

PARLIAMENT OF INDIA

RAJYA SABHA

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THE FOREIGN CONTRIBUTION  
(REGULATION) BILL, 1973

REPORT OF THE JOINT COMMITTEE

*(Presented on the 6th January, 1976)*



सत्यमेव जयते

RAJYA SABHA SECRETARIAT  
NEW DELHI

JANUARY, 1976

RAJYA SA

E R R A T

The Foreign Contribution (Regulation) Bill, 1973  
(Report of the Joint Committee)

1. Page xi, line 15, for "हय" read "हय"
2. Page xii, -
  - (i) line 8, for "उन्हे" read "उन्हे",
  - (ii) line 20, for "वह" read "वह",
  - (iii) last line, for "कहा रही हैं" read "कहा रहे हैं"
3. Page xiii, -
  - (i) line 25, for "राजनीतिज" read "राजनीति"
  - (ii) line 29, for "गोप्त" read "डाप्त"
4. Page xiv, -
  - (i) line 9, for "As" read "At",
  - (ii) line 23, for "Various way" read various ways
5. Page xvii, line 40, for "intergrity" read "integrity".
6. Page 11, against line 19, on the left margin, read "37 of 1967".
7. Page 12, against line 19, on the right margin, read 2 of 1974".
8. Page 13, line 35, for "transfer" read "transfers".
9. Page 14, line 22, for "hot" read "hot"
10. Page 15, line 31, for "by reasons" read "by persons"
11. Page 25, against sl. No.11, for "29.6.974" read "29.6.1974"
12. Page 31, against sl. No.72, for "9.10.1975" read "9.10.1975"

13. Page 71, last line, for "February" read "January".
14. Page 73, clause 2, in (i) for "or the words" read "for the words".
15. Page 32, -
  - (i) in sl. No.30 for "Radhabhai" read "Radhabai".
  - (ii) in para 2, for "cluause-by-clause" read "clau by-clause".
16. Page 34, line 4, for "the Government" read "the Central Government".
17. Page 37, para 4, in second line for "last day of the we" read "last day of the first week".

New Delhi:  
January 3, 1976.

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COMPOSITION OF THE JOINT COMMITTEE ON THE FOREIGN  
CONTRIBUTION (REGULATION) BILL, 1973

Shri Manubhai Shah—*Chairman*

MEMBERS

*Rajya Sabha*

2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Gulabrao Patil
5. Shri Kali Mukherjee
6. Shri Harsh Deo Malaviya
7. Shri Ganesh Lal Mali
8. Shrimati Pratibha Singh
9. Shri Kasim Ali Abid
10. Shri Emonsing M. Sangma
11. Shri Shamlal Gupta
12. Shri Omprakash Tyagi
- \*13. Shri Kalyan Roy
14. Shri S. S. Mariswamy
15. Shri Sitaram Singh
16. Shri D. Y. Pawar
17. Shri Abu Abraham
- \*\*18. Shri Vishwanatha Menon
19. Shri Bhupinder Singh
- \*\*\*20. Shri Om Mehta

*Lok Sabha*

21. Shri R. Balakrishna Pillai
22. Shrimati Mukul Banerji
23. Shri Bashweshwar Nath Bhargava
24. Shri Chapalendu Bhattacharyya
25. Shri Jyotirmoy Bosu

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Ceased to be member of the Committee consequent on retirement from the membership of the Rajya Sabha on the 9th July, 1975. Re. appointed on the 30th July, 1975, on being re-elected as a member of the Rajya Sabha.

\*\*Appointed on 11-5-1974 *vice* Shri K. P. Subramania Menon retired from the membership of the Rajya Sabha on 2-4-1974.

\*\*\*Appointed on 9-12-1974 *vice* Shri Ram Niwas Mirdha resigned on 22-11-1974.

@26. Shri Ramachandran Kadannappalli

27. Shri C. K. Chandrappan

28. Shri Dharnidhar Das

29. Shri P. K. Deo

30. Shrimati Marjorie Godfrey

31. Shri J. Matha Gowder

32. Shri Samar Guha

33. Shri J. G. Kadam

34. Shri Kinder Lal

35. Kumari Kamla Kumari

@@36. Shri Jharkhande Rai

37. Shri Mallikarjun

38. Shri Krishnan Manoharan

39. Shri Shyamnandan Mishra

40. Shri F. H. Mohsin

41. Shri Samar Mukherjee

42. Shri Narsingh Narain Pandey

43. Shri S. T. Pandit

44. Shri P. Parthasarthy

45. Shri Arvind M. Patel

46. Shri Krishnarao Patil

47. Shri S. Radhakrishnan

48. Shri Ram Dhan

49. Shri Ram Singh Bhai

50. Shrimati B. Radhabai Ananda Rao

51. Shri Jagannath Rao

52. Shri Umed Singh Rathia

53. Shri Mulki Raj Saini

54. Shri S. C. Samanta

55. Shri M. R. Sharma

56. Shri Nuggehalli Shivappa

57. Shri Hari Kishore Singh

58. Shri Sant Bux Singh

59. Shri Atal Bihari Vajpayee

60. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

1. Shri S. K. Maitra—Joint Secretary and Legislative Counsel.

2. Shri V. S. Bhashyam—Deputy Legislative Counsel.

*Ministry of Home Affairs*

1. Shri C. V. Narasimhan—Joint Secretary.

2. Shri A. C. Sen—Deputy Secretary.

SECRETARIAT

1. Shri S. P. Ganguly—Additional Secretary.

2. Shri M. K. Jain—Chief Legislative Committee Officer.

3. Shri R. K. Mazumder—Senior Legislative Committee Officer.

@Appointed on 17-12-1974 vice Sardar Buta Singh resigned on 11-11-1974.

@@Appointed on 6-9-1974 vice Shrimati Parvathi Krishnan resigned on 19-8-1974.

## REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which the Bill\* to regulate the acceptance and utilisation of foreign contribution or hospitality by certain persons or associations, and for matters connected therewith or incidental thereto, was referred, having been authorised by the Joint Committee to submit the Report on its behalf, present this Report of the Committee, with the Bill, as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 24th December, 1973. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri Ram Niwas Mirdha, the then Minister of State in the Ministry of Home Affairs and in the Department of Personnel on the 19th February, 1974, and was adopted by the House on the same day (Appendix I).

3. The Lok Sabha concurred in the motion on the 25th March, 1974 (Appendix II).

4. The Message from the Lok Sabha was reported to the Rajya Sabha on the 25th March, 1974.

5. The Committee held 33 sittings in all. Of these, four sittings each were held at Bombay (27th, 28th, 29th June and 1st July, 1974), Calcutta (16th, 17th, 18th and 19th September, 1974), Madras (7th, 8th, 9th and 10th October, 1974) and one sitting at Shillong (21st September, 1974), with the permission of the Chairman, Rajya Sabha, to hear oral evidence from witnesses (Appendix VI-Minutes).

6. At its first sitting held on the 10th April, 1974, the Committee decided that a Press Communique be issued inviting opinions from various individuals, associations, organisations, political parties and public bodies interested in the subject matter of the Bill and advising them to send their memoranda thereon to the Rajya Sabha Secretariat by the 15th May, 1974, which date was subsequently extended upto the 20th June, 1974. The Committee also decided to call witnesses for giving oral evidence on the Bill and authorised the Chairman to decide, after examining all the memoranda, as to who might be invited for the purpose. The Chairman also requested Members to suggest names of persons or associations, etc. whom they would like to be invited to give oral evidence before the Committee. Besides this, the Committee decided that the following be approached for giving their views on the Bill, namely:—

- (i) State Governments
- (ii) State Bar Councils and High Court Bar Associations
- (iii) Recognised Political Parties and Registered Trade Unions
- (iv) Attorney-General and Solicitor-General
- (v) Advocates-General of States
- (vi) Universities in India (Law Faculties)
- (vii) Academic Institutions like Indian Law Institute, New Delhi, Institute of Constitutional and Parliamentary Studies, New Delhi, Laski Institute at Ahmedabad, Gokhale School of Economics and Political Science at Poona, etc.

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\*Published in Part II, Section 2 of the Gazette of India Extraordinary, dated the 24th December, 1973.

7. To facilitate the work of the Committee, a questionnaire was issued (Appendix III).

8. Sixty-one memoranda containing views, comments, suggestions and replies to the questionnaire on the Bill were received by the Committee from various individuals, associations, etc. (Appendix IV).

9. The Committee heard the evidence tendered by Eighty-four witnesses (Appendix V).

10. The Committee decided that the whole of the oral evidence tendered before it should be laid on the Table in both Houses.

11. The Report of the Committee was to be presented to the House by the last day of the first week of the Eighty-eighth Session of the Rajya Sabha. The Committee was, however, granted extension of time, first upto the last day of the Ninetieth Session, then up to the last day of the Ninety-third Session, and then again, upto the last day of the first week of the Ninety-fourth Session of the Rajya Sabha.

12. The Committee considered and adopted the Draft Report at its sitting held on the 4th October, 1975.

13. The principal changes suggested by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs of this Report:—

#### Clause 2

*Sub-clause (1)—Paragraph (b).*—The definition of the expression “candidate for election” has been amplified to bring it in line with the latest definition of that expression contained in section 79 of the Representation of the People Act, 1951 (43 of 1951) and in section 171A(a) of the Indian Penal Code.

*Paragraph (c).*—Gifts for personal use of the value of more than Rs. 5,000/- were excluded from the definition of “foreign contribution”. The Committee feels that this exemption limit is too high. The Committee has, therefore, reduced it to Rs. 1,000/-. This paragraph has also been enlarged to include therein foreign security as defined in the Foreign Exchange Regulation Act, 1973.

*Paragraph (e).*—The Committee considered in detail the question whether multinational corporations which have, of late, sprung up and are operating in many countries should be specifically brought within the purview of the proposed legislation. The Committee was of the view that the definition of the expression “foreign source” was wide enough to cover such corporations also. However, for the removal of any doubt and to make the intention clear, the Committee has specified “multinational corporation” in sub-paragraphs (iii) and (v) of this paragraph.

Further, the definition of the expression “foreign source”, as it stood in the Bill, did not appear to cover Indian companies which were actually controlled by the foreigners. A new sub-paragraph (vi) has therefore been added by the Committee to bring within the ambit of the Bill, companies which are Indian companies for the purpose of the Companies Act but which are controlled by foreigners—whether Governments, foreign individuals or societies or trusts or corporations, etc.



The amendment made in sub-paragraph (vii) is of a clarificatory nature and has been carried out since in some foreign countries a trade union might not be required to be registered.

Original sub-paragraph (vi) referred to a foundation. The intention was that such a foundation should be of a foreign country. This has been made clear by inserting the word "foreign" before the word "foundation" in re-numbered sub-paragraph (viii).

*Paragraph (f).*—The Committee is of opinion that the provisions of the Bill should be made applicable also to candidates for election to municipal corporations in metropolitan areas, District Councils in the North-Eastern States and Territories and any other elective body which may be notified by the Central Government from time to time. The definition of the word "Legislature" has accordingly been modified.

*Paragraph (j)*—[*original*].—As the expression "resident in India" already stands defined in the Foreign Exchange Regulation Act, 1973, the definition of that expression proposed in the Bill has been omitted.

*Explanation (New).*—A new Explanation has been added to the sub-clause as a sequel to the Committee's proposal to specifically bring within the purview of the Bill "multi-national corporations".

The other changes made in the clause are of a drafting or clarificatory nature.

#### Clause 4

*Sub-clause (1).*—The Committee is of opinion that the cartoonists and owners of newspapers should also be included in the category of persons who are absolutely prohibited from accepting any foreign contribution. The sub-clause has, accordingly, been amended. A new explanation has also been added to the sub-clause clarifying the intention that Paragraph (c) is intended to cover only employees of corporations owned or controlled by Government.

*Sub-clause (2).*—Sub-clause (1) of the clause prohibits the persons listed therein from accepting foreign contribution. The Committee feels that the same prohibition should also apply in the case of persons receiving the contribution on behalf of such listed persons or organizations. The Committee has, therefore, substituted, in paragraph (a) of sub-clause (2), the words "currency from a foreign source", for the words "foreign currency" so that Indian currency received from a foreign source may fall within the ambit of the prohibition.

Paragraph (b) of sub-clause (2), as originally proposed in the Bill, had sought to prohibit delivery of *foreign currency* by any person resident in India to a *person of Indian origin*, if he knew that such person intended or was likely to deliver such currency to any political party, organization, etc. The Committee feels that it is not necessary to restrict the provision of the clause to delivery of "foreign currency" alone which in any case would attract the provisions of the Foreign Exchange Regulation Act, 1973, and to "persons of Indian origin" only. A foreign remittance can be converted into Indian currency and such currency may pass on to a political party, etc. through any person, whether of Indian origin or a

non-Indian. The Committee has, therefore, suitably amended paragraph (b) of sub-clause (2) for the purpose of prohibiting delivery of any currency, whether Indian or foreign.

*Sub-clause (3) [new].*—Under clauses 4 and 5 of the Bill restrictions have been imposed on persons receiving currency from foreign source on behalf of political parties or organizations, etc. in the matter of delivery of such currency. Clause 6, as originally proposed, did not, however, put such parallel restrictions on persons receiving such currency on behalf of cultural, educational, economic, social or religious, organizations. The Committee is, therefore, of opinion that the clause should be enlarged to cover even those persons who receive foreign contribution either on behalf of such an association or who having received it on their own, pass it on to such an association. A new sub-clause has, therefore, been added.

#### Clause 5

The clause prohibits an 'organisation of political nature' from accepting any foreign contribution without the prior permission of the Central Government. While sub-clause (1) of the clause contains the words 'except with the prior permission of the Central Government', sub-clause (2), as originally proposed, did not contain these words. This omission has since been made good by the Committee.

The Bill does not define the expression 'organisation of a political nature'. The Committee is of opinion that some precise and definite criteria should be laid down in the Act to determine which organisations come under the description 'organisation of a political nature'. Accordingly, a new Explanation laying down the guide-lines to be followed, has been inserted in sub-clause (1) of the clause. Further, a provision has been included in clause 21 to the effect that any organisation aggrieved by a notification declaring it as an organisation of a political nature under the provision contained in the Explanation would have a right to prefer an appeal to the High Court concerned against the decision of the Government.

#### Clause 6

*Sub-clause (2) [new].*—The Committee is of opinion that a candidate for election who had received any foreign contribution at any time within one hundred and eighty days immediately preceding the date on which he is duly nominated as such candidate should give an intimation to the Central Government as to the amount received by him, the source from which and the manner in which such amount was received and the purpose for which and the manner in which such amount was utilised. The new sub-clause is intended to achieve this purpose.

#### Clause 7

The Committee is of opinion that a suitable limit should be prescribed for the annual value of scholarship, stipend and payment of a like nature that may be received from a foreign source by a citizen without any restriction and the cases in which that limit is exceeded need only be required to be reported to the Government. The Committee has, accordingly proposed a new sub-clause to the clause leaving

it to the Central Government to prescribe by rules the limit upto which scholarship and stipend can be received by a citizen without giving any intimation to the Government.

#### Clause 8

The amendments made in the clause are intended to provide the following, namely:—

- (i) payments received in connection with international trade or commerce should be excluded from the purview of the prohibitive clause 4;
- (ii) no prior permission of the Central Government should be required for receiving foreign contribution, by a person specified in clause 4, from his relative provided that the amount of such contribution does not exceed eight thousand rupees per annum and an intimation of the amount received, the source from which and the manner in which it was received and the purpose and manner of its utilization is furnished by him to the Central Government;
- (iii) transactions made through official channels, such as, post offices, authorised dealers in foreign exchange etc. are exempted under this clause; and the proviso to clause 12 which corresponds to such provision has been omitted; and
- (iv) the term "relative" has been so defined as to have the meaning assigned to it in the Companies Act, 1956.

#### Clause 9

The clause imposes restrictions on the acceptance of foreign hospitality by members of a legislature, office-bearers of a political party etc., without the prior permission of the Central Government. In emergent cases like sudden illness contracted during visit abroad, it will not be possible to obtain such prior permission before accepting the hospitality that might be received. The Committee, therefore, feels that in such an eventuality it will suffice if instead of prior permission, only an intimation of the receipt, source and manner of such hospitality is given by the person within a month of its receipt. A proviso has been added to the clause for the purpose.

#### Clause 10

Sub-clause (a) of the clause as originally proposed excluded the associations specified in clause 6 from the purview of the sub-clause as a result of which the Central Government could not prohibit those cultural, educational and religious associations from accepting any foreign contribution even in the circumstances specified in the proviso to the clause. That position, in the opinion of the Committee, is not satisfactory as the Committee feels that there might be an occasion when such an association in the guise of social or cultural or religious pursuit might be indulging in activities prejudicial to the interest of the country. The Committee has, therefore, omitted the words and figure "or section 6" occurring in the sub-clause, thereby enabling the Central Government to prohibit such associations from accepting any foreign contribution when the circumstances so demand.

*Clause 11*

The Committee is of opinion that there should be a time-limit within which the Government should take a decision on an application for the grant of permission to accept a foreign contribution or foreign hospitality. Ordinarily a period of ninety days within which an application for such a permission must be disposed of, should, in the opinion of the Committee, suffice. If, however, the application is not disposed of within that period, the Committee has stipulated that an applicant should presume that the permission asked for has been granted. There may, however, be complicated cases for which Government may require some more time to decide upon the application. For such a case, the Committee feels, the Government may take a further period of 30 days, provided that the applicant is informed beforehand of the special reasons for delaying the decision beyond the prescribed period. A new sub-clause has, therefore, been added to the clause.

*Clause 12*

As stated earlier, the Committee is of opinion that the proper place for insertion of the matter contained in the proviso to this clause is clause 8 of the Bill. The Committee has, accordingly, omitted the proviso.

*Clause 14*

According to the clause as originally proposed any gazetted officer could be authorised to inspect an account or record of (a) a political party, (b) a person, (c) an organization, or (d) an association. As this is an important power which should be exercised with utmost care and responsibility, the Committee is of opinion that the Central Government when it has reason to suspect that any contravention of the provisions of law has been, or is being, made should record such reasons in writing before it confers the power of inspection of any account or record on any officer under the clause. Further, the gazetted officer who would be authorized to inspect such an account or record of a political party should be a class I gazetted officer of not less than 10 years' standing as such class I officer, and in the case of inspection of such documents and accounts pertaining to others, he should be atleast a class I officer. The Committee has made necessary changes in the clause accordingly.

*Clause 15*

The Committee feels that the time-limit of three months prescribed in the clause for initiation of a court proceeding for contravention of any of the provisions of the law is too short. The Committee has, therefore, increased that limit to six months.

*Clause 16*

The amendment made in the clause specifies the value of the article for the purpose of exercising power of seizure under the clause.

*Clause 18*

The Committee is of opinion that any article or currency seized should not be automatically liable to confiscation. Since the article or currency seized will be a matter to be judged in adjudication under clause 19,

confiscation of such a material would take place only under the orders of the court. The Committee has amended the clause to make the intention clear.

*Clause 19*

The clause had originally proposed 'District Court' as the Court which should adjudicate upon unlimited seizures under sub-clause (a). The Committee is of opinion that since the violation of provisions of the legislation will be a criminal offence, the appropriate court for adjudication upon such unlimited seizures should be the Court of Session. Necessary amendment has accordingly been made in the clause.

*Clause 21*

As already explained under clause 5, a notification issued under the Explanation thereto has been made appealable. Further, in the opinion of the Committee, the appropriate forum for appeals specified in sub-clause (2) of the clause should be a High Court and not the Supreme Court, as had originally been provided. Necessary amendments have accordingly been made in the clause.

*Clause 24*

The re-drafting of the clause is of a clarificatory nature.

*Clause 25 (Original)*

The clause as originally proposed, had provided for penalty for sale or commercial use of any article received from a foreign source for personal use, without the prior permission of the Central Government. The Committee is of opinion that there would be practical difficulty in enforcing such a provision. The Committee also feels that the provision proposed might be a source of harassment of an innocent citizen. Further, in view of the reduction of the value of the article which may be received from a foreign source, the Committee feels that the restrictions against transfer are no longer necessary. The Committee, has, therefore, deleted the clause.

*Clause 25 (Original Clause 26)*

The Committee has specified one thousand rupees as the limit of fine which may be imposed for contravention of any provisions of the Act for which separate penalty has not been prescribed.

*Clause 28 (Original Clause 29)*

The amendment made in the clause is of a clarificatory nature.

*Clause 31 (Original Clause 32)*

The Committee feels that keeping in view the objective of the proposed regulatory legislation, a candidate for election to a legislature should in no case be exempted from the operation of the law and he should be required to intimate the amount of foreign contribution received by him. The amendment made in the clause clarifies this position.

x

*Clause 1*

*Sub-clause (2).*—Sub-clause (2) (b) has been amended to make it clear that the provisions of the Bill also apply to branches of companies or bodies corporate, registered or incorporated in India.

*Long Title* . . .

The Committee is of opinion that the Long Title of the Bill does not adequately reflect the purposes of the proposed legislation. The Committee has, therefore, enlarged the Long Title to indicate the purpose of the regulatory legislation.

14. The other changes made in the Bill are of a consequential or drafting nature.

15. The Committee recommends that the Bill, as amended, be passed.

MANUBHAI SHAH,  
*Chairman, Joint Committee.*

NEW DELHI;

October 4, 1975.

