

[Shri Vasudevan Nair]

looking after finance and politics all these years he can change over to another profession now. Change over from one profession to another is not so easy. It is a traditional profession in which one acquires skill by working day and night. If you request them to take to another profession, they simply cannot do it. If you cancel their licences and certificates they will be thrown to the streets. So, under no circumstances can we agree to a clause by which their certificates are cancelled. Any other punishment can be given, but not this, so far as these poor people are concerned.

Coming to the loans given to these poor goldsmiths, what is the government worrying about? The small pittance of Rs. 500, 1,000 or the maximum of 2,000 that they have distributed to these goldsmiths when they were in distress, when hundreds of them had to commit suicide? Now like a Shylock the Government want to get back that money. The Bill says that if this money is not repaid within two years then the licence will be cancelled. Is this such a heartless government to say that if the money is not paid back by the poor goldsmiths their licences will be cancelled? We would like this government to write off the entire amount given as loan to goldsmiths. They should not ask for the repayment of this money. If they are so particular about their finances, getting back all the money they have given as loan, let them think of all the loans and how they are spending money.

SHRI UMANATH (Puddukkotai) :
Let them get Tata's money back.

SHRI VASUDEVAN NAIR : We are for the write off of these loans but if the government want to get the money back, let them recover it by instalments and not in a lump sum. This particular sub-clause should be suitably amended to give effect to this.

As far as the grant of a certificate is concerned, if a goldsmith makes an application for a certificate, he should be given it rightaway. The Administrator has no business to use his dis-

cretion in this matter. Who are goldsmiths, it is well-defined; it is not difficult to find or verify. In every State in India they can be recognised as a particular community. So, if a person belonging to that community applies for a certificate, it should be given. That should be the proper approach to this problem. You should not give too much of powers to the officers. If they are given discretion, they will use it against the poor people. At least that is our experience. So, this clause should be re-written, if the government is not prepared to make a reference to the Supreme Court. If the reference to the Supreme Court is accepted, it will save them from further trouble in future. So, we warn the Finance Minister that it is better that he takes this advice at this stage; otherwise, there will be more trouble for him in future.

13 Hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen of the Clock

(MR. DEPUTY-SPEAKER *in the Chair*)

GOLD (CONTROL) BILL—*contd.*

SHRI KANWAR LAL GUPTA : On a point of submission. I will not take much time.

उपाध्यक्ष महोदय, लगभग एक महीने से ऊपर हो गया है, सब समाचार पत्रों में स्ट्राइक हो रही है, इस के अलावा अब कुछ समाचार पत्रों ने लौक-आउट कर दिया है—

This is an important issue.

MR. DEPUTY-SPEAKER : This matter was raised in the morning. There is going to be a Call Attention, I suppose.

श्री कंवर लाल गुप्त: काल-एटेंशन की बात नहीं है, आप हमारी बात सुन लें। हम ने काल-एटेंशन का भी नोटिस दिया था, लेकिन अभी तक कोई चीज सामने

नहीं आई है। मंत्री महोदय ने कई बार मदन को विश्वास दिलाया था कि वे कोई रास्ता निकालेंगे, अगर मालिक नहीं मानते हैं तो कोई कानून यहां पर लायेंगे। लेकिन एक महीने के ऊपर हो चुका है और ऐसा लगता है जैसे हमारा देश 16वीं सदी में जा रहा है। बगैर अखबार के जीवन में रस कम हो गया है, इस के अलावा लॉक-आउट होने से लोगों को तनख्वाह देनी बंद हो गई है, नान-जर्नलिस्टों को तो पहले ही तनख्वाह नहीं मिलनी थी, अब जर्नलिस्टों को भी तनख्वाह नहीं दी जा रही है। मैं माननीय मंत्री महोदय से प्रार्थना करूंगा कि वे लेबर मिनिस्टर साहब को कहें कि वे इस सम्बन्ध में यहां आ कर कोई बयान दें या कोई टारगेट आकर तय करें। एक हफ्ता हाउस एडजर्न होने में रह गया है.....

MR. DEPUTY-SPEAKER : He is not the concerned Minister.

श्री कबंर लाल गुप्त : लेकिन इसका कोई इन्तजाम तो होना चाहिये। आपने इस मामले में खूद कोशिश की है—लेकिन न मालिक मानते हैं और न सरकार कुछ कर रही है। सरकार का तो एक वेस्टेड-इन्टरेस्ट है—उन के पाप अखबारों में छपें, छिपे रहें। मैं सरकार जानना चाहता हूं कि वह इस के बारे में कब तक बिल लायेगी। अपने हाथ में सब चीजें लेने का वायदा करने के बाद भी सरकार वायदा खिलाफी कर रही है। आज हज़ारों की तादाद में लोग भूखे मर रहे हैं उन को तनख्वाहें नहीं मिल रही हैं, अब जर्नलिस्टों को भी तनख्वाह नहीं मिलेगी—आखिर इनका कोई इलाज तो होना ही चाहिये....

MR. DEPUTY-SPEAKER : You have stated your case. That is all. I am sorry this is not the time to raise it.

श्री कबंर लाल गुप्त : फिर कौन सा समय है। हम ने काल-एटेन्शन दिया, लेकिन उसकी इजाजत नहीं मिली।

श्री ओम प्रकाश त्यागी : (मुरादाबाद) उपाध्यक्ष महोदय, इतने लाक-आउट हो रहे हैं, क्या गवर्नमेन्ट की कोई ड्यूटी नहीं है। क्या एजिटेशन हो, गोलियां चले, तब ही गवर्नमेन्ट मुनेगी। काल एटेन्शन दिया, वह क्यों नहीं आया....

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : He has not quoted any rule under which it can be taken up.

MR. DEPUTY SPEAKER : Do you want, after recess, another zero hour ? This is not proper. There is no rule under which you are permitted to raise it now.

श्री कामेश्वर सिंह : (खगरिया) : उपाध्यक्ष महोदय, मुझे भी आपसे एक अनुरोध करना है। सूबह रंगा साहब ने स्पीकर साहब से अनुरोध किया था कि चेकोस्लावकिया के बारे में जो डेवलपमेन्ट्स हो रही है, उन के बारे में मंत्री महोदय यहां आकर बतलायें।

DR. RAM SUBHAG SINGH : There is nothing new.

श्री कबंर लाल गुप्ता : मारी कम्युनिस्ट पार्टी के लोगों को गिरफ्तार कर के मरवाने में गये हैं—आप इसको बताने क्यों नहीं हैं ?

DR. RAM SUBHAG SINGH : All this was discussed yesterday and day before yesterday.

MR. DEPUTY-SPEAKER : There is nothing new.

SHRI KAMESHWAR SINGH : This is what Col. Gyalis who is the Chief of the Staff of the Swiss army says :

"Col. Gyali who was addressing the Foreign Affairs Committee of both the Houses of Parliament said that Intelligence Reports indicated there was some danger that Rumania too would be invaded."

उपाध्यक्ष महोदय, इनको चाहिये, इसके बारे में बतावें।

MR. DEPUTY-SPEAKER : It has nothing to do with that. The speaker gave a hearing and he said that Government, from time to time, if there is any important development, may make a statement.

श्री कामेश्वर सिंह : अध्यक्ष महोदय, इस के बारे में भी हम को बताना चाहिये।

श्री कबंर लाल गुप्त : हाथी माहब को कहें कि वह यहाँ आ कर अखबारवालों के बारे में स्टेटमेंट दे।

SHRI V. KRISHNAMOORTHY (CUDDALORE) : We are discussing in Parliament very important issues which are not propagated to the people. People do not know what we are discussing. I do not know whether the Government has got a conspiracy to shut out what is going on here, without telling it to the press. That is why they are not interested to end the press strike. I charge the Government here.

SHRI MORARJI DESAI : He says, there is a conspiracy of the Government. There seems to be a conspiracy to take the time of the House and not to allow the House to carry on its business. I do not know what this kind of attitude is.

SHRI KAMESHWAR SINGH : They are in league with the employers.

SHRI V. KRISHNAMOORTHY : If Government want to end the strike they can easily do that. But they are not prepared to do it during the session of Parliament.

MR. DEPUTY-SPEAKER : Now, we shall take up clause 39. The hon. Minister.

SHRI SURAJ BHAN rose -

MR. DEPUTY-SPEAKER : I shall give him an opportunity later. We have already spent an hour on this.

SHRI SURAJ BHAN : That is not my fault.

MR. DEPUTY-SPEAKER : I shall give him an opportunity in the third reading.

SHRI SURAJ BHAN : I protest against this.

MR. DEPUTY-SPEAKER : I shall give him an opportunity later if he likes.

श्री सुरज भान : उपाध्यक्ष महोदय, आदरणीय मोंगारजी भाई का नजरिया और पिछली अमेन्डमेंट्स का जो हस्त हुआ है वह देख कर मुझे उर्दू का एक शेर याद आता है:

लिखा परदेश किस्मत में, वतन को याद क्या करना

जहाँ वेददं हाकिम हो, वहाँ फरियाद क्या करना।

अब मैं अमेन्डमेंट पर आ रहा हूँ। क्लॉज 39(2) (बी) में लिखा हुआ है:

'shall be valid until the death of the holder, or the cancellation, thereof, whichever is earlier'

यदि आप चाहें तो उसके मर्टिफिकेट को कैमिल पहले ही कर सकते हैं। मैं यह कहना चाहता हूँ कि आपने यह डिस्ट्रिक्मिनेशन सिर्फ गॉल्ड स्मिथ के लिए ही क्यों रखा है? क्या कभी टाटा, और डालमिया का मर्टिफिकेट भी कैमिल हुआ है? काम करने में हर एक से गलती हो सकती है। मिमाल के तीर पर आपने प्राइमरी गॉल्ड रखने की जो मावा निश्चित की है उससे एक ग्राम अधिक भी अगर निकल आता है तो आप मर्टिफिकेट कैमिल कर देंगे। इसके बजाय आप उसको और सजा भी तो दे सकते

है? एक गवर्नमेन्ट सर्वेन्ट की छोटी सी गलती पर उसका इन्कीमेन्ट स्टाप हो जाती है या दूसरे पनिशमेन्ट दिए जा सकते हैं, हालांकी उसको भी नौकरी से नहीं निकाल दिया जाता है जबकि यहां पर आप इसको उसके प्रोफेशन से ही निकाल रहे हैं। यह बहुत ही अनुचित है, इसको बदलित नहीं किया जायेगा।

उपव्यक्ष महोदय, क्लॉज 39(2) (सी) इस प्रकार है :

'may contain such conditions, limitations and restrictions, as the Administrator may think fit to impose and different conditions, limitations and restrictions may be imposed for different classes of certified goldsmiths.'

