goldsmiths, we have been taking a very sympathetic view realising that this particular social measure was necessary. It had brought about difficulties and

problems for the entire set-up of traditional artisans in the country. Government has been trying to discuss with them and to re-consider their problems. As regards this one section of the society, their problems have been under continuous and various decisions had been taken. The mind of the Government, even now, is open and whenever difficulties are pointed out, as far as gold-smiths are concerned, it would be considered with the utmost sympathy. And wherever it is possible, consistent with the basic objective of the law that we have here, we want to have this measure as a second-line of defence. As far as anti-smuggling of gold and various other things that we want to achieve by the basic law are concerned, the objectives have been fully implemented or realised. Anyway, this is the law which we have at the moment, and within that framework, it will be our endeavour to see with the utmost sympathy the various problems that goldsmiths from time to time may bring up before Government.

श्री शशि भूषण : सजा कम क्यों दे रहें हैं ,

SHRI K. R. GANESH: If he thinks that the punishment provided is less, then I think that with the movement that he has started during the last few days and when the necessary political climate is built up in this country, much sterner action can be taken, because I agree with him that the judicial process is very slow now and something very drastic may have to be done. But since these powers were not there, we are taking them now, and the hon. Member should welcome them at least.

Shri Banerjee had made a reference to the necessary seacraft that we had to equip the Customs Preventive Department with for anti-smuggling operations. In the course of his speech, he had mentioned something about some file with the Defence Ministry and some decision

being taken by the Finance Ministry. I have tried to check these facts because they were serious enough to be gone into. They are not correct. There has been no attempt to sabotage the question of acquiring these fast-moving craft. I have had occasion to mention in this House a number of times that a committee was set up by Government to find out the suitability of the craft. It was a high-powered committee and the committee recommended certain craft. The Prime Minister referred this to the Scientific Adviser to the Defence Ministry, Dr. Nag Chowdhuri, and he has recommended that a certain sea-craft with a suitable speed has got to be first acquired so that we may be able to meet our requirements. Certain progress has been made in this regard. A team of Government officers went to a few countries and selected certain craft. Now, we are in a position to go into this question and expeditiously take a decision. The craft that has been selected has been proven to be acceptable to us and has been found to be suitable to meet the kind of problems that our anti-smuggling staff are facing. I hope that it would be possible for us to take a decision so that this problem can be solved. Therefore, the doubt which Shri Banerjee had is not based on facts.

I think the hon. Member from the DMK who had spoken had raised some question about the dues in foreign exchange which was taken by a film producer to whom foreign exchange was released. It has been confirmed by the Reserve Bank of India, Madras, that the firm has already repatriated a sum of Rs. 1 lakh on 17th July, 1972 and Rs. 3.50 lakhs on 10th May, 1973, making a total of Rs. 4.50 lakhs, as far as their commitments were concerned, on the basis of which they were released certain foreign exchange.

Prof. Dandavate and Shri Sathe had raised a point about the question

of having a ceiling on the amount of ornaments which the gold dealers and goldsmiths could possess.

In the course of the working of the Gold Control Act under which a petty transaction upto 25 grammes was allowed, it was found that certain unscrupulous persons—not necessarily goldsmiths—were having a number of transactions on the same day each of 25 grammes. In a survey in Bombay and other places, it was found that they were having a number of such transactions on the same day of 25, 25, 25. This loophole was being utilised by these unscrupulous people to defeat one object of the Act, namely, to keep a check on the quantity of gold in terms of ornaments that a dealer or goldsmith can take. The purpose of this amendment is only to put a ceiling and say that over and above 100 grammes they would be required to maintain the same and identity of the person who gives it. The goldsmith or gold dealer who is licensed will be required to maintain and give the identity of the person who has given him the ornament for remarking. I can assure Prof. Dandavate that it smiths but against unscrupulous smiths but against unscrupulous persons.

SHRI VASANT SATHE: The only point was, why not make it 500 instead of 100? As he himself was saying, unscrupulous persons were having transactions of 25 grammes a number of times on the same day, but on that account the smaller people should not be made to suffer. It is very difficult for rural people to maintain accounts and other things, the identity etc. So this will be helpful. He will have no difficulty about that.

SHRI K. R. GANESH: I am only trying to explain the object of the amendment which is to plug this loophole taken advantage of by unscrupulous people. As far as goldsmiths are concerned, we have already

(Shri K. R. Ganesh.)

given instructions, and will continue to give instructions, that the inspecting staff should not deal strictly with technical offences as they may not be able to maintain accounts, names and so on. As far as goldsmiths are concerned, we will take steps to safeguard their interest and see that they are not harassed in the process of the working of the Act. If there is any harassment, we should try to remedy it.

SHRI VASANT SATHE: For keeping four tolas in the custody of a father and son, one of the officers fined them Rs. 20,000. This happened to a village goldsmith. This is the way they are working.

SHRI K. R. GANESH: If he gives the details of the specific case, we will look into it.

As for the question of treating the loan of Rs. 1500 given as personal bond as a subsidy or grant...

SHRI VASANT SATHE: The only clarification wanted was whether this would have any impact on section 42.

SHRI K. R. GANESH: No.

This is a matter with the State Governments. They can go into the Conditions of these people and if they feel that some of the goldsmiths cannot pay that, they have already the power to write it off. The Central Government will give 50 per cent. Even as to the other 50 per cent, it is a question of budgetary allotment for the State Government. The State Government can go into the details of each case and decide on write off. I hope that they will look into the problems of the smaller goldsmiths who have taken small loans and do the needful.

Sir, may I inform the hon. Member from Orissa that a decision has already been taken—

SHRI VASANT SATHE: You have not replied to one point which I raised: whether the non-repayment of loan will have the impact of cancellation of certificate. That is how it gets connected with the certificate, and that is why I pleaded, "do not connect the non-repayment with the cancellation of the certificate." Will you kindly consider it?

SHRI K. R. GANESH: We will look into it. We have already extensively discussed it with the Gold Control Administrator. But I can assure you that as far as the goldsmiths are concerned, wherever possible and in whichever direction we have to look we will try to do that.

श्रीमती लक्ष्मीबाई राव : मंत्री महोदय ने मेरा उत्तर नहीं दिया है।

Shri K. R. Ganesh : वह उत्तर देना मेरे लिये बड़ा मुश्किल है।

As far as the hon. Member from Orissa is concerned I may inform him that a decision has been taken to see that the charge of the Central Excise in Orissa which is now under the Calcutta Collectorate, is raised from the charge of the Deputy Collector to an Additional Collector and to see that this charge functions, as far as recruitment, personnel policy, technical matters and assessment are concerned, independently under the overall control. This decision has been taken and we will see that it is implemented.

PROF MADHU DANDAVATE (Rajapur): One clarification You have already stated that the small goldsmiths will not be affected whereas you are seeking to amend section 85. I hope that the gold dealers the refiners and the goldsmiths will not be lumped together.

SHRI K. R. GANESH: That is about punishment?

PROF MADHU DANDAVATE
Yes

Clauses 2 to 7 were added to the Bill

SHRI K R GANESH The limit of punishment is about dealings involving about a lakh of rupees. It is quite a heavy amount for a small goldsmith to fall into this category. He will not fall into the dealings where an amount of Rs 1 lakh is involved.

New clause 7A (Amendment of section VCR)

MR DEPUTY-SPEAKER The next one is the proposal to have a new clause 7A to become part of the Bill. You are moving that amendment?