## MINUTES OF DISSENT

### I

दी फारेन कान्ट्रीव्यूशन (रेगुलेशन) विधेयक, 73 का उद्देश्य बहुत अच्छा है उससे मैं और मेरी पार्टी पूर्णतः सहमत है। यह बात सत्य है कि कुछ विदेशी शक्तियां भारत की राजनीतिक पार्टियों, नेताओं तथा जनता को विभिन्न रूपों में आर्थिक व अन्य प्रकार का सहयोग व समर्थन प्रदान कर यहां के राजनीतिक ढांचे को अपने अनुकूल प्रभावित व नियंत्रित करने का सतत प्रयास कर रही हैं। यदि इस विदेशी कुप्रयासों से देश की राजनीति को मुक्त न किया गया तो हमारी स्वतंत्रता एक दिखावा मात्र बन कर रह जायेगी और हम विदेशी महाशक्तियों के मानसिक दास बन जाएंगे, और हम देश-विदेश में अपने राष्ट्र के हित में स्वतंत्र रूप से कोई निर्णय नहीं ले सकेंगे।

सरकार ने कुछ समय पूर्व गृह विभाग की ओर से यह जांच कराई थी कि विदेशों से किन-किन राजनीतिक पार्टियों व नेताओं को किस-किस रूप में कितनी सहायता प्राप्त हो रही है। उसी जांच के परिणाम स्वरूप सरकार ने इस विधेयक के द्वारा देश के राजनीतिक ढांचे को विदेशी प्रभाव से बचाने का प्रयास किया है, परन्तु दुर्भाग्यवश गृह विभाग द्वारा की गई जांच की सम्पूर्ण रिपोर्ट को सरकार ने इस संयुक्त प्रवर कमेटी के सन्मुख उपस्थित नहीं किया। किन कारणों से सरकार ने ऐसा नहीं किया यह तो वही जाने, परन्तु उसके प्राप्त न होने के कारण कमेटी के सदस्य इस विधेयक को प्रभावशाली बनाने में असमर्थ रहे।

वर्तमान विधेयक भी जिस रूप से सरकार द्वारा लाया गया है उससे प्रकट होता है कि सरकार की वास्तविक इच्छा भारत के राजनीतिक ढांचे को, देश को विदेशी प्रभाव से मुक्त रखना नहीं अपितु विरोधी राजनीतिक पार्टियों व सदस्यों को इसकी आड़ में तंग करने व जनता की दृष्टि में उन्हें गिराने की चेष्टा मात्र है। इसे वास्तव में देश का दुर्भाग्य ही समझना चाहिए।

इस विधेयक से देश को कितना लाभ होगा यह तो भविष्य ही बतलावेगा, परन्तु इसका यह कुपरिणाम सुनिश्चित है कि स्वाभाविक व वैधानिक रूप से जो विदेशी मुद्रा भारी मात्रा में प्रति वर्ष भारत आ रही है वह रुक जायेगी। यों तो विधेयक की प्रत्येक धारा ही दोषपूर्ण है, परन्तु उनमें से कुछ उदाहरणार्थ यहां उपस्थित की जा रही हैं :—

धारा 2 (डी) के अनुसार कोई भी भारतीय नागरिक किसी विदेशी सूत्र से किसी प्रकार का आतिथ्य अर्थात् रहने, खाने-पीने, आने-जाने का व्यय सरकार की अनुमति के बिना स्वीकार नहीं कर सकता है। विदेशी सूत्र की परिभाषा धारा 2 (ई) के अनुसार कोई भी विदेशी नागरिक विदेशी सूत्र की परिभाषा में आता है।

धारा 7 (i) के अनुसार कोई भी भारतीय विद्यार्थी किसी विदेशी सूत्र से यदि छात्रवृत्ति या सहायता प्राप्त करता है तो उसे निश्चित समय के अन्दर सरकार द्वारा स्वीकृत फार्म भरकर उसकी सूचना सरकार को देनी होगी।

धारा 4 के अनुसार कोई भी भारतीय नागरिक अपने चुनाव में किसी भी विदेशी सूत्र से सहायता प्राप्त नहीं कर सकता है।

यह सर्वविदित है कि आज लाखों भारतीय नागरिक संसार के अधिकांश देशों में बसे हैं, और वे वहां के नागरिक बन गये हैं, और उनके पारिवारिक सम्बन्ध भारतीय नागरिकों के साथ बने हुए हैं और वे नियमित रूप से अपने परिवार वालों को अपने यहां आतिथ्य प्रदान करते हैं, बच्चों को छात्रवृत्ति दे रहे हैं वा आर्थिक सहायता कर रहे हैं, और यथाशक्ति उनके चुनावों में भी सहयोग

करते हैं परन्तु इस विधेयक के अनुसार वे सब विदेशी सूत्र की परिभाषा में आ गये हैं, और इसके पारित हो जाने पर वह अब अपने निकट सम्बन्धियों की भी सहायता करने में प्रसमर्थ रहेंगे या भारतीय नागरिक उनसे सहायता प्राप्त करने में बड़ी कठिनाईयों का सामना करेंगे, विशेष रूप से विद्यार्थी वर्ग बड़ी ही कठिनाई में पड़ जायेगा। इस लिए भारत मूलक विदेशी नागरिकों को विदेशी सूत्र की परिभाषा में लाकर अपनी अदूरदर्शिता प्रकट की है।

धारा 8 के अनुसार एक भारतीय केवल सरकार की अनुमति प्राप्त करने पर ही अपने चुनाव में अपने विदेशी सम्बन्धी से सहायता प्राप्त कर सकता है। इस विधेयक का उद्देश्य विदेशी सरकारों या उसके एजेंटों से सहायता प्राप्त करने पर प्रतिबन्ध लगाना है न कि अपने सम्बन्धियों से सहायता लेने पर। धारा 10 के अनुसार सरकार अनुमति देने से इन्कार भी कर सकती है। इसका अर्थ है कि शासक दल की सरकार अपने विरोधियों को विदेशों से वैधानिक सहायता प्राप्त करने में भी रोक सकती है। सरकार को यह अधिकार देना सर्वथा अनुचित है।

धारा 9 के अनुसार एक भारतीय नागरिक जो किसी राजनीतिक पार्टी से सम्बन्ध रखता हो अपनी विदेश यात्रा के समय सरकार की अनुमति के बिना विदेशों में अपने सम्बन्धी का भी आतिथ्य स्वीकार नहीं कर सकता है, वह धारा इस विधेयक की सीमा व भावना दोनों से परे है।

अतः धारा 2(इ) (8) में विदेशी सूत्र की परिभाषा में भारतीय मूलक विदेशी नागरिकों को रखना उचित नहीं।

इस विधेयक के द्वारा सरकार विदेशों से वैधानिक रूप से प्राप्त होने वाली विदेशी मुद्रा को ही नहीं रोकेंगी अपितु मौरिशस, फिजी, गायना, अफ्रीका, कैनाडा आदि देशों में बसे भारतीय मूलक निवासियों के साथ भारतीयों के सम्बन्धों को भी तोड़ने में सहायक सिद्ध होगी। यदि ऐसा हुआ तो वह देश हित की दृष्टि से बड़ा घातक होगा।

इस विधेयक की धारा 4 ही इस विधेयक की भावना व उद्देश्य की पूर्ति करने वाली है, परन्तु इस धारा को धारा 2(बी) में दी गई प्रत्याशी की परिभाषा ने इसे बिल्कुल निरुत्पन्न बना दिया है। प्रत्याशी की परिभाषानुसार वही व्यक्ति प्रत्याशी माना जायेगा कि जो चुनाव में विधिवत् प्रत्याशी मान लिया गया हो। इसका अर्थ है कि चुनाव में नामिनेशन पेपर दाखिल करने से पूर्व या चुनाव के पश्चात् एक प्रत्याशी विदेशी सूत्रों से धन प्राप्त कर सकता है इसलिए धारा 2-(बी) में दी गई प्रत्याशी की परिभाषा त्रुटिपूर्ण एवं विधेयक की भावना की विरोधी है।

धारा 4 की परिधि में जहाँ सभी सम्भव राजनीतिक पार्टियों को ले लिया गया है, वहाँ ट्रेड यूनियनों को न जाने क्यों छोड़ दिया गया है। कोन नहीं जानता कि साम्यवाद का समूचा राजनीतिक ढांचा मजदूर एवं मजदूर यूनियनों पर ही आधारित है, और इन्हीं के द्वारा समूचे विश्व में साम्यवाद का स्थापना करने के निमित्त ट्रेड यूनियनों का एक अर्न्त-राष्ट्रीय संगठन किया गया है। इसका प्रत्यक्ष प्रमाण यह है कि प्रत्येक ट्रेड यूनियन किसी न किसी राजनीतिक पार्टी का अंग होती है, और उन्हें विदेशों से विधिवत् आतिथ्य व सहायता प्राप्त होती रहती है। इस प्रकार ट्रेड यूनियन को धारा 4 में सम्मिलित न कर सरकार ने इस विधेयक को लंगड़ा बना दिया है, क्योंकि ट्रेड यूनियनों को विदेशी सहायता की स्वीकृति देने का स्पष्ट अर्थ है राजनीतिक पार्टियों की सहायता।

धारा 4 में राजनीतिक पार्टियों के अतिरिक्त समाचार पत्रों के पत्रकार, सम्पादक, कार्टूनिस्ट सभी को ले लिया है। यह प्रजातंत्र की भावना के सर्वथा विपरीत है विचार-स्वातंत्र्य प्रजातंत्र की आत्मा होती है। यदि कोई देश दूसरे देशों के पत्रकारों को अपने देश की प्रगति से परिचित कराने के लिये आमंत्रित करता है, तो पत्रकार को उसके आतिथ्य को स्वीकार करने से रोकना सर्वथा अनुचित है। आश्वर्य इस बात का है कि जहाँ पत्रकारों को विदेशी आतिथ्य से वंचित कर दिया है वहाँ सरकार ने विज्ञापन के रूप में विदेशों से मन-मानी धनराशि प्राप्त करने की समाचार पत्रों के मालिकों को पुरो छूट दी है। वर्तमान समय अत्रिकांश विदेशी दूतावास अपने विज्ञापनों के द्वारा ही समाचार पत्रों को प्रचलानु बना रही हैं।



धारा 5 में राजनीतिक प्रकृति की संस्थाओं को सरकार की अनुमति के बिना विदेशी सहायता लेने से वर्जित किया गया है। इससे मेरी पार्टी तथा मुझे कोई मत-भेद नहीं है, परन्तु राजनीतिक प्रकृति की संस्था की जो परिभाषा दी है वह भ्रामात्मक है। इसके आधार पर सरकार किसी भी ऐसी धार्मिक, सामाजिक व सांस्कृतिक संस्था को राजनीतिक प्रकृति की घोषित कर सकती है जो उसकी विरोधी हो या उसकी नीति से सहमत न हो।

धारा 6 के अनुसार कोई भी धार्मिक, सामाजिक, शैक्षणिक सांस्कृतिक संस्था सरलता से विदेशी सहायता प्राप्त कर सकती है परन्तु उस प्रति वर्ष सरकार को उसके व्यय का व्योरा देना होगा। इस धारा की परिधि में विदेशी ईसाई मिशनरी भी आ जाते हैं जो वर्तमान समय सी०आई०ए० की एक शाखा के रूप में विदेशों में सेवा व शिक्षा की आड़ में अपने राजनीतिक उद्देश्यों की पूर्ति कर रहे हैं। भारत में भी वे यहां के अपद्रव निर्धन वनवासी बन्धुओं को लोभ लालच देकर उनका धर्म परिवर्तन कर उन्हें भारत के विरुद्ध विद्रोही बना रहे हैं। मध्य प्रदेश सरकार द्वारा नियुक्त नियोगी व नेगी कमेटियों ने इस तथ्य की पुष्टि की है, और नागार्जुण, मिजोरम, त्रिपुरा आदि प्रान्तों में हो रहे विद्रोह इसके स्पष्ट प्रमाण हैं। अतः विदेशी ईसाई मिशनों को इन संस्थाओं की परिधि में लाकर सरकार ने स्वतः ही इस विधेयक के उद्देश्य को समाप्त कर दिया है या इस विधेयक को नाकारा बना दिया है।

धारा 14 के अनुसार सरकार ने ऐसी शक्ति अपने हाथ में ले ली है कि सन्देह मात्र पर वह किसी भी राजनीतिक पार्टी, व्यक्ति, संस्था के कार्यालय की तलाशी करा सकती है। इस प्रकार इस विधेयक की आड़ में अपनी विरोधी संस्थाओं को जनता में अपमानित व भयभीत करने की शक्ति लेना किसी भी प्रकार उचित नहीं। हां प्रमाण उपस्थित होने पर ही सरकार को ऐसा करने का अधिकार होना चाहिये, और विरोधी संस्थाओं को आक्षेप असत्य सिद्ध होने पर सरकार के विरुद्ध न्यायालय में मान हानि का दावा करने का अधिकार मिलना चाहिये। जांच भी आफिसर के स्थान पर न्यायिक होनी चाहिये।

इस विधेयक को पूर्ण व सशक्त बनाने के निमित्त इसकी परिधि में जो बातें आने से रह गई हैं वे इस प्रकार हैं :—

- (1) विदेशों से भारत में साहित्य के रूप में बड़ी मात्रा में राजनीतिक पार्टियों को आर्थिक सहायता प्राप्त हो रही है। इस पर विधेयक में कोई नियंत्रण नहीं है।
- (2) विदेशी शक्ति जो सामान यहां सीधे व्यापारियों व एजेंटों के द्वारा खरीदती है वह उन्हें कमीशन के माध्यम से भारी धनराशि देती है। एजेंट बड़बुदा राजनीतिक पार्टियों के लोग या उनसे सम्बन्धित होते हैं, और उनके द्वारा वह धन उन्हें प्राप्त हो जाता है। विधेयक ने इस पर कोई रोक नहीं लगाई।
- (3) ईसाई चर्च जो विदेशों के पूर्णतः स्वामित्व एवं नियंत्रण में हैं, उनको प्राप्त विदेशी सहायता पर कोई नियंत्रण नहीं किया गया।

अतः मेरी पार्टी और मैं इस विधेयक की भावना व उद्देश्य से सहमत हैं, परन्तु जिस रूप में यह सरकार द्वारा लाया गया है उससे बिल्कुल सहमत नहीं हैं। यह विधेयक अपने उद्देश्य की पूर्ति कर सकेगा इसमें हमें सन्देह है।

नई दिल्ली;

श्रीम प्रकाश रयागी

20 अक्टूबर, 1975

## II

Though I am grateful to the Joint Select Committee for having accepted many of my amendments, the Bill, as it has emerged from the Joint Select Committee, has completely belied our expectations and defeats the very purpose of the Bill as introduced. There the statement of objects and the reasons expressed concern about the unregulated receipt of funds from foreign agencies and wanted to regulate this, consistent with the values of a Sovereign Democratic Republic.

No Citizen of this country wants that foreign money should vitiate the body politic of this country. As the same time, occasional hospitality or remittance from a relation in a foreign country, etc. are genuine cases of inflow of foreign money.

The Bill, as reported by the Joint Committee, gives blanket power to the Government to decide such inflow of foreign money. Pleas have been made by some Political Parties that contribution to "The Solidarity Fund of the Workmen" and "Friendship Organisations" should continue from foreign sources. As we know, Political Parties have their Trade Union wings which in name may be separate organisations but are affiliated to the parent Political Parties. I doubt, if there are watertight compartments in the Political Parties for not transferring the Trade Union Funds for political work. I believe, the major source of income of some Political Parties is their Trade Union funds. So I am strongly opposed to any idea of receiving contribution by the Trade Unions in the name of solidarity or friendship. But I am sorry to point out that the Government have acquiesced in the acceptance of foreign contribution by the Trade Unions for their solidarity funds. So instead of regulating foreign contributions this Bill regularises acceptance of such foreign contributions. Foreign patronage to Political Parties comes in various way like giving advertisement in Souvenirs and Newspapers, placing large orders for printing in their Presses, insisting in the selection of monopoly Companies for export of indigenous items at the time of Trade Agreements etc. Political Parties and other Associations are to function in a manner consistent with the values of a Sovereign Democratic Republic. This being the criteria, I suggest that the Central Government should constitute a Tribunal consisting of the Lokpal when the Lokpal and Lokayukt Act is enacted and comes into force. Till such time, a Sitting Judge of the Supreme Court should be appointed by the President in consultation with the Chief Justice of India. Political Parties come and go. Government changes every five years. So to leave a discretion to the Party in power to decide about the acceptance of foreign contribution will not be proper. The institution of a Tribunal to decide this question impartially will make the foundation of our Democratic Edifice stronger.

After the latest amendment of the "Representation of the People Act" no challenge lies in Court to the election of the President, the Vice President, the Speaker and the Prime Minister. But I feel that in a Bill

of this nature, the definition of candidate under Clause (2) of the Bill should also include a candidate for election for the post of the President, the Vice President, the Speaker and the Prime Minister.

New Delhi;  
October 26, 1975

P. K. DEO

### III

We do not agree with the Report of the majority in the Committee and consider that the Bill as amended by them does not go deeper into the real causes of penetration of foreign money in India. We, therefore, submit our note of dissent.

The Report does not do justice to the voluminous evidence tendered before the Committee which is serious enough to cause concern about the dangerous role the foreign money is playing inside India causing serious threat to sovereignty of our country.

The original draft of the Bill and the amendments proposed by the majority of the Joint Committee do not touch even the fringe of the problem. Instead of hitting the real culprits it will only be a source of harassment to some innocent persons.

While introducing the Bill in Parliament on the 24th December, 1973 the then Home Minister, Shri Uma Shankar Dikshit stated, "There has been widespread concern about the unregulated receipt of funds from foreign agencies by individuals and organisations in the country". The present Bill only seeks to regulate the acceptance and utilisation of foreign contributions or hospitality through official machinery. However, while doing this the Bill totally ignores the fact that the Indian Government is highly dependent on heavy doles of "foreign aid" and not a single major project gets a final shape unless the Committee "aid" comes in. For such a Government to talk of sovereignty appears to be empty. The hundreds of collaboration agreements signed with foreign monopolists and multi-national co-operations by Indian businessmen and approved by the Government have been a main source of penetration of foreign money in Indian social life. So long these features continue to dominate economic policies it is futile to talk of curbing the malaise created by ill-gotten foreign money.

As in the case of black money the foreign money also has created a special field of its activity. No law will be able to stop its operation when major channels of foreign money are given free reign to have their sway in the economy.

Foreign vested interests who invest hundreds of crores of rupees in India have a vital stake in the social system here. They, therefore, use the power of money to influence the public opinion here to protect their fortune. Various agencies have already been created under the garb of religious, philanthropic and social organisations through whom they are in a position to channelise the foreign funds. The Bill only gives a legal cover to these activities but their detrimental role will continue to play havoc with the national interests.

The Bill gives wide powers to the Government to permit organisations to receive foreign money. The fusion between the executive authorities and the ruling party is so close today that the Executive authorities will

604 R.S.—3.

permit obtaining of foreign money by all the organisations which politically are friendly with the ruling party. Thus in practice the flow of foreign money will be regulated only through the Pro-Government organisations. The matters, therefore, instead of improving will be further worsening.

We consider that the solidarity funds received by workers during their strike struggles are just and should be freely permitted. Recently, however, the Government did not allow some solidarity fund remitted through a foreign bank by some fraternal trade union organisations during the All India Railway Strike. The Bill will give arbitrary powers to bureaucracy to deprive legitimate sections of the society of genuine solidarity funds from abroad but permit foreign funds for causes detrimental to national interests.

We have seen during the recent past that the Democratic Trade Unions are not allowed to receive solidarity funds from organisations from other countries. However, certain pro-Government Trade Unions are allowed huge funds to run the entire central apparatus. Foreign hospitality in the name of delegations has also reached scandalous proportions. The Bill will only regularise these mal-practices while the bureaucracy will continue to give them patronage. Thus, such Trade Unions will openly work to implement the foreign policy requirements of certain countries. They will be allowed to operate with official patronage on the plea that those countries also support the Government of India.

The corruption is rampant in bureaucracy and official circles. This is big asset to foreign powers and their missions in India. It is the same bureaucracy that would be entrusted with the task of implementing this legislation. It would only add to one more source of income for the bureaucrats many of whom have already established secret links with foreign missions. A recent disclosure of the PIB official giving secret to foreign intelligence should not be considered as an isolated instance. Many more hidden agents are prevalent but the Government fails to take action against them.

We hope, the Parliament will give serious consideration to our views and take drastic steps so that the dangerous consequences of the flow of secret foreign funds for purposes detrimental to the national interests is stopped forthwith.

NEW DELHI;  
November 4, 1975

Samar Mukherjee  
V. Vishwanatha Menon

#### IV

The western imperialist countries have never been reconciled to the liberation of their colonies and the attempts of the Third World countries to come closer and develop independent economy free from foreign control and domination. Since independence, some of the Western countries, mainly U.S.A., have been persistently and continuously trying to subvert economy of these countries as well as political sovereignty and disrupt territorial integrity. As 18th and 19th century methods did not work and

the socialist world gave firm support to the Third World countries and helped them to stand on their own feet, the imperialist powers changed their tactics and methods—but the aim remained the same—to destroy democratic forms of government, to set up puppet regimes, to disrupt growing friendly relations with the socialist countries, to strengthen the grip of multi-national companies and keep these countries for ever as under developed, hopelessly tied to the U.S.A. and western capitalist economic system.

When open supply of arms, etc. have been found difficult to topple democratic regimes, mainly in Asia, Africa and Latin American countries, the other method which is being mainly used is remittance of huge money to those forces and groups and elements who are for the preservation of old socio-economic structure and against any fundamental changes in the society. This foreign money has been extensively utilised to corrupt the body-politic of these countries. Armed with this huge amount of foreign money, these reactionary groups have been able to topple democratic governments, halt nationalisation of country's resources from monopoly control and exploitation and set up fascist regimes in various parts of the Third World and outside. This foreign money is being consistently used to corrupt the press, bribe the legislators and officers and carry on most vicious propaganda against economic reforms in socialist countries.

Many were slow to understand the depth and dimension of the most dangerous activities of the CIA, and some other western Intelligence organisations and their clandestine activities in various countries, and the massive financial support they gave to rightwing and extreme left and dogmatic parties, groups and individuals and sections of the press. All kinds of associations were formed and supported by finance from abroad with the avowed aim to create troubles of various kinds in the Third World countries and States which had been trying to develop their economy in non-capitalist way. The recent revelations in the course of investigation of the CIA activities and publication of various reports in press and books have brought into light their shady and sordid activities in Third World countries. In the course of series of meetings of the Foreign Contribution (Regulation) Bill, several members quoted extensively from various books and documents regarding CIA and the activities of the multinational corporations.

The closest ally of the CIA is multi-national companies which use various means to corrupt and subvert the independence and territorial integrity and economy of the countries where they operate. With tremendous financial power at their command and their firm grip over raw materials and minerals and other resources of the Third World countries, they are continuously trying to maintain their hold through massive financial support to anti-democratic elements and have become States within States. Under cover of trade and business, they attempt to infiltrate into every layer of society and resort to every possible means including financial assistance to influence the politics of the countries where they operate. They are the biggest single menace to independence and democratic forms of government which are trying to delink themselves from the stranglehold of colonial economy.

The Foreign Contribution (Regulation) Bill, 1973, as it has emerged out of the Joint Committee, will not be able to tackle or control or prevent the inflow of foreign money for dubious and shady and outright anti-national activities. While the multi-national corporations have been mentioned, no stress has been given on their activities and they will be free to evade and sabotage the various provisions of the Bill. There should be most stringent provisions for them. And this Bill is totally inadequate to deal with them.

Secondly, Trade Unions have been most unnecessarily brought within the purview of the Bill. Already Trade Unionists who go abroad to attend trade union meetings or for medical treatment, etc. are subjected to all kinds of harassment. Similar is the fate of peasant organisations and other anti-imperialist organisations and associations. As these organisations have very little resources or finance or influence over the bureaucrats, their travel abroad have become extremely difficult and time-consuming. This Bill will put further restrictions and obstacles and give more scope to bureaucrats to deny them even opportunities to go abroad for medical treatment.

Thirdly, the Bill will put insurmountable restrictions on the Trade Unions and mass organisations of our country to receive solidarity help from the working class of other countries. Trade Unions are not yet absolutely free in our country. There are all kinds of restrictions on them. They are subjected to continuous attacks from the employers and state machinery and bureaucrats and low wages of the workers of our country make it immensely difficult for the Trade Unions to build up huge financial reserve *vis-a-vis* powerful employers who are absolutely free to receive all kinds of financial assistance from the public financial institutions as well as from abroad. The transfer of capital from one country to other is a fundamental and permanent feature of the world capitalistic system. Monopoly houses and multi-national corporations always transfer their capital to help their organisations and concerns in various forms and manners which in many cases are utilised to subvert sovereignty and independence of developing countries as well as to crush and suppress working class organisations and their struggle against exploitation. This Bill does not touch this aspect at all. While capitalists will be free to import capital and receive massive financial assistance from abroad, working class and peasant organisations will be virtually debarred to receive any financial help from their brother working class organisations. Victims of mine disasters and victims of vicious offensive of the employers will now be denied financial assistance and support from working class and other organisations from abroad. Even there are provisions in the Bill which may be utilised to prevent trade unionists and other mass organisation workers to go abroad for necessary medical treatment which either they are unable to afford in our country or just not available.

Further, it will give sweeping power to the party in power and bureaucrats to harass political parties, various organisations and even citizens with an ulterior motive. The suggestion to set up a review committee was not acceptable to the government which is ominous. Various witnesses who appeared before the Committee expressed deep and grave concern regarding concentration of so much power (inspection etc.) on the government officers which as our past experience shows is bound to be misused.

Finally, this kind of Bill will not be able to either stop or curb the inflow of foreign money and contributions for political and subversive purposes. It will only drive it further underground and multi-national corporations, monopoly houses and western Intelligence Agencies and CIA will have no difficulty to finance and assist organisations and associations and individuals to undermine and subvert our parliamentary institutions and sabotage our independent economic growth. So this Bill, as it is, should be scrapped and rejected.

**Kalyan Roy  
C. K. Chandrappan  
Jharkhande Rai**

**NEW DELHI;  
November 5, 1975.**

# THE FOREIGN CONTRIBUTION (REGULATION) BILL, 1973

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## ARRANGEMENT OF CLAUSES

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### CHAPTER I

#### PRELIMINARY

#### CLAUSES

1. Short title, extent, application and commencement.
2. Definitions.
3. Application of other laws not barred.

### CHAPTER II

#### REGULATION OF FOREIGN CONTRIBUTION AND FOREIGN HOSPITALITY

4. Candidate for election, etc., not to accept foreign contribution.
5. Organisation of a political nature not to accept foreign contribution except with the prior permission of the Central Government.
6. Certain associations and persons receiving foreign contribution to give intimation to the Central Government.
7. Recipients of scholarships, etc., to give intimation to the Central Government.
8. Persons to whom section 4 shall not apply.
9. Restrictions on acceptance, of foreign, hospitality.
10. Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.
11. Application to be made in prescribed form for obtaining prior permission to accept foreign contribution or hospitality.

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#### MISCELLANEOUS

12. Power to prohibit payment of currency received in contravention of the Act.
13. Recipients of foreign contribution to maintain accounts, etc.
14. Inspection of accounts or records.



**CLAUSES**

15. Seizure of accounts or records.
16. Seizure of article or currency received in contravention of the Act.
17. Seizure to be made in accordance with the Code of Criminal Procedure, 1973.
18. Confiscation of article or currency obtained in contravention of the Act.
19. Adjudication of confiscation.
20. Opportunity to be given before adjudication of confiscation.
21. Appeal.
22. Penalty for article or currency obtained in contravention of section 12.
23. Punishment for the contravention of any provision of the Act.
24. Power to impose additional fine where article or currency is not available for confiscation.
25. Penalty for offences where no separate punishment has been provided.
26. Offences by companies.
27. Bar to the prosecution of offences under the Act.
28. Investigation into cases under the Act.
29. Protection of action taken in good faith.
30. Power to make rules.
31. Power to exempt.
32. Act not to apply to Government transactions.

THE FOREIGN CONTRIBUTION (REGULATION)

BILL, 1973

(AS REPORTED BY THE JOINT COMMITTEE)

[Words underlined or side-lined indicate the amendments suggested by the Committee; asterisks indicate omissions.]

A

BILL

to regulate the acceptance and utilisation of foreign contribution or foreign hospitality by certain persons or associations, with a view to ensuring that parliamentary institutions, political associations and academic and other voluntary organisations as well as individuals working in the important areas of national life may function in a manner consistent with the values of a sovereign democratic republic, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Foreign Contribution (Regulation) Act, 1975.