इसमें एडमिनिस्ट्रेटर को डिस्ट्रेटर की तरह से अधिकार दिए गए हैं कि वह जो भी चाहे कर ले। इसमें मेरी अमेन्डमेन्ट यह है कि शब्द 'रेस्ट्रिक्शन्स' के बाद शब्द not inconsistent with the provisins of this Act, बढ़ा दिए जायें ताकि कम से कम इस काले बिल के जो प्राविजन हैं उनके प्रतिकूल कोई कोई बात न हो जो स्वर्ण-कारों के लिए अधिक घातक है।

इसके आगे का जो प्राविजन है उसके अन्तर्गत किसी नये आदमी को एलाऊ नहीं किया जायेगा, उसको सर्टिफिकेट नहीं मिल सकेगा। मैं समझता हूँ यह अनुचित बात है। नये लोगों को भी एलाऊ किया जाना चाहिए।

इसके आगे यह प्राविजन है कि अगर किसी ने दो साल के अन्दर अपना कर्जा रिपे नहीं किया तो उसका सर्टिफिकेट कैंसिल हो जायेगा। मान लीजिए किसी ने चार हजार रुपया कर्जा लिया है और देहात में उसकी आमदनी 60 या 70 रु० महीने की है तो दो साल में वह किस प्रकार से अपना कर्जा रिपे कर सकेगा ?

इसलिए मेरा मुझाव यह है कि 500 रु० तक तो रीमिट कर देना चाहिए और उससे ऊपर की रकम को इजी इन्सटॉन्-मेन्ट्स में रिकवर किया जाना चाहिए और 25 रु० से अधिक का एक इन्सटॉन्-मेन्ट नहीं होना चाहिए।

इसके अतिरिक्त इसमें जो दस रुपय तक की सर्टिफिकेट फीस रख गई है, मैं समझता हूँ उसे केवल एक रुपया ही होना चाहिए।

MR. DEPUTY-SPEAKER : Now, the hon. Minister. He has also got five amendments.

SHRI MORARJI DESAI : I have moved them already. They are only of a clarificatory nature.

SHRI V. KRISHNAMOORTHY : They only substitute the Defence of India Rules.

SHRI MORARJI DESAI : They are there in order to see that it is brought in line properly. There is nothing else in it.

It has been argued that Government want to exterminate the class of goldsmiths. There cannot be a wilder argument than this.

SHRI V. KRISHNAMOORTHY : They had not done any harm to him.

SHRI MORARJI DESAI : I do not want to exterminate goldsmiths. How can they be exterminated ?

SHRI V. KRISHNAMOORTHY : He has done more harm to them.

SHRI MORARJI DESAI : Even if I succeed completely in seeing that no gold is smuggled in this country, as I have said already, Rs. 150 to 200 crores worth of jewellery will always be remade or will be brought into the market for other purposes, and therefore, the goldsmiths will always be there. So, there is no question of exterminating goldsmiths.

SHRI SRINIBAS MISRA : He is not killing them now but he will kill them after ten years.

SHRI MORARJI DESAI : At present, the number of goldsmiths is about 2½ lakhs, but it will go up to 5 lakhs as a result of the new provisions that have been made and the concessions that have been given. If anybody wants to come into this he can come in, and the number will go up to five lakhs. There is, therefore, no question of the number decreasing.

Then, there is the question of the son of a goldsmith not being allowed under the Bill as it is. There also, sub-clause (d) provides for this, and we shall make provision if it becomes necessary to see that this class of people could be brought in, if we find that the number is getting lessened. I am not interested in getting the number lessened or in extermination.

SHRI S. XAVIER (TIRUNELVELI): I want that the restrictions on the goldsmiths should be removed. Why should there be so many restrictions?

SHRI MORARJI DESAI : Sub-clause (d) reads thus :

“a person who belongs to a category or class to which, in the opinion of the Administrator, the certificate may be granted in the public interest.”.

The amendment which has been moved seeks to restrict it only to one or two classes. Instead of that, if it can be left like that, we can provide for newcomers and to other people ; all this can be done according to the requirements and necessity. Therefore, there is no question of the number lessening.

SHRI KANWAR LAL GUPTA : What is the provision for newcomers?

SHRI MORARJI DESAI : If some hon. Members want to suspect the Government of evil intentions, how am I going to satisfy them ? Of course, it is impossible to satisfy them.

SHRI KANWAR LAL GUPTA : What is the provision for newcomers in this ?

SHRI MORARJI DESAI : There are provisions. I have said that artisans

can come in and others could also come in. If there is necessity, we can allow more persons to come in under sub-clause (d). This will bring in a new class of people if it becomes necessary. If we find that it is necessary to have more people we can certainly introduce this kind of thing and that will also be notified, and so it is not a question of any hole-and-corner method.

Of course, the administrator can only make rules not inconsistent with the provisions of this Act. He cannot make any rules or issue any orders which are inconsistent with this.

Then, the question has been raised about entry 52 in the Union List. My hon. friend is a very able lawyer, it seems, and I have great respect for his legal acumen, but I cannot agree in everything that he puts forward in this House. Perhaps, outside, he might be very reasonable and if I talk to him he may even accept what I say.

SHRI SRINIBAS MISRA : What is the answer ?

SHRI MORARJI DESAI : I am just giving the answer. If he has patience as I had with him, I am quite sure that he will see the answer, and I shall give it to him properly. Entry 52 of the Union List empowers Parliament to undertake legislation relating to industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest. Parliament has by section 2 read with the First Schedule of the Industries Development Act, 1951 declared *inter alia* that it is expedient in the public interest that the Union should take under its control the industries in the following head and subheading namely : ‘Non-ferrous precious metals including gold and silver and their alloys’. Parliament has, therefore, legislative competence to undertake the proposed legislation. My hon. friend lost sight of this and that was why he had brought up that point. His point would have been valid if this were not there, but probably he did not see it and, therefore, he had made that point.

SHRI SRINIBAS MISRA : There, the hon. Minister is right.

SHRI MORARJI DESAI : Parliament has also competence by virtue of the provisions in entry 33 of the Concurrent List to undertake legislation relating to trade and commerce in and production, supply and distribution of the products of any industry where the control of such industry is declared by Parliament by law to be expedient in the public interest. Since the control of the industry relating to precious metals including gold and silver and their alloys has been declared by Parliament by law to be expedient in the public interest, Parliament has legislative competence to undertake legislation with regard to the trade and commerce in and the production, supply and distribution of gold.

The Bill also contains an enabling provision empowering the administrator to regulate the prices of gold. This subject-matter is relatable to entry 34 of the Concurrent List. As such, Parliament has legislative competence to undertake the legislation.

There is no specific provision in the Bill which impinges on moneylending or moneylenders. The subject-matter of the Bill does not make any encroachment on the power of the State legislatures to legislate with regard to moneylending or moneylenders. The Bill, however, contains provisions prohibiting persons from obtaining loan on the hypothecation, pledge, mortgage, etc., of gold. These provisions amount to reasonable restrictions on the fundamental right of a person to acquire, hold and dispose of gold and as such, are protected by clause (5) of article 19 of the Constitution.

The Bill also prohibits the possession of primary gold by persons other than licensed dealers and refiners and imposes reasonable restrictions on the right of a person to acquire any article or ornament. These provisions are reasonable restrictions, in the interest of the general public, on the exercise of the rights to acquire, hold and dispose of property, conferred by article

19(1)(f) of the Constitution, and as such, they are relatable to clause (5) of article 19 of the Constitution.

The Bill also contains provisions for punishment for the contravention of its provisions. These matters are relatable to entry 93 of the Union List and as such, Parliament has legislative competence to undertake the legislation.

The Bill specifies certain limits upto which holdings of gold are exempt from declaration. But those exemption limits do not apply to a licensed dealer or refiner. The Bill requires a licensed dealer or refiner to make a declaration as to the entire quantity of his personal holdings of gold. This distinction between an ordinary citizen and a licensed dealer or refiner is based on the objectives sought to be achieved by the Bill and, therefore, amounts to a reasonable classification. There Bill does not make any distinction between the persons falling within the same class, namely, licensed dealers and refiners. There is thus no discrimination within the class. As such, the proposed provisions cannot be regarded as militating against the provisions of article 14 of the Constitution.

Entries 52 and 93 of the Union List and entries 33 and 34 of the Concurrent List extend to the State of Jammu & Kashmir and as such, there is no Constitutional difficulty with regard to the applicability of the proposed Bill to the State of Jammu & Kashmir.

Therefore, it will be seen that Government have very carefully considered the legal position....

SHRI SRINIBAS MISRA : One clarification....

SHRI MORARJI DESAI : I am not going to enter into a great disputation in this matter. I would say this that my hon. friend is entitled to his opinion. I have no quarrel with him on that, but Government certainly is entitled to its own opinion. This is the definite opinion of Government that there is no infringement of the Constitution at all in this matter..(Interruptions).

It has been the ruling of the Speaker several times here that the question of law cannot be decided here, and you also cannot give a ruling on the Constitutional difficulty. Recently it has been also decided by the Supreme Court that the Speaker cannot do that. Therefore, all these matters are very clear.

I have explained the major objections in this matter and I oppose all the amendments except the Government amendments 255 to 259 which I have moved.

MR. DEPUTY-SPEAKER : I shall now put all the amendments together except the Government amendments..

SHRI SRINIBAS MISRA : No Sir. One by one.

MR. DEPUTY-SPEAKER : If you choose one amendment to be put separately, I can permit, but if you want all the amendments to be put separately, then more than one hour will go on this.

SHRI SRINIBAS MISRA : My amendment, amendment 67, may be put specifically. Then we will also press for division on the whole Clause.

SHRI S. M. BANERJEE : I would press for a division on my amendment, amendment 260....

MR. DEPUTY-SPEAKER : Now I shall put Mr. Srinibas Misra's amendment, amendment 67, to the vote of the House.

Amendment No. 67 was put and nagatived.

SHRI S. M. BANERJEE : I would like to divide the House on my amend-

Division No. 18]

ment. The Attorney General should be summoned. He says, 'reasonable restrictions'. I do not consider his legal opinion to be final. If there is a difference of opinion between this side and that side, the best course would be to get clarified certain things.

MR. DEPUTY-SPEAKER : I will put your amendment separately. What I suggest is that at the end we shall have it for the whole Clause.

SHRI S. M. BANERJEE : I want a division on my amendment No. 260.

MR. DEPUTY-SPEAKER : The question of constitutionality had been gone into. This can be put to a voice vote.

SHRI S. M. BANERJEE : No, Sir. This is not an amendment to a particular clause. We want to hear the Attorney General of India on 'reasonable restriction'.... (*Interruptions*).

SHRI KANWAR LAL GUPTA (Delhi Sadar) : We also want a division on the whole clause at any time you fix because it is a very important clause.

MR. DEPUTY-SPEAKER : I think I can put all the other amendments together to the vote of the House. Now, the question is :

"That this House recommends to the Government that Attorney General of India be summoned to address the House to clarify certain Constitutional points in respect of clause 39 including the question of reasonable restriction." (260)

The Lok Sabha divided.

[14.31 hrs.]

AYES

Abraham, Shri K. M.
Ad chan, Shri P. C.
Banerjee, Shri S. M.
Behera, Shri Baidhar
Bharti, Shri Maharaj Singh
Deb, Shri D. N.
Esthose, Shri P. P.
Fernandes, Shri George

Gowder, Shri Nanja
Gupta, Shri Kanwar Lal
Jha, Shri Shivh Chandra
Kandappan, Shri S.
Krishnamoorthy, Shri V.
Kushwah, Shri Y. S.
Lakkappa, Shri K.
Madhukar, Shri K. M.

Mangalathumadam, Shri
 Misra, Shri Srinibas
 Mody, Shri Piloo
 Mohamed Immam, Shri J
 Molahu Prasad, Shri
 Muthusami, Shri C.
 Nair, Shri Vasudevan
 Nihal Singh, Shri
 Parmar, Shri D. R.
 Patil, Shri N. R.
 Ramamurthi, Shri P.
 Ramani, Shri K.

