

[Shri Priya Ranjan Das Munshi]

by the Government and put behind the bars or even shot dead. Yet, those who patronise them are not touched. This is not proper. They should find out the real people behind them and punish them.

It is good that Government have devised a machinery to deal with people within the country. They are detained without being sent even to a court, and I am glad about it. But what is the step which they are going to take to deal with those Indian citizens who often go abroad and keep their accounts in Swiss banks, or speculate international market, or purchase some flats binami in West Germany, London or Paris, and come back again. There are a number of these people in this country in the big business houses and also in other circles. I know some of them, but I cannot give out their names because life would not be safe if they are not detained. I know an industrialist whose total capital investment is under Rs. 1 crore, whose three units in West Bengal have been taken over by Government and made into six. They go abroad ten times a year. I cannot understand why they go abroad so often and what they do there, but they are moving nicely and safely. The Minister belongs to my State and he understands what I say. He is aware of the matter.

I know him, he does not spare anybody. I have every faith in his courage, because a year and a half ago while he was very young in this Ministry—I am not talking of his age, he is now mature—he was in Bombay City and I took him without police in a taxi. I asked him to introduce himself as a young man who was going to get married who would like to purchase some very good perfumes etc. He did so and easily purchased a few things which were found to be foreign goods. He dealt with them through his officers. But it is not possible for

him to do it everyday because now his face is known to all, but he can still do it through some of his officers. He also got the support of a large number of young people who gave him information for the sake of the country.

I found in the newspapers the other day a report that a retired police officer of Calcutta, Dev Vallab Dhar, ex-D.I.G., who was charge-sheeted and removed, has been appointed by the Globe Detective Agency which is giving information to big business houses about the plans of the Government. I hope that in consultation with the Home Ministry, he will take proper steps.

I will be extremely glad if the Minister can tell us apart from the citizens who are detained, how many officials of the income-tax and customs department as also the Ministry have been detained, because there is an opinion that some of them have links with smugglers and hence the anti-smuggling operations could not be carried through very successfully.

With these words, I pay my compliments to the Minister and the officers in his department who took great risks during the emergency. The lives of some of them were at stake, but with the encouragement of Parliament I hope they will march ahead.

SHRI C. K. CHANDRAPPAN (Telliicherry): I rise to support this Amendment Bill, and I have no hesitation in saying that the Government has taken some good steps in its operation against the smugglers. I feel that the action of the Government against the smugglers has to continue. That can be understood only if you understand the magnitude of the problem as we are facing today. According to the Government's statement, they have already ordered detention in respect of 2512

persons and there are still 346 persons who are at large. I think, Government have been given sufficient powers by Parliament to deal with these people, and we have extended our support continuously whenever Government came forward seeking more and more powers to deal with smugglers. But here I must say that the actions taken by the Government to put down the smugglers are rather weak. I agree, they have conducted so many raids; I have got the figures; in 1974 they conducted 49,555 raids and they got Rs. 60 crores worth of goods; in 1975, 64,569 cases were detected and the money realised by way of goods was Rs. 45 crores; during the six months of this year, 1976, more than 12,000 cases were detected and more than Rs. 12 crores were collected. With all these that Government has done, I do not think that they can claim that they have completely immobilised the smugglers. They have not. That is why, even during the period of Emergency, during the last six months, they could find out another 12,000 cases. They have not succeeded in completely smashing the ramifications created by the smugglers in our country.

Now, what is happening in the world of smugglers? The newspapers are full of reports. I think, the Ministry might have knowledge about it. In the western coast of this country, Government has taken very serious steps to prevent the inflow of smuggled goods, but the smugglers are not accepting their defeat. They are now looking for new points of entry, and it has been reported that the smugglers have shifted one of their centres, from Dubai to Rangoon. It was reported in the *Economic Times*, in the Indian press. They are now sending the smuggled goods to Manipur. I have seen a lot of smuggled items being sold in the open market; I raised it, and the Minister said that it might be something sold through government disposal stores. That is not so. The

fact of the matter is that that part of the country is now becoming more and more vulnerable, the part of India which is bordering Bangladesh, the part of India which is bordering Burma, the part of India which is bordering Nepal. This side is becoming more and more vulnerable to smuggling activities. They are now indulging in bringing new items, not the conventional ones. The smugglers are smuggling out of this country new items, for instance, automobile spare parts; the smugglers are bringing gold and opium into this country. Girls from Kerala—it may not be a very good thing to tell—are being smuggled outside the country, even after all these operations against smuggling. In this context, what kind of explanation have Government to offer? They have failed to arrest 346 smugglers who are still absconding. Still more strange is the fact that they have not confiscated a single property from any smuggler. This is as per a reply given by you to one of the questions here. I can tell you, if the Minister is in need of my assistance, the number of the question and all that you have answered....

**SHRI DINEN BHATTACHARYYA**  
(Serampore): Yes, you give it.

**SHRI C. K. CHANDRAPAN:** It is in reply to unstarred question No. 494 dated 13-8-76. The Government say:

“No property has been confiscated so far under the Smugglers and Foreign Exchange Manipulators Forfeiture of Property Act, 1976.”