PROF MADHU DANDAVATE
That is kept off?

SHRI K R GANESH Yes, Sir. I move.

SHRI K R GANESH I have indicated to you the general thinking and the general line of thinking that as far as the goldsmiths are concerned we will see that no harassment is caused to them and whatever other considerations are possible, within the total framework of the Gold Control Act as an instrument of the second line of defence against smuggling as an instrument for creating a climate in this country so that the use of gold is voluntarily eschewed as far as possible we shall try to be as sympathetic as possible.

With these words I commend the Bill to the acceptance of the House.

MR DEPUTY-SPEAKER The question is

"That the Bill further to amend the Customs Act 1962 the Gold (Control) Act 1968 and the Central Excises and Salt Act 1944 be taken into consideration."

The motion was adopted.

MR DEPUTY-SPEAKER We take up clause-by-clause consideration. Clauses 2 to 7. There are no amendments at all. I will put them to the House. The question is

"That clauses 2 to 7 stand part of the Bill."

The motion was adopted.

Page 3,—

After line 43 insert—

Amendment of section 138

7A In section 138 of the Customs Act, for the words, brackets and figures under clause (1) of Section 135 the words, brackets and figures under clause (1) of section section (1) of section 135 or under sub-section (2) of that section shall be substituted' (3)

MR DEPUTY-SPEAKER The question is

Page 3

After line 43, insert—

Amendment of section 138

7A In section 138 of the Customs Act for the words, brackets and figures "under clause (1) of section 135 the words, brackets and figures under clause (1) of sub-section (1) of section 135 or under sub-section (2) of that section shall be substituted" (3)

The motion was adopted.

MR DEPUTY-SPEAKER The question is

"That clause 7A stand part of the Bill."

The motion was adopted.

Clause 7A was added to the Bill.

Clauses 10 to 14 were added to the Bill.

MR. DEPUTY-SPEAKER: Now, Clause 8. There is no amendment. I shall put it to the vote of the House. The question is:

New Clause 14A (Amendment of section 98).

(Amendment made):

"That clause 8 stand part of the Bill."

Page 6,—

The motion was adopted.

after land 48, insert—

Clause 8 was added to the Bill.

Amendment of section 98.

Clause 9—(Substitution of new section for section 139)

14A. In section 98 of the Gold (Control) Act, for clause (ii) the following clause shall be substituted, namely:—

MR. DEPUTY-SPEAKER: Clause 9. You have an amendment.

"(ii) every offence against this Act, other than an offence punishable under clause (a) of sub-section (1), or under sub-section (2), of section 85, may be tried summarily by a magistrate"

SHRI K. R. GANESH: Yes, Sir. I move

"Page 4, line 43, after "offence" insert

(Shri K. R. Ganesh) (5)

"alleged to have been committed by any person", (4).

MR. DEPUTY-SPEAKER: This is a formal amendment. The question is:

MR. DEPUTY-SPEAKER: The question is:

"Page 4, line 43, after "offence" insert

"That clause 14A stand part of the Bill"

"alleged to have been committed by any person", (4)

The motion was adopted.

The motion was adopted.

Clause 14A was added to the Bill

Clauses 15 to 22 were added to the Bill.

MR. DEPUTY-SPEAKER: The question is:

Clause 1—(Short title)

"That clause 9, as amended, stand part of the Bill"

(Amendment made):

The motion was adopted.

Page 1, line 6,—

for "1972" substitute "1973"

Clause 9, as amended, was added to the Bill.

(Shri K. R. Ganesh). (2)

MR. DEPUTY-SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

(Amendment made):

Page 1, line 1,—

for "Twenty-third" substitute "Twenty-fourth".

(Shri K. R. Ganesh). (1)

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

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

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

श्री मधु लिमये : ना कमिशन की सिफारिश के आधार पर इस विधेयक के कुछ प्रावधानों को तैयार किया गया है लेकिन मंत्री महोदय का जो भाषण अभी मैंने सुना, उससे जो गम्भीर बीमारियाँ इस वक्त देश की अर्थ व्यवस्था को चापट कर रही हैं उनको दूर करने के लिए इनके द्वारा क्या कार्यवाई की जा रही है या कौन सी कार्यवाई अब वह आगे करने जा रहे हैं इसके बारे में सदन को कोई जानकारी नहीं मिली। आप जानते हैं कि एक अर्से से इस सदन की मार्फत मैं तस्करी और स्मगलिंग का सवाल उठाता आया हूँ।

1966 में उस समय के राजस्थान के मुख्य मंत्री श्री सुब्बाडिया के बारे में छोटी सादरी सोना कांड का मामला मैंने उपस्थित किया था लगातार चार साल तक मैं उसका पीछा करता आया। हमेशा मुझे जवाब मिला कि मामला सी० बी० आई० को सौंप दिया गया है और मामले की जांच हो रही है। आखिरी उत्तर जुलाई, 1970 का था। उसके बाद यह नई लोक सभा आई और नई लोक सभा इस सवाल को हमारे मित्रों ने उठाया नहीं ऐसा हम को लगता है। इसी लिए मैं अपने कर्तव्य का पालन कर रहा हूँ।

श्री नवल किशोर शर्मा (बीसा): गोल्ड कंट्रोल का इससे क्या ताल्लुक है।

श्री मधु लिमये : गोल्ड कंट्रोल क्या होता है, स्वर्णकारों के तवाह कर दीजिये जहाँ 153 किलो सोने की चोरी करने वाले जो लोग हैं उनको आप गवर्नर बना दीजिये। मैंने विधेयक को पढ़ा है, एक एक क्लॉज को, जो स्मगलिंग करने वाले लोग हैं उनको कडा से कडी सजा कैसे दी जाए इसके लिए इस में प्रावधान है.. (इंटरप्टेड)

SOME HON. MEMBERS: On a point of order.

MR. DEPUTY-SPEAKER: I am not able to hear one by one please.

SHRI B. V. NAIK (Kanara): During the course of this debate, he has mentioned the name of .. (Interruptions) The President, the Vice President and the Governor all form part of that Irrespective of the fact what Mr Mohanlal Sukhadia was before, today he is the Governor of the State of Mysore.

Under the circumstances, can his conduct be discussed in the course of the deliberations?

PROF. MADHU DANDAVATE: To give an illustration, President Giri

[Prof. Madhu Dandavate]

is today the President of the country. But during the discussion on the trade union problems here, sometimes his utterances as trade unionist were referred to in this House and the Speaker never objected to that.

श्री मधु लिमये : मैं इस पदन की कार्यवाही का रेफर कर रहा हूँ। यह लाक सभा की 1965 को कार्यवाही है।

MR DEPUTY-SPEAKER If members have got submissions to make on this particular point of order, I am prepared to hear them

श्री मधु लिमये : पहले मैं अगर खुलासा कर दू तो कोई प्वाइंट ऑफ आर्डर उठेगा नहीं। अगर मैं खुलासा कर दू तो पदम बच जाएगा।

MR DEPUTY-SPEAKER If you want to make a submission on this point of order before you resume your speech you may do so because I have to dispose of the point of order

श्री मधु लिमये : इस वक्त मुखाडिया का गवर्नर के नाते जो आचरण है वह चर्चा का विषय नहीं है।

His conduct as Governor of Mysore is not the subject-matter of debate

जब वह राजस्थान के मुख्य मंत्री थे उनके बारे में स्वयं चव्हाण साहब ने और प्रधान मंत्री ने, गृह मंत्री ने, उस समय के गृह मंत्री ने और प्रधान मंत्री

SHRI M C DAGA (Pali) Rule 352 says .