Ramji Ram, Shri
 Sequeira, Shri
 Sharda Nand, Shri
 Sharma, Shri Beni Shanker
 Sharma, Shri Yogendra
 Shastri, Shri Raghuvir Singh
 Shivappa, Shri N.
 Singh, Shri J. B.
 Sundar Lal, Shri J.
 Suraj Bhan, Shri
 Tyagi, Shri O. P.

NOES

Agadi, Shri S. A.
 Arumugam, Shri R. S.
 Bhandare, Shri R. D.
 Chandrika Prasad, Shri
 Chavan, Shri D. R.
 Das, Shri N. T.
 Dasappa, Shri Tulsidas
 Deoghare, Shri N. R.
 Desai, Shri Morarji
 Dhillon, Shri G. S.
 Dwivedi, Shri Nageshwar
 Ganesh, Shri K. R.
 Gavit, Shri Tukaram
 Heerji Bhai, Shri
 Himatsidgka, Shri
 Jadhav, Shri V. N.
 Kasture, Shri A. S.
 Katham, Shri B. N.
 Kinder Lal, Shri
 Kotoki, Shri Liladhar
 Kripalani, Shrimati Sucheta
 Kurcel, Shri B. N.
 Laskar, Shri N. R.
 Mahadeva Prasad, Dr.
 Mandal, Dr. P.
 Marandi, Shri
 Master, Shri Bhola Nath
 Mohammad Yusuf, Shri
 Naidu, Shri Chengalraya
 Pandey, Shri Vishwa Nath
 Pant, Shri K. C.

Paokai Haokip, Shri
 Parmar, Shri Bha'jibhai
 Partap Singh, Shri
 Parthasarathy, Shri
 Patil, Shri Deorao
 Pramanik, Shri J. N.
 Raj Deo Singh, Shri
 Rajasekharan, Shri
 Ram Dhani Das, Shri
 Ram Sewak, Shri
 Ram Subhag Singh, Dr.
 Rao, Shri J. Ramapathi
 Rao, Shri Thirumala
 Rao, Dr. V. K. R. V.
 Roy, Shri Bishwanath
 Saigal, Shri A. S.
 Sambasivam, Shri
 Sanghi, Shri N. K.
 Sarma, Shri A. T.
 Sen, Shri Dewaipayan
 Sen, Shri P. G.
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sheo Narain, Shri
 Sher Singh, Shri
 Sheth, Shri T. M.
 Shukla, Shri S. N.
 Siddayya, Shri
 Sinha, Shri Mudrika
 Sinha, Shri R. K.
 Snatak, Shri Nar Deo

Sonar, Dr. A. G.
Supakar, Shri Sradhakar
Sursingh, Shri

Tula Ram, Shri
Venkatasubbaiah, Shri P.
Vyas, Shri Ramesh Chandra

MR. DEPUTY-SPEAKER : The result* of the division is :

Ayes 39 ; Noes 68.

The motion was negatived.

MR. DEPUTY-SPEAKER: Amendments Nos 239 to 242 are same as amendments Nos. 9 to 12. I will now put all the other amendments excluding the Government amendments to the vote.

Amendments Nos. 9 to 17, 70, 137, 204, 205, 228 to 231 and 261 were put and negatived.

MR. DEPUTY-SPEAKER : I will now put Government amendment Nos. 255, 256, 257, 258 and 259—five in all—to the vote of the House together.

The question is :

Page 25, after line 31, insert—

Division No. 19]

Agadi, Shri S. A.
Arumugam, Shri R. S.
Bajpai, Shri Shashibhusan
Bhandare, Shri R. D.
Chandrika Prasad, Shri
Chavan, Shri L. R.
Das, Shri N. T.
Dasappa, Shri Tulsidas
Deoghate, Shri N. R.
Desai, Shri Morarji
Dhillon, Shri G. S.
Diwvedi, Shri Nageshwar
Ganesh, Shri K. R.
Gavit, Shri Tukaram
Heerji Bhai, Shri
Himatsingka Shri

“(a) a person who had been carrying on business as a goldsmith for more than a year immediately before the commencement of Part XII-A of the Defence of India Rules, 1962 ;” (255)

Page 25, line 32 for “(a)” substitute “(b)” (256)

Page 25, line 36, for “(b)” substitute “(c)” (257)

Page 26, line 6, for “(c)” substitute “(d)” (258)

Page 26, line 8, for “(d)” substitute “(e)” (259)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

“That clause 39, as amended, stand part of the Bill.”

The Lok Sabha divided:

[14-37 hrs.]

AYES

Jadhav, Shri V. N.
Kasture, Shri A. S.
Katham, Shri B. N.
Kedaria, Shri C. M.
Kinder Lal, Shri
Kotoki, Shri Liladhar
Kripalani, Shrimati
Sucheta
Kureel, Shri B. N.
Laskar, Shri N. R.
Mahadeva Prasad, Dr.
Mandal, Dr. P.
Marandi, Shri
Master, Shri Bhola Nath
Mehta, Shri Asoka
Melkote, Dr.

*The following Members also recorded their votes :—

AYES : Sarvashri M. Meghachandra and K.P. Singh Deo.

NOES : Shri G. S. Mishra and Shrimati Tara Sapre.

Mishra, Shri G. S.	Sapre, Shrimathi Tara
Mohammad Yusuf, Shri	Sarma, Shri A. T.
Mohinder Kaur, Shrimathi	Sen, Shri Dwaipayana
Naidu, Shri Chengalraya	Sen, Shri P. G.
Pandey, Shri Vishwa Nath	Shambhu Nath, Shri
Pant, Shri K. C.	Shankaranand, Shri B.
Parmar, Shri Bhaljibhai	Sheo Narain, Shri
Partap Singh, Shri	Sher Singh, Shri
Parthasarathy, Shri	Sheth, Shri T. M.
Patel, Shri S. B.	Shukla, Shri S. N.
Pramanik, Shri J. N.	Siddayya, Shri
Raj Deo Singh, Shri	Singh, Shri D. N.
Rajasekharan, Shri	Sinha, Shri Mudrika
Ram Dhani Das, Shri	Sinha, Shri R. K.
Ram Sewak, Shri	Snatak, Shri Nar Deo
Ram Subhag Singh, Dr.	Sonar, Dr. A. G.
*Ramji Ram, Shri	*Sundar Lal, Shri J.
Rao, Shri J. Ramapathi	Supakar, Shri Sradhakara
Rao, Shri Thirumala	Sursingh, Shri
Rao, Dr. V. K. R. V.	Tiwary, Shri D. N.
Roy, Shri Bishwanath	Tula Ram, Shri
Saigal, Shri A. S.	Ulaka, Shri Ramachandra
Sambasivam, Shri	Venkatasubbaiah, Shri P.
Sanghi, Shri N. K.	Vyas, Shri Ramesh Chandra

NOES

Abraham, Shri K. M.	Madhukar, Shri K. M.
Adichan, Shri P. C.	Mangalathumadam, Shri
Banerjee, Shri S. M.	Meghachandra, Shri M.
Behera, Shri Baidhar	Misra, Shri Srinibas
Bharti, Shri Maharaj Singh	Mody, Shri Piloo
Chandra Shekhar Singh, Shri	Mohamed Imam, Shri J.
Deb, Shri D. M.	Molahu Prasad, Shri
Esthose, Shri P. P.	Muthusamy, Shri C.
Fernandes, Shri George	Nair, Shri Vasudevan
Gowder, Shri Nanja	Nihal Singh, Shri
Gupta, Shri Kanwar Lal	Parmar, Shri D. R.
Jha, Shri Shiva Chandra	Patil, Shri Deorao
Kandappan, Shri S.	Patil, Shri N. R.
Krishnamoorthi, Shri V.	Ramamurthi, Shri P.
Kushwah, Shri Y. S.	Ramani, Shri K.
Lakkappa, Shri K.	Satya Narain Singh, Shri
	Sequeira, Shri

* Wrongly voted for AYES.

Sharda Nand, Shri
Sharma, Shri Beni Shanker
Shastri, Shri Ramavatar
Shastri, Shri Raghuvir Singh
Shivappa, Shri N.

MR. DEPUTY-SPEAKER : The result* of the Division is : AYES : 79 ; NOES : 43.

The motion was adopted.

Clause 39 as amended, was added to the Bill

MR. DEPUTY-SPEAKER : We have already exceeded the time allotted by one hour. Already nine hours are over. After all that has been said and done so far, I do not think there is any chance by your arguments to convince the Minister.

SHRI KANWAR LAL GUPTA : Sir, I strongly object to this. He is a very reasonable man.

MR. DEPUTY-SPEAKER : He is reasonable but your arguments may be flimsy. Therefore, I will put all the clauses together.

SHRI SRINIBAS MISRA : He can hear our objections.

MR. DEPUTY-SPEAKER : He has definitely heard every objection including your legal objections. He has also taken the trouble to reply to them. I have extended the time by one hour. I also promise that for whatever objections you may have I will give some time in the Third Reading.

SHRI SRINIBAS MISRA : There may be some amendments.

MR. DEPUTY-SPEAKER : I cannot help it.

SHRI S. M. BANERJEE : Sir, is that your final decision?

Singh, Shri J. B.
Suraj Bhan, Shri
Thakur, Shri Gunanand
Tyagi, Shri O. P.
Viswambharan, Shri P.

MR. DEPUTY-SPEAKER : Yes. I will put all the clauses from 40 to 117 together. This time will be usefully spent on the Third Reading.

SHRI KANWAR LAL GUPTA : Sir, then we want to stage a walk out against this decision on your part. What is the use of sitting here if you do not give us a chance to express our views on these clauses ?

SHRI SRINIBAS MISRA : After all the clauses are accepted, even if we say something in the Third Reading the clauses cannot be amended. Let the Minister say that he has considered all the amendments if he is not going to accept any of them.

MR. DEPUTY-SPEAKER : You had enough opportunity in the Joint Committee. The amendments had been before the Minister for such a long time. I think he must have considered every amendment.

He has considered every amendment.

SHRI V. KRISHNAMOORTHY : Let him get up and say that he will not accept any amendment.

MR. DEPUTY-SPEAKER : No, that is not possible.

SHRI PILOO MODY : Let him say "I will not accept them".

MR. DEPUTY-SPEAKER : He has said just now that he has considered every amendment.

SHRI MORARJI DESAI : I have seen all the amendments. I have gone through all of them as also the clauses. Otherwise, how could I function here? I cannot accept any of them.

MR. DEPUTY-SPEAKER : I will put all of them to the vote now.

*The following Members also recorded their votes.

AYES : Sarvashri Paokai Haokip and K. P. Singh Deo.

NOES : Sarvashri Ramji Ram and J. Sundarlal.

SHRIMATI SUCHETA KRIPALANI: Before you put them to vote, may I ask for some clarification? I am not moving my amendments or making a speech.

MR. DEPUTY-SPEAKER: I am sorry, if I accommodate her, I will have to give opportunities to others also. Now the question is:

"That clauses 40 to 177 stand part of the Bill"

The motion was adopted.

Clauses 40 to 117 were added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI SRINIBAS MISRA: Sir, this cannot be done. Because, first of all, the amendments have to be put to the vote.

