

**I. STATUTORY RESOLUTION SEEKING
DISAPPROVAL OF THE ESSENTIAL
COMMODITIES (AMENDMENT) OR-
DINANCE, 1974 (NO. 2 OF 1974)**

**II. THE ESSENTIAL COMMODITIES
(AMENDMENT) BILL, 1974**

श्री भैरों सिंह शेखावत (मध्य प्रदेश) :
उप सभापति जी, मैं आपकी आज्ञा से निम्नलिखित
संकल्प उपस्थित करता हूँ । “यह सभा 22 जून
1974 को राष्ट्रपति द्वारा प्रख्यापित आवश्यक
वस्तु (संशोधन) अध्यादेश, 1974 (1974 का
संख्या 2) का निरनुमोदन करती है ।”

उपसभापति जी, इस विधेयक या अध्यादेश
के सम्बन्ध में विचार करने से पूर्व हमें इस प्रश्न
पर विचार करना पड़ेगा कि मंहगाई, जमाखोरी,
कालाबाजारी आदि की जो समस्याएं हैं, इन
समस्याओं का समाधान इस कानून से अब तक
किस प्रकार हुआ है और भविष्य में भी इन
समस्याओं की समाधान करने की शक्ति या
क्षमता इस कानून में है या नहीं ? इस सम्बन्ध
में मैं निवेदन करना चाहूंगा कि 1955 में
सब से पहले इस प्रकार का एक आर्डिनेंस आया
था जिसने बाद में एक कानून की शक्ल ले ली ।
1955 से लेकर आज तक, यदि हम इन समस्याओं
का विश्लेषण करें तो यह निश्चित रूप से
स्पष्ट होगा कि देश में इस कानून क होत हुय
भी कालाबाजारी, भ्रष्टाचार, मुनाफाखोरी
जमाखोरी, मिलावट और ये सब बुराइयां दिन
दूनी रात चौगुनी बढ़ती ही चली गईं । यदि हम इस
अनुपात से 55 के मूल्यों को लेना चाहें, तो मैं
विश्लेषण में न जाते हुए यह निवेदन करना
चाहूंगा कि 1955 से लेकर आज तक खाद्य
पदार्थों और बाकी वस्तुओं के मूल्यों में वृद्धि
ही हुई है और वह वृद्धि 6 प्रतिशत से लेकर 200
प्रतिशत तक हुई है ।

मूल्यों के साथ साथ जहां चीजों के उपलब्धि
का प्रश्न आता है, तो इस सम्बन्ध में निवेदन करना
चाहूंगा कि जिस समय कानून बना था उस समय
स लेकर आज तक जमाखोरी की प्रवृत्ति में
बढ़ि ही हुई है । इसी प्रकार मुनाफाखोरी में भी
बढ़ि हुई है । अब इन सब का इलाज यदि इस

कानून के द्वारा हो गया होता, तो मैं समझता
हूँ कि जनता के समक्ष इस प्रकार का भयंकर
संकट उत्पन्न नहीं होता लेकिन यह स्पष्ट
है कि इस कानून से इन समस्याओं का समाधान
नहीं हुआ है । हमें इसके साथ ही साथ एक प्रश्न
के ऊपर और भी विचार करना होगा । क्या
सरकार कानून के जरिये, इसेंशियल कमोडिटीज
एक्ट के जरिये से यदि प्राईस कम करने की कोशिश
कर रही है या करेगी, तो मेरा मानना ऐसा है कि
जब तक बाकी और आर्थिक समस्याओं का
समाधान यह सरकार नहीं करेगी तब तक इस
समस्या का भी समाधान नहीं हो सकेगा ।

उपसभापति जी, यह दुनिया जानती है कि
1956 के मुकाबले में आज हमारे रुपये का
मूल्य केवल 25 पैसा रह गया है । यह
बात भी दुनिया जानती है कि 1960-61 के
अन्दर, जहां, 2869 करोड़ रुपया करन्सी का
रूप में था वहां 1974 में 11,294 करोड़ रुपया
करन्सी के रूप में आ गया है । उसी के अनुपात में
अगर हम नेशनल प्रोडक्शन का अनुमान लगायें
तो 1960-61 में वह 14,007 करोड़ रुपये
का था, और अब इस वर्ष केवल 21,485
करोड़ रुपया का नेशनल प्रोडक्शन है । जो
नेशनल प्रोडक्शन है और मनी सप्लाई है
उसका कम्पैरिजन करना चाहें तो इस तरह किया
जा सकता है कि एक आदमी लिफ्ट से ऊंची मंजिल
पर जा रहा है और दूसरा उसका मुकाबला करने
के लिए सीढ़ियों से चढ़ रहा है उसी गति से
प्राइसेस बढ़ी है । सभापति महोदय, मैं यह भी
निवेदन करना चाहूंगा कि इन प्राइसेज के बढ़ने
का एक कारण डैफिसिटी फाईनैसिंग भी रहा है ।
हमारे नेशन की 30 प्रतिशत इनकम सरकारी
प्रोजेक्ट्स की ओर जाती रही है । 5,500 करोड़
के इन्वेस्टमेंट पर साधारणतया 550 करोड़
रुपये का प्रति वर्ष मुनाफा होना चाहिए, लेकिन
दुर्भाग्य से 18 करोड़ रुपया का मुनाफा हो रहा
है । इस मुनाफे की कमी को पूरा करने के लिये
हमें डैफिसिटी फाईनैसिंग करनी पड़ रही है ।
हिन्दुस्तान में सबसे ज्यादा कंट्रोल लागू किए हुए