A member while speaking shall not—

reflect upon the conduct of persons in high authority unless the

discussion is based on a substantive motion drawn in proper terms:

Explanation.—The words 'persons in high authority' mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn up in terms to be approved by him.

SHRI B. R. SHUKLA (Bahraich). An allegation is made against a person who at present occupies the position of a Governor. It is certainly conceded that his conduct as Governor is not the subject matter of the discussion or the reference made in the speech. But, nevertheless, a reference is being made to his conduct or his activities when he occupied the position of authority as Chief Minister. Parliamentary etiquette and practice demands that no incriminating accusation should be levelled against such persons when they are not in a position to refute those allegations

SHRI MADHU LIMAYE The Prime Minister has done it

SHRI B. R. SHUKLA The Prime Minister may have done it. But here we are discussing your conduct in making an allegation, accusation or reference to an authority who is not present here. Your conduct as an elected person in your speech on this particular point is the subject matter of discussion. What the Prime Minister did or did not do is not the point of discussion which would justify your unwarranted remarks against him

SHRI N. K. SANGHI (Jalore) The point of order is very simple. Firstly, an allegation, an incriminating allegation is made against a person who

is not a member of the House. Under the rules it can be done only after a notice has been given in writing. That has not been done and so it cannot be discussed.

Secondly these allegations are made in the House. It has now become a fashion to make an allegation only inside the House. Why not make it outside? I would request Shri Madhu Limaye to make the same allegation outside the House.

SHRI G. VISWANATHAN (Wandiwash): As has been rightly pointed out by Shri Limaye, we are not discussing the conduct of Shri Sukhadia as the Governor of Mysore. This particular case of Choti Sadri was raised in the Lok Sabha many times, several questions were put and the then Home Minister replied that this particular case, in which Shri Sukhadia was alleged to have been involved, was being enquired into by the CBI. We have not heard what the finding of the CBI is. There is nothing wrong in discussing what has happened and what is going on.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): I have to refute the contention of Shri Viswanathan that merely because it was discussed in the last Lok Sabha, so it can be discussed again. If a particular discussion is not permissible under rule 352, the mere fact that it was discussed in the last Lok Sabha will not make it permissible now. Rule 352 clearly prohibits any statement which reflects upon the conduct of a person in authority. If a person is in a high position, his conduct could not be discussed. It is nowhere mentioned that only the conduct of that person in that particular capacity cannot be discussed. Therefore, his conduct as Chief Minister also cannot be discussed.

SHRI NAWAL KISHORE SHARMA: As Shri Goswami has rightly stated, no allegation can be made against a person in authority
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under our rules. I hope Shri Limaye will agree to following that healthy parliamentary practice.

डा० लक्ष्मी नारायण पाण्डेय (मदसौर)
उपाध्यक्ष जी, सिन्धु जे. ने ज. कुछ कहा है छटा सोदडा। ना गंगा-वाण्डू दूत चर्चित काण्ड रहा। हे, जिस के बार में इस मदन में कई बार चर्चा हुई है। क्या उन चर्चाओं का उल्लेख यहाँ नहीं किया जा सकेगा? किसी भी विषय पर चर्चा करते समय यदि उस विषय का चर्चा प्रायः तो उस पर आपत्ति नहीं होनी चाहिये। मैं समझता हूँ कि उसका उद्धरण दिया जा सकता है।

श्री रामावतार शास्त्री (पटना): उपाध्यक्ष जी, मरा व्यवस्था का प्रा. न केवल इतना है..

MR. DEPUTY-SPEAKER: There is no point of order. If he is making a new submission or new point, I would not hear it.

श्री रामावतार शास्त्री: उपाध्यक्ष जी, मैं व्यवस्थाके प्रश्न पर ही बोल रहा हूँ। मैं इतना पूछना चाहता हूँ—अगर किसी बात की चर्चा पहले इस मदन में हो चुकी हो अगर उस बात को फिर उठाया जाय तो क्या वह अनुचित होगा? अगर नई बात हो तो आपत्ति कर सकते हैं, लेकिन जो बात रिकार्ड में है और उस को विपरीत करना चाहते हैं तो इस में आपत्ति की क्या बात है?

SHRI VASANT SATHE: Nobody stops any Member from raising this matter under the Rules. Under Rule 352, there is a pertinent provision. This is what I would like to bring to your kind notice. It says:

“(v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms,”

If he wants to have a discussion, it must be by a substantive motion. No body is stopping them. They are un-

[Shri Vasant Sathe] necessarily trying to mislead by saying that we are stopping them. Let them bring a substantive motion and then have a discussion.

Secondly, the Explanation says:—

"The words 'persons in high authority' mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct in the opinion of the Speaker ..."

—there is no ban on you, Sir—

"... should be discussed on a substantive motion drawn up in terms to be approved by him;"

Therefore, Sir, if you think that the conduct even of a Chief Minister means also the conduct of a person in high authority, then you can say that it must be done by way of a proper substantive motion. My friend cannot take the liberty of doing this in this manner.

SHRI DINEN BHATTACHARYYA (Serampore): Mr Madhu Limaye has mentioned the same allegation that has been mentioned and discussed in this House earlier. I do not know what the friends of Mr Sukhadia feel. Instead of shielding him, they should have come forward to bring out these things. (Interruptions). They are shielding Mr. Sukhadia

SHRI P. K. DEO (Kalahandi): This is not a new subject. This House has taken cognizance of the Chhoti Sadri case since the last two Lok Sabhas. There have been many a debate on this. There is no new allegation that is being levelled. This is an old thing.

SOME HON. MEMBERS rose—

MR. DEPUTY-SPEAKER: I have heard enough. I think, there is no more new submission to be made on this.

Mr. Stephen, if you have a new point to make on this, you may do so.

SHRI C. M. STEPHEN (Muwaite-puzha): Apart from Rules 352 and 353, I would like to draw your attention to Rule 94. I submit that the reference made by Mr. Madhu Limaye is out of order on the basis of irrelevance. We are now at the Third Reading stage of the scope of the debate is specifically defined here. Rule 94 says:

"The discussion on a motion that the Bill or the Bill as amended, as the case may be, passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill."

Rule 94 is far different from Rule 75 where the principles of the Bill can be discussed. Straight arguments either in support or against the Bill alone can be heard (Interruptions).

MR. DEPUTY-SPEAKER: Order please. I would not hear any more argument.

SHRI S. M. BANERJEE (Kanpur): On a point of order.

MR. DEPUTY-SPEAKER: No more point of order. Let me first dispose of the point of order that has been raised. Since the question is a very touchy and sensitive one (Interruptions). Order please.

SHRI N. K. P. SALVE (Betul) rose—

MR. DEPUTY-SPEAKER: Because it appears to be a very sensitive question, I am trying to listen to as many members as possible, so that it will guide me. Therefore, I will go out of the way and listen to Mr. Salve. I will listen to Mr. Ramkumar also.

Mr. Salve.

SHRI N. K. P. SALVE: I wish to make it utterly clear that we are not to defend any individual as such. But your ruling is extremely important from this point of view that whatever you are going to decide will constitute an exceedingly important precedent.

SHRI MADHU LIMAYE. No, no, there are hundred precedents.