(2) It extends to the whole of India, and it shall also apply to—

(a) citizens of India outside India; and

10 (b) associates, branches or subsidiaries, outside India, of companies or bodies corporate, registered or incorporated in India.

Short title, extent, application and commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**Defini-  
tions.**

2. (1) In this Act, unless the context otherwise requires,—

(a) "association" means an association of individuals, whether incorporated or not, having an office in India and includes a society, whether registered under the Societies Registration Act, 1860, or not, and any other organisation, by whatever name called; 5 21 of 1860.

(b) "candidate for election" means a person who has been duly nominated as a candidate for election to any Legislature;

(c) "foreign contribution" means the donation, delivery or transfer made by any foreign source,— 10

(i) of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on the date of such gift, does not exceed one thousand rupees; 15

(ii) of any currency, whether Indian or foreign;

(iii) of any foreign security as defined in clause (i) of section 2 of the Foreign Exchange Regulation Act, 1973; 46 of 1973.

(d) "foreign hospitality" means any offer, not being a purely casual one, made by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free board, lodging, transport or medical treatment; 20

(e) "foreign source" includes—

(i) the Government of any foreign country or territory and any agency of such Government, 25

(ii) any international agency, not being the United Nations or any of its specialised agencies, the World Bank, International Monetary Fund or such other agency as the Central Government may, by notification in the Official Gazette, specify in this behalf.

(iii) a foreign company within the meaning of section 591 of the Companies Act, 1956, and also includes, 30 1 of 1956.

(a) a company which is a subsidiary of a foreign company, and

(b) a multi-national corporation within the meaning of this Act, 35

(iv) a corporation, not being a foreign company, incorporated in a foreign country or territory,

(v) a multi-national corporation within the meaning of this Act,

(vi) a company within the meaning of the Companies Act, 1956, if more than one-half of the nominal value of its share 40 1 of 1956.

capital is held, either singly or in the aggregate, by one or more of the following, namely:—

(i) Government of a foreign country or territory,

(ii) citizens of a foreign country or territory,

(iii) corporations incorporated in a foreign country or territory,

(iv) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory;

(vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory,

(viii) a foreign trust by whatever name called, or a foreign foundation which is either in the nature of trust or is mainly financed by a foreign country or territory,

(ix) a society, club or other association of individuals formed or registered outside India.

(x) a citizen of a foreign country,

but does not include any foreign institution which has been permitted by the Central Government, by notification in the Official Gazette, to carry on its activities in India;

(f) "Legislature" means—

(i) either House of Parliament,

(ii) the Legislative Assembly of a State, or in the case of a State having a Legislative Council, either House of the Legislature of that State,

(iii) Legislative Assembly of a Union territory constituted under the Government of Union Territories Act, 1963,

(iv) the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966,

(v) Municipal Corporations in metropolitan areas as defined in the Code of Criminal Procedure, 1973,

(vi) District Councils and Regional Councils in the States of Assam and Meghalaya and in the Union territory of Mizoram as provided in the Sixth Schedule to the Constitution, or

(vii) any other elective body as may be notified by the Central Government,

as the case may be;

(g) "political party" means an association or body of individual citizens of India which is, or is deemed to be, registered with the

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20 of 1963.

19 of 1966.

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2 of 1974.

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Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1963 as in force for the time being;

(h) "prescribed" means prescribed by rules made under this Act; 5

(i) "registered newspaper" means a newspaper registered under the Press and Registration of Books Act, 1867; 25 of 1867.

\* \* \* \* \*

(j) "subsidiary" and "associate" have the meanings, respectively, assigned to them in the Companies Act, 1956; 1 of 1956.

(k) "trade union" means a trade union registered under the Trade Unions Act, 1926. 10 16 of 1926.

*Explanation.*—For the purposes of this Act, a corporation incorporated in a foreign country or territory shall be deemed to be a multi-national corporation if such corporation— 15

(a) has a subsidiary or a branch or a place of business in two or more countries or territories; or

(b) carries on business, or otherwise operates, in two or more countries or territories.

(2) Words and expressions used herein and not defined but defined in the Foreign Exchange Regulation Act, 1973, have the meanings respectively assigned to them in that Act. 20 46 of 1973.

(3) Words and expressions used herein and not defined in this Act or in the Foreign Exchange Regulation Act, 1973, but defined in the Representation of the People Act, 1950, or the Representation of the People Act, 1951, have the meanings respectively assigned to them in such Act. 25 46 of 1973. 43 of 1950. 43 of 1951.

Applica-  
tion of  
other  
laws not  
barred.

3. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

CHAPTER II

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REGULATION OF FOREIGN CONTRIBUTION AND FOREIGN HOSPITALITY

Candi-  
date for  
election,  
etc., not to  
accept  
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bution.

4. (1) No foreign contribution shall be accepted by any—

(a) candidate for election,

(b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper, 35

(c) Government servant or employee of any corporation,

(d) member of any Legislature,

(e) political party or office-bearer thereof.

1 of 1956.

*Explanation.*—In clause (c), and in section 9, “corporation” means a corporation owned or controlled by Government and includes a Government company as defined in section 617 of the Companies Act, 1956.

5 (2) (a) No person, resident in India, and no citizen of India resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any currency from a foreign source, on behalf of any political party, or any person referred to in sub-section (1), or both.

(b) No person, resident in India, shall deliver any currency, whether  
10 Indian or foreign, which has been accepted from any foreign source, to any person if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to any political party or any person referred to in sub-section (1), or both.

(c) No citizen of India resident outside India shall deliver any  
15 currency, whether Indian or foreign, which has been accepted from any foreign source, to—

(i) any political party or any person referred to in sub-section (1), or both, or

(ii) any other person, if he knows or has reasonable cause to  
20 believe that such other person intends, or is likely, to deliver such currency to a political party or to any person referred to in sub-section (1), or both.

(3) No person receiving any currency, whether Indian or foreign, from a foreign source on behalf of any association, referred to in sub-section (1) of section 6, shall deliver such currency—  
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(i) to any association or organisation other than the association for which it was received, or

(ii) to any other person, if he knows or has reasonable cause to  
30 believe that such other person intends, or is likely, to deliver such currency to an association other than the association for which such currency was received.

5. (1) No organisation of a political nature, not being a political party, shall, accept any foreign contribution except with the prior permission of the Central Government.

35 *Explanation.*—For the purposes of this section, “organisation of a political nature, not being a political party” means such organisation as the Central Government may, having regard to the activities of the organisation or the ideology propagated by the organisation or the programme of the organisation or the association of the Organisation with the activities  
40 of any political party, by an order published in the Official Gazette, specify in this behalf.

(2) (a) Except with the prior permission of the Central Government, no person, resident in India, and no citizen of India, resident  
45 outside India, shall accept any foreign contribution or acquire or agree to acquire any foreign currency, on behalf of an organisation referred to in sub-section (1).

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(b) Except with the prior permission of the Central Government, no person, resident in India, shall deliver any foreign currency to any person \* \* \* if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).

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(c) Except with the prior approval of the Central Government, no citizen of India, resident outside India, shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to—

(i) any organisation referred to in sub-section (1), or

(ii) any person, if he knows or has reasonable cause to believe that such person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).

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Certain associations and persons receiving foreign contribution to give intimation to the Central Government.

6. (1) Every association [not being an organisation referred to in sub-section (1) of section 5] having a definite cultural, economic, educational, religious or social programme shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by it.

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(2) Every candidate for election, who had received any foreign contribution, at any time within one hundred and eighty days immediately preceding the date on which he is duly nominated as such candidate, shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by him, the source from which and the manner in which such foreign contribution was received and the purposes for which, and the manner in which, such foreign contribution was utilised by him.

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Recipients of Scholarships, etc., to give intimation to the Central Government.

7. (1) Every citizen of India receiving any scholarship, stipend or any payment of a like nature from any foreign source shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of the scholarship, stipend or other payment received by him and the foreign source from which, and the purpose for which, such scholarship, stipend or other payment has been, or is being, received by him.

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(2) Where any recurring payments are being received by any citizen of India from any foreign source by way of scholarship, stipend or other payment, it shall be sufficient if the intimation referred to in sub-section (1) includes a precise information as to the intervals at which, and the purpose for which, such recurring payments will be received by such citizen of India.

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(3) It shall not be necessary to give such intimation as is referred to in sub-section (1) or sub-section (2) in relation to scholarships, stipends or payments of a like nature, if the annual value of such

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scholarships, stipends or other payments does not exceed such limits as the Central Government may, by rule made under this Act, specify in this behalf.

5 8. Nothing contained in section 4 shall apply to the acceptance, by any person specified in that section, of any foreign contribution, where such contribution is accepted by him, subject to the provisions of section 10,—

Persons to whom section 4 shall not apply.

10 (a) by way of salary, wages or other remuneration due to him or to any group of persons working under him, from any foreign source or by way of payment in the ordinary course of business transacted in India by such foreign source; or

(b) by way of payment, in the course of international trade or commerce, or in the ordinary course of business transacted by him outside India; or

15 (c) as an agent of a foreign source in relation to any transaction made by such foreign source with Government; or

20 (d) by way of a gift or presentation made to him as a member of any Indian delegation, provided that such gift or present was accepted in accordance with the regulations made by the Central Government with regard to the acceptance or retention of such gift or presentation; or

(e) from his relative when such foreign contribution has been received with the previous permission of the Central Government:

25 Provided that no such permission shall be required if the amount of foreign contribution received by him from his relative does not exceed, in value, eight thousand rupees per annum and an intimation is given by him to the Central Government as to the amount received, the source from which and the manner in which it was received and the purpose for which and the manner in which it was utilised by him;

30 (f) by way of remittance received, in the ordinary course of business, through any official channel, post office, or any authorised dealer in foreign exchange under the Foreign Exchange Regulation Act, 1973.

46 of 1973.

35 *Explanation.*—In this Act, the expression “relative” has the meaning assigned to it in the Companies Act, 1956.

1 of 1956.

40 9. No member of a Legislature, office-bearer of a political party, Government servant or employee of any corporation shall, while visiting any country or territory outside India, accept, except with the prior permission of the Central Government, any foreign hospitality:

Restrictions on acceptance of foreign hospitality.

45 Provided that it shall not be necessary to obtain any such permission for an emergent medical aid needed on account of sudden illness contracted during a visit outside India, but, where such foreign hospitality has been received, the person receiving such hospitality shall give, within one month from the date of receipt of such hospitality, an intimation to the Central Government as to the receipt of such hospitality, and the source from which, and the manner in which, such hospitality was received by him.



Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.

10. The Central Government may—

(a) prohibit any association, not specified in section 4, \* \* \* or any person, from accepting any foreign contribution;

(b) require any association, specified in section 6, to obtain prior permission of the Central Government before accepting any foreign contribution; 5

(c) require any person or class of persons or any association, not being an association specified in section 6, to furnish intimation within such time and in such manner as may be prescribed as to the amount of any foreign contribution received by such person or class of persons or association, as the case may be, and the source from which and the manner in which such contribution was received and the purpose for which and the manner in which such foreign contribution was utilised; 10

(d) require any person or class of persons, not specified in section 9, to obtain prior permission of the Central Government before accepting any foreign hospitality; 15

(e) require any person or class of persons, not specified in section 9, to furnish intimation, within such time and in such manner as may be prescribed, as to the receipt of any foreign hospitality, the source from which and the manner in which such hospitality was received; 20

Provided that no such prohibition or requirement shall be made unless the Central Government is satisfied that the acceptance of foreign contribution by such association or person or class of persons, as the case may be, the acceptance of foreign hospitality by such person, is likely to affect prejudicially— 25

(i) the sovereignty and integrity of India; or

(ii) the public interest; or

(iii) freedom or fairness of election to any Legislature; or 30

(iv) friendly relations with any foreign State; or

(v) harmony between religious, racial, linguistic or regional groups, castes or communities.

Application to be made in prescribed form for obtaining prior permission to accept foreign contribution or hospitality.

11. (1) Every individual, association, organisation or other person, who is required by or under this Act to obtain the prior permission of the Central Government to accept any foreign contribution or foreign hospitality, shall, before the acceptance of any such contribution or hospitality, make an application for such permission to the Central Government in such form and in such manner as may be prescribed. 35

(2) If an application referred to in sub-section (1) is not disposed of within ninety days from the date of receipt of such application, the permission prayed for in such application shall, on the expiry of the said period of ninety days, be deemed to have been granted by the Central Government; 40

5 Provided that, where, in relation to an application, the Central Government has informed the applicant the special difficulties by reason of which his application cannot be disposed of within the said period of ninety days, such application shall not until the expiry of a further period of thirty days, be deemed to have been granted by the Central Government.

### CHAPTER III

#### MISCELLANEOUS

10 12. Where the Central Government is satisfied, after making such inquiry as it may deem fit, that any person has in his custody or control any article or currency, whether Indian or foreign, which has been accepted by such person in contravention of any of the provisions of this Act, it may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing with, in any manner whatsoever, such article or currency save in accordance with the written orders 15 of the Central Government and a copy of such order shall be served upon the person so prohibited in the prescribed manner, and thereupon the provisions of sub-sections (2), (3), (4) and (5) of section 7 of the Unlawful Activities (Prevention) Act, 1967 shall, so far as may be, apply 20 to, or in relation to, such article or currency and references in the said sub-sections to moneys, securities or credits shall be construed as references to such article or currency.

Power to prohibit payment of currency received in contravention of the Act.

\* \* \* \* \*

13. Every association, referred to in section 6, shall maintain, in such form and in such manner as may be prescribed,—

- 25 (a) an account of any foreign contribution received by it, and  
(b) a record as to the manner in which such contribution has been utilised by it.

Recipients of foreign contribution to maintain accounts, etc.

14. If the Central Government has, for any reason, to be recorded in writing, any ground to suspect that any provision of this Act has been, 30 or is being, contravened by—

Inspection of accounts or records.

- (a) any political party, or  
(b) any person, or  
(c) any organisation, or  
(d) any association,
- 35 it may, by general or special order, authorise such gazetted officer, holding a class I post, as it may think fit (hereinafter referred to as the authorised officer), to inspect any account or record maintained by such political party, person, organisation or association, as the case may be, and thereupon every such authorised officer shall have the right to 40 enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of inspecting the said account or record:

45 Provided that no gazetted officer shall be authorised to inspect the account or record maintained by a political party, unless he has been holding a class I post in connection with the affairs of the Union, or a State, for not less than ten years.

Seizure  
of  
accounts  
or records.

15. If, after inspection of an account or record referred to in section 14, the authorised officer has any reasonable cause to believe that any provision of this Act or of any other law relating to foreign exchange has been, or is being, contravened, he may seize such account or record and produce the same before the court in which any proceeding is brought for such contravention: 5

Provided that the authorised officer shall return such account or record to the person from whom it was seized if no proceeding is brought within six months from the date of such seizure for the contravention disclosed by such account or record. 10

Seizure  
of  
article  
or  
currency  
received  
in  
contra-  
vention  
of the  
Act.

16. If any gazetted officer, authorised in this behalf by the Central Government, by general or special order, has any reason to believe that any person has in his possession or control any article exceeding rupees one thousand in value, or currency, whether Indian or foreign, in relation to which any provision of this Act has been, or is being, contravened, 15 he may seize such article or currency.

Seizure  
to be  
made in  
accor-  
dance  
with the  
Code of  
Criminal  
Proce-  
dure,  
1973.

17. Every seizure made under this Act shall be made in accordance with the provision of section 100 of the Code of Criminal Procedure, 1973.

Confisca-  
tion of  
article or  
currency  
obtained  
in  
contra-  
vention  
of the  
Act.

18. Any article or currency which is seized under section 16 shall be 20 liable to confiscation if such article or currency has been adjudged under section 19 to have been received or obtained in contravention of this Act.

Adjudica-  
tion of  
confisca-  
tion.

19. Any confiscation referred to in section 18 may be adjudged—

(a) without limit, by the Court of Session within the local limits of whose jurisdiction the seizure was made; and 25

(b) subject to such limits as may be prescribed, by such officer, not below the rank of an Assistant Sessions Judge, as the Central Government may, by notification in the Official Gazette, specify in this behalf.

20. No order of adjudication of confiscation shall be made unless a reasonable opportunity of making a representation against such confiscation has been given to the person from whom any article or currency has been seized.

Opportunity to be given before adjudication of confiscation.

5 21. (1) Any person aggrieved by any order made under section 19 may prefer an appeal,—

Appeal.

(a) where the order has been made by the Court of Session, to the High Court to which such Court is subordinate; or

10 (b) where the order has been made by any officer specified under clause (b) of section 19, to the Court of Session within the local limits of whose jurisdiction such order of adjudication of confiscation was made,

within one month from the date of communication to such person of the order:

15 Provided that the appellate court may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of one month, allow such appeal to be preferred within a further period of one month, but not thereafter.

20 (2) Any organisation referred to in section 5, or any person or association referred to in section 9 or section 10, aggrieved by an order made in pursuance of the *Explanation* to sub-section (1) of section 5 or by an order of the Central Government refusing to give permission, or by any order made by the Central Government, under section 5 or section 9 or section 10, as the case may be, may within sixty days from the  
25 date of such order prefer an appeal against such order to the High Court within the local limits of whose jurisdiction the appellant ordinarily resides or carries on business or personally works for gain, or, where the appellant is an organization or association, the principal office of such organization or association is located.

30 (3) Every appeal preferred under this section shall be deemed to be an appeal from an original decree and the provisions of Order XLI of the First Schedule to the Code of Civil Procedure, 1908, shall, as far as may be, apply thereto as they apply to an appeal from an original decree.

5 of 1908.

35 22. If any person, on whom any prohibitory order has been served under section 12, pays, delivers, transfer or otherwise deals with, in any manner whatsoever, any article or currency, whether Indian or foreign in contravention of such prohibitory order, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both; and notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court trying such  
2 of 1974. 40 contravention may also impose on the person convicted an additional fine equivalent to the market value of the article or the amount of the currency in respect of which the prohibitory order has been contravened by him or such part thereof as the court may deem fit.

Penalty for article or currency obtained in contravention of section 12.

Punish-  
ment  
for the  
contra-  
vention  
of any  
provision  
of the  
Act.

23. (1) Whoever accepts, or assists any person, political party or organisation in accepting, any foreign contribution or any currency from a foreign source, in contravention of any provision of this Act or any rule made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both. 5

(2) Whoever accepts any foreign hospitality in contravention of any provision of this Act or any rule made thereunder shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Power  
to  
impose  
addi-  
tional  
fine  
where  
article  
or  
currency  
is not  
avail-  
able for  
confisca-  
tion.

24. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying a person, who, in relation to any article or cur- 10  
rency, whether Indian or foreign, does or omits to do any act which act 2 of 1974.  
or omission would render such article or currency liable to confiscation  
under this Act, may, in the event of the conviction of such person for 15  
the act or omission aforesaid, impose on such person a fine not exceeding  
five times the value of the article or currency or one thousand rupees,  
whichever is more, if such article or currency is not available for con-  
fiscation, and the fine so imposed shall be in addition to any other fine  
which may be imposed on such person under this Act.

Penalty  
for  
offences  
where no  
separate  
punish-  
ment  
has been  
provided.

25. Whoever fails to comply with any provision of this Act for which 20  
no separate penalty has been provided in this Act shall be punished with  
imprisonment for a term which may extend to one year, or with fine not  
exceeding one thousand rupees, or with both.

Offences  
by com-  
panies.

26. (1) Where an offence under this Act or any rule made there-  
under has been committed by a company, every person who, at the 25  
time the offence was committed, was in charge of, and was responsible  
to, the company for the conduct of the business of the company, as well  
as the company, shall be deemed to be guilty of the offence and shall  
be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render such 30  
person liable to any punishment if he proves that the offence was com-  
mitted without his knowledge or that he had exercised all due diligence  
to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where  
an offence under this Act or any rule made thereunder has been com- 35  
mitted by a company and it is proved that the offence has been com-  
mitted with the consent or connivance of, or is attributable to any  
neglect on the part of, any director, manager, secretary or other officer  
of the company, such director, manager, secretary or other officer shall  
also be deemed to be guilty of that offence and shall be liable to be pro- 40  
ceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm,  
society, trade union or other association of individuals; and

(b) "director", in relation to a firm, society, trade union or other association of individuals, means a partner in the firm or a member of the governing body of such society, trade union or other association of individuals.

5 27. No court shall take cognizance of any offence under this Act, except with the previous sanction of the Central Government or any officer authorised by that Government in this behalf.

Bar to the Prosecution of offences under the Act.

2 of 1974. 28. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act may also be investigated into by such authority as the Central Government may specify in this behalf and the authority so specified shall have all the powers which an officer-in-charge of a police station has while making an investigation into a cognizable offence.

Investigation into cases under the Act.

15 29. No suit or other legal proceedings shall lie against the Central Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or, any rule or order made thereunder.

Protection of action taken in good faith.

20 30. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

25 (a) the time within which, and the manner in which, intimation is to be given by an association referred to in section 6, with regard to the foreign contributions received by it;

(b) the limits up to which receipt of scholarships, stipends or payments of a like nature need not be intimated to the Central Government;

30 (c) the time within which, and the manner in which, intimation is to be given by persons receiving any scholarship, stipend or any payment of a like nature from a foreign source;

35 (d) the time within which, and the manner in which a candidate for election should give intimation as to the amount of foreign contribution received by him at any time within one hundred and eighty days from the date when he became such candidate;

(e) the form and manner in which an application shall be made for obtaining prior permission of the Central Government to receive foreign contribution or foreign hospitality;

40 (f) the manner of service of the prohibitory order made under section 12;

(g) the form and manner in which account or record referred to in section 13 shall be maintained.

(h) the limits up to which an officer, not below the rank of an Assistant Sessions Judge, may make adjudication of confiscation;

(i) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, 10 and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such 15 modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to  
exempt,

31. If the Central Government is of opinion that it is necessary or expedient in the interests of the general public so to do, it may, by order and subject to such conditions as may be specified in the order, 20 exempt any association (not being a political party), organisation or any individual (not being a candidate for election) from the operation of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order.

Act not  
to apply  
to Gov-  
ernment  
trans-  
actions.

32. Nothing contained in this Act shall apply to any transaction 25 between the Government of India and the Government of any foreign country or territory.

## APPENDIX I

(Vide para 2 of the Report)

### *Motion in the Rajya Sabha for reference of the Bill to a Joint Committee*

"That the Bill to regulate the acceptance and utilisation of foreign contribution or hospitality by certain persons or associations, and for matters connected therewith or incidental thereto be referred to a Joint Committee of the Houses consisting of 60 members; 20 members from this House, namely:

1. Shri D. D. Puri
2. Shri Chakrapani Shukla
3. Shri G. R. Patil
4. Shri Kali Mukherjee
5. Shri Harsh Deo Malaviya
6. Shri Ganesh Lal Mali
7. Shrimati Pratibha Singh
8. Shri Qasim Ali Abid
9. Shri Manubhai Shah
10. Shri Emonsing M. Sangma
11. Shri Shyamlal Gupta
12. Shri Omprakash Tyagi
13. Shri Kalyan Roy
14. Shri S. S. Mariswamy
15. Shri Sitaram Singh
16. Shri D. Y. Pawar
17. Shri Abu Abraham
18. Shri K. P. Subramania Menon
19. Shri Bhupinder Singh
20. Shri Ram Niwas Mirdha

and 40 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the last day of the first week of the next Session; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."



## APPENDIX II

(Vide para 3 of the Report)

### *Motion in the Lok Sabha*

“That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to regulate the acceptance and utilisation of foreign contribution or hospitality by certain persons or associations, and for matters connected therewith or incidental thereto, made in the motion adopted by Rajya Sabha at its sitting held on the 19th February, 1974 and communicated to this House on the 21st February, 1974 and do resolve that the following 40 Members of Lok Sabha be nominated to serve on the said Joint Committee, namely:

- (1) Shri R. Balakrishna Pillai
- (2) Shrimati Mukul Banerji
- (3) Shri Bashweshwar Nath Bhargava
- (4) Shri Chapalendu Bhattacharyya
- (5) Shri Jyotirmoy Bosu
- (6) Sardar Buta Singh
- (7) Shri C. K. Chandrappan
- (8) Shri Dharnidhar Das
- (9) Shri P. K. Deo
- (10) Shrimati Marjorie Godfrey
- (11) Shri J. Matha Gowder
- (12) Shri Samar Guha
- (13) Shri J. G. Kadam
- (14) Kumari Kamla Kumari
- (15) Shri Kinder Lal
- (16) Shrimati Parvathi Krishnan
- (17) Shri Mallikarjun
- (18) Shri Krishnan Manoharan
- (19) Shri Shyamnandan Mishra
- (20) Shri F. H. Mohsin
- (21) Shri Samar Mukherjee
- (22) Shri Narsingh Narain Pandey
- (23) Shri S. T. Pandit
- (24) Shri P. Parthasarthy
- (25) Shri Arvind M. Patel
- (26) Shri Krishnarao Patil
- (27) Shri S. Radhakrishnan
- (28) Shri Ram Dhan

- (29) Shri Ram Singh Bhai
- (30) Shrimati B. Radhabai Ananda Rao
- (31) Shri Jagannath Rao
- (32) Shri Umed Singh Rathia
- (33) Shri Mulki Raj Saini
- (34) Shri S. C. Samanta
- (35) Shri M. R. Sharma
- (36) Shri Nugehalli Shivappa
- (37) Shri Hari Kishore Singh
- (38) Shri Sant Bux Singh
- (39) Shri Atal Bihari Vajpayee
- (40) Shri Virbhadra Singh."