MR. DEPUTY-SPEAKER: But they have not been moved. Whenever a clause is taken up for consideration, all the amendments are moved and then consideration takes place. Then the amendments are put to the vote. Here they have not been moved.

SHRI SRINIBAS MISRA: We have given notice of our amendments.

MR. DEPUTY-SPEAKER: They have to be moved formally when we reach the clause.

SHRI S. M. BANERJEE: Sir, I rise on a point of order.

SHRI SHEO NARAIN (Basti): He was a member of the Joint Committee. What has he done there?

SHRI S. M. BANERJEE: Sir, sometimes I feel that insanity is not a disqualification for membership of this House.

SHRI J. B. KRIPALANI (Guna): Both are in the same boat.

SHRI S. M. BANERJEE: My point of order is this. We have been able to move amendments only up to clause 39. Even though Shri Vasudevan Nair, Shri Srinibas Misra, myself and many

other Members who have given notice of amendments are present here physically, we are not allowed to move our amendments on the ground that there is shortage of time. Also, you want to give more time for third reading than for amendments which is very extraordinary. We could have been allowed to move the amendments. Then the hon. Minister could have risen immediately and said "I do not accept any of the amendments because it is not a feasible proposition" or some other reason. He has not said so. You have put the entire clauses to vote. You have forgotten to put clause 1 and the Enacting Formula to the vote.

MR. DEPUTY-SPEAKER: I have already done it.

SHRI S. M. BANERJEE: Very good. I thought you had forgotten it. Anyway, the hon. Minister says that he will not accept any amendments. We have laboured on these amendments. There are 262 amendments and, to be very frank, all this is a waste of paper and Government money. We have wasted all our energy. Can the clauses be put to vote without putting the amendments to vote?

SHRI MORARJI DESAI: May I cite rule 291? It says:—

"At the appointed hour, in accordance with the Allocation of Time Order for the completion of a particular stage of a Bill or other business, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business."

SHRI S. M. BANERJEE: Was it announced?

SHRI SRINIBAS MISRA: Did we follow that rule? What does it say? It says that every question must be put. Is it not a question before the House whether the amendments be accepted or not? It is a question.

MR. DEPUTY-SPEAKER: You study the procedure. I will explain.

SHRI SRINIBAS MISRA : There is another fundamental thing. What are we ? We represent some people. How can you shut out the amendments so that it will be known that we did not move them ?

SHRI P. RAMAMURTI : Instead of spending so much time arguing this question, the Chair can just say, "I put all these amendments together", take a vote and dispose of them. Why waste time over this ? It is a simple procedure so that the satisfaction of having moved the amendments is there.

MR. DEPUTY SPEAKER : The procedure is very clear. Whatever amendment has been given notice of has been given careful consideration by the Finance Minister. He has already said that. If I have to allow about 200 amendments to be moved and disposed of, half an hour or more would have gone just in moving and rejecting them.

SHRI PILOO MODY : Put them to vote all together.

MR. DEPUTY SPEAKER : How can I do that ? Every clause has separate amendments. There is no provision for putting all the amendments to various clauses together to vote.

SHRI VASUDEVAN NAIR : This is our right ; this is our sacred right. We have prepared the amendments to clauses with great labour and if half an hour is needed to dispose of them you have to take that half an hour. I should move the amendment to the particular clause, say clause 40, you should put that amendment to vote, dispose of it, then put the clause itself to vote and proceed like that. You cannot shut us out like that. It is very unfair. It should be on record.

MR. DEPUTY SPEAKER : That protest has come too late.

SHRI VASUDEVAN NAIR : You try to console us by saying that the Finance Minister has gone through all the amendments. That is no consolation. This should at least be on record that these amendments were moved by Members and were rejected

by the House. That is the point. We do not want to make speeches ; we only want to move the amendments.

MR. DEPUTY SPEAKER : The third-reading time is being wasted. I cannot reverse the process. When I said, "I will apply the guillotine", I followed the procedure laid down. At that time if you had raised this objection, I would have followed it. Nobody raised it then.

SHRI S. M. BANERJEE : What was the time fixed for guillotine ?

MR. DEPUTY SPEAKER : 8 hours were allotted. We have already exceeded 9 hours.

SHRI S. M. BANERJEE : The specific time should be fixed for guillotine.

SHRI PILOO MODY : If you are going to use that as an excuse, we will have to protest because at no time did you give any of the Members over here a chance to express their opinion. In spite of all the noise that was going on, you.....(Interruption)

MR. DEPUTY SPEAKER : Who made the noise ? You made the noise and not this side.

SHRI PILOO MODY : Whatever side it is, without giving a chance to Members to protest and to put forward their legitimate demand, you have done that. I think, you should consider that particular vote as null and void.

MR. DEPUTY SPEAKER : That is not possible. The Finance Minister.

SHRI MORARJI DESAI : Sir, I move :—

"That the Bill, as amended, be passed"

SHRI PILOO MODY : You have denied us an opportunity.

MR. DEPUTY SPEAKER : Motion moved :

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

SHRI VASUDEVAN NAIR : We protest against this and we walk out.

SHRI S. M. BANERJEE : We give amendments and we are not allowed to move them even. (*Interruptions*)

SHRI VASUDEVAN NAIR : This is not a joke !

SHRI S. M. BANERJEE : This can only happen with the Finance Minister (*Interruptions*)

Shri Vasudevan Nair and some other Hon. Members then left the House

MR. DEPUTY SPEAKER : Order, order.

SHRI K. P. SINGH DEO (Dhenkanal) : Mr. Deputy-Speaker, Sir, I have been hearing the Finance Minister for the last four days. With your permission, I would like to quote a Resolution adopted by the Parliamentary Board of the Swatantra Party as far back as in January, 1963 which still holds good and has a great significance. I quote :

“The Parliamentary Board of the Swatantra Party is of the view that the new regulations for the control of gold are economically unsound and not calculated to further the purposes for which they are stated to be devised. Since the inflationary policies of Government and the consequent high level of prices are the basic cause of the smuggling and hoarding of gold and since the price of a commodity like Gold is linked with the general level of prices in the country, the Board fears that the attempt at control quite apart from creating fear of expropriation, inflicting harassment on large numbers of people of moderate and small means and depriving an important class of artisans of their livelihood, will push the precious metal underground and deprive the small traders and the agricultural population of an important source of credit. The Board disapproves of any operation at present against gold being held by the common people which has been the ultimate reserve of the country's economy throughout history.”

Even after this, repeated advice, good, sound and sane advice from these benches along with my friends from other Opposition parties has fallen on deaf ears of the Government and also on the Finance Minister because of his closed and frigid mind and having an overbearing attitude that whatever he prescribes for the country is good and whatever the Opposition says is wrong.

What were the aims of the Gold Control Bill ? Firstly, it was to stop smuggling. Well, daily, there are reports of smuggling and, more recently, the Minister, in reply to an Unstarred Question of mine, said that an Air Hostess at Palam was caught red-handed smuggling gold.

Secondly, it was to prevent drain of precious foreign exchange. The fallacy of that has been ably proved by my hon. colleague, Mr. Dandekar, in his speech, that the drain was already there due to wrong economic policies of this Government and that by having this Gold Control Order has not stopped it.

Thirdly, it was to check the price of gold which is still rising and, fourthly, it was to bring out the hoarded gold. This was something to make illegal acts into legal ones.

All these objectives which were supposed to be achieved have miserably failed. Instead of that, untold hardship, frustration and unemployment have been the result to the self-employed section of artisan population who have been thrown to the wolves.

Sir, day before yesterday, the Finance Minister said that, to his knowledge, only 17 suicide deaths have occurred due to this. I am not interested in statistics but, in the ultimate analysis of the human factor involved. Well, here is a resolution signed by Shri Krushna Mahapatra the President of the Swarankars of Dhenkanal, Orissa, and seconded by Shri Udayanath Mahapatra, which claims that there are more than 200 Swarankars who have committed suicides. With your permission, Sir, I would like to place it on the Table of the House.

MR. DEPUTY-SPEAKER : You have quoted it.

SHRI K. P. SINGH DEO : I would like the Minister to enquire into it.

MR. DEPUTY-SPEAKER : He has taken note of it.

SHRI K. P. SINGH DEO : Every-time, the policies of this Government fail, the people are asked to sacrifice or to tighten their belts and they are penalised. Now, 80 per cent of the population who belong to the rural sector are being asked to give up their basic security and their rural credit system, that is, gold.

Sir, the Finance Minister claims that he does everything in consultation and with the willing cooperation of goldsmiths and he wants the Opposition to disprove what he says. Here are the two resolutions, one by All Delhi Sarafa Association and the other by the Dhenkaval Swarankars Sangh. This is what it says :

“The new Gold Control Ordinance of 1968 which has replaced the Rules under D.I.R. at the very outset has created a sense of panic and insecurity in the minds of sincere and *bona fide* Licensed Dealers who have been struggling hard to earn their livelihood under already promulgated Gold Control Rules, which have been breaking their backs since 1963.”

“The Rules under D.I.R. were of a very drastic nature, vexatious, uncalled for and impracticable. They impeded the freedom of licensed dealers to trade freely thereby spreading unemployment.”

Further they say :

“The licensed dealers who are legitimately doing business and paying heavy taxes and revenues in the shape of sales tax and income-tax have been placed in line with smugglers and traitors.”

This is socialism ! The Government cannot stop or prevent smuggling, but they make other decent and honest traders and artisans into smugglers and traitors and harass them ! I do not know what else to say !

This Government which was in virtual monopoly of power during the last 21 years has failed to spread education throughout the country and now they ask the simple, honest and innocent goldsmiths and artisans to maintain records of book-keeping and if there is any lacuna in their book-keeping, they will be subjected to insult, humiliation, and harassment and forced to resort to unfair means to satisfy the pockets of those officers who come and check them.

Government wants to control every section of the society by propagating licence-permit-quota raj and thereby spreading corruption.

Both the Resolutions of the Delhi Sarafa Association and Dhenkanal Swarna Sangh have urged upon the Government to scrap this obnoxious Bill which, instead of giving them relief, has imposed restrictions and harassment.

Further, in 1966, the Congress President as well as the Prime Minister had assured them that nothing would be done to increase the hardships, but there would be relaxations so that they would be able to earn their livelihood from their profession. Now Government is going back on their words. Is there any value attached to the pledged words of Government ? They violate them so blatantly and flagrantly ! Who will trust them—not the farmers, not the labourers, not the workers, not goldsmiths, not princes and not even any one outside our country. It is typical of this Government to do everything in an indirect and in a back-door method. It professes that it wants to stop smuggling by penalising honest, poor goldsmiths. It wants to stop evasion of tax by penalising honest entrepreneurs. There is no logic or reason behind this Bill. As far as I see, it is a fad with the Finance Minister and he is not man enough to admit it and withdraw this obnoxious Bill.

SHRI R. D. BHANDARE (Bombay Central) : This whole Bill, which is sought to be passed by this House and which has been moved in this House, militates against the very principles

of legislation. Therefore, I am taking some time of the House.

First of all, there is no definition of 'goldsmith' at all. In this Bill, which affects the lives of lakhs of goldsmiths, there is no definition of 'goldsmith' at all. The definition of 'certified goldsmith' is given. Who is a 'certified goldsmith'? A certified goldsmith is one who is recognised by the officers. Therefore, it militates against the very principles of legislation.