SHRI N. K. P. SALVE. Therefore, what should be crucial and conclusive for determining this issue is neither what has been stated by Mr. Sathe nor what has been stated by Mr. Limaye. I am arguing on the basis of the language of the rule. Mr. Limaye's argument is that whatever he has said about Mr. Sukhadia was *qua* Chief Minister and not *qua* Governor. Mr. Sathe has said that the crucial question is that such sort of allegation should only come through a substantive motion. The latter part is only about the procedure through which it should come. But what is crucial in determining the issue is, when reflection is being cast and this is important when reflection is being cast on the person whether in point of time, at that particular time, he is in high authority or not. If he happens to be in high authority at a time when adverse reflection is being cast then the rule is absolutely clear. It cannot be pressed by saying that at the time he did he had a lower assignment, he was not an important person. Therefore, what is to be judged is whether today that person is in high authority or not. When reflection is cast on the conduct of a person, it should be judged in the context of the fact whether or not he is in high authority today. That is the crucial point.

श्री नब लिमये : उपाध्यक्ष महोदय, एक क़दमत है कि १०१ की डाढ़ी में तिनका ।

श्री राम लंबर (टोंक) उपाध्यक्ष महोदय, सुखडिया जी की चर्चा हो रही है, और जब

वह मुख्य मंत्री थे तब की चर्चा है, और एक बहुत बड़ी रामायण बन गई है। बराबर सरकार की तरफ से यह कहा गया कि इस की जांच हो रही है। तो जब मुख्य मंत्री पद से इस्तीफा दे दिया, उस के पहले ही इस को फाइनल करना चाहिए था ।

MR. DEPUTY-SPEAKER: That is a different question. It has nothing to do with this point of order.

SHRI S. M. BANERJEE. My point of order is this. During the course of any discussion of any motion, if certain names are mentioned and if certain allegations are made against a person, generally, advance intimation is given to the Speaker seeking his permission to mention those names. But in this particular case regarding Chhoti Sadri gold case, it was discussed in this House several times. I can quote you several instances when this question was brought not only by Shri Madhu Limaye but also by others and as a result of the discussion in this House, if I am not wrong, when we appealed to the sense of justice and impartiality of the Prime Minister she actually referred the case to CBI and Shri Sukhadia was resigning when the Party threatened that there would be action taken against him and he was forced to resign. (Interruptions)

SHRI SHIVNATH SINGH (Jhunjhunu). We strongly object to it.

SHRI M. C. DAGA. He was not forced to leave. He willingly left.

SHRI S. M. BANERJEE: I wish I was wrong. But, nowadays will anybody leave his post of his own accord unless he was forced to resign. Now, he is a Governor. It does not matter.

MR. DEPUTY-SPEAKER: You are going into arguments.

SHRI S M. BANERJEE: Once it has been discussed in this House, it is perfectly justified if these are brought again by Shri Madhu Limaye

MR. DEPUTY-SPEAKER: I have got your point.

SHRI S M. BANERJEE: My difficulty is that when you get angry, I get nervous.

MR. DEPUTY-SPEAKER: I am not getting angry.

SHRI S M. BANERJEE: A matter which has been referred to in this House time and again, there is no harm in mentioning it ... (Interruptions) I would only request the hon. Member on the other side: please do not keep him even as a Governor.

MR. DEPUTY-SPEAKER. Before I hear Mr Patel and Mr Kachwai, let us hear some words of wisdom from Mr. K C Pandey

श्री कृष्ण चन्द पांडे : (खलीलाबाद) उपाध्यक्ष महोदय, आपने मुझे समय दिया इस के लिए धन्यवाद। अभी माननीय मधु लिमये जी ने एक गवर्नर के ऊपर एक आरोप लगाया, जो इस समय हाउस के सदस्य नहीं हैं। तो इस तरह की अगर परम्परा कायम की जायेगी जो मैनबर नहीं है उन पर अनर्गल आरोप लगाये जायें तो यह उचित नहीं है। मेरा यह कहना है कि सदन की मर्यादा की रक्षा के लिए इस तरह की बात अगर प्रोसीडिम्स में रखी जायेगी तो उसमें सदन की गरीमा को धक्का लगेगा। मेरी मांग है कि जो लिमये जी ने आरोप लगाया है उस को कार्यवाही में से निकाल दिया जाये।

17 hrs.

श्री द्रुकम चन्द कसुबाय (मुरेना) : जिन सवालों के ऊपर व्यवस्था का प्रश्न चल रहा

है उस सम्बन्ध में मेरा यह कहना है कि यह सवाल इस सदन में अनेकों बार उठाया गया है और जो चीज सदन में लट चुकी है, रिकार्ड पर आ चुकी है वह राष्ट्र की और सदन की सम्पत्ति हो गई। इस पर आखे बरटे को चर्चा भी हुई है। आप को याद होगा कि काफी मैनबरो ने अपने हस्ताक्षरों से एक आपन भी दिया है जो टेबल पर ले हुआ है। ऐसी परिस्थिति में मेरा कहना है कि जो महत्वपूर्ण चर्चा चल रही है उस से यदि 153 किलोग्राम सोने का उल्लेख नहीं किया गया तो यह चर्चा फोकी हीगी। नए प्रकार का कानून बनने जा रहा है। जो जाच बिठाई गई है उसका परिणाम भी शायद आन है। मेरा सुझाविया जी के प्रति कोई दुर्भावना नहीं है, गवर्नर के बारे में कोई दुर्भावना नहीं है, लेकिन जो चीज आ चुकी है उसको कोट करना, इस में किसी की आपत्ति नहीं होनी चाहिए। मेरा निवेदन है कि जो आपत्ति कर रहे हैं कि इसको कार्यवाही में से निकाल दिया जाये वह ठीक नहीं है। लिमये जी जिस चीज को उठा रहे हैं वह जायज है और वह रिकार्ड पर रहनी चाहिए।

SHRI H M PATEL (Dhandhuka): Mr Deputy-Speaker, Sir, in a way, whatever the ruling may be, this House now really ought to consider itself 'estopped' from considering this point of order having regard to the fact that in 1966 this matter was discussed in this House very fully. At that time Mr Sukhadia was the C.M. of the State. This was replied to by the then Finance Minister Mr Sachin Choudhury in full detail. Under our rules, any reference to a person who is a Governor today is precluded merely because he is a person in high authority, unless we can take the view that there are grounds for considering that the former Speaker had not considered the rules correctly. The Chief Minister was also a person in high authority. Nevertheless a full discussion was allowed in this House and the Finance Minister replied to it. There was no question then that this

is a matter which should not be discussed, should not be considered. Having regard to the importance of the issue, the reference to Shri Sukhadia should be permitted.

MR. DEPUTY-SPEAKER: I think we have had enough discussion. Now, before I give my ruling,—I think, I am called upon to do that,—otherwise the discussion cannot go on,—I would like to....

SHRI MADHU LIMAYE: Your considered ruling.

MR. DEPUTY-SPEAKER: Why do you anticipate? I really don't understand this. I really do not understand what convention is there in the House. The rule says that when the Speaker gets up to say something the Members must listen to him in silence. But here it seems that we have developed the convention that whenever the Speaker gets up, everybody is afraid of something coming on from him and he is not even allowed to complete the sentence. (*Interruption*). Kindly listen to me; I have listened to all of you. I would like to ascertain certain facts from the Government. The Minister of State for Finance is here. It is submitted that this question had figured in the proceedings of the Lok Sabha before

Now, I would like to know if that is a fact. I am just mentioning certain things to him to establish before the House whether this question of Chhoti Sadri gold case had figured in the proceedings of the Lok Sabha before—whether there had been any discussion on this in the Lok Sabha. (*Interruptions*) I am ascertaining from him and not from you. I want the Government to tell me whether the name of Shri Mohan Lal Sukhadia—let us forget for the time being that he is a Governor—has also figured in the discussion in the House. This is number one. Number two is this. It has also been submitted that after discussion the whole case has been referred to the C.B.I. inquiry. This

also I would like to verify so as to be certain because Shri Banerjee has made a statement just now that this reference to the C.B.I. was made at the instance of the Prime Minister. (*Interruptions*) You have made a certain statement and I want to verify it from the Government.