### APPENDIX III

(Vide para 7 of the Report)

#### QUESTIONNAIRE

1. Do you agree that foreign money is being circulated in India with a view to influencing the body politic? If so, do you agree with the objectives of the Bill?

2. Do you agree that foreign money is being used for religious conversions and to the detriment of weaker sections of the people?

3. What are, according to you, the means through which foreign money is circulated in India with a view to influencing the body politic and what steps do you suggest to stop or regulate the circulation of such money?

4. Do you think that the provisions of the Bill are adequate to regulate the acceptance and utilisation of foreign contributions in India? If not, what changes do you suggest for incorporation in the Bill?

5. Do you agree with the definitions of "foreign contribution", "foreign hospitality" and "foreign source" as provided in the Bill or would you suggest any modification or amplification?

6. What is your opinion with regard to Parties|Organisations|Institutions that come under political nature of activities?

7. (a) The Bill contemplates three kinds of control, namely:

- (i) outright prohibition of acceptance of foreign contribution by the category of persons specified in clause 4;
- (ii) acceptance of foreign contribution subject to prior permission of the Government; and
- (iii) acceptance of foreign contribution subject to intimation being given to Government.

Do you agree that there should be these three types of control?

(b) Do you agree with the classification in regard to categories of recipients of foreign contribution for subjecting them to varying degrees of control, as provided in the Bill? If not, what are your suggestions with regard to the matter?

8. Do you agree that a difference should be made, as has been done in clauses 4 and 5, between political parties and organisations of a political nature? If not, can you suggest how associations of a political nature may also be identified by an objective criterion, the way it has been possible to do so for the political parties in the Bill?

What are your suggestions in the matter?

9. Do you agree to include the Trade Union Organisations along with the political parties?

10. Do you agree to include Industrial Management|Institutions|Organisations|Central Trade Union Organisations|Industrial Worker's Federations along with the political parties|organisations affiliated to any International Trade Union Organisation|unaffiliated|registered or unregistered within the purview of clauses 4 and 5?

11. Do you think that clause 6 sufficiently identifies the association which is required to give an intimation to the Central Government with regard to the receipt of foreign contribution?

12. Do you agree that the acceptance of foreign hospitality by certain persons should be regulated in the manner provided in the Bill?  
If not, what are your suggestions with regard to the matter?

13. Do you think that recipients of foreign scholarships or stipends or other payments should be required to give intimation of the amount of scholarships, stipends or other payments received by them?

14. Do you think that the Central Government should be empowered to prohibit receipt of foreign contribution as provided in clause 10?

15. Do you think that the requirement to obtain prior permission of the Central Government to accept any foreign contribution or hospitality is likely to create unnecessary bottlenecks and harassment to the persons needing such contribution or hospitality?

16. Do you think that the provisions of the Bill with regard to the enforcement of the provisions thereof, including the penalties for the contraventions of the provisions of the Bill, are adequate?

17. Do you think that the Bill confers arbitrary and excessive powers on the Central Government?

18. What are your suggestions with regard to the scheme of the proposed legislation?

19. Would you like to make any suggestion of a general nature, which would in your opinion, make substantial improvements in the proposed legislation?

20. What are your comments on the provision contained in clause 23 which bars prosecution of offences under the Act?

21. Do you agree that the multinational Corporations and their collaboration with the Private Sector Companies in the country are a great danger?

22. Do you think that a new clause should be inserted to regulate the indirect financial assistance to individuals, organisations, newspapers, journalists, publishing houses, presses by foreign agencies such as large commission on sales, literature imported from abroad and the whereabouts of the sale proceeds, subventions paid out of trade earnings under bilateral understandings, excessive advertisement charges, translation fee etc? If so, how do you suggest to regulate these, under what category—prohibitive or regulative?

## APPENDIX IV

(Vide para 8 of the Report)

*List of Individuals|Associations etc. from whom Memoranda, Suggestions, Views, etc., were received by the Joint Committee*

1. All India Newspaper Editors' Conference New Delhi.
2. Delhi School of Economics, University of Delhi.
3. Awadesh Pratap Singh, University, Rewa (M.P.)
4. Vikram University, Ujjain.
5. Marxist Forward Bloc, Calcutta.
6. Solicitor General, India, New Delhi.
7. President, Uttar Pradesh Swatantrata Sangram Sainik Parishad, Lucknow.
8. Frontist Block India, New Delhi.
9. Shri Hubert D'Rosario, Gauhati.
10. Gaujarat Pradesh Hindu Sabha, Karnavati (Ahmedabad).
11. Government of Rajasthan (Law Department), Jaipur.
12. President Chotanagpur Bhumi Raksha Party, Ranchi.
13. Masurashram, Bombay.
14. Indian Institute of Public Administration, New Delhi.
15. Labour Education Service, Bombay.
16. Shri Dipak B. R. Chaudhuri, New Delhi.
17. Government of Goa, Daman and Diu.
18. Orissa High Court.
19. National Christian Council of India, New Delhi.
20. M/s. Gagrat & Company, Solicitors Advocates & Notaries, Bombay.
21. Kerala Nadvathul Mujahideen, Regd., Kozhikode (Kerala).
22. Vishwa Yuvak Kendra, New Delhi.
23. Friends of Moral Re-armament (India).
24. Evangelical fellowship of India, New Delhi.
25. Catholic Bishops' Conference of India, New Delhi.
26. Reserve Bank of India, (Exchange Control Department) Bombay.
27. Indian Federation of United Nations Association, New Delhi.
28. Globe Detective Agency (P) Ltd., New Delhi.
29. Central Bureau of Investigation, New Delhi.
30. Inspector General of Police, Karnataka.
31. Bombay Bar Association, Bombay.
32. Marathwada University, Aurangabad.

33. Jharkhand Party, Ranchi.
34. National Front of Indian Trade Unions, Calcutta.
35. Utkal University, Bhubaneshwar.
36. Patna University, Patna.
37. Andhra University, Waltair.
38. Kanpur University, Kanpur.
39. Hon'ble Justice Shri V. S. Deshpande of the Delhi High Court.
40. Indian Chamber of Commerce, Calcutta.
41. Shri J. M. Lobo Prabhu, Editor, "Thought" and Ex. M.P., Mangalore.
42. Shri M. G. Ramachandran, M.L.A., General Secretary, Anna Dravida Munnetra Kazhagam Madras.
43. Yogananda Ashram Ranchi.
44. All India Federation of National Churches, Ahmednagar.
45. Government of Maharashtra, Bombay.
46. Shri Vasant V. Bivalkar, Baroda.
47. Shri B. M. Pugh, Shillong.
48. Shri A. Blingstodar Diengdoh, Shillong.
49. High Court of Judicature at Patna.
50. Southern Indian Chamber of Commerce and Industry, Madras.
51. Shri Balrao Savarkar, Bombay.
52. Socialist Unity Centre of India, Calcutta.
53. Centre of Indian Trade Unions Calcutta.
54. Bharat Chamber of Commerce, Calcutta.
55. Government of Punjab.
56. Akhil Bharatiya Ram Rajya Parisad, Delhi.
57. Indian National Church, Abu Road, Rajasthan.
58. Indian Council for Cultural Relations, New Delhi.
59. Ravishankar University, Raipur.
60. Shivaji University, Kolhapur.
61. University of Calicut, Calicut.

## APPENDIX V

(Vide para 9 of the Report)

### *List of Witnesses who tendered evidence before the Joint Committee*

Sl No.	Name of witness	Date of hearing
	1. Ministers of the Government of Maharashtra:—	27-6-1974
	(i) Shri V. P. Naik, Chief Minister.	
	(ii) Shri A. R. Antulay, Minister of Buildings, Communications and law.	
	(iii) Shri S. B. Chavan, Minister for Agriculture.	
	(iv) Shri V. B. Patil, Minister for Irrigation and Power.	
	(v) Shri M. D. Chaudhary, Minister for Finance.	
	2. Representatives of the Government of Maharashtra:	27-6-1974
	(i) Shri D. D. Sathe, Chief Secretary.	
	(ii) Shri V. Subramanian, Secretary, Home Department.	
	(iii) Shri K. K. Moghe, Secretary, Education Department.	
	3. Representatives of the Roman Catholic Archdiocese of Bombay:—	27-6-1974
	(i) Bishop S. Pimenta.	
	(ii) Father A. Martins.	
	4. Sardar N. S. Bhunvara, General Secretary, Shri Guru Singh Sabha, Bombay.	27-6-1974
	5. Representatives of the Reserve Bank of India:—	28-6-1974
	(i) Shri S. Jagannathan, Governor.	
	(ii) Shri S. S. Shiralkar, Deputy Governor.	
	(iii) Shri C. L. Thareja, Controller, Exchange Control Department.	
	6. Shri J. R. Gagrat, Partner, Messrs Gagrat and Co., Solicitors, Advocates and Notaries, Bombay.	28-6-1974
	7. Shri Ram Desai, Secretary, Hind Mazdoor Sabha, Bombay:—	28-6-1974

Sl No.	Name of witness	Date of hearing
8.	Representatives of the Hind Mazdoor Panchayat, Bombay:— (i) Shri Sadashiv Bagaitkar, Secretary. (ii) Shri Somnath Dube, Joint Secretary.	28-6-1974
9.	Shri S. M. Joshi.	28-6-1974
10.	Representatives of the Government of Gujarat:— (i) Shri H. C. Sarin, Adviser to the Governor of Gujarat. (ii) Shri H. T. Sadhwani, Chief Secretary to the Government of Gujarat. (iii) Shri R. B. Shukla, Education Secretary, Gujarat.	29-6-1974
11.	Representative of the Indian National Trade Union Congress and Petroleum and Chemical Industrial Workers Federation, Bombay:— Shri Raja Kulkarni, M.P.	29-6-1974
12.	Representatives of the Dadra and Nagar Haveli Administration:— (i) Shri Jagdish Sagar, Collector. (ii) Shri Anil Chopra, Collector-designate.	29-6-1974
13.	Representatives of the Bar Association of High Court of Bombay:— (i) Shri Ashok N. Vyas, Hon. Secretary. (ii) Shri Porus Mehta. (iii) Mrs. Sujata Manohar. (iv) Shri Anil Divan.	29-6-1974
14.	Shri Rajni Patel, President, Bombay Pradesh Congress Committee and President of the Rashtriya Mill Mazdoor Sangh, Bombay:—	29-6-1974
15.	(i) Shri S. A. Dange, Chairman, Communist Party of India and General Secretary, All India Trade Union Congress (ii) Mrs. Roza Deshpande, M.P. (iii) Shri G. V. Chitnis (iv) Shri L. S. Karkhanis	29-6-1974 29-6-1974 29-6-1974 29-6-1974
16.	Shri R. S. Kulkarni, Deputy Commissioner of Police, C.I.D. (Crime), Government of Maharashtra.	1-7-1974
17.	Shri Babubhai M. Chinai, M.P.	1-7-1974



Sl.No.	Name of Witness	Date of hearing
18. (i)	Shri Bal Thakare, Chief of Shiva Sena, Bombay.	1-7-1974
(ii)	Shri Manohar Joshi, M.L.C. Maharashtra.	1-7-1974
19.	Shri Madhu Mehta, Vice-President, Swatantra Party.	1-7-1974
20.	Shri S. R. Vakil, Solicitor and Notary and Director, Tata Industries, Bombay.	1-7-1974
21.	Shri V. K. Narasimhan, Editor, The Financial Express, Bombay.	1-7-1974
22.	Shri D. Sen, Director, Central Bureau of Investigation, New Delhi.	13-7-1974
23.	Shri M. G. Kaul, Secretary to the Government of India, Ministry of Finance (Department of Economic Affairs), New Delhi.	13-7-1974
24.	Representatives of the Friends of Moral Re-Armament (India):—	13-7-1974
(i)	Shri R. D. Mathur, Director, Asia Plateau, Panchgani (Maharashtra).	
(ii)	Shri Anil Kumar.	
(iii)	Shri Niketu Iralu, Trustee.	
25.	Representatives of the All India Newspaper Editors' Conference:—	15-7-1974
(i)	Shri A. K. Jain, Editor, Navabharat Times.	
(ii)	Shri Vishwa Bandhu Gupta, Editor, 'Daily Tej'.	
(iii)	Shri Jang Bahadur Singh, Chief Editor, 'Sher-i-Punjab'.	
(iv)	Shri Jag Parvesh Chandra, Office Secretary, All India Newspaper Editors' Conference.	
26.	Representatives of the National Christian Council of India, New Delhi:—	15-7-1974
(i)	Rev. M. A. Z. Rolston.	
(ii)	Shri V. H. Devadas.	
27.	Representatives of the Catholic Bishops' Conference of India, New Delhi:—	13-7-1974
(i)	Fr. Jonas Thaliath, Deputy Secretary-General.	
(ii)	Fr. A. Nazareth, Assistant Secretary.	

SLNo.	Name of Witness	Date of hearing
28.	Representatives of the Indian National Church, New Delhi:—	15-7-1974
	(i) Shri Kanwal.	
	(ii) Shri A. K. Bhagat.	
29.	Representatives of the Churches Auxiliary for Social Action, New Delhi.	
	Shri S. Ponraj, Executive Secretary.	
30.	Shri Dilip Mukherjee, Chief of Bureau, Times of India, New Delhi.	16-7-1974
31.	Shri S. Mulgaonkar, Editor, Indian Express, New Delhi.	16-7-1974
32.	Representatives of the Indian Federation of United Nations Associations, New Delhi:—	16-7-1974
	(i) Shri S. D. Pandey, Advocate and Secretary.	
	(ii) Shri O. P. Chowdhury, Advocate and Member.	
33.	Dr. George Jacob, Chairman, University Grants Commission, New Delhi.	16-7-1974
34.	Representatives of the Gandhi Peace Foundation, New Delhi:—	16-7-1974
	(i) Shri Radhakrishna, Secretary.	
	(ii) Shri A. C. Sen, Secretary, Association of Voluntary Agencies for Rural Development.	
	(iii) Shri Rameshwar Thakur, Chartered Accountant.	
	(iv) Shri N. Krishnaswamy, Director, Voluntary Action Cell.	
35.	Shri P. T. Kuriakose, Director, Vishwa Yuvak Kendra, New Delhi.	16-7-1974
36.	Representatives of the Globe Detective Agency, Private Limited, New Delhi:—	16-7-1974
	(i) Col. D. K. Roy, General Manager.	
	(ii) Shri Prem Kumar, Managing Director.	
37.	Shri Mrityunjoy Banerjee, Education Minister, West Bengal.	16-9-1974
38.	Representatives of the Government of West Bengal:—	16-9-1974
	(i) Shri B. R. Gupta, Chief Secretary.	
	(ii) Shri B. Mukhopadhyay Special Secretary, Home Department.	

Sl.No.	Name of Witness	Date of hearing
	(iii) Shri R. K. Gupta, Inspector-General of Police, West Bengal.	
	(iv) Shri D. K. Guha,, Education Commissioner, West Bengal.	
	(v) Shri Sunil Choudhuri, Commissioner of Police, Calcutta.	
39.	Shri Suhrid Mullick Chowdhury, M.P. General Secretary, Marxist Forward Block, Calcutta.	17-9-1974
40.	(i) Shri Sookamal Kanti Ghosh, Editor, Jugantar, Calcutta.	17-9-1974
	(ii) Shri Niranjan Sengupta, Assistant Editor, Jugantar, Calcutta.	17-9-1974
41.	Shri S. K. Basu, Managing Director, National Book Agency, Calcutta.	17-9-1974
42.	Representatives of Jawahir Press, Calcutta:—	17-9-1974
	(i) Shri Nandlal Jain.	
	(ii) Shri Haresh Chandra Ganguli, Advocate.	
43.	Shri Mahabir Prasad Choudhry, Advocate Calcutta.	17-9-1974
44.	Shri Shyamapada Mukherji, Social Worker, Calcutta.	17-9-1974
45.	Representatives of the Calcutta Port Commission Calcutta:—	18-9-1974
	(i) Shri K. N. Ganguly, Secretary.	
	(ii) Shri A. K. Ghosh, Legal Adviser.	
46.	Representatives of the Government of Bihar:—	18-9-1974
	(i) Shri R. Srinivasan, Commissioner, Commercial Taxes, Bihar.	
	(ii) Shri R. N. Dash, Home Secretary.	
47.	Representatives of Most Rev. L. T. Picachy, Archbishop of Calcutta:—	18-9-1974
	(i) Fr. Alan De Lastic	
	(ii) Fr. Leander D' Costa.	
48.	Most Rev. Henry D' Souza, Archbishop of Cuttack, Bhubaneswar.	18-9-1974
49.	Representatives of Archbishop of Ranchi:	18-9-1974
	Fr. M. Minz.	
50.	Fr. Subir Biswas, St. Paul's Cathedral, Calcutta.	18-9-1974

S.No.	Name of Witness	Date of hearing
51.	Representatives of Christian Service Society Midnapore:—	18-9-1974
	(i) Rev. S. K. Bepari.	
	(ii) Mr. M. Samanta.	
	(iii) Rev. A. Shear.	
52.	Representatives of the Indian Chamber of Commerce:—	19-9-1974
	(i) Shri C. S. Pande, Secretary General.	
	(ii) Shri R. B. Shah.	
	(iii) Shri R. Lodha.	
	(iv) Shri M. Choudhry.	
53.	Representatives of the Bharat Chamber of Commerce, Calcutta:—	19-9-1974
	(i) Shri S. B. Goenka, President.	
	(ii) Shri Kanailall Dey, Senior Vice-President.	
	(iii) Shri C. D. Thakkar, Vice-President.	
	(iv) Shri R. R. Bhiwaniwalla, Former President and Committee Member.	
	(v) Shri K. C. Mukherjee, Secretary.	
54.	Representative of the Indian National Democratic Front, Calcutta. Shri Saibal Chatterjee.	
55.	Representatives of the Socialist Unity Centre of India, Calcutta:—	19-9-1974
	(i) Shri Ashutosh Banerjee, Secretary, District Committee.	
	(ii) Shri Pritish Chanda, Member, Central Committee.	
56.	Representative of the University of Patna, Patna. Dr. R. C. Hingorani, Dean, Faculty of Law.	19-9-1974
57.	Representatives of the Government of Orissa:—	19-9-1974
	(i) Shri P. Misra, Home Secretary.	
	(ii) Shri N. Swain, Inspector-General of Police.	
	(iii) Shri S. M. Patnaik, Deputy Secretary.	
58.	(i) Shri W. A. Sangma, Chief Minister of Meghalaya	} 21-9-1974
	(ii) Shri B. B. Lyngdoh, Law Minister of Meghalaya	

Sl.No.	Name of Witness	Date of hearing
59.	Representatives of the Government of Meghalaya:—	21-9-1974
	(i) Shri V. Ramakrishnan, Home Secretary.	
	(ii) Shri A. Rehman, Inspector-General of Police.	
	(iii) Shri M. S. Iyer, Deputy Inspector General of Police.	
	(iv) Shri S. N. Phukan, Legal Remembrancer.	
60.	Most Rev. Hubert 'D' Rosario, Archbishop of Shillong—Gauhati, Shillong.	21-9-1974
61.	Representatives of the Presbyterian Church of North East India:—	21-9-1974
	(i) Mr. E. H. Pakyatein.	
	(ii) Mr. W. Syiemlich.	
62.	(i) Rev. Longri Ao, President, Council of Baptist Churches in North East India.	21-9-1974
	(ii) Rev. H. K. Lungalong, Field Director, Zoliong Area Baptist Association.	21-9-1974
63.	Shri B. M. Pugh, Mawlai, Shillong.	21-9-1974
64.	Representatives of the Arunachal Pradesh Administration, Itanagar:—	21-9-1974
	(i) Shri M. L. Kampani, Chief Secretary.	
	(ii) Shri S. R. Das, Deputy Secretary (Law).	
65.	Representatives of the Government of Tamil Nadu:—	7-10-1974
	(i) Shri H. K. Ghazi, Home Secretary.	
	(ii) Shri C. Balasubramaniam, Law Secretary, retired.	
	(iii) Shri F. V. Arul, Inspector-General of Police.	
	(iv) Shri R. Shanmugasigamani, Deputy-Secretary, Department of Education.	
66.	Shri S. Narayanaswamy, M.L.C., Former President Southern India Chamber of Commerce, Madras.	8-10-1974
67.	Shri V. P. V. Rajan, Editor, Daily Mail, Madras.	9-10-1974
68.	Mrs. D. L. Gopal Ratnam, General Secretary, Church of South India, Madras.	9-10-1974

Sl. No.	Name of Witness	Date of hearing
69.	Shri P. I. Chandy, Treasurer, Church of South India, Madras.	9-10-1974
70.	Dr. K. Rajaratnam, King Hostel, Vepery, Madras.	9-10-1974
71.	Most Rev. Rayappa Arulappa, Archbishop of Madras.	9-10-1974
72.	Rt. Rev. C. M. Visuvasam, Bishop of Coimbatore	9-10-1975
73.	Rt. Rev. S. Iruthanyaraj, Bishop of Palayam Kottai.	9-10-1974
74.	Mr. G. S. Reddi, President, Catholic Union of India, Hyderabad.	9-10-1974
75.	Rev. N. Samuel, Carmel, Tiruvannamalai, North Arcot District.	9-10-1974
76.	Shri G. Venkateswaran, Advocate, Madras.	10-10-1974
77.	Representatives of the Government of Karnataka:—	10-10-1974
	(i) Shri T. Venkataswamy, Additional Law Secretary.	
	(ii) Shri C. V. S. Rao, I.P.S., Inspector-General of Police.	
78.	Shri V. Narayanan Tampi, Additional Law Secretary, Government of Kerala.	10-10-1974
79.	Representatives of the Government of Andhra Pradesh:—	10-10-1974
	(i) Shri P. V. Ratnam, Home Secretary.	
	(ii) Shri Abdussalam Khan, I.P.S., Inspector-General of Police.	
80.	Shri S. B. Jain, Special Director Enforcement Directorate, Cabinet Secretariat, (Department of Personnel and Administrative Reforms), New Delhi.	13-1-1975
81.	Shri Dipak B. R. Chaudhuri, Special Correspondent, Maratha Daily, New Delhi.	13-1-1975
82.	Dr. M. K. Pandhe, Secretary, Centre of Indian Trade Unions, Calcutta.	13-1-1975 and 14-1-75
83.	Shri S. R. Mehta, Chairman, Central Board of Direct Taxes, New Delhi.	14-1-1975
84.	Shri Jasjit Singh, Chairman, Central Board of Excise and Customs, New Delhi.	14-1-1975 and 15-1-1975

APPENDIX VI

(Vide para 5 of the Report)

*Minutes of the Meeting of the Joint Committee*

I

FIRST MEETING

The Committee met at 10.00 A.M. on Wednesday, the 10th April, 1974.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Kali Mukherjee
4. Shri Harsh Deo Malaviya
5. Shrimati Pratibha Singh
6. Shri Shamlal Gupta
7. Shri Omprakash Tyagi
8. Shri Kalyan Roy
9. Shri S. S. Mariswamy
10. Shri Sitaram Singh

*Lok Sabha*

11. Shrimati Mukul Banerji
12. Shri Chapalendu Bhattacharyya
13. Shri C. K. Chandrappan
14. Shri Samar Guha
15. Shri J. G. Kadam
16. Shri Kinder Lal
17. Shri F. H. Mohsin
18. Shri Samar Mukherjee
19. Shri S. T. Pandit
20. Shri Krishnarao Patil
21. Shri Ram Dhan
22. Shri Ram Singh Bhai
23. Shri Jagannath Rao
24. Shri S. C. Samanta
25. Shri M. R. Sharma
26. Shri Hari Kishore Singh
27. Shri Sant Bux Singh
28. Shri Atal Bihari Vajpayee

## REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel.

Shri V. S. Bhashyam, Deputy Legislative Counsel.

*Ministry of Home Affairs*

Shri T. C. A. Srinivasa Varadan, Additional Secretary.

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

## SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumdar, Under Secretary

2. The Chairman welcomed the Members of the Committee.

3. The Committee decided that a Press Communique be issued inviting opinions from various individuals, associations, public bodies and political parties interested in the subject-matter of the Bill and advising them to send memoranda thereon to the Rajya Sabha Secretariat by the 15th May, 1974.

4. The Committee authorised the Chairman to decide, after examining all the memoranda, as to who might be invited to give oral evidence before it. The Chairman also requested Members to suggest names of persons or associations etc. whom they would like to be invited to give oral evidence before the Committee and to send to the Rajya Sabha Secretariat the names and addresses of organisations, individuals etc. who may be approached for their views on the Bill.