Then, I come to Clause 39 itself. Much has been said, a great deal of debate has taken place here, on this clause and the explanation has also been given by the hon. Deputy Prime Minister. Yet, I have not been able to understand as to why this Clause is incorporated in this measure which, as I have said in the beginning, affects the lives of lakhs of people. I will read this. The Deputy Prime Minister will be kind enough to listen to what I say. Sub-clause 4(a) of Clause 39 reads as follows:—

"a person who, at the commencement of this Act, is a member of the family of a certified goldsmith and had been assisting him in his work as a Goldsmith for not less than one year,"

One who is not born and one who is not of the age of sixteen, seventeen or eighteen and the whole progeny and the whole tribe of the goldsmiths are in future excluded from carrying on the trade of goldsmith or the industry of goldsmiths which has been carried on by the community because it is a traditional business or a traditional industry.

15 Hrs.

An explanation is given by the Government that under the sub-clause (d) is incorporated under which the injustice is sought to be done away with. Under that sub-clause, the officer can recognise any person as a goldsmith. I, therefore, said when I was occupying the Chair the other day that clause (d) sought to lessen the rigours of the provisions of clause 39. What does it mean? If there is injustice done to any particular individual, then sub-clause (d) comes into play. Otherwise,

sub-clause (d) has no place and no importance at all. It is sought to be argued that this provides that the officer can create a class and recognise any person as a goldsmith, which is not so at all. The sub-clause (d) seeks to do away with injustice if there is any. If we have to accept the explanation given by the Deputy Prime Minister, then this sub-clause controls the life, liberty and property of every individual. Therefore, it militates against the very concept of the fundamental sanctity which is accepted by the civilised countries. What are the fundamental sanctities or the pillars on which civilised society is based? The four pillars, or the four principles or the four concepts are the sanctity of life, the sanctity of Liberty, the sanctity of Property and the sanctity of Marriage. If power is given to an officer to deal with life and to decide whether one individual or a class can be a goldsmith or not, it means that it controls, affects and curbs the very fundamental right to life of millions of people. Then again as regards the right to liberty, it is my liberty to carry on the profession that I would like to carry on. But here I have to go and beg before an officer to say that I would like to carry on this profession and I would have to request him whether he would like to give sanction to my liberty. It is for the officer to say 'Yes' or 'No'. Vast discretionary powers are, therefore, given to curtail the liberty of the individual.

Then, again, take the case of the right to property. I shall not elaborate this point further. This, therefore, militates against the very concept of all legislations. That every piece of legislation seeking to prohibit certain acts and actions of mankind so that those actions and acts may not militate or go against the society, I am quite sure. But here is a vast canvass which can be treated by the officer under the name of doing away with injustice.

MR. DEPUTY-SPEAKER: I am afraid these objections would have had validity about them earlier; I cannot say off-hand about it now. But these points should have been raised

[Mr. Deputy Speaker]

at the earliest possible opportunity. Now, we are having the debate on the third reading.

Now, the scope is limited.

SHRI R. D. BHANDARE : I quite appreciate that. But then you know the position.

Then, I come to clause 48. Goldsmiths are a traditional people, traditional in the sense that this business is confined to a particular community, namely the goldsmith community. They are traditional people carrying on a traditional profession. They carry on their profession in various places, at their residences, at their homes in their villages. Under clause 48 unless the place is licensed, no person can carry on his business there. If a community would like to carry on their traditional business which has been carried on for thousands of years at their homes or at their residences, are they to be excluded and forbidden? Therefore, again, clause 48 militates against the very concept of the principle of legislation.

Clause 84 deals with the finality of the order passed. If power is given to an individual to go to the High Court, how can the power of the High Court be restrained? Revisional powers or appellate powers are given to Government. Over and above the appellate and revisional powers, powers are also vested in the High Court. If powers are vested in the High Court, how could the High Court be restrained and how could it be said 'Mr. Judge, you will hear but you shall not deal with facts; you shall only have the power of revision'? There are a number of instances of matters of mixture of facts and law. What would happen if the matters are mixed of facts and law? Are the facts to be excluded *in toto* and is only the law to be dealt with? If the legal matters are mixed with facts and law, then the High Court must have been given full liberty to deal with both.

Now, I come to clause 94. This clause curbs all the powers of the officer, which powers are given under the Bill

to fulfil the purpose of the Bill. I may repeat that this point has not been made clear and so far nobody has spoken on this. The officer has been restrained in executing the provisions of the Bill, and because he has been so much restrained he may not fulfil the very purpose of the Bill at all. Therefore, here again, it militates against the principle of legislation. The clause provides that any officer exercising powers under this Bill or any rule or order made thereunder, who knows that there is no reasonable ground for suspicion for so doing and yet does certain things shall be punished. Who is to suspect? If he has any idea that an offence is going to be committed or the provisions are going to be set at naught by any individual, then he cannot act unless he has cogent and positive evidence in his hand, and then only he can try to implement the purpose of the Bill. Unless there is a very positive reason and positive evidence in his hand, under clause 94 he is restrained. Therefore, there is no question of fulfilling the object or the purpose of the Bill. Whoever, then again, gives information under clause 96 the matter is taken to court, the person is acquitted, then such person will be prosecuted. One would like to give the information, but if the person is acquitted, then the one who gives the information will be sent to jail. The object of the Bill is quite laudable and deserves to be appreciated, but then how is it to be ensured?

Since time does not permit, I shall conclude my speech here.

SHRI BENI SHANKER SHARMA : Even at this late stage, of the third reading of the Bill, I venture to stand to oppose it lock, stock and barrel, with the fond hope that the Finance Minister will be good enough, as inherently good he is, to withdraw this even at this late stage. There is yet another reason for this mad venture of mine, namely that I have a little lurking suspicion in my mind that I might possibly have been responsible for having injected the germs of this gold control in the mind of the Finance Minister. You will recall that in 1960, when Shri Morarji Desai was the Finance

Minister, he had issued certain prize bonds which were entitled to certain prices by a lottery system. I thought that Shri Morarji was a moralist and I was wondering how he had introduced these bonds : I thought it was a crime to inculcate the habit of gambling in the minds of the people. As such, I wrote a letter to him on 8th April 1960 stating that there was enough gold in the country which if properly tackled could be brought out of its shy reserves and used for nation-building purposes. I suggested to him at that time that such conditions should be created by which all the gold in the country could be attracted to the vaults of the Reserve Bank. Among other things, I suggested that the tax authorities should not question the source of the gold nor should it be subjected to wealth and other taxes. Unfortunately, at that time, the Finance Minister rejected my proposal, but exactly after 2 years and 9 months, he brought forward this Gold Control Order practically on the same lines as suggested by me. But he turned my scheme upside down which wholly spoiled it. People were asked to part with their gold at the artificial value of Rs. 62.50 when the prevailing price in the market was more than Rs. 150. Naturally, the scheme had to fail, and it failed.

The main object of the Gold Control Order was to make people part with their gold in exchange for gold bonds. The other objects were to wean people away from the lure of gold, stop smuggling and bring down the price of this yellow metal to the international level. Instead of achieving these objectives, it has brought untold miseries to millions of our population.

I need not dilate on those miseries, how hundreds of goldsmiths had committed suicide, how those people who were having two square meals a day were faced with starvation and how two million people were rendered jobless and unemployed overnight.

The Gold Control Order, which had to be amended four times, did not achieve its objectives for which it was promulgated. As such, Government

should have been bold enough to scrap it. But unfortunately, it is still persisting in its follies. After all, Sir, for what and for whose benefit is this Bill going to be enacted ? Is it necessary in the interest of the country ? If we close all the goldsmiths' shops in India, will that gold find its way to the vaults of the Reserve Bank ? Will smuggling of gold be stopped ? Will it bring down the price of gold to the international level ? The history of the last five years gives the answers to these questions. In the course of these five years, very little gold has entered the vaults of the Reserve Bank. Smuggling has increased by leaps and bounds, and the price of gold has gone up and up. Then why this Gold Control Bill now ? Is the smuggling of gold done by goldsmiths or for goldsmiths who should be kept in chains ? Smuggling is done by big tycoons, who want to keep their ill-gotten gains in the shape of gold.

To prevent smuggling, Government should have made our borders tighter. Police guard at the borders should have been more alert and honest. But that aspect is not attended to. The smuggled gold is allowed to come in freely. Are the poor goldsmiths responsible for that ? Then how much of the gold is used by the goldsmiths in their trade ? Hardly 15-20 per cent of it is used in it. The rest finds its way into the vaults of the hoarders and black-marketeers. Instead of depriving the goldsmiths of their livelihood, the Government should have adopted measures which could make hoarders and the black-marketeers disgorge their concealed precious metal. But they have not done that, they are not doing that and perhaps they would not be able to do that for reasons best known to them.

What we have before us is not the Gold Control Bill but the Goldsmiths Control Bill. Is the trade and business carried on by these persons so heinous that it requires a curb ? Is it like distillation of wine or cultivation of opium that the business should be curbed and licensed. Are they a set of criminals who are to be kept under

[Shri Beni Shanker Sharma]

strict surveillance? Preparation and maintenance of elaborate accounts, obtaining licences and permits and all the paraphernalia contained in the Bill will break their backbone. It is very easy to say that Government will give alternate employment to them. There is already an army of unemployed in the country. The Government has not been able to find any jobs for them.

The members of the Congress Party are also very much agitated on this issue, and from the speeches you have just heard from that side also, it is clear that they too are against enacting this black measure. I am sure that if they could somehow get over the fear of the long whip which my big and burly friend, Dr. Ram Subhag Singh, is capable of wielding, all the members of the Congress Party will also vote against the Bill and the Bill will be negated by a overwhelming majority, of course, with the solitary exception of Shri Morarji Desai.

I do want to bring to your notice that the agitation which had been launched against this measure and which is still being carried on is unparalleled in the history of agitations in India. I most humbly request the Finance Minister to desist from enacting this measure so that he may get the blessings of the whole country, including the two million goldsmiths which I am sure, he should try to get at this time.

SHRI SHEO NARAIN (Basti) : I am a member of the Select Committee for the last five years and I want to reply to all of them.

MR. DEPUTY-SPEAKER : But there is a limit to the submissions that could be made during the third reading stage.

SHRI SHEO NARAIN : The Select Committee was set up in 1963 and examined 1,99,678 memoranda and 47 associations. Fourteen points were before the Select Committee which it discussed. As a result of Shrimati Tarkeshwari Sinha's criticism we amended the Bill. In the Congress Session

in Bombay it was decided that the Bill should become less rigorous. We shall tell you what we did in 1963. It was a fight against 14 carat. Everybody who came to us in the party said so. The Joint Committee carefully considered all those points; despite the strong and universal objection to the 14 carat rule it laid down the provision that no new ornament as distinct from re-making from old ornament shall be manufactured exceeding 14 carats. The Finance Minister was good enough to delete this provision. According to the Customs law of 1962-63, the administrator was empowered to reject the application for the grant of jewellers' licence if the applicant had been guilty of smuggling. The Joint Committee recommended that the Bill should permit the goldsmith to employ one worker to assist him. Previously, it was not there. We gave him one more persons to assist him. The quantity of primary gold obtained in the process of making new ornaments by melting the old ornaments which a certified goldsmith may have at any time was raised from 100 to 150. The provision empowering imprisonment of six months was deleted. The provision for summary trial was also deleted. How does the gold control affect the general public? There is no restriction on the purity, of acquisition, possession or sale of Guinea, ornaments by the public. They are required to make a declaration of their holding of ornaments only when such holdings exceed in the case of an adult 200 grammes and in the case of a minor 800 grammes and 4,000 grammes per family consisting of husband, wife and minor children. The overall limit comes to 373 tolas of which the value at the current market rate would be approximately Rs. 60,000. The Finance Minister was good enough to permit the families to keep gold in their house to the value of Rs. 60,000. What more does the Opposition want?

