

So, by providing this, in such cases we may ask for the refund of the drawback which has been enjoyed. Otherwise, this article which might come back after export would be enjoying a sort of privilege and advantage over other articles manufactured in India and which have not got this good fortune of having an oversea trip.

Then, the most important provisions are the anti-smuggling provisions. As I have stated, smuggling has increased I think on all most all days when questions on Finance are asked during the Question Hour, there are a number of questions in both the Houses regarding smuggling in different forms, and so I can take it that this House and the Members are quite alive to the seriousness of this problem. We have put in this Bill certain provisions which give additional powers to the Government and these are embodied in clauses 10 to 15 of the Bill. I can say that some of these provisions which are embodied here are in fact taken recourse to even now, say, in respect of X-rays. In several cases, we have to put the suspected smuggler to be X-rayed, and we have found some precious metals or jewels hidden in their bodies and we have had to extract these things. Strictly speaking, we had perhaps no legal authority to subject the suspected to be X-rayed, but anyhow we are putting those things in this Bill and we have also provided that this will be done only by the order of the court and under proper medical supervision.

Shri Velayudhan (Quilon cum-Mavelikara-Reserved Sch. Castes): I think the whole point is covered.

Shri A. C. Guha: As the hon. Member has said, I think I have covered almost all the points in the Bill.

Shri Bansal (Jhajjar-Rewari): What do you say? Have you really covered all the points?

Shri A. C. Guha: Almost covered; I cannot say I have covered all the points.

Mr. Chairman: The hon. Minister may continue undisturbed.

Shri A. C. Guha: I should now leave the Bill to the charge of the hon. Members of this House and I hope they will be pleased to pass the Bill.

STATEMENT RE: INCIDENT DURING PRIME MINISTER'S VISIT TO NAGPUR

Mr. Chairman: I have to bring to the notice of the House that the Government desires to make a statement on a particular incident that happened during the visit of the Prime Minister at Nagpur. Have I the permission of the House to allow Pandit G. B. Pant to make a statement?

Several Hon. Members: Yes.

The Minister of Home Affairs (Pandit G. B. Pant): I thank you and the hon. Members of this House for giving me permission to interrupt the proceedings in order to inform the Members about a deplorable incident which occurred during the Prime Minister's visit to Nagpur this morning, about which the Madhya Pradesh Government have issued an official communique. The communique runs as follows:

"An incident occurred at a road crossing at about 11.45 this morning when the Prime Minister was going from Sonogaon airport to Nagpur. He was travelling in an open car with the Governor and the Chief Minister on either side of him. He was standing in the car. There were big crowds on either side of the road. A rickshaw puller pushed his rickshaw in front of his car which resulted in the car stopping. The rickshaw puller advanced towards the car and jumped on the foot-board. He had a knife in his hand. He was immediately overpowered by the Military Secretary to the Governor and some police-officers. The Prime Minister's car proceeded immediately after, according to the programme and went to the Chief Minister's House where he addressed a meeting of some

[Pandit G. B. Pant]

M.L.As. and others. The rickshaw puller who was arrested gave his name as Babu Rao. The matter is under investigation."

Since vague reports about this incident were whispering about and there had been considerable concern among the Members and also among the public, I have considered it necessary to give the facts that have been authoritatively stated by the Madhya Pradesh Government. The Prime Minister is cheerful, in his best spirits, and is following his heavy programme as usual. He does not seem to attach any significance to this incident and he in fact looks upon even things, much more grave, with utter unconcern. The Members will however join me, I hope, in thanking Providence, congratulating the country and wishing that our beloved Prime Minister may be spared for many, many years to lead the country on to its destined goal.

SEA CUSTOMS (AMENDMENT) BILL

Shri C. C. Shah (Gohilwad-Sorath) : I have a few observations to make about one of the clauses of this Bill. This Bill concerns some technical matters about the levy of customs duty about which I know little. But it also takes certain additional powers to check smuggling with which I am in wholehearted support. Those powers are contained in clauses 10 to 15. There is one clause among this group of clauses, namely, clause 14, to which I wish particularly to draw the attention of the House. That clause reads as under:

"Where any goods are seized under this Act on the ground that they are smuggled goods, the burden of proving that the goods are not smuggled goods, shall be on the persons from whose possession the goods are seized."

In the Notes on Clauses, on this particular clause, it is stated as follows:

"At present when action is taken against persons who are in

possession of smuggled goods, it is not always easy for customs authorities to prove that the goods are smuggled goods. This clause places the burden of proof in such cases on persons, from whose possession suspected smuggled goods are seized. Such a provision is necessary in order to safeguard the revenues of the State."

This raises a very important question and that is why I wish to say a few words about it. Nobody can have any sympathy for smugglers. It is not my intention, in drawing attention to this provision to save any smuggler or do anything of the kind, but it should not mean that we have got only to utter the word 'smuggler' or 'blackmarketeer' to be able to pass any Bill of any kind or nature. There must be something which we must satisfy ourselves about to show that we are doing something which is right and proper, even if it is to check smuggling or blackmarketing. Now, if you read this clause, Sir, you will find that any goods can be seized on the ground that they are smuggled and then the person in whose possession the goods are found has to prove that they are not smuggled goods. Now, what is the definition of smuggled goods? The definition of 'smuggled goods' is "goods on which duty has not been paid." Therefore, if any goods are seized from my possession, on the ground that they are smuggled goods, they can be seized and then I have to prove that customs duty has been paid on those goods. This covers every class of goods and all kinds of goods.

I will give one or two instances to illustrate how unworkable this provision is and what great hardship it will cause to trade and commerce. Supposing for instance, an importer in Bombay receives a consignment of watches or fountain pens on which he pays import duty. Then he sells parts of that consignment to various dealers in Bombay. Those dealers sell the goods to upcountry constituents all