5. Members of the Committee desired that they should be supplied with a comprehensive note containing background information about the Bill. The representatives of the Ministry of Home Affairs promised to send the note within a fortnight for circulation to the Members.

6. The Committee desired that a questionnaire be prepared in advance for circulation to the witnesses etc. and a draft thereof be also circulated to the Members of the Committee. The representatives of the Ministry of Law and Justice promised to prepare a questionnaire on the Bill.

7. The Committee has to submit the Report to the House by the last day of the first-week of the next Session of the Rajya Sabha. Considering, however, the nature and importance of the proposed legislation, the Committee was of the opinion that it might take some more time to submit the Report to the House. The Committee, therefore, decided to ask for extension of time upto the last day of the Ninetieth Session (Winter Session) of the Rajya Sabha for presentation of its Report and authorised the Chairman or in his absence Shri Kali Mukherjee to move necessary motion in the House for the purpose.

8. The Committee decided to meet again at 9.30 A.M. on Thursday, the 9th May, 1974, to decide about the future programme of sittings of the Committee and other matters.

The Committee then adjourned at 11.00 A.M.



## SECOND MEETING

The Committee met at 10.30 A.M. on Friday, the 17th May, 1974.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri G. R. Patil
5. Shri Kali Mukherjee
6. Shri Harsh Deo Malaviya
7. Shri Ganesh Lal Mali
8. Shrimati Pratibha Singh
9. Shri Kasim Ali Abid
10. Shri Emonsing M. Sangma
11. Shri Shamlal Gupta
12. Shri Omprakash Tyagi
13. Shri S. S. Mariswamy
14. Shri D. Y. Pawar
15. Shri Abu Abraham
16. Shri Vishwanatha Menon
17. Shri Bhupinder Singh
18. Shri Ram Niwas Mirdha

*Lok Sabha*

19. Shrimati Mukul Banerji
20. Shri Bashweshwar Nath Bhargava
21. Shri Chapalendu Bhattacharyya
22. Shri Jyotirmoy Bosu
23. Sardar Buta Singh
24. Shri C. K. Chandrappan
25. Shri Dharnidhar Das
26. Shrimati Marjorie Godfrey
27. Shri Samar Guha
28. Shri J. G. Kadam
29. Shri Kinder Lal
30. Kumari Kamla Kumari
31. Shri Malikarjun
32. Shri Shyamnandan Mishra
33. Shri Samar Mukherjee
34. Shri Narsingh Narain Pandey
35. Shri S. T. Pandit

36. Shri Krishnarao Patil
37. Shri Ram Dhan
38. Shri Ram Singh Bhai
39. Shrimati B. Radhabai Ananda Rao
40. Shri Jagannath Rao
41. Shri Mulki Raj Saini
42. Shri S. C. Samanta
43. Shri M. R. Sharma
44. Shri Sant Bux Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

- Shri S. K. Maitra, Joint Secretary and Legislative Counsel.  
 Shri V. S. Bhashyam, Deputy Legislative Counsel

*Ministry of Home Affairs*

- Shri S. Balakrishnan, Joint Secretary  
 Shri C. V. Narasimhan, Joint Secretary  
 Shri A. C. Sen, Deputy Secretary

SECRETARIAT

- Dr. M. S. Panigrahi, Joint Secretary  
 Shri M. K. Jain, Deputy Secretary  
 Shri R. K. Mazumdar, Under Secretary

2. The Chairman informed the members that the following steps were taken in pursuance of the Committee's decisions taken at its first sitting held on the 10th April, 1974:—

- (i) A Press Communique was issued on the 10th April, 1974 inviting memoranda on the Bill from individuals, organisations and political parties. In response to that Press Communique, three memoranda have been received which have been circulated to the members;
- (ii) A questionnaire on the Bill prepared by the Ministry of Law and Justice was circulated to the members; and
- (iii) A Background Note on the Bill supplied by the Ministry of Home Affairs was also circulated to the members.

3. The Committee decided that the time for the submission of memoranda be extended up to the 20th June, 1974.

4. The Committee desired that the following be approached for eliciting their views on the Bill:

- (1) State Governments.
- (2) State Bar Councils and High Court Bar Associations.
- (3) Recognized political parties and registered Trade Unions.

- (4) Attorney-General and Solicitor-General.
- (5) Advocates-General of States.
- (6) Universities in India (Law Faculties).
- (7) Academic Institutions like—Law Institute, Institute of Constitutional and Parliamentary Studies, Laski Institute at Ahmedabad, Gokhale School of Economics and Political Science at Poona etc.

5. The Committee then considered the Questionnaire on the Bill and the Background Note prepared by the Ministry of Home Affairs. The members expressed their views on the same and made a number of suggestions in regard to the Questionnaire and the Background Note. Members felt that the Note was not sufficiently exhaustive. They therefore desired that a more comprehensive note on the subject be prepared by the Ministry of Home Affairs and circulated to the members of the Committee. The Minister of State in the Ministry of Home Affairs agreed to furnish a fresh note, in the light of the views expressed by the members. The members were requested to furnish further questions, if any, to be incorporated in the Questionnaire.

6. Members of the Committee desired that important Books, publications and other material on the subject-matter of the Bill be made available in the Parliament Library for their use and reference.

7. The Committee thereafter considered its future programme of sittings. Members felt that in view of the importance of the Bill, the Committee should hold its sittings outside Delhi for the purpose of recording oral evidence on the Bill. The Committee decided that subject to the permission of the Chairman, Rajya Sabha, it should, in the first instance, hold its meetings at Bombay from the 27th June to 1st July, 1974 for the purpose. The Committee accordingly authorised the Chairman to obtain permission of the Chairman, Rajya Sabha, for the Committee to hold its sittings at Bombay.

8. The Committee also decided that it should meet in Delhi from 9th to 12th July, 1974, for recording oral evidence on the Bill.

9. The Chairman requested members to suggest names of witnesses who should be invited to appear before the Committee for the purpose of recording oral evidence on the Bill.

10. The Committee then adjourned at 1.00 P.M. to meet again at 11.00 A.M. on Saturday, the 18th May, 1974.

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### III

#### THIRD MEETING

The Committee met at 11.00 A.M. on Saturday, the 18th May, 1974.

#### MEMBERS PRESENT

#### *Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri

3. Shri Chakrapani Shukla
4. Shri G. R. Patil
5. Shri Kali Mukherjee
6. Shri Harsh Deo Malaviya
7. Shri Ganesh Lal Mali
8. Shrimati Pratibha Singh
9. Shri Kasim Ali Abid
10. Shri Emonsing M. Sangma
11. Shri Shamlal Gupta
12. Shri S. S. Mariswamy
13. Shri D. Y. Pawar
14. Shri Abu Abraham
15. Shri Vishwanatha Menon
16. Shri Bhupinder Singh
17. Shri Ram Niwas Mirdha

*Lok Sabha*

18. Shrimati Mukul Banerji
19. Shri Bashweshwar Nath Bhargava
20. Shri Chapalendu Bhattacharyya
21. Shri Jyotirmoy Bosu
22. Sardar Buta Singh
23. Shri C. K. Chandrappan
24. Shri Dharnidhar Das
25. Shrimati Marjorie Godfrey
26. Shri J. G. Kadam
27. Shri Kinder Lal
28. Kumari Kamla Kumari
29. Shri Malikarjun
30. Shri Shyamnandan Mishra
31. Shri Samar Mukherjee
32. Shri Narsingh Narain Pandey
33. Shri S. T. Pandit
34. Shri Krishnarao Patil
35. Shri Ram Dhan
36. Shri Ram Singh Bhai
37. Shrimati B. Radhabai Ananda Rao
38. Shri Jagannath Rao
39. Shri Mulki Raj Saini
40. Shri S. C. Samanta
41. Shri M. R. Sharma
42. Shri Hari Kishore Singh
43. Shri Sant Bux Singh

## REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

Shri V. S. Bhashyam, Deputy Legislative Counsel

*Ministry of Home Affairs*

Shri S. Balakrishnan, Joint Secretary

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

## SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumdar, Under Secretary

2. The Committee considered various suggestions made by the members with regard to the names of individuals, organisations and officials etc. who may be invited to appear before the Committee as witnesses. After some discussion, the Chairman was authorised to finalise the list of witnesses from amongst the names suggested by members as also from amongst those who have submitted memoranda on the Bill or have volunteered to appear before the Committee to give oral evidence. The Chairman informed the members that any further suggestions from them with regard to the names of witnesses would also be considered by him. He also requested the members to send their suggestions by 1st June, 1974 in respect of the witnesses to be invited to appear before the Committee at its sittings to be held in Bombay and by 15th June, 1974 in respect of the witnesses to be invited to appear before the Committee at its sittings to be held in Delhi.

3. The Committee thereafter decided to meet in Delhi from 13th to 16th July, 1974 instead of from 9th to 12th July, 1974, as decided earlier.

4. The Committee then adjourned at 12.30 P.M. to meet on 27th June, 1974 at Bombay.

## IV

## FOURTH MEETING

The Committee met at 3.00 P.M. on Thursday, the 27th June, 1974, in the Committee Room, Sachivalaya, Bombay.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Kal Mukherjee

4. Shri Ganesh Lal Mali
5. Shri Emonsing M. Sangma
6. Shri Omprakash Tyagi
7. Shri Kalyan Roy
8. Shri S. S. Mariswamy
9. Shri D. Y. Pawar
10. Shri Abu Abraham
11. Shri Vishwanatha Menon
12. Shri Bhupinder Singh
13. Shri Ram Niwas Mirdha

*Lok Sabha*

14. Shrimati Mukul Banerji
15. Shri Bashweshwar Nath Bhargava
16. Shri C. K. Chandrappan
17. Shri P. K. Deo
18. Shrimati Marjorie Godfrey
19. Shri J. G. Kadam
20. Kumari Kamla Kumari
21. Shrimati Parvathi Krishnan
22. Shri Malikarjun
23. Shri Shyamnandan Mishra
24. Shri F. H. Mohsin
25. Shri Narsingh Narain Pandey
26. Shri S. T. Pandit
27. Shri Krishnarao Patil
28. Shri Ram Dhan
29. Shri Ram Singh Bhai
30. Shrimati B. Radhabai Ananda Rao
31. Shri Jagannath Rao
32. Shri Umed Singh Rathia
33. Shri S. C. Samanta
34. Shri M. R. Sharma
35. Shri Sant Bux Singh
36. Shri Atal Bihari Vajpayee
37. Shri Virbhadra Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri C. V. Narasimhan, Joint Secretary.

SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

2. The Chairman welcomed the Members to the meetings of the Committee at Bombay.

3. The Committee heard the oral evidence tendered by the following witnesses:—

- I. (i) Shri V. P. Naik, Chief Minister, Maharashtra
- (ii) Shri A. R. Antulay, Minister for Buildings, Communications and Law, Government of Maharashtra.
- (iii) Shri S. B. Chavan, Minister for Agriculture, Government of Maharashtra.
- (iv) Shri V. B. Patil, Minister for Irrigation and Power, Government of Maharashtra.
- (v) Shri M. D. Chaudhary, Minister for Finance, Government of Maharashtra.

II. *Representatives of the Government of Maharashtra:*

- (i) Shri D. D. Sathe, Chief Secretary.
- (ii) Shri V. Subramanian, Secretary, Home Department.
- (iii) Shri K. K. Moghe, Secretary, Education Department.

III. *Representatives of the Roman Catholic Archdiocese of Bombay:*

- (i) Bishop S. Pimenta
- (ii) Father A. Martins.

IV. Sardar N. S. Bhunvara, General Secretary,  
Sri Guru Singh Sabha, Bombay.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 6.15 P.M. to meet again at 10.00 A.M. on Friday, the 28th June, 1974.

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V

FIFTH MEETING

The Committee met at 10.00 A.M. on Friday, the 28th June, 1974, in the Committee Room, Sachivalaya, Bombay.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Kali Mukherjee
4. Shri Harsh Deo Malaviya
5. Shri Ganesh Lal Mali
6. Shrimati Pratibha Singh

7. Shri Emonsing M. Sangma
8. Shri Omprakash Tyagi
9. Shri Kalyan Roy
10. Shri S. S. Mariswamy
11. Shri Sitaram Singh
12. Shri D. Y. Pawar
13. Shri Abu Abraham
14. Shri Viswanatha Menon
15. Shri Bhupinder Singh
16. Shri Ram Niwas Mirdha

*Lok Sabha*

17. Shrimati Mukul Banerji
18. Shri Bashweshwar Nath Bhargava
19. Shri Chapalendu Bhattacharyya
20. Shri C. K. Chandrappan
21. Shri P. K. Deo
22. Shrimati Marjorie Godfrey
23. Shri J. G. Kadam
24. Kumari Kamla Kumari
25. Shrimati Parvathi Krishnan
26. Shri Malikarjun
27. Shri Shyamnandan Mishra
28. Shri F. H. Mohsin
29. Shri Narsingh Narain Pandey
30. Shri S. T. Pandit
31. Shri Krishnarao Patil
32. Shri Ram Dhan
33. Shri Ram Singh Bhai
34. Shrimati B. Radhabai Ananda Rao
35. Shri Jagannath Rao
36. Shri Umed Singh Rathia
37. Shri S. C. Samanta
38. Shri M. R. Sharma
39. Shri Sant Bux Singh
40. Shri Atal Bihari Vajpayee
41. Shri Virbhadra Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri C. V. Narasimhan, Joint Secretary

SECRETARIAT

Shri M. K. Jain, Deputy Secretary.



2. The Committee heard the oral evidence tendered by the following witnesses:—

I. *Representatives of the Reserve Bank of India:*

- (i) Shri S. Jagannathan, Governor
- (ii) Shri S. S. Shiralkar, Deputy Governor
- (iii) Shri C. L. Thareja, Controller, Exchange Control Department.

II. Shri J. R. Gagrath, Partner, Messrs. Gagrath and Co., Solicitors, Advocates and Notaries, Bombay.

III. Shri Ram Desai, Secretary, Hind Mazdoor Sabha, Bombay.

IV. *Representatives of the Hind Mazdoor Panchayat Bombay:*

- (i) Shri Sadashiv Bagaitkar, Secretary
- (ii) Shri Somnath Dube, Joint Secretary

V. Shri S. M. Joshi

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.55 P.M. to meet again at 10.00 A.M. on Saturday, the 29th June, 1974.

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VI

SIXTH MEETING

The Committee met from 10.00 A.M. to 1.55 P.M. and again from 3.45 P.M. to 6.00 P.M. on Saturday, the 29th June, 1974, in the Committee Room, Sachivalaya, Bombay.

MEMBERS PRESENT

*Rajya Sabha*

- 1. Shri Manubhai Shah—*Chairman*
- 2. Shri Chakrapani Shukla
- 3. Shri Gulabrao Patil
- 4. Shri Kali Mukherjee
- 5. Shri Harsh Deo Malaviya
- 6. Shri Ganesh Lal Mali
- 7. Shrimati Pratibha Singh
- 8. Shri Qasim Ali Abid
- 9. Shri Emonsing M. Sangma
- 10. Shri Omprakash Tyagi
- 11. Shri Kalyan Roy
- 12. Shri Sitaram Singh
- 13. Shri D. Y. Pawar

14. Shri Abu Abraham
15. Shri Viswanatha Menon
16. Shri Bhupinder Singh

*Lok Sabha*

17. Shrimati Mukul Banerji
18. Shri Bashweshwar Nath Bhargava
19. Shri Chapalendu Bhattacharyya
20. Shri C. K. Chandrappan
21. Shri P. K. Deo
22. Shrimati Marjorie Godfrey
23. Shri Samar Guha
24. Kumari Kamla Kumari
25. Shrimati Parvathi Krishnan
26. Shri Shyamnandan Mishra
27. Shri F. H. Mohsin
28. Shri Samar Mukherjee
29. Shri Narsingh Narain Pandey
30. Shri S. T. Pandit
31. Shri Krishnarao Patil
32. Shri Ram Dhan
33. Shri Ram Singh Bhai
34. Shrimati B. Radhabai Ananda Rao
35. Shri Jagannath Rao
36. Shri Uméd Singh Rathia
37. Shri S. C. Samanta
38. Shri M. R. Sharma
39. Shri Hari Kishore Singh
40. Shri Sant Bux Singh
41. Shri Atal Bihari Vajpayee
42. Shri Virbhadra Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri C. V. Narasimhan, Joint Secretary

SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

I. *Representatives of the Government of Gujarat:*

- (i) Shri H. C. Sarin, Adviser to the Governor of Gujarat.
- (ii) Shri H. T. Sadhwani, Chief Secretary to the Government of Gujarat.
- (iii) Shri R. B. Shukla, Education Secretary, Gujarat.

II. Representative of the Indian National Trade Union Congress and Petroleum and Chemical Industrial Workers Federation, Bombay:

Shri Raja Kulkarni, M.P.

III. Representatives of the Dadra and Nagar Haveli Administration:

(i) Shri Jagdish Sagar, Collector

(ii) Shri Anil Chopra, Collector-designate

IV. Representatives of the Bar Association of High Court of Bombay:

(i) Shri Ashok N. Vyas, Hon. Secretary

(ii) Shri Porus Mehta

(iii) Mrs. Sujata Manohar

(iv) Shri Anil Divan

V. Shri Rajni Patel, President, Bombay Pradesh Congress Committee and President of the Rashtriya Mill Mazdoor Sangh, Bombay.

VI. (i) Shri S. A. Dange, Chairman, Communist Party of India and General Secretary, All India Trade Union Congress.

(ii) Mrs. Roza Deshpande, M. P.

(iii) Shri G. V. Chitnis

(iv) Shri L. S. Karkhanis

A verbatim record of the evidence was kept.

3. The Committee adjourned at 6.00 P.M. to meet again at 10.30 A.M. on Monday, the 1st July, 1974.

## VII

### SEVENTH MEETING

The Committee met from 10.30 A.M. to 2.00 P.M. and again from 3.30 P.M. to 6.00 P.M. on Monday, the 1st July, 1974, in the Committee Room, Sachivalaya, Bombay.

#### MEMBERS PRESENT

##### *Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Gulabrao Patil
4. Shri Kali Mukherjee
5. Shri Harsh Deo Malaviya
6. Shri Ganesh Lal Mali
7. Shrimati Pratibha Singh
8. Shri Qasim Ali Abid
9. Shri Emonsing M. Sangma
10. Shri Omprakash Tyagi
11. Shri Kalyan Roy
12. Shri Sitaram Singh
13. Shri D. Y. Pawar
14. Shri Abu Abraham
15. Shri Viswanatha Menon
16. Shri Bhupinder Singh

*Lok Sabha*

17. Shrimati Mukul Banerji
18. Shri Bashweshwar Nath Bhargava
19. Shri C. K. Chandrappan
20. Shri P. K. Deo
21. Shrimati Marjorie Godfrey
22. Shri J. Matha Gowder
23. Shri Samar Guha
24. Shri J. G. Kadam
25. Shrimati Parvathi Krishnan
26. Shri Shyamnandan Mishra
27. Shri Samar Mukherjee
28. Shri Narsingh Narain Pandey
29. Shri S. T. Pandit
30. Shri Krishnarao Patil
31. Shri S. Radhakrishnan
32. Shri Ram Dhan
33. Shri Ram Singh Bhai
34. Shrimati B. Radhabai Ananda Rao
35. Shri S. C. Samanta
36. Shri M. R. Sharma
37. Shri Hari Kishore Singh
38. Shri Sant Bux Singh
39. Shri Atal Bihari Vajpayee
40. Shri Virbhadra Singh

## REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri C. V. Narasimhan, Joint Secretary

## SECRETARIAT

Shri M. K. Jain, Deputy Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

- I. Shri R. S. Kulkarni, Deputy Commissioner of Police, C.I.D. (Crime), Government of Maharashtra.
- II. Shri Babubhai M. Chinai, M. P.
- III. (i) Shri Bal Thakare, Chief of Shiva Sena, Bombay.  
(ii) Shri Manohar Joshi, M.L.C., Maharashtra.
- IV. Shri Madhu Mehta, Vice-President, Swatantra Party.
- V. Shri S. R. Vakil, Solicitor and Notary and Director, Tata Industries, Bombay.
- VI. Shri V. K. Narasimhan, Editor, The Financial Express, Bombay.

A verbatim record of the evidence was kept.

3. The Chairman announced that as decided by the Committee earlier, the next series of sittings of the Committee will be held at New Delhi from the 13th to 16th July, 1974. The Committee, however, decided that the meeting fixed for Sunday, the 14th July, 1974, may be cancelled.

4. The Committee expressed its grateful thanks to the Chief Minister Maharashtra, the Chief Secretary and other officers of the Government of Maharashtra for the excellent and elaborate arrangements made for holding the meetings of the Committee and for the co-operation extended by them to facilitate the work of the Committee and the stay of Members.

5. The Committee then adjourned at 6.00 P.M. to meet again at 10.00 A.M. on Saturday, the 13th July, 1974 at New Delhi.

## VIII

### EIGHTH MEETING

The Committee met at 10.00 A.M. on Saturday, the 13th July, 1974.

#### MEMBERS PRESENT

##### *Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Kali Mukherjee
4. Shri Harsh Deo Malaviya
5. Shri Ganesh Lal Mali
6. Shrimati Pratibha Singh
7. Shri Emonsing M. Sangma
8. Shri Shyamlal Gupta
9. Shri Omprakash Tyagi
10. Shri Kalyan Roy
11. Shri S. S. Mariswamy
12. Shri D. Y. Pawar
13. Shri Abu Abraham
14. Shri Viswanatha Menon
15. Shri Bhupinder Singh
16. Shri Ram Niwas Mirdha

##### *Lok Sabha*

17. Shrimati Mukul Banerji
18. Shri Bashweshwar Nath Bhargava
19. Sardar Buta Singh
20. Shri C. K. Chandrappan
21. Shrimati Marjorie Godfrey
22. Shri J. Matha Gowder
23. Shri Samar Guha
24. Shri J. G. Kadam
25. Shri Kinder Lal
26. Kumari Kamla Kumari

27. Shri Shyamnandan Mishra
28. Shri Samar Mukherjee
29. Shri Narsingh Narain Pandey
30. Shri S. T. Pandit
31. Shri Krishnarao Patil
32. Shri Ram Dhan
33. Shri Ram Singh Bhai
34. Shrimati B. Radhabai Ananda Rao
35. Shri Jagannath Rao
36. Shri Umed Singh Rathia
37. Shri Mulki Raj Saini
38. Shri S. C. Samanta
39. Shri M. R. Sharma
40. Shri Sant Bux Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

- Shri S. K. Maitra, Joint Secretary and Legislative Counsel  
 Shri V. S. Bhashyam, Deputy Legislative Counsel

*Ministry of Home Affairs*

- Shri C. V. Narasimhan, Joint Secretary  
 Shri A. C. Sen, Deputy Secretary

SECRETARIAT

- Dr. M. S. Panigrahi, Joint Secretary  
 Shri M. K. Jain, Deputy Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

I. Shri D. Sen, Director,  
 Central Bureau of Investigation,  
 New Delhi.

II. Shri M. G. Kaul,  
 Secretary to the Government of India,  
 Ministry of Finance (Department of Economic Affairs)  
 New Delhi.

III. Representatives of the Friends of Moral Re-armament (India):

- (i) Shri R. D. Mathur, Director,  
 Asia Plateau, Panchgani (Maharashtra)
- (ii) Shri Anil Kumar
- (iii) Shri Niketu Iralu, Trustee

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 2.05 P.M. to meet again at 11.30 A.M. on Monday, the 15th July, 1974.

## IX

## NINTH MEETING

The Committee met from 11.30 A.M. to 1.52 P.M. and again from 3.30 P.M. to 5.25 P.M. on Monday, the 15th July, 1974.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Harsh Deo Malaviya
4. Shri Ganesh Lal Mali
5. Shrimati Pratibha Singh
6. Shri Emonsing M. Sangma
7. Shri Shyamlal Gupta
8. Shri Omprakash Tyagi
9. Shri Kalyan Roy
10. Shri D. Y. Pawar
11. Shri Abu Abraham
12. Shri Viswanatha Menon
13. Shri Bhupinder Singh
14. Shri Ram Niwas Mirdha

*Lok Sabha*

15. Shrimati Mukul Banerji
16. Shri C. K. Chandrappan
17. Shri Dharnidhar Das
18. Shri P. K. Deo
19. Shrimati Marjorie Godfrey
20. Shri Samar Guha
21. Shri Kinder Lal
22. Kumari Kamla Kumari
23. Shri Malikarjun
24. Shri Shyamnandan Mishra
25. Shri Samar Mukherjee
26. Shri Narsingh Narain Pandey
27. Shri S. Radhakrishnan
28. Shri Ram Dhan
29. Shri Ram Singh Bhai
30. Shrimati B. Radhabai Ananda Rao
31. Shri Jagannath Rao
32. Shri Umed Singh Rathia
33. Shri Mulki Raj Saini
34. Shri S. C. Samanta

35. Shri M. R. Sharma
36. Shri Sant Bux Singh
37. Shri Atal Bihari Vajpayee

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel  
 Shri V. S. Bhashyam, Deputy Legislative Counsel

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary  
 Shri A.C. Sen, Deputy Secretary

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary  
 Shri M. K. Jain, Deputy Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

I. *Representatives of the All India Newspaper Editors' Conference:*

- (i) Shri A. K. Jain, Editor, Navbharat Times
- (ii) Shri Vishwa Bandhu Gupta, Editor, 'Daily Tej'
- (iii) Shri Jang Bahadur Singh, Chief Editor, 'Sher-i-Punjab'
- (iv) Shri Jag Parvesh Chandra, Office Secretary, All India Newspaper Editors' Conference.