The next point is: if this has been referred to the C.B.I., whether this inquiry is still going on; what is the stage of the inquiry? If you could provide me with these things, then I would be able to determine.

SHRI K. R. GANESH: Sir, the hon. Member has raised a specific question in the third reading. If he had raised it earlier, then I would have got this information. He has raised the discussion in the third reading—not earlier—and so I am not, at the moment, in a position to give this information. (*Interruptions*).

SHRI MADHU LIMAYE: Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: Order please. Let me recall the proceedings of the House. I shall come first, before I proceed further, to the question that was not really central to the whole thing to the point that was raised by Shri Stephen—that was the point of relevancy—I shall come to that.

Now, in the discussion of this Bill in the first reading I had point out repeatedly to the Members and despite my best efforts, almost every Member, who got up, did not speak on the Bill as such—the amending Bill—but they went on speaking on the Gold Control Act and how that was being administered, that there were many loopholes in the Act and so on and so forth. Shri Sathe himself admitted that he had to do that because it was important—not the Gold Control Act itself but the way in which the Act was operated. (*Interruptions*). Shri Banerjee, I shall tell you what does this Bill want. The Bill wants only

[Mr Deputy-Speaker]
to prescribe certain more stringent penalties to the people who infringe the various provisions of the various Acts. It also wants to provide for the publication of the names of the offenders. That is all. (Interruptions) I am trying to point out that while speaking on the various provisions of the Bill, many Members felt so strongly about the operation of the Gold Control Act that they went on talking about the principal Act and the way in which it was being administered. And many of them had suggested that the whole Act should either be scrapped or the Act has got to be amended. If you go strictly by relevancy, the whole thing was irrelevant. But then it could not be done because that is the situation and that is more important. Therefore I think, on that score, it would not be proper to rule out the point of Shri Madhu Limaye because that also related to the operation of the Gold Control Act. Therefore on the point of relevancy if we go strictly by that, then I think three-fourth of what was submitted on this would be irrelevant.

SHRI C M STEPHEN The only difference is that conforming to the procedure is a matter to which the House must pay some attention. If somebody raises an objection that it is out of order then the Speaker will have to take note of it and to insist that the rule may be strictly enforced or may be complied with. Otherwise, it would become a matter of clichés and it might go on.

MR DEPUTY-SPEAKER Let him kindly bear with me and listen to me. I have done that in the first reading. It is also true that in the third reading, Members should not refer to the details of the Bill but only to the arguments for or against the Bill. That is all right, I agree.

SHRI S M BANERJEE May I just say one word?

MR DEPUTY-SPEAKER Shri Banerjee may kindly sit down.

Shri madhu Limaye had only just started his speech. I was trying to listen to him, and it may be that I was preparing myself to point out to him that he should not go far beyond and out of the limit. But before all that happened, these points of order came in. But since the whole question has come and it has figured in the House and it is all there in the proceedings of the House, I had tried to ascertain certain things from Government, the hon. Minister has said that he is not in a position to give this, if he does not give this information then it becomes difficult for me to give my ruling.

SHRI SHIVNATH SINGH (Jhunjhunu) How can be?

MR DEPUTY-SPEAKER Order, please. He had said just now that because this point was raised at the last moment he had not had the time to consult the records, and, therefore, he was not able to say. That is very legitimate. I accept that. But on the other hand.

SHRI SHIVNATH SINGH On that point if irrelevant things go on, we cannot hold up the Bill.

MR DEPUTY-SPEAKER As regards relevancy I have dealt with it already. Therefore the question of relevancy does not arise now.

The only point now is that the Minister did not have the time to refer to the records and, therefore, he is unable to supply certain facts in reply to the queries that were posed before him. My difficulty is that without the replies to these queries, it is difficult for me to consider what the ruling should be, and, therefore, there is only one thing that is possible if the House agrees, under the rules the discussion on the Bill can be postponed.

SHRI VASANT SATHI The discussion can continue. You can postpone your ruling on that point. Let

the discussion continue. On this point he cannot speak, but the rest of the discussion can continue.

श्री मधु लिमाये : इम पायट आक आईर
वर. तकरीबन दोन घटा जायज हो गया है।
मैं ने आपको कहा था कि मैं क्लोज-वार्ड-क्लाज
डिस्कशन में भी बोलना चाहता हूँ, लेकिन समय
बचाने के लिए मैंने आप की आज्ञा में केवल
यह रीडिंग पर बोलना पसन्द किया, वनां मैं
क्लाज में पर बोल सकता था। आप ने कहा
था कि मेरा इकट्ठा भाषण होगा।

MR. DEPUTY-SPEAKER: Shri Limaye may kindly sit down.

SHRI MADHU LIMAYE: Did you not suggest to me that I might make a speech only in the third reading?

MR. DEPUTY-SPEAKER: I am interested in the proper conduct of the proceedings. I am interested in everybody having his full opportunity to make his submissions. Since the whole discussion and the speech of Shri Madhu Limaye was stopped at this stage, either he can proceed with this or he cannot proceed with this: that is the point now. And without my ruling, how can he proceed with it? That is the main question.

SHRI VASANT SATHE: Why do you say that? The short point was whether a particular reference to a person in authority was valid or not under the rules. Nobody stops him from proceeding with the rest of his speech. You can postpone your ruling. He has already made a reference to it. More than that, what is he going to say on it? Let him continue his speech.

SHRI MADHU LIMAYE: I am trying to enlighten these people.

MR. DEPUTY-SPEAKER: The point is: either I prohibit him from going on with this....

SHRI VASANT SATHE: With that point, with that allegation.

MR. DEPUTY-SPEAKER: I do not think that is right. If I prohibit him, that means indirectly I have given my ruling. Therefore, I feel that unless and until the Government ...

(Interruptions).

SHRI B. R. SHUKLA: May I suggest a *via media*? I think he was only referring to it during the course of his speech by way of illustrating his point.

SHRI MADHU LIMAYE: You do not understand my technique.

SHRI B. R. SHUKLA: I am not in the habit of making a running commentary on any speech. I am addressing the Chair. My respectful submission is....

SHRI MADHU LIMAYE: What is he speaking about? I do not understand (Interruptions).

SHRI S. M. BANERJEE: May I make a brief submission? As you correctly said, this is a very pertinent point. You have asked the Minister three pertinent questions. He is unable to reply to them....

MR. DEPUTY-SPEAKER: Order, order. I will hear everybody. Let me repeat. This is a very very sensitive question. Therefore, I would not like to give my ruling in a hurry. If members would like to make more submissions, I am prepared to listen.

SHRI MADHU LIMAYE: I would like to.

MR. DEPUTY-SPEAKER: Shri Banerjee.