Shri S. M. Banerjee was abusing Government. He did not take care to sit in the Joint Committee with us. He was making noise here, shouting this and that. He was abusing us

unnecessarily. The real fight has been discussed. The Swarnakars have been given their right. I will tell my friends this. Shri Bhandare is a good lawyer; he is a well-learned practitioner in the Supreme Court and all that. Whatever he was said and suggested now has been discussed by us in the Joint Committee for the last five years, if I may say so. Mr. T. T. Krishnamachari was the Finance Minister then. After that Shri Morarji Desai came in as Finance Minister. I was then in the Committee. We called the goldsmiths' representatives and we have listened to them. We have given sufficient facilities to the people. I have examined those people in the Committee. No one has given us a clue that smuggling goes on like this. I impressed upon them that they were considered as people with *vaffadari* but then I felt that some of them were dacoits of this country. These people, they want to support.

The Finance Minister was good enough to bring in control measures over gold. Gold is not going to give bread and butter; you cannot swallow gold. I support the Finance Minister whole heartedly. I will tell my friends opposite that their hearts are not clean. They are not here with honest opinion about this Gold Control Bill. The Gold Control Bill is as pure as gold.

In the end, I would request the Finance Minister to see that if there is any lacuna in the Bill, he may be pleased to correct them in the rules. He has promised to give the goldsmiths some more facilities through the rules. I hope he will give them what he has promised.

With these few words, I support the Bill.

श्री चन्द्रिका प्रसाद (बलिया) : माननीय उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करता हूँ लेकिन बहुत ही नम्रतापूर्वक निवेदन करना चाहता हूँ कि मैं बहुत ही गरीब क्षेत्र से आता हूँ, सोने का वहाँ पर कोई विशेष सम्बन्ध नहीं है लेकिन शादी

ब्याह में अभी भी दहेज की प्रथा जारी है। मैं देखता हूँ कि सोने के प्रति जनता का आकर्षण बढ़ रहा है। क्योंकि आजादी के बाद हमारा लिविंग स्टैंडर्ड बढ़ा है, हमारी आमदनी बढ़ी है। पहले सोने के गहने कम चला करते थे लेकिन अब ज्यादा चलते हैं। धीरे धीरे सोने के प्रति जनता का आकर्षण बढ़ता जा रहा है। जहाँतक तस्कर व्यापार का प्रश्न है, मैं समझता हूँ लाखों तोला सोना बाम्बे से निकलता है। अधिकारियों की लापरवाही के कारण ही ऐसा हो रहा है। चैप्टर 12, 13, 14, 15 के अन्तर्गत अधिकारियों के अधिकार बढ़ाए जा रहे हैं जिनसे हो सकता है तस्कर व्यापार बढ़े। सरकार को चाहिए कि तस्कर व्यापार को रोके। सरकार को अपने अधिकारियों पर विशेष नजर रखने की आवश्यकता है।

उपाध्यक्ष महोदय, जहाँतक धारा 39 का सम्बन्ध है, जैसा कि भंडारे जी ने भी कहा, उदारतापूर्वक इस धारा को रखा जाये ताकि सोनारों को सर्टिफिकेट मिलने में कोई कठिनाई न हो। धारा 59-60 में सरकारी अधिकारी को सन्देह में सच करने का अधिकार दिया गया है लेकिन अगर सन्देह साबित नहीं होता है तो उसके लिए मानहानि का दावा करने की कोई व्यवस्था नहीं है। इस बात पर भी सरकार को विचार करना चाहिए। जहाँतक रिटर्न भरने की बात है उसमें अगर सजा की जरूरत हो तो उसको कम से कम रखना चाहिए। विशेष तौर पर सरकार को यह बात देखने की है कि इससे भ्रष्टाचार न बढ़े और इस बिल का जो मकसद है वह पूरा हो सके।

श्री शिंकरे (पंजिम) : उपाध्यक्ष महोदय, मुझे ग्रीस की एक कथा याद आती है। ग्रीस के एक शिल्पकार ने एक मूर्ति बनाई थी, सौंदर्य की मूर्ति। वह मूर्ति चाहे वीनस जैसी हो सकती है या डायना

[श्री चन्द्रिका प्रसाद]

जैसी हो सकती है वह मूर्ति इतनी सुन्दर थी कि यदि कोई रसिक उसे देखता था तो खुश होता था। ऐसा ही एक रसिक शिल्पकार की उस कलाकृति को देखने के लिए गया। उसने शिल्पकार की बहुत स्तुति की। उसके बाद उसने शिल्पकार से कहा कि आपने जो मूर्ति बनाई है वह सुन्दर है, आकर्षक है लेकिन विद्रूपता का भी एक रस होता है, उसमें भी एक सौंदर्य रहता है। यह मूर्ति जो मेरे सामने है इसको मैं सर्वमान्य रूप में सुन्दर कहूंगा परन्तु आप इस मूर्ति में परिवर्तन करके विद्रूप बना दें किन्तु इसकी सुन्दरता नष्ट नहीं होनी चाहिए। शिल्पकार ने एक हथौड़ा लिया और उस सुन्दर मूर्ति में आगे के दो दांत तोड़ दिए। आप जानते होंगे कि मूर्ति के अगले दो दांत गिरने के बाद वह मूर्ति कितनी कुरूप घृणास्पद दिखाई देगी? फिर शिल्पकार ने उस रसिक से पूछा कि क्या यह मूर्ति अभी भी सुन्दर है? रसिक ने कहा हां, यह मूर्ति सुन्दर ही है। फिर शिल्पकार ने कहा कि दो दांत गिर जाने के बाद भी यह मूर्ति सुन्दर रही? तो रसिक ने कहा हां, मूर्ति का सौंदर्य अभी भी कायम है लेकिन अलग जो और रस होते हैं क्या वह रस भी आप इस मूर्ति में ला सकते हैं जैसे कि रुद्र, शौर्य, श्रंगार, वीभत्सता, वात्सल्य? शिल्पकार ने कहा कि हां, मैं यह करूंगा। फिर उन्होंने हथौड़ी ली और एक-एक अव्यव काटकर उस मूर्ति में परिवर्तन किया।

उपाध्यक्ष महोदय, सन् 1947 में भारत की जनता ने एक ऐसी ही सुन्दर मूर्ति कांग्रेस के नेताओं को दी थी और कहा था कि इसमें परिवर्तन करके इसको और सुन्दर बनाओ। उस समय जो कांग्रेस के नेता थे उन्होंने भी हथौड़ी लगाई और दांतों हाथ काट डाले अर्थात् एक तरफ पंजाब और सिंध गया और

दूसरी तरफ बंगाल और आसाम का भाग चला गया। इस तरह से वह मूर्ति सुन्दर नहीं रही। हमारी भारत माता का पिछले 20 सालों से यही हाल हो रहा है। कांग्रेस सरकार के जो नेता हैं उनकी निष्ठा की तो मैं कद्र करता हूँ लेकिन वास्तव में हो यही रहा है। नये नये कानून बनते हैं, नयी नयी योजनाएँ बनती हैं लेकिन मूर्ति का वह सौंदर्य नहीं रहता है, सौंदर्य नष्ट हो जाता है। हमेशा ही ऐसा होता है, विनायक प्रकुर्वाणी, बनाए जाते हैं विनायक यानी गणपति परन्तु बनते हैं बन्दर। यहां पर कोई लोग वही बन्दर को हनुमान कहते हैं और उनकी स्तुति करते हैं। मैं भी कबूल करता हूँ कि मैं केन्द्र सरकार को हमेशा से वोट दे रहा हूँ क्योंकि देश में कांग्रेस पार्टी ही ऐसी पार्टी है जोकि केन्द्र में स्थायी शासन दे सकती है। लेकिन मैं यह कहूंगा कि इस सदन में जो विधेयक आते हैं जिनके द्वारा किसी एक समस्या को सुलझाने की बात होती है लेकिन दस उप-समस्याओं का निर्माण और हो जाता है और पहले की समस्या भी दूर नहीं होती। भाषा के झगधार पर जो रिआमनाइजेशन आफ स्टेट्स हुआ उसके बारे में, प्रोहिबिशन के बारे में या मोल्ड कन्ट्रोल के बारे में यही बात दिखाई देती है। कांग्रेस की इच्छा ठीक है। मैं मानता हूँ। आज तीन लाख स्वर्णकारों का घंघा बन्द हो गया है। लेकिन वे लोग तो गुनहगार नहीं हैं, गुनहगार दूसरे ही लोग हैं जोकि स्मगलर्स हैं, काला बाजार वाले हैं, डबल बुक रखने वाले व्यापारी हैं या करप्ट अधिकारी हैं। इन लोगों के गुनाहों का प्रयाश्चित स्वर्णकारों को करना पड़ रहा है। कहा जाता है कि सौ गुनहगार छूट जायें तो फिर नहीं लेकिन किसी निरपराध को सजा न होनी चाहिये। इसलिए सबसे पहले सरकार को यह देखने की जरूरत है कि जो कानून

आप बनाते हैं उनपर ठीक तरह से अमल होता है या नहीं। कानून के अच्छा होने से ही कोई लाभ नहीं होता है जब तक कि उसको अच्छी तरह से अमल में न लाया जाए। इसलिए मैं कहूंगा कि जो गोल्ड कंट्रोल बिल पास होने जा रहा है उसपर अच्छे से अच्छे रूप में अमल किया जाना चाहिए और इस बात को देखने के लिए कि अच्छे रूप में अमल हो रहा है या नहीं, एक ऐन्टी करप्शन स्क्वाड कायम किया जाए। वह स्क्वाड इस बात को देख सकता है कि जो कानून है उसपर अच्छी तरह से अमल हो रहा है या नहीं। जो अधिकारी लोग हैं वे इस कानून के प्राविजन्स का फायदा उठाकर कमाई कर सकते हैं और निरपराध स्वर्णकारों और सामान्य जनता को हैरान कर सकते हैं। इसलिए मैं कहूंगा कि मन्त्री जी ऐन्टी करप्शन स्क्वाड की स्थापना करने की व्यवस्था करें ताकि अगर अधिकारी-गण स्मगलर्स के साथ साठ-गांठ करें तो उन्हें सजा मिल सके।

SHRIMATI TARA SAPRE (Bombay—North-East) : Mr. Deputy-Speaker, Sir, I rise to support this Bill in principle, but honestly I oppose the method to achieve the objective of the principle of the Bill.

The main principle behind the gold control is to check gold smuggling and to bring the price of gold at international level. If the price of gold in our country is reduced, naturally the smuggling will be reduced and hoarding also will be reduced. But for the last twenty years we have seen that the control of any commodity gives rise to blackmarketing and the desire for hoarding which ultimately raise the price of that commodity. Control price becomes a mockery.