II. *Representatives of the National Christian Council of India, New Delhi:*

- (i) Rev. M. A. Z. Rolston
- (ii) Shri V. H. Devadas

III. *Representatives of the Catholic Bishops' Conference of India, New Delhi:*

- (i) Fr. Jonas Thaliath, Deputy Secretary-General
- (ii) Fr. A. Nazareth, Assistant Secretary

IV. *Representatives of the Indian National Church, New Delhi:*

- (i) Shri Kanwal
- (ii) Shri A. K. Bhagat

V. *Representative of the Churches Auxiliary for Social Action, New Delhi:*

Shri S. Ponraj, Executive Secretary

(The witnesses at II, III, IV and V above appeared together).

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 5.25 P.M. to meet again at 10.00 A.M. on Tuesday, the 16th July, 1974.



## TENTH MEETING

The Committee met from 10.00 A.M. to 1.15 P.M. and again from 3.30 P.M. to 6.15 P.M. on Tuesday, the 16th July, 1974.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Gulabrao Patil
4. Shri Harsh Deo Malaviya
5. Shri Ganesh Lal Mali
6. Shrimati Pratibha Singh
7. Shri Emonsing M. Sangma
8. Shri Shyamlal Gupta
9. Shri Omprakash Tyagi
10. Shri Kalyan Roy
11. Shri D. Y. Pawar
12. Shri Abu Abraham
13. Shri Bhupinder Singh

*Lok Sabha*

14. Shrimati Mukul Banerji
15. Shri Bashweshwar Nath Bhargava
16. Shri C. K. Chandrappan
17. Shri Dharnidhar Das
18. Shri P. K. Deo
19. Shrimati Marjorie Godfrey
20. Shri Samar Guha
21. Shri J. G. Kadam
22. Shri Kinder Lal
23. Kumari Kamla Kumari
24. Shri Shyamnandan Mishra
25. Shri F. H. Mohsin
26. Shri Samar Mukherjee
27. Shri Narsingh Narain Pandey
28. Shri S. T. Pandit
29. Shri Krishnarao Patil
30. Shri S. Radhakrishnan
31. Shri Ram Dhan
32. Shri Ram Singh Bhai
33. Shrimati B. Radhabai Ananda Rao

34. Shri Jagannath Rao
35. Shri Umed Singh Rathia
36. Shri Mulki Raj Saini
37. Shri S. C. Samanta
38. Shri M. R. Sharma
39. Shri Nuggeshalli Shivappa
40. Shri Sant Bux Singh
41. Shri Atal Bihari Vajpayee

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel  
 Shri V. S. Bhashyam, Deputy Legislative Counsel

*Ministry of Home Affairs*

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Dr. M. S. Panigrahi, Joint Secretary

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumdar, Under Secretary

2. The Committee considered its future programme of sittings. Members were of the view that in order to ascertain opinions of more witnesses from the Eastern and Southern regions of the country, the Committee should, subject to the permission of the Chairman, Rajya Sabha, meet,—

- (i) at Calcutta from 16th to 19th September, 1974 to hear oral evidence from witnesses from West Bengal, Bihar, Assam etc.;
- (ii) at Kohima on the 20th and 21st September, 1974 to hear oral evidence from witnesses from Nagaland, Manipur etc.; and
- (iii) at Madras from 7th to 11th October, 1974 to hear oral evidence from witnesses from the States of Andhra Pradesh, Mysore, Tamil Nadu and Kerala.

Accordingly, the Chairman was authorised to obtain permission of the Chairman, Rajya Sabha, for the Committee to hold its meetings at the aforesaid places, as required under the Rules of Procedure and Conduct of Business in the Rajya Sabha.

3. The Chairman requested members to suggest, for his consideration, names of witnesses who may be invited to appear before the Committee at its meetings to be held at Calcutta, Kohima and Madras.

4. The Committee, thereafter, heard the oral evidence tendered by the following witnesses:

- I. Shri Dilip Mukherjee, Chief of Bureau, Times of India, New Delhi.
  - II. Shri S. Mulgaonkar, Editor, Indian Express, New Delhi.
  - III. Representatives of the Indian Federation of United Nations Associations, New Delhi:
    - (i) Shri S. D. Pandey, Advocate and Secretary.
    - (ii) Shri O. P. Chowdhury, Advocate and Member.
  - IV. Dr. George Jacob, Chairman, University Grants Commission, New Delhi.
  - V. Representatives of the Gandhi Peace Foundation, New Delhi:
    - (i) Shri Radhakrishna, Secretary
    - (ii) Shri A. C. Sen, Secretary, Association of Voluntary Agencies for Rural Development.
    - (iii) Shri Rameshwar Thakur, Chartered Accountant.
    - (iv) Shri N. Krishnaswamy, Director, Voluntary Action Cell.
  - VI. Shri P. T. Kuriakose, Director, Vishwa Yuvak Kendra, New Delhi.
  - VII. Representatives of the Globe Detective Agency, Private Limited, New Delhi:
    - (i) Col. D. K. Roy, General Manager.
    - (ii) Shri Prem Kumar, Managing Director.
- A verbatim record of the evidence was kept.
5. The Committee then adjourned at 6.15 P.M.

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 XI

## ELEVENTH MEETING

The Committee met at 3.00 P.M. on Monday, the 16th September, 1974, in the erstwhile Council Chamber, West Bengal Legislative Assembly Building, Calcutta.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri G. R. Patil
3. Shri Kali Mukherjee
4. Shri Harsh Deo Malaviya
5. Shri Ganesh Lal Mali
6. Shrimati Pratibha Singh
7. Shri Omprakash Tyagi
8. Shri Sitaram Singh

9. Shri Abu Abraham
10. Shri Vishwanatha Menon
11. Shri Bhupinder Singh.

*Lok Sabha*

12. Shrimati Mukul Banerji
13. Shri Jyotirmoy Bosu
14. Shri C. K. Chandrappan
15. Shri Dharnidhar Das
16. Shrimati Marjorie Godfrey
17. Shri Samar Guha
18. Shri J. G. Kadam
19. Kumari Kamla Kumari
20. Shri Malikarjun
21. Shri F. H. Mohsin
22. Shri S. T. Pandit
23. Shri Krishnarao Patil
24. Shri Ram Dhan
25. Shri Ram Singh Bhai
26. Shrimati B. Radhabai Ananda Rao
27. Shri Mulki Raj Saini
28. Shri S. C. Samanta
29. Shri M. R. Sharma
30. Shri Harj Kishore Singh
31. Shri Sant Bux Singh.

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri R. D. Kapur, Under Secretary.

SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumdar, Under Secretary.

2. The Chairman welcomed the Members to the meetings of the Committee at Calcutta.

3. The Committee heard the oral evidence tendered by the following witnesses:—

I. Shri Mrityunjoy Banerjee, Education Minister, West Bengal.

II. Representatives of the Government of West Bengal:

(i) Shri B. R. Gupta, Chief Secretary.

(ii) Shri B. Mukhopadhyay, Special Secretary, Home Department.

(iii) Shri R. K. Gupta, Inspector-General of Police, West Bengal.

- (iv) Shri D. K. Guha, Education Commissioner, West Bengal.
- (v) Shri Sunil Choudhuri, Commissioner of Police, Calcutta.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 6.35 P.M. to meet again at 10.00 A.M. on Tuesday, the 17th September, 1974.

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## XII

### TWELFTH MEETING

The Committee met at 10.00 A.M. on Tuesday, the 17th September, 1974, in the erstwhile Council Chamber, West Bengal Legislative Assembly Building, Calcutta.

#### MEMBERS PRESENT

##### *Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri G. R. Patil
3. Shri Kali Mukherjee
4. Shri Ganesh Lal Mali
5. Shrimati Pratibha Singh
6. Shri Omprakash Tyagi
7. Shri Sitaram Singh
8. Shri Abu Abraham
9. Shri Vishwanatha Menon
10. Shri Bhupinder Singh

##### *Lok Sabha*

11. Shrimati Mukul Banerji
12. Shri Chapalendu Bhattacharyya
13. Shri Jyotirmoy Bosu
14. Shri C. K. Chandrappan
15. Shri Dharnidhar Das
16. Shrimati Marjorie Godfrey
17. Shri Samar Guha
18. Shri J. G. Kadam
19. Kumari Kamla Kumari
20. Shri Jharkhande Rai
21. Shri F. H. Mohsin
22. Shri Narsingh Narain Pandey
23. Shri S. T. Pandit

24. Shri Krishnarao Patil
25. Shri Ram Dhan
26. Shri Ram Singh Bhai
27. Shrimati B. Radhabai Ananda Rao
28. Shri Mulki Raj Saini
29. Shri S. C. Samanta
30. Shri M. R. Sharma
31. Shri Hari Kishore Singh
32. Shri Sant Bux Singh.

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri R. D. Kapur, Under Secretary.

SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumdar, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:

- I. Shri Suhrid Mullick Chowdhury, M.P., General Secretary, Marxist Forward Block, Calcutta.
- II. (i) Shri Sookamal Kanti Ghosh, Editor, Jugantar, Calcutta.  
(ii) Shri Niranjana Sengupta, Assistant Editor, Jugantar, Calcutta.
- III. Shri S. K. Basu, Managing Director, National Book Agency, Calcutta.
- IV. Representatives of Jawahir Press, Calcutta:
  - (i) Shri Nandlal Jain
  - (ii) Shri Haresh Chandra Ganguli, Advocate.
- V. Shri Mahabir Prasad Choudhry, Advocate, Calcutta.
- VI. Shri Shyamapada Mukherji, Social Worker, Calcutta.

(Witnesses mentioned at III, IV, V and VI appeared together).

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.45 P.M. to meet again at 10.30 A.M. on Wednesday, the 18th September, 1974.

## XIII

## THIRTEENTH MEETING

The Committee met at 10.40 A.M. on Wednesday, the 18th September, 1974, in the erstwhile Council Chamber, West Bengal Legislative Assembly Building, Calcutta.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri G. R. Patil
4. Shri Kali Mukherjee
5. Shri Ganesh Lal Mali
6. Shri Shamlal Gupta
7. Shri Omprakash Tyagi
8. Shri Sitaram Singh
9. Shri D. Y. Pawar
10. Shri Abu Abraham
11. Shri Vishwanatha Menon
12. Shri Bhupinder Singh.

*Lok Sabha*

13. Shrimati Mukul Banerji
14. Shri Chapalendu Bhattacharyya
15. Shri C. K. Chandrappan
16. Shri Dharnidhar Das
17. Shrimati Marjorie Godfrey
18. Shri Samar Guha
19. Shri J. G. Kadam
20. Kumari Kamla Kumari
21. Shri Jharkhande Rai
22. Shri Shyamnandan Mishra
23. Shri F. H. Mohsin
24. Shri Narsingh Narain Pandey
25. Shri S. T. Pandit
26. Shri Arvind M. Patel
27. Shri Krishnarao Patil
28. Shri S. Radhakrishnan
29. Shri Ram Dhan
30. Shri Ram Singh Bhai
31. Shrimati B. Radhabai Ananda Rao
32. Shri Mulki Raj Saini

33. Shri S. C. Samanta
34. Shri M. R. Sharma
35. Shri Hari Kishore Singh
36. Shri Sant Bux Singh

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XIV

FOURTEENTH MEETING

The Committee met at 10.15 A.M. on Thursday, the 19th September, 1974, in the erstwhile Council Chamber, West Bengal Legislative Assembly Building, Calcutta.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Gulabrao Patil
4. Shri Kali Mukherjee
5. Shri Ganesh Lal Mali
6. Shri Kasim Ali Abid
7. Shri Shamlal Gupta
8. Shri Sitaram Singh
9. Shri D. Y. Pawar
10. Shri Abu Abraham
11. Shri Vishwanatha Menon
12. Shri Bhupinder Singh

*Lok Sabha*

13. Shrimati Mukul Banerji
14. Shri Bashweshwar Nath Bhargava
15. Shri Chapalendu Bhattacharyya
16. Shri C. K. Chandrappan
17. Shri Dharnidhar Das
18. Shrimati Marjorie Godfrey
19. Shri Samar Guha
20. Shri J. G. Kadam
21. Kumari Kamla Kumari
22. Shri Jharkhande Rai
23. Shri Shyamnandan Mishra
24. Shri F. H. Mohsin
25. Shri Samar Mukherjee
26. Shri Narsingh Narain Pandey
27. Shri S. T. Pandit



28. Shri Arvind M. Patel
29. Shri Krishnarao Patil
30. Shri S. Radhakrishnan
31. Shri Ram Dhan
32. Shri Ram Singh Bhai
33. Shrimati B. Radhabai Ananda Rao
34. Shri Mulki Raj Saini
35. Shri S. C. Samanta
36. Shri M. R. Sharma
37. Shri Hari Kishore Singh
38. Shri Sant Bux Singh.

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri R. D. Kapur, Under Secretary.

SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

Shri R. K. Mazumdar, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

I. Representatives of the Indian Chamber of Commerce, Calcutta:

- (i) Shri C. S. Pande, Secretary General.
- (ii) Shri R. B. Shah.
- (iii) Shri R. Lodha.
- (iv) Shri M. Choudhry.

II. Representatives of the Bharat Chamber of Commerce, Calcutta:

- (i) Shri S. B. Goenka, President.
- (ii) Shri Kanailall Dey, Senior Vice-President.
- (iii) Shri C. D. Thakkar, Vice-President.
- (iv) Shri R. R. Bhiwaniwalla, Former President and Committee Member.
- (v) Shri K. C. Mukherjee, Secretary.

(Witnesses mentioned at I and II appeared together).

III. Representative of the Indian National Democratic Front, Calcutta:

Shri Saibal Chatterjee.

IV. Representatives of the Socialist Unity Centre of India, Calcutta:

- (i) Shri Ashutosh Banerjee, Secretary, District Committee.

(ii) Shri Pritish Chanda, Member, Central Committee.

(Witnesses mentioned at III and IV appeared together).

V. Representative of the University of Patna, Patna:

Dr. R. C. Hingorani, Dean, Faculty of Law.

VI. Representatives of the Government of Orissa:

(i) Shri P. Misra, Home Secretary.

(ii) Shri N. Swain, Inspector-General of Police.

(iii) Shri S. M. Patnaik, Deputy Secretary.

A verbatim record of the evidence was kept.

3. The Chairman expressed grateful thanks on behalf of the Committee to the Chief Minister, West Bengal, Chief Secretary and other officers of the Government of West Bengal, the Speaker, the Secretary, and other officers and staff of the West Bengal Legislative Assembly for the excellent and elaborate arrangements made for holding the meetings of the Committee and for the co-operation extended by them to facilitate the work of the Committee and the stay of Members at Calcutta.

4. The Committee then adjourned at 1.25 P.M. to meet again at 10.00 A.M. on Saturday, the 21st September, 1974 in Shillong.

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XV

FIFTEENTH MEETING

The Committee met from 10.00 A.M. to 1.15 P.M. and again from 3.00 P.M. to 5.00 P.M. on Saturday, the 21st September, 1974, in the Committee Room of the Meghalaya Legislative Assembly Building, Shillong.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Harsh Deo Malaviya
4. Shri Ganesh Lal Mali
5. Shri Kasim Ali Abid
6. Shri Emonsing M. Sangma
7. Shri Shamlal Gupta
8. Shri Omprakash Tyagi
9. Shri Sitaram Singh
10. Shri D. Y. Pawar
11. Shri Abu Abraham
12. Shri Bhupinder Singh

## Lok Sabha

13. Shrimati Mukul Banerji
14. Shri Chapalendu Bhattacharyya
15. Shri C. K. Chandrappan
16. Shri Dharnidhar Das
17. Shri J. G. Kadam
18. Kumari Kamla Kumari
19. Shri Jharkhande Rai
20. Shri F. H. Mohsin
21. Shri Samar Mukherjee
22. Shri Narsingh Narain Pandey
23. Shri S. T. Pandit
24. Shri Arvind M. Patel
25. Shri Krishnarao Patil
26. Shri S. Radhakrishnan
27. Shri Ram Dhan
28. Shri Ram Singh Bhai
29. Shrimati B. Radhabai Ananda Rao
30. Shri Mulki Raj Saini
31. Shri S. C. Samanta
32. Shri M. R. Sharma
33. Shri Sant Bux Singh.

## REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri R. D. Kapur, Under-Secretary.

## SECRETARIAT

Shri M. K. Jain, Deputy Secretary

Shri R. K. Mazumdar, Under Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- I. (i) Shri W. A. Sangma, Chief Minister of Meghalaya  
(ii) Shri B. B. Lyngdoh, Law Minister of Meghalaya.
- II. Representatives of the Government of Meghalaya:
  - (i) Shri V. Ramakrishnan, Home Secretary
  - (ii) Shri A. Rehman, Inspector-General of Police
  - (iii) Shri M. S. Iyer, Deputy Inspector General of Police
  - (iv) Shri S. N. Phukan, Legal Remembrancer.
- III. Most Rev. Hubert D' Rosario, Archbishop of Shillong—Gauhati, Shillong.

IV. Representatives of the Presbyterian Church of North East India:

(i) Mr. E. H. Pakyatein

(ii) Mr. W. Syiemlich

V. (i) Rev. Longri Ao, President, Council of Baptist Churches in North East India.

(ii) Rev. H. K. Lungalong, Field Director, Zoliong Area Baptist Association.

VI. Shri B. M. Pugh, Mawlai, Shillong.

VII. Representatives of the Arunachal Pradesh Administration, Itanagar:

(i) Shri M. L. Kampani, Chief Secretary

(ii) Shri S. R. Das, Deputy Secretary (Law)

A verbatim record of the evidence was kept.

3. The Chairman expressed grateful thanks on behalf of the Committee to the Chief Minister, Meghalaya, the Chief Secretary, Secretary, Department of Parliamentary Affairs and other officers of the Government of Meghalaya, the Speaker, the Secretary and other officers and staff of the Meghalaya Legislative Assembly for the excellent and elaborate arrangements made for holding the meetings of the Committee and for the cooperation extended by them to facilitate the work of the Committee and stay of Members at Shillong.

4. The Committee then adjourned at 5.00 P.M. to meet at 3.00 P.M. on Monday, the 7th October, 1974 in Madras.

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XVI

SIXTEENTH MEETING

The Committee met at 3.00 P.M. on Monday, the 7th October, 1974 in the Committee Room, Legislators' Hostel (Old), Tamil Nadu, Madras.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Kali Mukherjee
4. Shri Ganesh Lal Mali
5. Shrimati Pratibha Singh
6. Shri Emonsing M. Sangma
7. Shri Omprakash Tyagi
8. Shri S. S. Mariswamy
9. Shri Abu Abraham
10. Shri Vishwanatha Menon

*Lok Sabha*

11. Shri R. Balakrishna Pillai
12. Shri Bashweshwar Nath Bhargava
13. Shri Dharnidhar Das
14. Shrimati Marjorie Godfrey
15. Shri J. Matha Gowder
16. Shri J. G. Kadam
17. Shri Kinder Lal
18. Kumari Kamla Kumari
19. Shri Jharkhande Rai
20. Shri Krishnan Manoharan
21. Shri F. H. Mohsin
22. Shri Samar Mukherjee
23. Shri S. T. Pandit
24. Shri Arvind M. Patel
25. Shri Krishnarao Patil
26. Shri S. Radhakrishnan
27. Shri Ram Dhan
28. Shri Ram Singh Bhai
29. Shri Jagannath Rao
30. Shri Mulki Raj Saini
31. Shri S. C. Samanta
32. Shri M. R. Sharma
33. Shri Sant Bux Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri C. V. Narasimhan, Joint Secretary.

## SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

2. The Chairman welcomed the members to the meetings of the Committee at Madras.

3. The Committee heard the oral evidence tendered by the following witnesses:—

Representatives of the Government of Tamil Nadu:—

- (i) Shri H. K. Ghazi, Home Secretary,
- (ii) Shri C. Balasubramaniam, Law Secretary,
- (iii) Shri F. V. Arul, Inspector-General of Police,
- (iv) Shri R. Shanmugasigamani, Deputy-Secretary, Department of Education.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 4.00 P.M. to meet again at 11.00 A.M. on Tuesday, the 8th October, 1974.

## XVII

## SEVENTEENTH MEETING

The Committee met at 11.00 A.M. on Tuesday, the 8th October, 1974, in the Committee Room, Legislators' Hostel (Old), Tamil Nadu, Madras.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Ganesh Lal Mali
4. Shrimati Pratibha Singh
5. Shri Emonsing M. Sangma
6. Shri Omprakash Tyagi
7. Shri Abu Abraham
8. Shri Vishwanatha Menon
9. Shri Bhupinder Singh

*Lok Sabha*

10. Shri Bashweshwar Nath Bhargava
11. Shri Dharnidhar Das
12. Shrimati Marjorie Godfrey
13. Shri J. Matha Gowder
14. Shri Samar Guha
15. Shri J. G. Kadam
16. Shri Kinder Lal
17. Kumari Kamla Kumari
18. Shri Jharkhande Rai
19. Shri Mallikarjun
20. Shri Krishnan Manoharan
21. Shri Shyamnandan Mishra
22. Shri F. H. Mohsin
23. Shri Samar Mukherjee
24. Shri S. T. Pandit
25. Shri Arvind M. Patel
26. Shri Krishnarao Patil
27. Shri S. Radhakrishnan
28. Shri Ram Dhan
29. Shri Ram Singh Bhai
30. Shri Mulki Raj Saini
31. Shri S. C. Samanta
32. Shri M. B. Sharma
33. Shri Sant Bux Singh.

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS  
Shri C. V. Narasimhan, Joint Secretary.

## SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

2. The Committee heard the oral evidence tendered by the following witness:—

Shri S. Narayanaswamy, M.L.C., Former President, Southern India Chamber of Commerce, Madras.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 12.55 P.M. to meet again at 10.00 A.M. on Wednesday, the 9th October, 1974.

## XVIII

## EIGHTEENTH MEETING

The Committee met at 10.10 A.M. on Wednesday, the 9th October, 1974 in the Committee Room, Legislators' Hostel (Old) Tamil Nadu, Madras.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Harsh Deo Malaviya
4. Shri Ganesh Lal Mali
5. Shrimati Pratibha Singh
6. Shri Emonsing M. Sangma
7. Shri Omprakash Tyagi
8. Shri Kalyan Roy
9. Shri S. S. Mariswamy
10. Shri D. Y. Pawar
11. Shri Abu Abraham
12. Shri Vishwanatha Menon
13. Shri Bhupinder Singh

*Lok Sabha*

14. Shri Bashweshwar Nath Bhargava
15. Shri Chapalendu Bhattacharyya
16. Shri C. K. Chandrappan
17. Shri Dharnidhar Das
18. Shrimati Marjorie Godfrey

19. Shri J. Matha Gowder
20. Shri Samar Guha
21. Shri J. G. Kadam
22. Shri Kinder Lal
23. Kumari Kamla Kumari
24. Shri Jharkhande Rai
25. Shri Malikarjun
26. Shri Shyamnandan Mishra
27. Shri Samar Mukherjee
28. Shri S. T. Pandit
29. Shri Arvind M. Patel
30. Shri Krishnarao Patil
31. Shri S. Radhakrishnan
32. Shri Ram Dhan
33. Shri Ram Singh Bhai
34. Shrimati B. Radhabai Ananda Rao
35. Shri Mulki Raj Saini
36. Shri S. C. Samanta
37. Shri M. R. Sharma

**REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS**

Shri C. V. Narasimhan, Joint Secretary.

**SECRETARIAT**

Shri M. K. Jain, Deputy Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- I. Shri V. P. V. Rajan, Editor, Daily Mail, Madras.
- II. Mrs. D. Gopal Ratnam, General Secretary, Church of South India, Madras.
- III. Shri P. I. Chandy, Treasurer, Church of South India, Madras.
- IV. Dr. K. Rajaratnam, King Hostel, Vepery, Madras.
- V. Most Rev. Rayappa Arulappa, Archbishop of Madras.
- VI. Rt. Rev. C. M. Visuvasam, Bishop of Coimbatore.
- VII. Rt. Rev. S. Iruthanyaraj, Bishop of Palayam Kottai.
- VIII. Mr. G. S. Reddy, President, Catholic Union of India, Hyderabad.
- IX. Rev. N. Samuel, Carmel, Tiruvannamalai, North Arcot District.

(Witnesses mentioned at II to IX appeared together).