SHRI S. M. BANERJEE: My first submission is this. You in your wisdom said that this was not concerning exactly the Gold Control Act. I

[Shri S. M. Banerjee]
quote from the statement of objects
and reasons:

"This Bill seeks to amend the
Customs Act, 1962, the Gold (Con-
trol) Act 1968, and the Central Ex-
cises and Salt Act 1944...."

The reference to the Gold (Control)
Act 1968 means that the Act as such
is being amended and certain clauses
are proposed to be inserted. You have
posed three very pertinent questions
to the hon. Minister. Whether the
question has been raised in the first
reading, second reading or the third
reading stage is immaterial. The
point raised by Shri Stephen is: why
should such a matter be raised at the
third reading? That is his only point.
His objection is not about the Gov-
ernorship, about Shri Sukhadia being
made the Governor. His point is that
this matter could be raised during the
first or second reading but not at the
third reading. It is a technical objec-
tion. Otherwise, he has no objection.

Shri Madhu Limaye mentioned the
case of the Choti Sadri affair—I am
not calling it a scandal. If this matter
had been raised at the first or second
reading, it would have been all right
for Shri Stephen.

The other objection raised is that
since he has been elevated from Chief
Ministership to Governorship, this
matter should not be raised. That
means, a Chief Minister can be attack-
ed in this House day in and day out.
Mr. Nityananda Kanunge, when he
was a Governor, was attacked in this
House. (Interruptions) I can quote
the instances. In fact, several Gov-
ernors, including Dharam Vira, right
from him and so many others, were
attacked in this House. (Interrup-
tions). Here, in this case, if only Mr.
Madhu Limaye had read the passages
from the proceedings of this House—
(Interruptions)—Sir, let me complete
my submission. My submission is only
this. Let some of the Members of the
ruling party be not touchy. It is
really the actual thing in which that

person was involved. It was most un-
fortunate. We never raised any
objection. (Interruptions) Mr.
Sukhadia was very good; and Mr.
Daga and others are very good. But
I do not hold any brief for Mr.
Sukhadia. Quite apart from that
aspect. I can assure them that they
should try to please Mr. Barkat Ali
Khan and not Mr. Sukhadia.

SEVERAL HON. MEMBERS rose—

MR. DEPUTY-SPEAKER: Order,
please. Mr. Naik.

SHRI B. V. NAIK: Sir, my sub-
mission is this. I ask a question
whether the debate on this Bill should
be postponed or the discussion should
continue. The hon. Member, Shri
Madhu Limaye, is a skilled master
in the art of character assassination.
If he is going to stop and given us a
solemn assurance and premise that
he will not say a word against Shri
Mohanlal Sukhadia, then he may be
permitted to go ahead with his speech
and your ruling may be given to-
morrow.

SHRI G VISWANATHAN: Sir, the
hon. Member over there mentioned
that Mr. Madhu Limaye is a master in
the art of character assassination.
That is wrong (Interruptions) He
must withdraw the remark. (Interrup-
tions).

MR. DEPUTY-SPEAKER: Order,
please. Mr. Viswanathan has taken
very strong objection—

AN HON. MEMBER: What did he
say?

MR. DEPUTY-SPEAKER: Let me
tell you what. He has taken very
strong objection to certain words
used by Mr. Naik against Mr. Madhu
Limaye. The words are—(Interrup-
tions)—"He is a master in character
assassination"—

AN HON. MEMBER: He is a past-
master; skilled master.

MR. DEPUTY-SPEAKER: All right; pastmaster.

SHRI SHIVNATH SINGH: It is not a bad word; it is a very good word.

MR. DEPUTY-SPEAKER: The words are, "skilled master or pastmaster in the art of character assassination". These are the words. Mr. Viswanathan has taken strong objection to that. (Interruptions).

SHRI SHIVNATH SINGH: He should be advised not to take objection. It is a very good word. (Interruptions).

MR. DEPUTY-SPEAKER: Order, please. I may point out to Mr. Viswanathan that Mr. Madhu Limaye is here and he is strong enough to defend himself. So, why should—

SHRI G. VISWANATHAN: No, Sir. Suppose if the Chair is attacked, the Chair need not defend itself. Any Member can defend the Chair. (Interruptions).

MR. DEPUTY-SPEAKER: It does not matter. I do not think that the words are unparliamentary (Interruptions).

SHRI DINEN BHATTACHARYYA: It is a reflection on his conduct. (Interruptions).

MR. DEPUTY-SPEAKER: Order, please. I do not think the words are unparliamentary, but I give Mr. Madhu Limaye the right and opportunity to defend himself.

SHRI SHIVNATH SINGH: Mr. Deputy-Speaker, I want to know whether the hon. Member has finished his speech.

MR. DEPUTY-SPEAKER: He has finished.

SHRI SHIVNATH SINGH: He has not finished. (Interruptions).

SHRI S. M. BANERJEE: My objection is this. He has used the word "Past master in character assassination". When Mr. Sukhadia has no character there is no question of assassination... (Interruptions).

श्री मधु लिमये : अध्यक्ष महोदय, मेरा जवाब आने के पड़ले अगले आइडम पर आप नहीं जा सकने। मैं ठीक जवाब दूंगा आप को।
... (व्यवधान) ...

MR. DEPUTY SPEAKER: I think that apprehension of Mr. Madhu Limaye is unwarranted..... (Interruptions). Order please. Because I see the half an hour discussion is also in his name and therefore it can be shifted forward by a few minutes, in order to give him an opportunity.

SHRI B. V. NAIK: Words at any point of time cannot be a match to the deeds. I would like to repeat; once again that on the august floor of this House there is a considerable amount of character assassination, that is going on. Unfortunately today by mistake, chance, accident or design, it has been Mr. Sukhadia, tomorrow it may be somebody else. I would, therefore, urge upon the hon. Member Mr. Madhu Limaye to kindly control and keep in touch and in conformity with the democratic practices in this country and thereafter proceed.

श्री मधु लिमये : मैं ने जो कुछ कहा वह रेकार्ड पर है। अब यह 17 अप्रैल, 1970 की आप की लोक सभा की प्रोसीडिंग है..

.... (व्यवधान) आई एम ग्लाइड टू हिम। इस में एक प्रश्न पूछा गया था। गृह मंत्री जी श्री विद्या चरण शुक्ल ने प्रश्न का जवाब दिया है।.. (व्यवधान).. घर मंत्री कहिए। मावल यह था -

"The names of the State Chief Ministers and the State Ministers against whom a case was referred

[श्री नवु लियये]

to the CBI for enquiry in the last three years. What were the allegations against each Minister and what was the enquiry report? (c) the names of the Chief Ministers and Ministers about whom the CBI recommended prosecution (d) the name of the Ministers against whom enquiry is still pending."

यह लोक सभा की कार्यवाही है। उस समय इस में से कोई भी नहीं था। अब मंत्री का जवाब सुन लीजिए। यह विचारणशुल्क का जवाब है, मेरी नहीं।

"Shri Vidya Charan Shukla".

"Shri Mohanlal Sukhadia, Chief Minister of Rajasthan. (c) and (d): The allegations against Shri Sukhadia relate to misappropriation of a portion of gold entrusted to Shri Ganpatilal by Shri Gunwant Lal Godavat of Chhoti Sadri."

श्री का जवाब देखिए :

"The CBI is conducting a preliminary enquiry into the Choti Sadri Gold Case."

अध्यक्ष महोदय, 1966 में मैंने आघे बंद की चर्चा उठाई है। वह किताब है यहां पर पटेल हसांर के पास। मंत्री इन्फार्मेशन नहीं देते हैं, मैं देता हूं। . . . (व्यवधान) . . .