On the 10th January, 1963, when the Gold (Control) Ordinance was promulgated the price of gold shot from Rs. 118 a tola to Rs. 180 and since then the prices have not come down.

The birth of this Ordinance was welcomed by a big haul of gold smuggling in Bombay.

The lure of gold is not from the point of view of adoration. It is deep-rooted in our socio-economic structure. According to Hindu law what has been given by the husband—actually it is not the husband but the mother or father—in the form of ornaments at the time of marriage becomes the property of the bride. In her distress she can make use of it for her future progress. I know so many poor widows could finish their education after the death of their husbands with the help of their gold ornaments. In villages a lady will get easily Rs. 100 if she just sells her one bangle. No National Certificate or Gold Bond will give her that surety. This is the only safeguard against the reckless inflation and dwindling values of the rupee. Neither this Bill nor Gold (Control) Ordinance has stopped the smuggling at all.

A major objective of the gold control is to put an end to smuggling, which goes on extensively. The right course will be to tighten the watch on all points of entry into the country particularly ports, sea or air. It is a big mistake to penalise the entire people and particularly the goldsmiths for the lapses of a few dishonest, adventurous and unscrupulous officials in collusion with whom the gold smuggling racket is run.

Love for ornaments of gold of high purity may be a hang-over from the feudal past. But its existence is a fact which cannot be ignored. Social habits, it must be remembered, will not change by legislative enactments.

It is difficult to reconcile all the concessions with the Government's hope of curbing smuggling. It is estimated that Rs. 200 crores worth of gold is always in circulation. It is futile to hope that by merely bringing elaborate set of precautionary measures into existence smuggling can be reduced to the minimum. It is unrealistic to

[Shrimati Tara Sapre]

ignore internal and international conditions which attract unabated smuggling. The appetite for gold in India seems insatiable. In western countries a great deal of the newly mined gold every year finds its way into private hoards. These require profitable outlets. India has proved for long an exhaustible sink. The wide disparity between domestic or international price of gold is a further attraction for flourishing rackets. Unless these basic adverse conditions are recognised, it is hard to see how smuggling can be checked or curbed. Despite ban on the import of gold and stringent rules and regulations for its distribution smuggling has not been reduced appreciably. Constant and even occasional spectacular raids merely serve to reinforce the impression about the magnitude of the problem. It is futile to tighten the screw on the artisans when Government is helpless in bringing to book the big racketeers. It is also a mistake to think that by relaxing the rules on gold Government will be able to curb smuggling.

SHRI S. KANDAPPAN (Mettur): Mr. Deputy-Speaker, Sir, we have reached a stage where nobody could control the Minister from going ahead with this Bill. The damage has already been done. As far as I am concerned, I have not moved any amendment for the simple reason that I never hoped to improve upon the Bill by moving any number of amendments. It is so rotten. Unless it is completely withdrawn and some other enactment is brought forward neither could we succeed in preventing smuggling nor could we completely wean away the public from the lure of gold. Having said this, I would like to place only two or three things before the Finance Minister for his consideration while implementing this measure.

The Minister was telling us that he would like to see that the public is being educated so that the lure of gold is no more there. But the position which the Finance Minister has taken with regard to temples and religious institutions I am afraid, will go against

the proclaimed policy of weaning away the public from attachment to gold. I would submit that it would be better if the ornaments and gold of the religious institutions, owned by the Gods and Goddesses, are taken over by the government—not appropriated, but taken over by the government—and kept in accounts of the deities concerned so that it could very well be used for other purposes. After all, attraction towards god does not depend on gold alone. It depends upon the intensity of the devotion of the devotee. It is not the gold or ornaments that is important. Even today there are many temples where the deities are very popular where the people worship them by decorating them with garlands of flowers and not by ornaments. This is one important suggestion I would like to place before the Finance Minister.

Secondly, the States are already heavily indebted to the Centre. According to the statement of the Finance Minister himself, the indebtedness of the States to the Centre come to about Rs. 5,000 crores. In the context of this, the Centre is now asking the States to bear the amount so far spent by the Centre on the rehabilitation of goldsmiths. This is very unfair. I would like to plead with the Minister to reconsider the case. The Centre has so far spent Rs. 14 crores. It is a very small sum for the Centre but even Rs. 1 crore is quite a big amount for a State.

MR. DEPUTY-SPEAKER : You have made that point earlier.

SHRI S. KANDAPPAN : I would request the Finance Minister to reconsider this proposal. If he is not prepared to give this amount as a grant to the States, let him consider another proposal. It would be very difficult to recover the amount within the stipulated time. As Shri Ramamurti has suggested, there should be some ceiling on monthly recoveries, taking into consideration the position of the goldsmiths. I do not think any goldsmith would be in a position to pay more than Rs. 30 to 35 per month. If that consideration is given, the States would be in a position to recover the

amount over a longer period. The stand now taken by the Finance Minister is that for this period the State Government would have to pay the interest on that loan. I would like the Finance Minister to give sympathetic consideration to this particular point.

Then I would like to have a clarification. In spite of all the replies that he has given to the amendments, I am not yet clear as to whether the goldsmiths are going to survive in this country. If the hon. Minister honestly feels—he is a very candid and forthright man—I would like him to say whether his intention is—I do not quarrel with it—as time goes on; to see that all the gold that is there in the country is brought totally under the control of the Government and nothing is left to the goldsmiths or to anybody else in this country.

श्री नाथूराम अहिरवार (टीकमगढ़) :

उपाध्यक्ष महोदय, जो गोल्ड कंट्रोल विधेयक सदन के समक्ष विचाशघोन है उस की धारा 39 की ओर मैं माननीय वित्त मंत्री का ध्यान आकर्षित करना चाहता हूँ। इस धारा के अनुसार आप ने गोल्ड कंट्रोल अधिकारी को जो अधिकार दे दिये हैं उन से गरीब स्वर्णकार बहुत परेशान होगा। हम देखते हैं कि स्वर्णकारी की भांति बहुत से दूसरे धन्धे ऐसे हैं जो किसी कानून के अन्दर नहीं आते हैं। जो लोग जूते बनाने का काम करते हैं, रस्सी बुनने और कपड़ा बुनने का काम करते हैं, वह काम उन के यहां पीढ़ी दर पीढ़ी से चला आ रहा है किन्तु स्वर्णकारों के काम को हम कानूनी रूप देने जा रहे हैं। केवल गरीब स्वर्णकार एक ऐसा है जिसको अपना धन्धा करने के लिए सर्टिफिकेट लेना पड़ेगा। कानून में यह लिखा गया है कि अगर किसी ने एक साल तक यह काम किया है तो उसको प्रमाण पत्र मिलेगा। एक गरीब सुनार है जो अपने घर में काम करता है, छोटी उम्र से उस के बच्चे इस काम पर लग जाते हैं। उस

को प्रमाण पत्र कौन देगा। जब इन्स्पेक्टर की मर्जी में आयेगा सर्टिफिकेट दे देगा जब मर्जी में नहीं आयेगा नहीं देगा। यह एक ऐसा नियम आप रख रहे हैं जिस के द्वारा आप गोल्ड कंट्रोल अधिकारी के हाथ में झ्रष्टाचार का सीधा रास्ता दिये दे रहे हैं।

मैं वित्त मंत्री महोदय से निवेदन करना चाहता हूँ कि इस धारा के ऊपर विशेष ध्यान दिया जाये और जो गरीब स्वर्णकार हैं उन के लिये विशेष रूप से इस कानून में ढिलाई की जाये और उन को सुविधायें दी जायें जिस से उन्हें परेशान न होना पड़े।

यह कानून वास्तव में जो बड़े बड़े व्यापारी, जो कि सोने का थोक व्यापार करते हैं, उन के लिये बना है। जो गरीब स्वर्णकार हैं और मजदूरी करते हैं उन को इस तरह का लाइसेंस देने की क्या जरूरत है? बहुत से स्वर्णकार तो ऐसे हैं जो किसी बड़े दूकानदार के पास काम करते हैं या फिर गांव में बैठ कर गांव की किसी मां बहन के लिये जेवर बनाते हैं। वह बिना पड़े लिखे लोग हैं। वह लाइसेंस लेने के लिये कहां जायेंगे। ऐसे लोगों को इन्स्पेक्टर साहब जब चाहेंगे जा कर पकड़ लेंगे। हम देखते हैं कि सेल्स टैक्स के मामले में छोटे छोटे दूकानदारों को सेल्स टैक्स वाले किस तरह से परेशान करते हैं। इसी लिये मैं कहता हूँ कि जो छोटे छोटे स्वर्णकार हैं उनको इस कानून के अन्दर विशेष सुविधा दी जानी चाहिये जिस से कि वह परेशान न हों।

इस विधेयक में लिखा हुआ है कि जो स्वर्णकार दो साल के अन्दर अपना कर्जा अदा नहीं करेंगे उनका लाइसेंस जप्त कर दिया जायेगा। जब हम किसान को तकावी का रुपया देते हैं हल के लिये, बैल के लिये या बीज के

[श्री नाथूराम अहिरवार]

लिये तब उस से हम उस का पांच या दस साल में बसूल करते हैं, सुनार बेचारा जो गरीब है कैसे इतने समय में अपना कर्जा अदा कर सकेगा। आप उस को एक या दो हजार रुपया कर्जा देंगे इतने कम समय में और इतने कम रुपयों से अपना घन्घा कैसे कर सकेगा? इस लिये मेरा सुझाव है कि उस को कर्जा अदा करने के लिये कम से कम पांच साल का समय दिया जाये जिस से कि वह आसानी से उस को अदा कर सके। मैं फिर कहना चाहता हूँ कि उस को प्रमाण-पत्र के नियम के बारे में विशेष सुविधा भी दी जाये जिस से छोटे स्वर्णकार को परेशानी न हो।

श्री कंबरलाल गुप्त : उपाध्यक्ष महोदय, जिस उद्देश्य से यह स्वर्ण नियन्त्रण विधेयक सदन के सामने लाया गया है और जिस उद्देश्य को मंत्री महोदय ने अपने सामने रक्खा है, उस से किसी को मतभेद नहीं हो सकता। सोने का तस्कर व्यापार न हो, सोने की हॉलिंग न हो और सोने का मूल्य न बढ़े, यह सब लोग चाहते हैं। लेकिन जैसा कुछ सदस्यों ने यहां कहा, करीब 200 लोगों ने आत्म-हत्या कर ली और लाखों की तादाद में लोग बेरोजगार हो गये। मैं इस में भी कोई दुःख नहीं मानता अगर देश की रक्षा के लिये, देश के स्वाभिमान के लिये लोगों को त्याग करना पड़ता है या जान भी देनी पड़ती है। लेकिन सवाल यह है कि जिस उद्देश्य से यह बिल लाया गया था आज उस की पूर्ति हुई है। अगर उस उद्देश्य की पूर्ति होती है तो यदि दो चार सौ आदमी मर भी गये तो मुझ को उस की चिन्ता नहीं है। लेकिन अगर इस उद्देश्य की पूर्ति नहीं होती है और लाखों आदमी बेरोजगार हो गये तथा सैकड़ों आदमी मर भी गये, देश के कोने कोने में चिल्लाहट भी हो रही है फिर भी यह बिल लोगों