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 1.45 P.M. to meet again at 11.00 A.M. on Thursday, the 10th October, 1974.



## XIX

## NINETEENTH MEETING

The Committee met at 11.00 A.M. on Thursday, the 10th October, 1974 in the Committee Room, Legislators' Hostel (Old) Tamil Nadu, Madras.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Harsh Deo Malaviya
4. Shri Ganesh Lal Mali
5. Shrimati Pratibha Singh
6. Shri Emonsing M. Sangma
7. Shri Omprakash Tyagi
8. Shri Kalyan Roy
9. Shri S. S. Mariswamy
10. Shri D. Y. Pawar
11. Shri Abu Abraham
12. Shri Vishwanatha Menon
13. Shri Bhupinder Singh

*Lok Sabha*

14. Shri R. Balakrishna Pillai
15. Shri Chapalendu Bhattacharyya
16. Shri C. K. Chandrappan
17. Shri Dharnidhar Das
18. Shrimati Marjorie Godfrey
19. Shri J. Matha Gowder
20. Shri J. G. Kadam
21. Kumari Kamla Kumari
22. Shri Jharkhande Rai
23. Shri Malikarjun
24. Shri Shyamnandan Mishra
25. Shri Samar Mukherjee
26. Shri S. T. Pandit
27. Shri Arvind M. Patel
28. Shri Krishnarao Patil
29. Shri S. Radhakrishnan
30. Shri Ram Dhan
31. Shri Ram Singh Bhai

32. Shrimati B. Radhabaj Ananda Rao
33. Shri Mulki Raj Saini
34. Shri S. C. Samanta
35. Shri M. R. Sharma
36. Shri Hari Kishore Singh
37. Shri Sant Bux Singh.

## SECRETARIAT

Shri M. K. Jain, Deputy Secretary.

2. The Committee heard the oral evidence tendered by the following witnesses:—

- I. Shri G. Venkateswaran, Advocate, Madras.
- II. Representatives of the Government of Karnataka:—
  - (i) Shri T. Venkataswamy, Additional Law Secretary.
  - (ii) Shri C. V. S. Rao, I.P.S., Inspector-General of Police.
- III. Shri V. Narayanan Tampi, Additional Law Secretary, Government of Kerala.
- IV. Representatives of the Government of Andhra Pradesh:—
  - (i) Shri P. V. Rathnam, Home Secretary
  - (ii) Shri Abdussalam Khan, I.P.S., Inspector-General of Police.
 (Witnesses mentioned at III and IV appeared together)

3. The Chairman expressed grateful thanks on behalf of the Committee to the Speaker and the Secretary, Tamil Nadu Legislative Assembly, Chairman and Secretary, Tamil Nadu Legislative Council and officers and staff of their Departments and Government of Tamil Nadu for making arrangements for holding the meetings of the Committee and for stay etc. of members at Madras.

4. Members desired that a clause-by-clause summary of the memoranda circulated to members so far as also of oral evidence tendered by the witnesses who appeared before the Committee at its various sittings be prepared by the Ministry of Home Affairs and circulated to members for their use.

5. The Chairman requested members to formulate their suggestions on the various provisions of the Bill and send the same to the Rajya Sabha Secretariat so that they would be circulated among the members of the Joint Committee.

6. The Committee decided to ask for further extension of time for the presentation of its Report upto the last day of the Ninety-third (Monsoon) Session of the Rajya Sabha. The Committee authorised its Chairman or in his absence Shri H. D. Malaviya and Shrimati Pratibha Singh to move the necessary motion in the House.

7. The Committee then authorised the Chairman to fix the next series of meetings of the Committee sometime after the ensuing session of the Rajya Sabha.

8. The Committee then adjourned at 2.10 P.M.

## XX

## TWENTIETH MEETING

The Committee met at 11.00 A.M. on Monday, the 13th January, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Kali Mukherjee
5. Shri Harsh Deo Malaviya
6. Shri Ganesh Lal Mali
7. Shrimati Pratibha Singh
8. Shri Emonsing M. Sangma
9. Shri Shamlal Gupta
10. Shri Omprakash Tyagi
11. Shri Kalyan Roy
12. Shri Sitaram Singh
13. Shri Abu Abraham
14. Shri Vishwanatha Menon
15. Shri Bhupinder Singh

*Lok Sabha*

16. Shrimati Mukul Banerji
17. Shri Bashweshwar Nath Bhargava
18. Shri Chapalendu Bhattacharyya
19. Shri C. K. Chandrappan
20. Shri Dharnidhar Das
21. Shri J. Matha Gowder
22. Shri Samar Guha
23. Shri Kinder Lal
24. Kumari Kamla Kumari
25. Shri Jharkhande Rai
26. Shri Mallikarjun
27. Shri Shyamnandan Mishra
28. Shri F. H. Mohsin
29. Shri Arvind M. Patel
30. Shri Ram Dhan
31. Shrimati B. Radhabai Ananda Rao
32. Shri Jagannath Rao
33. Shri Mulki Raj Saini

34. Shri S. C. Samanta
35. Shri M. R. Sharma
36. Shri Hari Kishore Singh
37. Shri Sant Bux Singh
38. Shri Atal Bihari Vajpayee
39. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES.

*Ministry of Law and Justice*

Shrimati Rama Devi, Deputy Legislative Counsel.

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Chairman made a reference to the tragic death of Shri L. N. Mishra, Minister of Railways, on the 3rd January, 1975. The Committee thereafter observed a minute's silence, all members standing, as a mark of respect to the memory of the deceased.

3. The Committee thereafter heard the oral evidence tendered by the following witnesses:—

- I. Shri S. B. Jain, Special Director, Enforcement Directorate, Cabinet Secretariat, (Department of Personnel and Administrative Reforms), New Delhi.
- II. Shri Dipak B. R. Chaudhuri, Special Correspondent, Maratha Daily, New Delhi.
- III. Dr. Pandhe, Secretary, Centre of Indian Trade Unions, Calcutta.

[Evidence of Dr. Pandhe not concluded]

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 1.55 P.M. to meet again at 10.30 A.M. on Tuesday, the 14th January, 1975.

## XXI

## TWENTY-FIRST MEETING

The Committee met at 10.30 A.M. on Tuesday, the 14th January, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Kali Mukherjee
5. Shri Ganesh Lal Mali
6. Shrimati Pratibha Singh
7. Shri Emonsing M. Sangma
8. Shri Shamlal Gupta
9. Shri Omprakash Tyagi
10. Shri Kalyan Roy
11. Shri Sitaram Singh
12. Shri Abu Abraham
13. Shri Vishwanatha Menon
14. Shri Bhupinder Singh

*Lok Sabha*

15. Shrimati Mukul Banerji
16. Shri Chapalendu Bhattacharyya
17. Shri Dharnidhar Das
18. Shrimati Marjorie Godfrey
19. Shri J. Matha Gowder
20. Shri Samar Guha
21. Shri Kinder Lal
22. Shri Shyamnandan Mishra
23. Shri F. H. Mohsin
24. Shri Samar Mukherjee
25. Shri Ram Dhan
26. Shri Ram Singh Bhai
27. Shrimati B. Radhabai Ananda Rao
28. Shri Jagannath Rao
29. Shri Umed Singh Rathia
30. Shri Mulki Raj Saini
31. Shri S. C. Samanta
32. Shri M. R. Sharma

33. Shri Hari Kishore Singh
34. Shri Sant Bux Singh
35. Shri Atal Bihari Vajpayee
36. Shri Virbhadra Singh
37. Shri C. K. Chandrappan

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shrimati Rama Devi, Deputy Legislative Counsel

*Ministry of Home Affairs*

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

2. The Committee heard the oral evidence tendered by the following witnesses:—

- I. Dr. M. K. Pandhe, Secretary, Centre of Indian Trade Unions, Calcutta.

[Evidence continued from 13-1-1975]

- II. Shri S. R. Mehta, Chairman, Central Board of Direct Taxes, New Delhi.

- III. Shri Jasjit Singh, Chairman, Central Board of Excise and Customs, New Delhi.

[Evidence of Shri Jasjit Singh not concluded]

A verbatim record of the evidence was kept.

3. The Chairman informed the Committee that in view of the conclusion of hearing oral evidence on the Bill, there would be no sitting of the Committee on the 16th January, 1975.

4. The Committee decided to hold its next series of sittings on the 10th, 11th and 12th February, 1975, to consider the Bill clause-by-clause.

5. The Chairman announced that Government would send summary of the evidence tendered before the Committee, and the amendments to the Bill by the 1st February, 1975 at the latest for circulation to the members of the Committee.

6. The Chairman also requested the members to send amendments, if any, to the Rajya Sabha Secretariat by the 1st February, 1975, at the latest.

The Committee then adjourned at 1.05 P.M. to meet again at 11.00 A.M. on Wednesday, the 15th February, 1975.

## XXII

## TWENTY-SECOND MEETING

The Committee met at 11.00 A.M. on Wednesday, the 15th January, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Harsh Deo Malaviya
4. Shri Ganesh Lal Mali
5. Shrimati Pratibha Singh
6. Shri Kasim Ali Abid
7. Shri Emonsing M. Sangma
8. Shri Omprakash Tyagi
9. Shri Kalyan Roy
10. Shri Sitaram Singh
11. Shri D. Y. Pawar
12. Shri Abu Abraham
13. Shri Vishwanatha Menon
14. Shri Bhupinder Singh

*Lok Sabha*

15. Shrimati Mukul Banerji
16. Shri Chapalendu Bhattacharyya
17. Shri C. K. Chandrappan
18. Shri Dharnidhar Das
19. Shrimati Marjorie Godfrey
20. Shri J. Matha Gowder
21. Shri J. G. Kadam
22. Shri Kinder Lal
23. Shri Shyamnandan Mishra
24. Shri F. H. Mohsin
25. Shri Arvind M. Patel
26. Shri Krishnarao Patil
27. Shri Ram Dhan
28. Shri Ram Singh Bhai
29. Shrimati B. Radhabai Ananda Rao
30. Shri Jagannath Rao
31. Shri Mulki Raj Saini
32. Shri S. C. Samanta
33. Shri M. R. Sharma

34. Shri Nugehalli Shivappa
35. Shri Hari Kishore Singh
36. Shri Sant Bux Singh
37. Shri Atal Bihari Vajpayee
38. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel.  
Shrimati Rama Devi, Deputy Legislative Counsel.

*Ministry of Home Affairs*

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

2. In the absence of the Chairman for a while Shri S. C. Samanta, was voted to the Chair.

3. The Committee heard further evidence tendered by Shri Jasjit Singh, Chairman, Central Board of Excise and Customs, New Delhi, who had appeared before the Committee on 14-1-1975.

A verbatim record of the evidence was kept.

The Committee then adjourned at 12.56 P.M. to meet again at 2.30 P.M. on Monday, the 10th February, 1975.

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XXIII

TWENTY-THIRD MEETING

The Committee met at 2.30 P.M. on Monday, the 10th February, 1975.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Harsh Deo Malaviya
5. Shri Ganesh Lal Mali
6. Shri Kasim Ali Abid
7. Shri Emonsing M. Sangma
8. Shri Omprakash Tyagi
9. Shri Kalyan Roy



10. Shri Sitaram Singh
11. Shri D. Y. Pawar
12. Shri Abu Abraham
13. Shri Vishwanatha Menon
14. Shri Bhupinder Singh

*Lok Sabha*

15. Shrimati Mukul Banerji
16. Shri Bashweshwar Nath Bhargava
17. Shri C. K. Chandrappan
18. Shri Dharnidhar Das
19. Shrimati Marjorie Godfrey
20. Shri J. Matha Gowder
21. Shri Samar Guha
22. Shri Kinder Lal
23. Kumari Kamla Kumari
24. Shri Jharkhande Rai
25. Shri Mallikarjun
26. Shri Shyamnandan Mishra
27. Shri F. H. Mohsin
28. Shri S. T. Pandit
29. Shri Ram Dhan
30. Shri Ram Singh Bhai
31. Shrimati B. Radhabai Ananda Rao
32. Shri Jagannath Rao
33. Shri Mulki Raj Saini
34. Shri S. C. Samanta
35. Shri M. R. Sharma
36. Shri Sant Bux Singh
37. Shri Atal Bihari Vajpayee
38. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

Shri R. D. Kapur, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

2. The Committee held a general discussion on the provisions of the Bill.

3. The Committee then adjourned at 3.25 P.M. to meet again at 3.00 P.M. on Tuesday, the 11th February, 1975.

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XXIV

TWENTY-FOURTH MEETING

The Committee met at 3.00 P.M. on Tuesday, the 11th February, 1975.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Ganesh Lal Mali
5. Shri Kasim Ali Abid
6. Shri Emonsing M. Sangma
7. Shri Shamlal Gupta
8. Shri Omprakash Tyagi
9. Shri Kalyan Roy
10. Shri Sitaram Singh
11. Shri D. Y. Pawar
12. Shri Abu Abraham
13. Shri Bhupinder Singh

*Lok Sabha*

14. Shri R. Balakrishna Pillai
15. Shri Bashweshwar Nath Bhargava
16. Shri Ramachandran Kadannappalli
17. Shri C. K. Chandrappan
18. Shri Dharnidhar Das
19. Shri P. K. Deo
20. Shrimati Marjorie Godfrey
21. Shri Samar Guha
22. Shri Kinder Lal
23. Shri Jharkhande Rai
24. Shri Shyamnandan Mishra
25. Shri F. H. Mohsin
26. Shri Narsingh Narain Pandey

27. Shri Ram Dhan
28. Shri Ram Singh Bhai
29. Shrimati B. Radhabai Ananda Rao
30. Shri Jagannath Rao
31. Shri Umed Singh Rathia
32. Shri Mulki Raj Saini
33. Shri S. C. Samanta
34. Shri Nuggehalli Shivappa
35. Shri Sant Bux Singh
36. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

*Ministry of Home Affairs*

Shri A. C. Sen, Deputy Secretary

Shri R. D. Kapur, Under Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri M. K. Jain, Chief Legislative Committee Officer

Shri R. K. Mazumdar, Sr. Legislative Committee Officer

2. The Committee held a general discussion on the amendments suggested to clauses 1 to 9 of the Bill.

3. The Chairman requested members to send further amendments, if any, to the Rajya Sabha Secretariat by the 15th March, 1975.

4. The Committee decided that in view of economy, the oral evidence tendered before the Committee need not be printed, however, two sets of the evidence may be kept in the Parliament Library after the evidence is laid on the Table in both Houses.

5. The Chairman informed the Committee that there would be no sitting of the Committee on the 12th February, 1975 as fixed earlier.

6. The Committee then authorised the Chairman to fix the dates of the next series of meetings of the Committee for consideration of the Bill clause-by-clause.

The Committee adjourned at 5.25 P.M.

## TWENTY-FIFTH MEETING

The Committee met at 3.00 P.M. on Monday, the 7th July, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Gulabrao Patil
4. Shri Kali Mukherjee
5. Shrimati Pratibha Singh
6. Shri Emonsing M. Sangma
7. Shri Shyamlal Gupta
8. Shri Kalyan Roy
9. Shri Sitaram Singh
10. Shri Abu Abraham
11. Shri Vishwanatha Menon
12. Shri Bhupinder Singh

*Lok Sabha*

13. Shri R. Balakrishna Pillai
14. Shrimati Mukul Banerji
15. Shri Bāshweshwar Nath Bhargava
16. Shri Chapalendu Bhattacharyya
17. Shri Jyotirmoy Bosu
18. Shri Ramachandran Kadannappallil
19. Shri C. K. Chandrappan
20. Shri Dharnidhar Das
21. Shri P. K. Deo
22. Shrimati Marjorie Godfrey
23. Shri J. Matha Gowder
24. Shri J. G. Kadam
25. Shri Kinder Lal
26. Kumari Kamla Kumari
27. Shri Jharkhande Rai
28. Shri Mallikarjun
29. Shri F. H. Mohsin
30. Shri Samar Mukherjee
31. Shri Narsingh Narain Pandey
32. Shri S. T. Pandit
33. Shri Arvind M. Patel

34. Shri Krishnarao Patil
35. Shri Ram Singh Bhai
36. Shrimati B. Radhabai Ananda Rao
37. Shri Jagannath Rao
38. Shri Mulki Raj Saini
39. Shri S. C. Samanta
40. Shri M. R. Sharma
41. Shri Hari Kishore Singh
42. Shri Sant Bux Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Shri S.P. Ganguly, Additional Secretary

Shri M. K. Jain, Chief Legislative Committee Officer

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee took up clause-by-clause consideration of the Bill.

*Clause 2*

The following amendments were accepted—

(i) Page 2, line 10, or the words “five thousand rupees” substitute the words “one thousand rupees”.

(ii) Page 2, after line 11, insert the following:—

“(iii) of any foreign security as defined in clause (i) of section 2 of the Foreign Exchange Regulation Act, 1973”.

(iii) Page 2, line 22 after the word “may” insert the words “by notification in the Official Gazette”.

(iv) Page 2, for lines 28-29 substitute the following:—

“(v) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory.”

3. The clause was still under consideration when the Committee adjourned for the day.

The Committee then adjourned at 5.00 P.M. to meet again at 3.00 P.M. on Tuesday, the 8th July, 1975.

## TWENTY-SIXTH MEETING

The Committee met at 3.10 P.M. on Tuesday, the 8th July, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Gulabrao Patil
4. Shri Kali Mukherjee
5. Shrimati Pratibha Singh
6. Shri Kasim Ali Abid
7. Shri Emonsing M. Sangma
8. Shri Kalyan Roy
9. Shri Sitaram Singh
10. Shri D. Y. Pawar
11. Shri Abu Abraham
12. Shri Vishwanatha Menon
13. Shri Bhupinder Singh

*Lok Sabha*

14. Shrimati Mukul Banerji
15. Shri Bashweshwar Nath Bhargava
16. Shri Chapalendu Bhattacharyya
17. Shri Jyotirmoy Bosu
18. Shri Ramachandran Kadannappalli
19. Shri C. K. Chandrappan
20. Shri Dharnidhar Das
21. Shri P. K. Deo
22. Shrimati Marjorie Godfrey
23. Shri J. Matha Gowder
24. Shri J. G. Kadam
25. Shri Kinder Lal
26. Shri Jharkhande Rai
27. Shri F. H. Mohsin
28. Shri Narsingh Narain Pandey
29. Shri S. T. Pandit
30. Shri Arvind M. Patel
31. Shri Krishnarao Patil
32. Shri Ram Singh Bhai
33. Shrimati B. Radhabai Ananda Rao
34. Shri Jagannath Rao

35. Shri Mulki Raj Saini
36. Shri S. C. Samanta
37. Shri M. R. Sharma
38. Shri Sant Bux Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel.

*Ministry of Home Affairs*

Shri A. C. Sen, Deputy Secretary.

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

2. The Committee resumed clause-by-clause consideration of the Bill.

*Clause 2—contd.*

The following further amendments were accepted:—

(i) Page 2, lines 30-31, for the words "or a foundation" substitute the words "or a foreign foundation".

(ii) Page 2, line 33, for the word "society" substitute the words "a society".

(iii) Page 2, for line 35, substitute the following:—

"(viii) a citizen of a foreign country, but does not include".

(iv) Page 3, after line 4, insert the following:—

"(v) Municipal Corporations in metropolitan areas as defined in the Code of Criminal Procedure, 1973,

(vi) District Councils and Regional Councils in the States of Assam, Meghalaya and in the Union territory of Mizoram as provided in the Sixth Schedule of the Constitution, or

(vii) any other elective body as may be notified by the Central Government,".

(v) Page 3, line 22, for the figure "1947" substitute the figure "1973".

(vi) Page 3, after line 23 insert the following sub-clause:—

"(3) words and expressions used herein and not defined in this Act or in the Foreign Exchange Regulation Act, 1973, but defined in the Representation of the People Act, 1950 (43 of 1950), or the Representation of the People Act, 1951 (43 of 1951), have the meanings respectively assigned to them in that Act".

The Committee considered whether the multi-national corporations should be specifically brought within the purview of the Bill and if so, the term 'multi-national corporation' should be suitably defined. The Government agreed to examine the matter.

Further consideration of the expressions 'candidate for election' and 'resident in India' as defined in the clause was held over.

#### Clause 3

The clause was adopted without any change.

#### Clause 4

The following amendments were accepted:—

(i) Page 3, line 30, after the word "columnist" insert the word "cartoonist".

(ii) Page 3, line 30, for the words "printer or publisher" substitute the words "printer, publisher or owner".

(iii) Page 3, after line 34, insert the following Explanation:—

*Explanation*.—In clause (c) and in section 9, "corporation" means a corporation owned or controlled by Government and includes a Government company as defined in section 617 of the Companies Act, 1956."

The clause was still under consideration when the Committee adjourned for the day.

The Committee then adjourned at 5.05 P.M. to meet again at 10.00 A.M. on Wednesday, the 9th July, 1975.

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## XXVII

### TWENTY-SEVENTH MEETING

The Committee met at 10.00 A.M. on Wednesday, the 9th July, 1975.

#### MEMBERS PRESENT

##### *Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri Chakrapani Shukla
3. Shri Gulabrao Patil
4. Shri Kali Mukherjee
5. Shrimati Pratibha Singh
6. Shri Emonsing M. Sangma
7. Shri Shamlal Gupta
8. Shri Kalyan Roy
9. Shri Sitaram Singh
10. Shri D. Y. Pawar
11. Shri Vishwanatha Menon
12. Shri Bhupinder Singh



*Lok Sabha*

13. Shrimati Mukul Banerji
14. Shri Chapalendu Bhattacharyya
15. Shri C. K. Chandrappan
16. Shri Dharnidhar Das
17. Shri P. K. Deo
18. Shrimati Marjorie Godfrey
19. Shri J. Matha Gowder
20. Shri J. G. Kadam
21. Shri Kinder Lal
22. Kumari Kamla Kumari
23. Shri Jharkhande Rai
24. Shri F. H. Mohsin
25. Shri Samar Mukherjee
26. Shri Narsingh Narain Pandey
27. Shri S. T. Pandit
28. Shri Krishnarao Patil
29. Shri Ram Singh Bhai
30. Shrimati B. Radhabhai Ananda Rao
31. Shri Jagannath Rao
32. Shri Mulki Raj Saini
33. Shri S. C. Samanta
34. Shri M. R. Sharma
35. Shri Hari Kishore Singh
36. Shri Sant Bux Singh

## REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri V. S. Bhashyam, Deputy Legislative Counsel.

*Ministry of Home Affairs*

Shri A. C. Sen, Deputy Secretary.

## SECRETARIAT

Shri S. P. Ganguly, Additional Secretary.

Shri M. K. Jain, Chief Legislative Committee Officer.

Shri R. K. Mazumder, Senior Legislative Committee Officer.

2. The Committee resumed further clause-by-clause consideration of the Bill.

*Clause 4—contd.*

The following further amendments were accepted:—

- (i) Page 3, line 37, for the words "any foreign currency" substitute the words "any currency from a foreign source".

(ii) Page 3, lines 39-40, for the words "any foreign currency to any person of Indian origin" substitute the words "any currency, whether Indian or foreign, which has been obtained from any foreign source, to any person".

The clause, as amended, was adopted.

#### Clause 5

The following amendments were accepted:—

(i) Page 4, line 13, for the words "No person" substitute the words "Except with the prior permission of the Central Government, no person".

(ii) Page 4, line 17, for the words "No person" substitute the words "Except with the prior permission of the Central Government, no person".

(iii) Page 4, line 18, delete the words "of Indian origin".

(iv) Page 4, line 21, for the words "No citizen" substitute the words "Except with the prior approval of the Central Government, no citizen".

The Committee desired that some guidelines or definite criteria should be laid down in the clause so that it would be possible to determine which organisation would come under the purview of the phrase "organisation of a political nature". The Government agreed to examine the matter. Further consideration of the clause was, therefore, held over.

#### Clause 6

The following amendment was accepted:—

Page 4,—

(i) line 28, re-number clause 6 as sub-clause (1) thereof; and

(ii) after sub-clause (1) as so re-numbered, insert the following sub-clause:—

"(2) No person receiving any currency, whether Indian or foreign, from a foreign source on behalf of any association, referred to in sub-section (1), shall deliver such currency to—

(i) any association or organisation other than the association for which it was received, or

(ii) any person, if he knows or has reasonable cause to believe that such person intends, or is likely, to deliver such currency to an association other than the association for which such currency was received".

The clause, as amended, was adopted.

#### Clause 7

The following amendment was accepted:—

Page 5, after line 4, insert the following:—

"Provided that no intimation as required under sub-sections (1) and (2) will be necessary for scholarships, stipends or payments of like nature of annual value up to prescribed limits that may be notified by the Government in this behalf".

The clause, as amended, was adopted subject to suitable drafting changes in the new proviso.

#### Clause 8

The following amendments were accepted:—

(i) Page 5, line 13, after the words "by way of payment" insert the words "in the course of international trade or commerce, or".

(ii) Page 5, line 23, after the words "Central Government", insert the following:—

"provided that no such permission will be required when the amount of foreign contribution received does not exceed the value of eight thousand rupees per annum and an intimation is given to the Central Government as to the amount received by him, the source from which and the manner in which it was received and the purpose for which and the manner in which it was utilised by him".