श्री नवल किशोर शर्मा प्रश्न सीधा साधा है कि श्री मिस्टर नायक ने जो एलीमिनेशन उन के खिलाफ लगाया है उसका जवाब वह हां में या ना में दें।

श्री नवु लियये : पार्लिया मेंट की डिबेट में कोट कर रहा हूं। कैरेक्टर एमेसिनेशन है या नहीं यह मैं बता रहा हूं। यह 12 जुलाई, 1967 की प्रोसीडिंग्स है . . . (व्यवधान) . . .

श्री हुकम चंद कडवाय : यह कार्यवाही चलत है? यह लोक सभा की कार्यवाही चलत

है? . . . (व्यवधान) . . . बकवास करते हैं . . .
संसद की कार्यवाही को चलत बताते हैं।

MR. DEPUTY-SPEAKER: Order, please. I would request members not to lose their tempers in this way. I am in the midst of hearing the members before disposing of one point of order. Therefore, I am not prepared to listen to any other point of order. But then, the question now at the moment is, Mr. Naik had made a certain statement against Mr. Madhu Limaye and members have demanded that it should be expunged. I have not done it because I have said it is not unparliamentary and it is on the record, and also on the ground that Mr. Madhu Limaye is himself present here and he can defend himself. I have given that opportunity to prove or disprove whether he is indulging in character assassination according to Mr. Naik and I think he is trying to defend himself.

SHRI M. RAM GOPAL REDDY (Nizamabad): It is 5.30 now and half an hour discussion must be taken up now.

MR. DEPUTY-SPEAKER: Now we have reached the point where we are to take up the half an hour discussion.

SHRI MADHU LIMAYE: I am prepared to have it postponed.

SHRI VASANT SATHE: It must be taken up now.

MR. DEPUTY-SPEAKER: Let me draw the hon. members' attention to this. Even if we interrupt this discussion now and take up the half an hour discussion when Mr. Madhu Limaye is in the middle of his speech, it only means that when we meet again tomorrow, he will have to continue his speech.

SHRI MADHU LIMAYE: I will have to answer the charge against me. The half an hour discussion may be postponed.

SHRI SHIVNATH SINGH: The half-hour discussion is very important and it should be taken up now.

MR. DEPUTY-SPEAKER: Now the question is this, whether we should interrupt this discussion now and take up the next item which is on the Order paper—I am just posing the question whether we should do that or we should hear Mr. Madhu Limaye till the end and then take up the next item.

Although it is within my power to vary the order but since the question is so sensitive, I would rather like the House to decide about that. (*Interruptions*).

PROF. MADHU DANDAVATE: You can check up the record. A few minutes back, when Mr. Limaye was saying, "I want to make an explanation", You said, "I will give you time. Next item is also yours. Therefore, legitimately, you can take a few minutes more and you can make your explanation and, after that, we will take up the next item."

MR. DEPUTY SPEAKER: This matter can be decided in this way. I would like to hear what the Minister of Parliamentary Affairs has to say about this.

**THE MINISTER OF PARLIAMEN-
TARY AFFAIRS (SHRI K. RAGHU
RAMAIAH):** With due deference to the conventions and procedures of the House, with due respect to Shri Madhu Limaye, the mover of the Half-An-Hour Discussion, I suggest that we now take up the Half-An-Hour Discussion.

MR. DEPUTY-SPEAKER: You continue tomorrow.

PROF. MADHU DANDAVATE: This is very unfair. I object to it

You check up the record. You yourself had given a word to Shri Limaye. You cannot go back on your word. (*Interruptions*).

MR. DEPUTY-SPEAKER: I agree to what Mr. Dandavate said. I had said that I would like to hear Mr. Limaye but, that is, within the time limit before 5.30 P.M. (*Interruptions*).

PROF. MADHU DANDAVATE: You said that we may go a few minutes even beyond that. You check up the record.

MR. DEPUTY-SPEAKER: I will check up the record. But this is what I meant that Mr. Limaye will have his chance but, that is, before the 5.30 P.M. limit interposes. This is what I meant. Now, a new situation has arisen because we have crossed 5.30 P.M. limit. I would like the Members to consider this coolly and calmly. Now, there are two opinions. (*Interruptions*).

SHRI MADHU LIMAYE: You stand by your promise.

MR. DEPUTY SPEAKER: Promise within the 5.30 P.M. limit.

PROF. MADHU DANDAVATE: You said that you will go beyond 5.30 P.M. (*Interruptions*).

MR. DEPUTY-SPEAKER: Let me ascertain from Mr. Madhu Limaye. What difference does it make to Mr. Limaye if he continues his speech tomorrow? I do not understand this.

SHRI MADHU LIMAYE: But I will answer the charges today. You have allowed me.

MR. DEPUTY-SPEAKER: You can continue with your answer to the charges tomorrow. What difference does it make to you? (*Interruptions*)

श्री मधु लिमये : मेरा प्वाइन्ट ऑफ ऑर्डर है । आप बंधन को तोड़ते हैं, जबों की कोई कीमत है या नहीं ।

PROF. MADHU DANDAVATE: There has been a precedent before in the House. On two occasions, when a Half-An-Hour Discussion was to be initiated by Mr. Samar Guha, and some other discussion was going on, Mr. Guha got up and said, "in the interest of the discussion, I do not mind even if the discussion spills over and my Half-An-Hour discussion might be postponed." Mr. Limaye has come with a suggestion that this discussion may continue and his Half-An-Hour Discussion might be taken up on some other day.

MR. DEPUTY-SPEAKER: The Minister must respond to that. If the Minister agrees, I have no objection. But when there is objection, I have to take the sense of the House....

श्री मधु लिमये : आप अपने वचन को कैसे तोड़ सकते हैं ? कोई शब्दों की कीमत है कि नहीं ?

You cannot break your promise.

MR. DEPUTY-SPEAKER: Please sit down. I cannot understand.... (Interruptions) Order please.

डा० लक्ष्मी नारायण पांडेय : जब कभी व्यक्तिगत स्पष्टीकरण का मवाल हो तो उसे प्राथमिकता देनी चाहिए (व्यवधान)

MR. DEPUTY-SPEAKER: Mr. Madhu Limaye, I do not understand this, and I do not accept it that I am not keeping my promise. I am only saying that '5.30' has intervened. And I have said that I will hear you to the full and if I cannot hear you to the full today because of the intervention of the 5.30 limit, I have said, I will hear you tomorrow. What difference does it make? (Interruptions).

Now I will reply to the point raised by Prof. Madhu Dandavate. It is true that, in the past, we have shifted the half-an-hour discussion. But that is by common consent of the whole House. But now when there is

opposition and when the Minister for Parliamentary Affairs himself has said that much, I have to take the sense of the House.

PROF. MADHU DANDAVATE: I want to seek clarification on one point. First, I would say that I do not want to challenge the *bona fide* of either the Member or the Chair. But I wish to point out to you that, when (Mr. Naik- was speaking, Mr. Limaye got up and said, "Sir, at 5.30, this discussion will come to a close and in that case I will not get an opportunity to give my explanation". At that time you said that it is true that at 5.30....

MR. DEPUTY-SPEAKER: No, no.

PROF. MADHU DANDAVATE: Let me complete, Sir. (Interruptions).

AN HON. MEMBER: You can check up the record.

SHRI MADHU LIMAYE: You said, 'Your apprehension is baseless; I am going to allow you'.