के गले के नीचे जबर्दस्ती उतारा जा रहा है, तो यह बहुत बुरी बात है।

मैं मंत्री महोदय से पूछना चाहूंगा कि यह बिल तीन चार साल से काम कर रहा है, क्या आप ने ऐसी कोई कमेटी बनाई है जो इस बात को आंके कि जिस उद्देश्य से बिल बना था वह उद्देश्य किस मात्रा में पूरा हुआ है? आया वह किसी हद तक पूरा हुआ भी है या नहीं। अगर इस तरह की कोई कमेटी बनाई गई है तो यह सदन जानना चाहेगा कि उस की रिपोर्ट क्या है कि कितनी मात्रा में यह उद्देश्य पूरा हुआ है। अगर मंत्री महोदय ने कोई कमेटी नहीं बनाई है तो मैं आप के जरिये से मंत्री महोदय से प्रार्थना करूंगा कि वह एक कमेटी बनायें। वह कमेटी इस कानून की बर्किंग में जाये और देखे कि कितनी मात्रा में इस का उद्देश्य पूरा हुआ है। अगर इस का उद्देश्य पूरा नहीं हुआ है तो श्री मोरारजी देसाई जो अपने को डिमाक्रेटिक कहते हैं और हैं भी, जो मानते हैं कि लोगों की आवाज सुप्रीम है, प्रधान मंत्री, उप-प्रधान मंत्री या किसी मंत्री की आवाज कितनी ही ऊंची क्यों न हो, लोगों की आवाज उस के ऊपर है, उन से मैं प्रार्थना करूंगा कि वह अपने इस बिल को वापस ले लें, बशर्ते उस की कमेटी की रिपोर्ट में यह हो कि इस बिल का कोई लाभ नहीं हुआ है।

मंत्री महोदय स्मग्लिंग रोकना चाहते हैं। इस सिलसिले में मैं उन से सवाल पूछना चाहता हूँ कि जब सरकार सोना लेती है तब दूसरे भाव से लेती है और जब बेचती है तब क्या वह स्मग्लिंग के भाव से नहीं बेचती? जब सरकार डाक्टरों को सोना देती है या वैद्यों को जब वह सोना बेचती है तब किस भाव से बेचती है? मेरा कहना यह है कि जो ब्लैक मार्केट का भाव होता है उसी भाव

से उन लोगों को सोना देती है। अगर वह इस तरह से नहीं देती है तो फिर मंत्री महोदय को इस को कंट्रैडिक्ट करना चाहिये।

मैं मूलतः गोल्ड कंट्रोल ऐक्ट के खिलाफ हूँ क्योंकि जितने ही कंट्रोल देश में होंगे सरकार की मशीनरी उतनी ही इनएफिशिएंट हो जायेगी और लोगों को उतना ही दुःख अधिक होगा। मुझे आश्चर्य है कि श्री मोरारजी देसाई को इतना अधिक विश्वास कंट्रोल में और अपने ऐडमिनिस्ट्रेशन में क्यों है। उन को सीधा रास्ता अपनाना चाहिये। लोगों को एजुकेट किया जाये, उन को समझाया जाये कि वह सोना अपने पास न रखें। मैं समझता हूँ कि इस के लिये सरकार ने कोई प्रोग्राम नहीं बनाया है। इस चीज को डंडे के जोर से लोगों के गले उतारा जाये और लोग चिल्लाते रहें, यह चीज इस सरकार को शोभा नहीं देती। मैं चाहूँगा कि लोगों को जो तकलीफें हैं उन की तरफ ध्यान दिया जाये। यहां पर करीब 300 अमेंडमेंट दिये गये आप ने उन को गिलोटिन कर दिया। आप को इस का अधिकार है, लेकिन मैं आप के जरिये से कहना चाहता हूँ कि सरकार का फर्ज है कि वह एक स्टैंडिंग कमेटी बनाये जो कि ऐडवाइजरी नेचर की हो। स्वर्णकारों को जो तकलीफें हैं वह उस कमेटी के सामने आये और वह कमेटी मंत्री महोदय के सामने उन को रखे। अगर मंत्री महोदय सही मानों में प्रजातन्त्र में विश्वास करते हैं तो वह उन लोगों की आवाज को सुनें। अगर वह डिक्टेटरशिप के रास्ते पर ही चलेंगे तो यह सरकार कुछ ही दिनों की है। उस के बाद यह सरकार नहीं रहेगी।

MR. DEPUTY SPEAKER : The Deputy Prime Minister.

SHRI CHENGALRAYA NAIDU (Chittoor) : Nobody has spoken from south.

MR. DEPUTY SPEAKER : It is not a question of south and north. I have already extended time by 2 hours. It is not possible to accommodate others.

SHRI MORARJI DESAI : Mr. Deputy-Speaker, Sir, we are now coming to the end of having this legislation passed in this House. I have heard very attentively several friends who spoke on the third reading of the Bill. But I saw no new arguments advanced than from any that were advanced before, in spite of my explanations being given.

I was charged with rigidity, with arrogance, with some kind of things like that. What is rigidity in me ? I did not hear them. That is, I did not accept what they said. Did they accept what I said. If I am rigid, are they not more rigid ? What is the use of this argument. This is not an argument which will carry us anywhere. If their argument is meant to pressurise me, to make myself more reasonable and more popular, I am afraid, they are not counting with their proper man. That is all I would say. This is not an argument which is intelligent in my view. This is an argument which is used only by demagogues, not by reasonable people. Therefore this is not an argument which ought to be used at any time.

Well, look at the arguments which were advanced by my hon. friend, Prof. Bhandare, the professor of law. I cannot understand. He objected to clause 94. What is clause 94 ?

Clause 94 is put here in order to see that no officer misuses his authority. Where he exercises his powers knowing that there are no reasonable grounds for suspicion, for so doing, he is going to be punished. Does he not want such a clause in this Bill ? What sort of protector is he of people, I do not know. I cannot understand how his legal acumen has gone waste in this matter.

[Shri Morarji Desai]

In the same way he objects to another clause, Clause 96, which says that any person who wilfully or maliciously gives any false information which leads to any arrest will be punished. Does he want people who give false information to go scotfree ?

SHRI R. D. BHANDARE : There are provisions in the Indian Penal Code and the Indian Criminal Procedure Code to deal with such offences.

SHRI MORARJI DESAI : These things do not come under them. They will not be covered by them. With all my respect for his legal acumen, I must say that his dislike of the Bill has made him go astray in his legal reading of the whole thing. He can have opposition to the Bill ; that I can understand. There can be an honest view. But why is it not granted that there is an honest view here ?

My hon. friend, Mr. Gupta, argued saying that I believe in control and asked, 'Why do you believe in control?'. Every Government has control of some kind or other. There cannot be any Government without any control. There cannot be a Government without the sanction of punishment. 'Dhand' goes along with Government ; otherwise, there is no Government. Whether it is reasonable or not.....
(*Interruption*)

श्री मोम प्रकाश त्यागी : कंट्रोल से फायदा भी तो होना चाहिये ।

SHRI MORARJI DESAI : I agree there that there should be no fetish of control. One should neither have control for the sake of control nor have an allergy for control. This is the policy which one should follow. (*Interruption*) Therefore, we have brought this control. My hon. friend, Mr. Sharma, himself suggested one....

SHRI BENI SHANKER SHARMA : But in a different way.

SHRI MORARJI DESAI : Of course everybody suggests differently, but the person who has to carry out has to consider all the aspects and then come

to the House. Any Finance Minister would have had to do this, not myself alone, and that is obvious from this fact : I certainly brought the Bill first in 1963 but after that there were two Finance Ministers who also had to maintain it ; they could not put it out ; they themselves said that. My hon. friend accepts the objective. If he accepts the objective, then he must also accept the method to carry out that objective. There can be a difference of view in this matter of methods. As experience goes on showing us, this will have to be altered, but it will have to be altered in the direction of strictness and not in the direction of leniency. Of course, there should be no harassment ; there, I agree, and I shall try my best to see that no honest goldsmith or dealer or refiner is harassed by anybody.

श्री कंवरलाल गुप्त : लाभ हुआ या नहीं. इसको जानने के लिए कोई कमेटी ग्राप बनायेंगे?

SHRI MORARJI DESAI : It is impossible. No committee of any human people will be able to come to any conclusion on this at present. It will take a few years of working before we could come to any tangible conclusion. These are not matters where you can immediately come to any conclusion. We seem to have a fondness for committees for everything. That is always the case when a person is in Opposition because that is the only way in which he can interfere with the administration and, therefore, committee becomes sacred. Even for Government, committees come in only in order to see certain things... (*Interruptions*). Just appoint a committee to find out something and then the matter is postponed ! I do not believe in this kind of committees. I will go on watching and finding out....

AN HON. MEMBER : Make provision in the rules.

SHRI MORARJI DESAI : ..and if there is anything which is worth

reporting, I shall not shirk reporting it, I shall not shirk saying that. If it has acted wrongly, I shall certainly say that it has acted wrongly and then we shall take steps to see that it is put right. But in a measure like this which has gone on from 1963 till now, to say that it is a measure which is not required or that I have brought it only because I do not hear anybody or that I think that I alone know the last thing in this matter, is an argument which, at any rate, does not proceed from any analytical intellect. That is all that I would say. If they will proceed otherwise, they will see the benefit of it. I am quite sure as time goes on, these very hon. friends will ask me to tighten it and not make it more lenient.

MR. DEPUTY-SPEAKER : I shall now put the question to the vote of the House. The question is....

SHRI KANWAR LAL GUPTA : We want to stage a walk-out. This is a black Bill and an anti-people Bill and we do not want to participate in the voting.

SHRI S. KANDAPPAN : I am also joining in the walk-out.

Shri Kanwar Lal Gupta, Shri S. Kandappan and some other members then left the House.

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

15.57 hrs.

BIHAR BUDGET, 1968-69

GENERAL DISCUSSION AND *DEMANDS FOR GRANTS

MR. DEPUTY-SPEAKER : The House will now proceed with General Discussion of the Bihar Budget and discussion and voting on the Demands

for Grants in respect of the Bihar Budget for 1968-69, for which 3 hours have been allotted.

DEMAND NO. 1, TAXES

MR. DEPUTY-SPEAKER: Motion moved :

"That a sum not exceeding Rs. 53,64,300 be granted to the President out of the Consolidated Fund of the State of Bihar to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1969, in respect of 'Taxes'."

DEMAND NO. 2, LAND REVENUE

MR. DEPUTY-SPEAKER: Motion moved :

"That a sum not exceeding Rs. 3,79,82,278 be granted to the President out of the Consolidated Fund of the State of Bihar to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1969, in respect of 'Land Revenue'."

DEMAND NO. 3, STATE EXCISE DUTIES

MR. DEPUTY-SPEAKER: Motion moved :

"That a sum not exceeding Rs. 49,96,500 be granted to the President out of the Consolidated Fund of the State of Bihar to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1969, in respect of 'State Excise Duties'."

DEMAND NO. 4, TAXES ON VEHICLES

MR. DEPUTY-SPEAKER: Motion moved :

"That a sum not exceeding Rs. 6,60,975 be granted to the President out of the Consolidated Fund of the State of Bihar to complete the sum necessary to defray the charges which will come in course of

*Moved with the recommendation of the President.