(iii) Page 5, after line 23, insert the following:—

"(f) by way of remittance received, in the ordinary course of business, through any official channel, post office, or any authorised dealer in foreign exchange under the Foreign Exchange Regulation Act, 1973.

*Explanation.*—In this Act, the expression "relative" has the meaning assigned to it in the Companies Act, 1956 (1 of 1956)".

The clause, as amended, was adopted subject to suitable drafting changes in the new proviso.

#### Clause 9

The following amendment was accepted:—

Page 5, after line 27, insert the following:—

"Provided that no such permission will be required for emergent medical aid received on account of sudden illness contracted during a visit outside India and an intimation is given to the Central Government as to the receipt of the foreign hospitality, the source from which and the manner in which such hospitality was received, within one month of its receipt or on return to India whichever is earlier".

The clause, as amended, was adopted subject to suitable drafting changes in the new proviso.

#### Clause 10

The clause was adopted without any change.

*Clause 11*

The clause was held over for further consideration of the amendments suggested thereto in regard to the time-limit within which an application referred to in the clause should be disposed of by the Central Government.

*Clause 12*

The clause was adopted subject to the deletion of lines 34 to 37 at page 6.

*Clause 13*

The clause was adopted without any change.

*Clause 14*

The Committee was of the opinion that the rank or designation of the authorised Gazetted Officer should be specified in the clause. The Government agreed to examine the suggestion. The Legislative Counsel was also asked to examine which of the two expressions, namely, "suspect" and "believe" would be more appropriate and use the same accordingly. The adoption of the clause was, therefore, held over.

*Clause 15*

The following amendment was accepted:—

Page 7, line 22, for the words "three months" substitute the words "six months".

The clause, as amended, was adopted.

*Clause 16*

The following amendment was accepted:—

Page 7, line 26, after the words "any article" insert the words "exceeding rupees one thousand in value".

The clause, as amended, was adopted.

*Clause 17*

The following amendment was accepted:—

Page 7, lines 31-32, for the words and figures "section 103 of the Code of Criminal Procedure, 1898" substitute the words and figures "section 100 of the Code of Criminal Procedure, 1973 (2 of 1974)".

The clause, as amended, was adopted.

*Clause 18*

The following amendment was accepted:—

Page 7, line 34, after the word "confiscation" insert the words "if such article or currency has been adjudged under clause 19 to have been received or obtained in contravention of the Act".

The clause, as amended, was adopted subject to suitable drafting changes in the amendment.

*Clause 19*

The clause was adopted subject to the substitution of the words "Court of Session" for the words "Court of District Judge" in line 2 at page 8.

*Clause 20*

The clause was adopted without any change.

*Clause 21*

The clause was adopted without any change.

*Clause 22*

The clause was adopted subject to the substitution of the figure "1973" for the figure "1898" in line 43 at page 8.

*Clause 23*

The following amendments were accepted:—

(i) Page 9, lines 2-3, for the words "currency, whether Indian or foreign," substitute the words "any currency from a foreign source".

(ii) Page 9, line 7, after the word "Act" insert the words "or any rule made thereunder".

The clause, as amended, was adopted.

*Clause 24*

The clause was adopted without any change.

*Clause 25*

The clause was deleted.

*Clause 26*

The following amendment was accepted:—

Page 9, line 23, after the words "fine" insert the words "not exceeding one thousand rupees".

The clause, as amended, was adopted.

*Clause 27*

The clause was adopted without any change.

*Clause 28*

The clause was adopted without any change.

*Clause 29*

The clause was adopted subject to the substitution of the figure "1973" for the figure "1898".

*Clause 30*

The clause was adopted without any change.

*Clause 31*

The clause was adopted without any change.

*Clause 32*

The following amendments were accepted:—

Page 11, line 12, after the word "individual" insert the words "(not being a candidate for election)".

The clause, as amended, was adopted.

*Clause 33*

The clause was adopted without any change.

*Clause 1, Enacting Formula and Long Title*

The following amendments were accepted:—

(i) Page 1, in the Long title after the word "associations" insert the words "with a view to ensuring that parliamentary institutions, political associations and academic and other voluntary organisations as well as individuals working in the important areas of national life may function in a manner consistent with the values of a sovereign democratic republic".

(ii) Page 1, line 1, for the word "Twenty-fourth" substitute the word "Twenty-sixth".

(iii) Page 1, line 6, for the figure "1973" substitute the figure "1975".

(iv) Page 1, line 9, after the word "associates" insert the word "branches".

Clause 1, Enacting formula and the Long title, as amended, were adopted.

3. The Legislative Counsel was authorised to carry out changes of drafting and of consequential nature, if necessary, in the Bill.

4. The Committee decided to ask for further extension of time for the presentation of its Report up to the last day of the week of the Ninety-fourth (winter) Session of the Rajya Sabha. The Committee authorised its Chairman or in his absence Shri Kali Mukherjee and Shrimati Pratibha Singh to move the necessary motion in the House.

5. The Committee then authorised the Chairman to fix the date of the next meeting of the Committee. The Chairman informed the members that he might call the next meeting of the Committee some time after a week of the conclusion of the ensuing Session of the Rajya Sabha for consideration of the held over clauses of the Bill.

The Committee then adjourned at 12.00 Noon.

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## XXVIII

## TWENTY-EIGHTH MEETING

The Committee met at 10.30 A.M. on Tuesday, the 2nd September, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Gulabrao Patil
5. Shri Harsh Deo Malaviya
6. Shri Ganesh Lal Mali
7. Shrimati Pratibha Singh
8. Shri Emonsing M. Sangma
9. Shri Shyamlal Gupta
10. Shri Omprakash Tyagi
11. Shri Kalyan Roy
12. Shri Sitaram Singh
13. Shri D. Y. Pawar
14. Shri Abu Abraham
15. Shri Vishwanatha Menon
16. Shri Bhupinder Singh

*Lok Sabha*

17. Shri R. Balakrishna Pillai
18. Shrimati Mukul Banerji
19. Shri Bashweshwar Nath Bhargava
20. Shri Ramachandran Kadannappalli
21. Shri C. K. Chandrappan
22. Shri Dharnidhar Das
23. Shri P. K. Deo
24. Shrimati Marjorie Godfrey
25. Shri J. Matha Gowder
26. Shri J. G. Kadam
27. Shri Kinder Lal
28. Kumari Kamla Kumari
29. Shri Mallikarjun
30. Shri F. H. Mohsin
31. Shri Samar Mukherjee
32. Shri Narsingh Narain Pandey
33. Shri S. T. Pandit
34. Shri P. Parthasarthy
35. Shri Arvind M. Patel

36. Shri Krishnarao Patil
37. Shri Ram Singh Bhai
38. Shri Jagannath Rao
39. Shri Umed Singh Rathia
40. Shri Mulki Raj Saini
41. Shri S. C. Samanta
42. Shri M. R. Sharma
43. Shri Nugehalli Shivappa
44. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee took up the held-over clauses of the Bill for consideration.

*Clause 2*

The following further amendments were accepted in the clause:—

(i) Page 2, line 3, for the words, "means a candidate", substitute the words, "means a person who has been duly nominated as a candidate".

(ii) Page 3, delete lines 15 and 16.

The Committee also re-considered the question of inclusion of the term 'multi-national corporations' in the Bill. After a detailed consideration of the matter, the Committee felt that the term 'multi-national corporation' should be specifically incorporated in items (iii) and (iv) of sub-clause (e) of this clause. The Legislative Counsel was directed to submit a draft definition of the expression 'multi-national corporation' and a revised draft of the sub-clause.

*Clause 5*

The Committee considered the following amendment proposed by the Government:—

"Page 4, after line 12, insert the following Explanation:—

*Explanation.*—For the purpose of this section, organisation of a political nature, not being a political party' means such organisation as the Central Government may, having regard to the activities of the



organisation or the ideology propagated by the organisation or the programme of the organisation or the association of the organisation with the activities of any political party, notify in the Official Gazette in this behalf.”

The Committee felt that provisions should be made in the clause in respect of the following matters:—

(i) An appeal against the order of the Central Government refusing permission to accept any foreign contribution should lie to High Court.

(ii) A time-limit of ninety days within which decision of the Central Government should be conveyed to the organisation concerned, should be prescribed in sub-clause (1) of the Clause. The Committee further felt that if the decision of the Government was not conveyed within the stipulated time-limit of 90 days, the permission should be deemed to have been granted to accept the foreign contribution.

The decision on the Government amendment was, therefore, held over.

The Committee then adjourned at 12.30 P.M. to meet again at 11.00 A.M. on Wednesday, the 3rd September, 1975.

XXIX

TWENTY-NINTH MEETING

The Committee met at 11.00 A.M. on Wednesday, the 3rd September, 1975.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Gulabrao Patil
5. Shri Kali Mukherjee
6. Shri Ganesh Lal Mali
7. Shri Emonsing M. Sangma
8. Shri Shyamlal Gupta
9. Shri Omprakash Tyagi
10. Shri Kalyan Roy
11. Shri Sitaram Singh
12. Shri Abu Abraham
13. Shri Viswanatha Menon
14. Shri Bhupinder Singh

*Lok Sabha*

15. Shri R. Balakrishna Pillai
16. Shrimati Mukul Banerji
17. Shri Bashweshwar Nath Bhargava
18. Shri Chapalendu Bhattacharyya
19. Shri Ramachandran Kadannappalli
20. Shri C. K. Chandrappan
21. Shri Dharnidhar Das
22. Shrimati Marjorie Godfrey
23. Shri Kinder Lal
24. Shri Jharkhande Rai
25. Shri F. H. Mohsin
26. Shri Samar Mukherjee
27. Shri Narsingh Narain Pandey
28. Shri S. T. Pandit
29. Shri P. Parthasarthy
30. Shri Arvind M. Patel
31. Shri Krishnarao Patil
32. Shri Ram Singh Bhai
33. Shri Jagannath Rao
34. Shri Umed Singh Rathia
35. Shri Mulki Raj Saini
36. Shri S. C. Samanta
37. Shri M. R. Sharma
38. Shri Hari Kishore Singh
39. Shri J. Matha Gowder
40. Shri Virbhadra Singh

## REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

## SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee resumed consideration of the held-over clauses of the Bill

*Clause 2*

The following amendments were accepted:—

(i) Page 2, lines 24-25, for “and also includes a company which is a subsidiary of a foreign company” substitute “and also includes,—

(a) a company which is a subsidiary of a foreign company,  
and

(b) a multi-national corporation within the meaning of this Act.”.

(ii) Page 2, line 27, after “foreign country or territory”, insert “and also includes a multi-national corporation within the meaning of this Act.”.

(iii) Page 3, after line 20, insert—

*“Explanation.—*For the purposes of this Act, a corporation incorporated in a foreign country or territory shall be deemed to be a multi-national corporation if such corporation—

(a) has a subsidiary or a branch or a place of business in two or more countries or territories;

(b) carries on business, or otherwise operates, in two or more countries or territories.”.

The clause, as further amended, was adopted.

*Clause 5*

The Committee accepted the following amendment proposed by Government:—

“Page 4, after line 12, insert the following Explanation:—

*‘Explanation.—*For the purposes of this section, ‘organisation of a political nature, not being a political party’ means such organisation as the Central Government may, having regard to the activities of the organisation or the ideology propagated by the organisation or the programme of the organisation or the association of the organisation with the activities of any political party, notify in the Official Gazette in this behalf.’”

The clause, as further amended, was adopted.

*Clause 10*

The clause was re-considered and adopted subject to the deletion of the words “or section 6” in lines 29-30 at page 5.

*Clause 11*

The following amendment was accepted:—

Page 6, line 12, for “11” substitute “11(1)”.

The Committee also considered the following amendment moved by the Government:—

Page 6, after line 17, insert—

“(2) If an application referred to in sub-section (1) is not disposed of within ninety days from the date of receipt of such application, the permission prayed for in such application shall be deemed to have been granted by the Central Government except where the Central Government notifies to the applicant the reasons for the delay in the disposal of such application.”

The Committee was of the opinion that provision should be made in the proposed sub-clause (2) of this clause for the extension of the period of ninety days by a further period of thirty days in exceptional cases. The Legislative Counsel was, therefore, directed to submit a revised draft of the proposed amendment.

#### Clause 14

The following amendments were accepted:—

(i) Page 7, line 1, after the word “reason” insert the words “to be recorded in writing”.

(ii) Page 7, line 7, after the words “gazetted officer” insert the words “Class I”.

The Committee was of the opinion that the gazetted officer, who would be authorised to inspect any account or record of a political party should be a class I officer of not less than ten years' standing as such class I officer. The Legislative Counsel was authorised to make necessary provision in the clause. Subject to this change, the clause, as amended, was adopted.

The Committee then adjourned at 12.35 P.M. to meet again at 11.00 A.M. on Thursday, the 4th September, 1975.

XXX

#### THIRTIETH MEETING

The Committee met at 11.00 A.M. on Thursday, the 4th September, 1975.

#### MEMBERS PRESENT

##### *Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Gulabrao Patil
5. Shri Kali Mukherjee
6. Shri Ganesh Lal Mali
7. Shri Emonsing M. Sangma
8. Shri Shyamlal Gupta
9. Shri Omprakash Tyagi
10. Shri Kalyan Roy

11. Shri Sitaram Singh
12. Shri D. Y. Pawar
13. Shri Abu Abraham
14. Shri Viswanatha Menon
15. Shri Bhupinder Singh

*Lok Sabha*

16. Shrimati Mukul Banerji
17. Shri Bashweshwar Nath Bhargava
18. Shri Chapalendu Bhattacharyya
19. Shri Ramachandran Kadannappalli
20. Shri C. K. Chandrappan
21. Shri Dharnidhar Das
22. Shri P. K. Deo
23. Shrimati Marjorie Godfrey
24. Shri J. Matha Gowder
25. Shri J. G. Kadam
26. Shri Kinder Lal
27. Shri Jharkhande Rai
28. Shri F. H. Mohsin
29. Shri Samar Mukherjee
30. Shri S. T. Pandit
31. Shri P. Parthasarthy
32. Shri Arvind M. Patel
33. Shri Ram Singh Bhai
34. Shri Umed Singh Rathia
35. Shri Mulki Raj Saini
36. Shri S. C. Samanta
37. Shri M. R. Sharma
38. Shri Hari Kishore Singh
39. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee considered further amendments to certain clauses of the Bill.

*Clause 6*

The clause was re-considered and the following amendment was accepted:—

Page 4, after sub-clause (2) as already adopted, insert the following sub-clause:—

“(3) Every candidate for election, who had received any foreign contribution, at any time within one hundred and eighty days immediately preceding the date on which he is duly nominated as such candidate, shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of the foreign contribution received by him, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by him.”

The clause, as further amended, was adopted.

*Clause 21*

The clause was re-considered and the following amendments were accepted:—

(i) Page 8, line 26, after “aggrieved by”, insert “a notification made in pursuance of the Explanation to sub-section (1) of section 5 or by”.

(ii) Page 8, lines 30-31, for “Supreme Court of India”, substitute the following:—

“High Court within the local limits of whose jurisdiction the appellant ordinarily resides or personally works for gain or carries on business or, where the appellant is an organization or association, the principal office of such organization or association is located”.

The clause, as amended, was adopted.

*Clause 24*

The clause was re-considered and the following amendment was accepted:—

Page 9, line 12, for “shall be liable to penalty”, substitute the following:—

“shall, on conviction for the act or omission aforesaid, and notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), be liable, in addition to any other liability under this Act, to a fine”.

The clause, as amended, was adopted.

## Clause 29

The clause was re-considered and the following amendment was accepted:—

Page 10, line 14, after the words "specified in this behalf", insert the words "and the authority so specified shall have all the powers which an officer-in-charge of a police station has while making an investigation into a cognizable offence."

The clause, as further amended, was adopted.

3. The Committee authorised the Legislative Counsel to carry out changes of drafting and of consequential nature, if necessary, in the Bill.

4. The Committee decided to meet again on the 1st and 3rd October, 1975 to consider and adopt the Bill as amended, and the Draft Report of the Committee.

The Committee adjourned at 12.05 P.M. till 11.30 A.M. on Friday, the 5th September, 1975.

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 XXXI

## THIRTY-FIRST MEETING

The Committee met at 11.30 A.M. on Friday, the 5th September, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shrimati Pratibha Singh
5. Shri Qasim Ali Abid
6. Shri Emonsing M. Sangma
7. Shri Omprakash Tyagi
8. Shri Kalyan Roy
9. Shri S. S. Mariswamy
10. Shri Sitaram Singh
11. Shri D. Y. Pawar
12. Shri Abu Abraham
13. Shri Viswanatha Menon
14. Shri Bhupinder Singh

*Lok Sabha*

15. Shrimati Mukul Banerji
16. Shri Bashweshwar Nath Bhargava
17. Shri Chapalendu Bhattacharyya

18. Shri Ramachandran Kadannappalli
19. Shri C. K. Chandrappan
20. Shri Dharnidhar Das
21. Shri P. K. Deo
22. Shrimati Marjorie Godfrey
23. Shri Kinder Lal
24. Kumari Kamla Kumari
25. Shri Jharkhande Rai
26. Shri F. H. Mohsin
27. Shri Samar Mukherjee
28. Shri Narsingh Narain Pandey
29. Shri S. T. Pandit
30. Shri P. Parthasarthy
31. Shri Arvind M. Patel
32. Shri Krishnarao Patil
33. Shri Ram Singh Bhai.
34. Shri Jagannath Rao
35. Shri Umed Singh Rathia
36. Shri Mulki Raj Saini
37. Shri S. C. Samanta
38. Shri M. R. Sharma
39. Shri Hari Kishore Singh
40. Shri Virbhadra Singh

REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel

*Ministry of Home Affairs*

Shri A. C. Sen, Deputy Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Committee considered the suggestion of Shri D. D. Puri that the arms of the Bill should be extended to bring within its grip companies which were Indian Companies for the purpose of the Companies Act but which were controlled by foreigners. After some discussion, the Government agreed to examine the suggestion in all its aspects and report to the Committee in the matter at its next meeting.

The Committee then adjourned at 12.15 P.M. to meet again at 11.00 A.M. on Wednesday, the 1st October, 1975.



## XXXII

## THIRTY-SECOND MEETING

The Committee met at 11.00 A.M. on Friday, the 3rd October, 1975.

## MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla
4. Shri Gulabrao Patil
5. Shri Kali Mukherjee
6. Shri Ganesh Lal Mali
7. Shrimati Pratibha Singh
8. Shri Emonsing M. Sangma
9. Shri Omprakash Tyagi
10. Shri Kalyan Roy
11. Shri D. Y. Pawar
12. Shri Abu Abraham
13. Shri Viswanatha Menon
14. Shri Bhupinder Singh

*Lok Sabha*

15. Shri R. Balakrishna Pillai
16. Shrimati Mukul Banerji
17. Shri Bashweshwar Nath Bhargava
18. Shri Chapalendu Bhattacharyya
19. Shri C. K. Chandrappan
20. Shri Dharnidhar Das
21. Shri P. K. Deo
22. Shrimati Marjorie Godfrey
23. Shri J. Matha Gowder
24. Shri J. G. Kadam
25. Shri Kinder Lal
26. Kumari Kamla Kumari
27. Shri Jharkhande Rai
28. Shri Mallikarjun
29. Shri F. H. Mohsin
30. Shri Samar Mukherjee
31. Shri Narsingh Narain Pandey
32. Shri S. T. Pandit

33. Shri Arvind M. Patel
34. Shri Krishnarao Patil
35. Shri Ram Singh Bhai
36. Shrimati B. Radhabai Ananda Rao
37. Shri Umed Singh Rathia
38. Shri Mulki Raj Saini
39. Shri S. C. Samanta
40. Shri M. R. Sharma
41. Shri Hari Kishore Singh
42. Shri Sant Bux Singh
43. Shri Virbhadra Singh

REPRESENTATIVE OF THE MINISTRY OF HOME AFFAIRS

Shri C. V. Narasimhan, Joint Secretary

SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

Shri R. K. Mazumder, Senior Legislative Committee Officer

2. The Chairman made a reference to the sad and sudden passing away of Shri K. Kamaraj on the 2nd October, 1975 at Madras. Thereafter the Chairman moved the following resolution:—

“The Joint Committee of the two Houses of Parliament on the Foreign Contribution (Regulation) Bill, 1973 expresses its deepest sorrow at the sudden demise of the great national leader Shri K. Kamaraj, M.P. yesterday at Madras. The country has lost one of its most illustrious sons. The Committee conveys its heart felt condolences to his relations.”

The Committee adopted the resolution and observed two minutes silence, all members standing, as a mark of respect to the memory of the late Shri K. Kamaraj.

The Committee then adjourned at 11.10 A.M. to meet again at 10.00 A.M. on Saturday, the 4th October, 1975.

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XXXIII

THIRTY-THIRD MEETING

The Committee met at 10.00 A.M. on Saturday, the 4th October, 1975.

MEMBERS PRESENT

*Rajya Sabha*

1. Shri Manubhai Shah—*Chairman*
2. Shri D. D. Puri
3. Shri Chakrapani Shukla

4. Shri Kali Mukherjee
5. Shri Ganesh Lal Mali
6. Shrimati Pratibha Singh
7. Shri Emonsing M. Sangma
8. Shri Shyamlal Gupta
9. Shri Omprakash Tyagi
10. Shri Kalyan Roy
11. Shri Sitaram Singh
12. Shri D. Y. Pawar
13. Shri Abu Abraham
14. Shri Viswanatha Menon
15. Shri Bhupinder Singh

*Lok Sabha*

16. Shrimati Mukul Banerji
17. Shri Bashweshwar Nath Bhargava
18. Shri Chapalendu Bhattacharyya
19. Shri C. K. Chandrappan
20. Shri Dharnidhar Das
21. Shri P. K. Deo
22. Shrimati Marjorie Godfrey
23. Shri J. Matha Gowder
24. Shri J. G. Kadam
25. Shri Kinder Lal
26. Kumari Kamla Kumari
27. Shri Jharkharde Rai
28. Shri Mallikarjun
29. Shri F. H. Mohsin
30. Shri Samar Mukherjee
31. Shri Narsingh Narain Pandey
32. Shri S. T. Pandit
33. Shri Krishnarao Patil
34. Shri Ram Singh Bhai
35. Shri Umed Singh Rathia
36. Shri Mulki Raj Saini
37. Shri S. C. Samanta
38. Shri M. R. Sharma
39. Shri Hari Kishore Singh
40. Shri Sant Bux Singh
41. Shri Virbhadra Singh

## REPRESENTATIVES OF THE MINISTRIES

*Ministry of Law and Justice*

Shri S. K. Maitra, Joint Secretary and Legislative Counsel.

*Ministry of Home Affairs*

Shri C. V. Narasimhan, Joint Secretary

## SECRETARIAT

Shri S. P. Ganguly, Additional Secretary

2. The Committee considered the Bill, as amended by the Committee, and adopted the same subject to the following further amendment in clause 2:—

“Page 2,—

(i) after line 38, insert—

(vi) a company within the meaning of the Companies Act, 1956, if more than one-half of the nominal value of its share capital is held, either singly or in the aggregate, by one or more of the following, namely:—

(i) Government of a foreign country or territory,

(ii) citizens of a foreign country or territory,

(iii) corporation incorporated in a foreign country or territory,

(iv) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory,

(ii) renumber existing sub-paragraphs (v), (vi), (vii) and (viii) as sub-paragraphs (vi), (vii), (viii) and (ix) thereof.”

3. The Committee then considered the Draft Report of the Committee and adopted the same subject to a paragraph being inserted therein regarding the above-mentioned amendment adopted by the Committee.

4. The Committee decided that the Minutes of Dissent, if any, should be sent so as to reach the Rajya Sabha Secretariat by the 5th November, 1975.

5. The Committee also decided that the whole of the oral evidence tendered before it might be laid on the Table in both the Houses.

6. The Committee authorised the Chairman or, in his absence Shri Kali Mukerjee or Shri Kalyan Roy to present the Report on its behalf and to lay the Evidence on the Table of the Rajya Sabha after the presentation of the Report. Chairman informed the members that the Report would be presented to the Rajya Sabha some time during the first week of the next session of the House

7. The Committee also authorised Shrimati Mukul Banerji or in her absence, Shri Samar Mukherjee or Shri C. K. Chandrappan to lay the Report and the Evidence on the Table of the Lok Sabha.

8. The Committee decided that two sets of the Memoranda received by the Committee on the Bill may be placed in the Parliament Library for reference by Members, after the presentation of the Report.

9. The Committee authorised the Legislative Counsel to carry out amendments in the Bill to give effect to the decisions of the Committee taken in the meeting.

10. Members expressed their appreciation and thanks to the Chairman for the able manner in which he conducted the proceedings of the Committee at the various stages of the Bill.

11. The Chairman thanked the members of the Committee for the keen interest taken by them in the working of the Committee and the co-operation extended by them to him.

The Committee then adjourned at 11.45 A.M.