MR. DEPUTY-SPEAKER: Mr. Limaye has put the record straight. He has said just now that I said, 'Your apprehension is baseless because I am going to hear you, I am going to give you the right to defend yourself'. But about 5.30 limit, I am very clear in my mind.. (Interruptions) Order please. I am very clear that it was never in my mind. If Mr. Madhu Limaye had said that, I did not hear him either because there was too much of noise in the House or because he said in Hindi and it takes a little time for me to hear the transaction in English. But it was never in my mind to cross over the 5.30 limit. (Interruptions).

श्री मधु लिमये : क्या माटे पाच की बात करते हैं आप वचन भंग कर रहे हैं। आप के खिलाफ मुझे भविष्यवाणी का प्रस्ताव लाना पड़ेगा। आप वचन भंगी हैं, आप वचन भंग कर रहे हैं। कोई सदनकी गरिमा नहीं है। आप को अपने शब्दों की कीमत नहीं है। आप हुल्लडबाजी .. (व्यवधान)

SHRI A. P. SHARMA (Buxar): How can he threaten the Chair like this?

SHRI BHAGWAT JHA AZAD (Bhagalpur): Let him bring the motion. He said that he will bring a motion of no-confidence against the Chair. We take objection to this... (Interruptions).

MR. DEPUTY-SPEAKER: One by one please.... (Interruptions) Please let me hear him.

SHRI BHAGWAT JHA AZAD: Mr. Madhu Limaye just now said, 'I will bring a motion of no-confidence against you.' I say, let him bring it. Why should he threaten the Chair? He is asking you to bow down to his threat. This is unparliamentary, undignified and unmannerly.... (Interruptions).

SHRI A. K. M. ISHAQUE: A serious reflection has been cast upon the Chair. The hon. Member has said that the Chair was doing 'Hullar Bazi'. Therefore, I say, he has cast a reflection on the Chair and he should withdraw it.

SHRI A. P. SHARMA: This kind of threat on the part of an hon. Member that if the Chair does not agree to his wish, he will bring a vote of no-confidence against the Chair..

SHRI BHAGWAT JHA AZAD: He wants you to change your decision by his threat to bring a no-confidence motion against you.... (Interruptions).

SHRI DINESH CHANDRA GO-SWAMI: I think there is no necessity now when he, by his own conduct; confirmed what Mr. Naik said.

SHRI BHAGWAT JHA AZAD: The next item may kindly be taken up now.

PROF. MADHU DANDAVATE: May I continue my submission, Sir?

MR. DEPUTY-SPEAKER: Before you continue your submission.... (Interruptions). I will allow you. Kindly listen. In all this commotion, I was not able to hear clearly what Mr. Madhu Limaye said.... (Interruptions) Order please. But I am prepared to accept what the other hon. Members just now said.

SHRI MADHU LIMAYE: I will repeat what I said.... (Interruptions).

MR. DEPUTY-SPEAKER: Order please. Mr. Phool Chand Verma, I am on my legs.... (Interruptions).

श्री फूल चंद वर्मा : जय आप बचन भंग कर रहे हैं तो जल्द अवज्ञा का हम प्रस्ताव लायेंगे। इस चयर की गरीमा आप गिरा रहे हैं।

हुल्लाबाज, मे मत डरिये।

MR. DEPUTY-SPEAKER: Now, you will kindly listen to me. I am prepared to accept what the hon. Member said. I am quite prepared to accept that. Shri Madhu Limaye has said that he would bring a no-confidence motion against me. Let me tell Shri Madhu Limaye that bringing a no-confidence motion against the Chair is quite in order. You are welcome to do that. But, I will tell you that this Chair will not be bullied by anybody (Interruptions). You carry on.

श्री मधु लिमये : ऐस जवानों लोग मैंने देखे हैं।

I will not be bullied. (Interruptions).

MR. DEPUTY-SPEAKER: Let me hear him. (Interruptions).

PROF. MADHU DANDAVATE: Sir, with your permission, I am making a submission to you. You have made certain statements. Firstly let me make it clear that none of us want to challenge your *bonafides*. (Interruptions). Please listen to me. I am addressing the Chair. But the question is: it is true you said that you have not been able to hear what Shri Madhu Limaye has said. But, I and many others had heard what you

[Prof. Madhu Dandavate] have said. I want to point out to you that when I asked you to make my submission....

MR. DEPUTY-SPEAKER: You are repeating the same thing. (*Interruptions*).

PROF. MADHU DANDAVATE: Why are you so allergic? I am following the procedure. With your permission....

MR. DEPUTY-SPEAKER: Let me point out that, according to the rule, any tedious repetition is not allowed. You are repeating the same thing.

PROF. MADHU DANDAVATE: I am not repeating. I am making a further point that after your statement, I want to make a further comment that Shri Limaye was very clear in his mind when he got up to say that "Sir, if Shri Naik continues—it is already 5-30—I will have no opportunity to make my statement here." He said that After that you said that 'you may take a few minutes before the next item is taken up' That means you are prepared to permit Shri Madhu Limaye to make a statement even beyond 5-30 and therefore, you should permit him. (*Interruptions*).

MR. DEPUTY-SPEAKER: Order please Prof. Dandavate, hear me coolly and calmly. I said: this will not deprive you of this opportunity; your apprehension is unwarranted. I did say that. But, I never said that that will be done within the 5-30 limit. But, what I have in mind is that even if you cannot complete today, this discussion will continue tomorrow and Shri Madhu Limaye will have his full opportunity tomorrow. That is all I say. No rulling on this.

Now, I decide that the House takes up the half-an-hour discussion.

SHRI MADHU LIMAYE: Now, I am on a point of order. (*Interruptions*).

PROF. MADHU DANDAVATE: You please check up the record of what he said here before you take up the Half-An-Hour discussion. 17.55 hrs.

HALF-AN-HOUR DISCUSSION

PRINCIPLES OF PARITY BETWEEN THE PRICES OF MANUFACTURED ARTICLES AND AGRICULTURAL PRODUCTS

MR. DEPUTY-SPEAKER: Now, we shall take up the half-an-hour discussion.

श्री भगु लिंग (वाका) : मेरा व्यवस्था का प्रश्न है। आपका यह निर्णय रहा कि इस विधेयक पर जो चर्चा है वह कब तक के लिए टाल दी गई है। आपका यह भी निर्णय रहा कि मुझ स्पष्टीकरण का आपने अधिकार दिया है वह स्पष्टीकरण भी मैं कर रहा हूँ। अब मैं केवल इतना ही कहना चाहता हूँ कि चरित्र-हनुन उन्हीं लोगों का होता है जिन के पास चरित्र होता है। इतना बत कर मैं आघ घटे की बहम पर जा रहा हूँ (इंटरप्शन) चरित्र होना चाहिए पहल। जिन सा चरित्र है उन लोगों के पास जिसका हनुन हो जाता है ?

SHRI BHAGWAT JHA AZAD (Bhagalpur): There is nothing before the House until the half-an-hour discussion starts, and, therefore, there can be no point of order on this.

MR. DEPUTY-SPEAKER: A point of order can be raised between the conclusion of one subject and before taking up another subject. The hon. Member wants to raise a point of order, and let me listen to his point of order.

SHRI BHAGWAT JHA AZAD: All right, but there is no point of order.

MR. DEPUTY-SPEAKER: Now, the half-an-hour discussion.

SHRI BHAGWAT JHA AZAD: It is already five minutes, to six O'clock.