Last time, I think it was 6-7 months ago, when this Minister came with all enthusiasm to introduce this Bill, I think all sides of the House welcomed that Bill. We all extended our full support to the Minister, we all wished him well to let him fight against these smugglers, let him forfeit their properties and let him

[Shri C. K. Chandrappan]

bring the smugglers' ill-gotten wealth to the national exchequer. What happened in this case is only this. According to the Government's own reply to the same question, they said that in 235 cases they have issued notices for forfeiting the properties and I do not know if it has been done by the concerned authorities. Then "The Competent Authority of Bombay issued notices in 100 cases. The Competent Authority of Madras issued notices in 98 cases. The Competent Authority of Delhi issued notices (only) in 37 cases." These are the notices issued under the Smugglers and Foreign Exchange Manipulators Forfeiture of Property Act for confiscating their property and the list of these top smugglers is also given in the answer. But, why, after issuing the notices the Government failed to act even in a single case to forfeit their property and make a breakthrough in fighting the smugglers who are absconding?

When we extended our support to this legislation, we expected that the Government will act in that fashion. Otherwise this will be just an eye wash. Not that I am accusing the Government of inaction. Not that I am accusing that the Government is in connivance with the smugglers. Nothing of that kind. The Government has in fact failed to act in a manner this Parliament wanted the Government to act, this nation wanted the Government to act, to bring down the edifice and the threat created by the smugglers to our country.

When we extend our support again, certain questions remain unanswered. For example, 71 foreign smugglers are arrested, smugglers who are foreigners. But again a smuggler who is wanted by the Interpol, who could come to India, got admitted in a hospital in Goa died there and his body was kept in the morgue for three months. For whom I do not

know? And only after his identification was searched by the Government, it was found that he was a West German citizen. The Interpol said that he was holding a passport which was forged and the person in whose name he came to India is still alive in Germany and the Interpol told the Government that this smuggler is the leader of an international smugglers' gang for whom they were searching. But this fellow could land in India and could go to a hospital and fortunately for us and for the world he died. Your Police, your Customs and your Security could do nothing. This has happened under emergency. I hope you will not deny this, because, if you have a mind to deny, I can give the name of the smuggler. This has happened in our country.

This is against foreign smugglers. If they come in the guise of tourists, if they come in the guise of intellectuals and academicians, what is the step the Government is going to take? I do not think you have done anything in that regard. You have arrested some people. It is good. Many more persons are roaming about and this point should be taken care of. The machinery created is inadequate to deal with the situation, to meet the requirements of the situation. Mr Joardar asked about this. This Bill seeks to extend this provision for another 12 months. It is natural to ask what will happen after these 12 months. Are you doing anything in the direction of setting up machinery permanently to deal with smuggling? We do not know why Government is only thinking of dealing with this issue on an ad hoc and temporary basis. The hon. Minister made a promise in this House that the Government is thinking on the lines of setting up special courts to deal with smugglers and to try them. I do not say that they should be given all kinds of justice which is required under normal law. I am not demanding that. You can

try them under the provision of special courts. You can hang them if you want. I do not oppose it. We will lend you all our support. But what we are saying is this. Why do you want 12 months, in an ad hoc manner? Again the Minister will come and ask for another 12 months extension. That is not the way to deal with the problem. At what stage is this proposal now, of setting up special courts with special powers, to try and punish smugglers? This is my question. The Director of Revenue Intelligence, Mr. Srinivasan, said in Calicut which is in my State, on 1st of July, that the consideration of setting up a special court was in an advanced stage. Advanced stage may be like advanced stage of pregnancy or something like that, I do not know. I would like to know from the Minister as to when this child is going to be delivered. These ad hoc measures will not help the situation. Of course, we are supporting now because you will say that you are helpless. But this is not a foolproof way in which you can deal with such a serious problem.

Now, regarding smuggled goods available in the country, Mr. Das Munsi said about this I think that they are taking a light view of the matter. If you really want to put down smuggling you should get the cooperation of the people. The DAVP is putting up an advertisement: Be an Indian; buy Indian goods. I think the money for that Department is being spent by the Ministry of Revenue and Finance. Under that very board or hoarding smuggled goods are being sold, not through the co-operative societies. In Calcutta streets various smuggled goods are available, things like cigarettes which you and I would like to smoke, a good blade that we may like to buy, and so on. We are being tempted. And you are putting up an advertisement there saying, don't

buy goods which are not Indian goods. These very non-Indian goods are being sold there under that big banner which you are putting up.

It is a shame. This happens in all the big cities in this country. You can find this cut if you just go there as a buyer. If you want to create that atmosphere that the people of this country will not buy these things, well, you should make such an arrangement that you should ensure that the smuggled goods are not coming in the open market. The smugglers will not have that audacity to sell these things in public in defiance of all laws of the land.

I think the Government has to implement this legislation with a sense of urgency and with more seriousness. Then only the desired results will be there. These are some of the points which I want to bring to the notice of this House and the hon. Minister. I hope in all fairness the Minister while replying to this debate will enlighten us on these problems which we have raised. I support this amendment.

**SHRI VAYALAR RAVI** (Chirayinkil): Mr. Chairman, Sir, I fully support this Bill of the hon. Minister and I take this opportunity to congratulate him and all those dedicated officers of his Ministry who, by and large, have done a good part of their job to check the smuggling and foreign exchange racket.

Shri Bhattacharyya and his friends are always critical about the emergency and they were asking about the gains made out of it. I hope that they will agree with me that the economic condition of this country had improved. I do not want to go into the details of the internal situation or what is happening in other parts of the country. It is very clear that after this Bill came into operation, Government could check not only the smuggling activities but also