हैं हिन्दुस्तान में सबसे ज्यादा टैक्सेज लगे हुए हैं हिन्दुस्तान के अन्दर जो भी व्यय किया जा रहा है वह अधिकांश में अनप्रोडक्टेड कामों पर किया जा रहा है। इस सबका परिणाम यह निकल रहा है कि देश का उत्पादन बढ़ नहीं रहा है लोगों की क्रय शक्ति नहीं बढ़ रही है और चीजों के भाव बढ़ते जा रहे हैं। इस सबका रिजल्ट है कि देश के अन्दर आज जमाखोरों का साम्राज्य है, काले - बाजारियों का साम्राज्य है मुनाफाखोरों का है, मिलावट करने वालों का है, तस्कर व्यापारियों का है, और भ्रष्टाचारी तत्वों का है। आधुनिक युग के ये सप्तऋषि जनता का शोषण करते जा रहे हैं और सरकार इसकी रोकथाम करने में पूर्णतया असफल रही है। उपसभापति महोदय, यही आर्डिनेंस 1955 में आया था। 72 में ला कमीशन ने अपनी रिपोर्ट में सरकार को सुझाव दिया था कि इस विधेयक में संशोधन किया जाय।

[The Vice-Chairman (Shri Bipinpal Das)
in the Chair.]

मैं आज विशेष रूप से सरकार से पूछना चाहता हूँ कि इन दो वर्षों में क्या मंहगाई में कमी हुई या दो वर्ष में किसी प्रकार का समाधान हुआ था जो सरकार इन्तजार करती रही। सरकार ने आज तक एक्शन क्यों नहीं लिया अब जब सरकार एक्शन ले रही है तो इस संशोधन में भी, मैं कहना चाहूंगा, समस्या का समाधान नहीं हो रहा है। जिस प्रकार नई खाद्य नीति सरकार ने व्यापारियों से मिल कर बनाया था उसी प्रकार नया संशोधन भी जनता की समस्याओं का समाधान करने के लिये नहीं बल्कि इन चोरबाजारियों को किस प्रकार से संरक्षण दिया जा सके इस आधार पर यह कानून बना कर लाया जा रहा है। मैं कहना चाहूंगा कि आज एडल्टरेशन की समस्या इतनी हो गई है कि देश के अन्दर कोई जहर भी खाने के लिए तैयार हो तो वह भी शुद्ध मिलता नहीं।

प्राइसेज को कंट्रोल करने के दो तरीके हैं, या तो सरकार ईमानदार हो या व्यापारी

ईमानदार हों। दुर्भाग्य यह है कि यहां न सरकार ईमानदार है और न व्यापारी ईमानदार हैं, केवल जनता ईमानदार है। आज हिन्दुस्तान की 50 प्रतिशत जनता पावर्टी लाइन के नीचे है। उस जनता का क्या हाल होता होगा जिसकी चीज ही उपलब्ध नहीं होती या बहुत मंहगे भावों पर उपलब्ध होती है। सरकार ने व्यापार के क्षेत्र में हस्तक्षेप किया है। सरकार ने फूड कारपोरेशन की मार्फत व्यापार किया। यह सदन जानता है कि उसके 95 कर्मचारियों का, जिनमें फूड कारपोरेशन के चेयरमैन शामिल थे इस व्यापार के सम्बन्ध में चालान किया गया। यह सरकार के व्यापार का पहला नमूना है। उधर फूड कारपोरेशन ने जो जनता में अनाज वितरित किया उसमें धतूरे के बीज मिले हुए थे और धतूरे के बीज ही नहीं मिले हुए थे, चने के अन्दर लोहे के दाने मिला दिए गए थे। इस सरकार ने जनता को लोहे के चने चबा दिये लेकिन मैं उस जनता को बधाई देना चाहूंगा जो लोहे के चने चबा कर भी जिन्दा है।

मैं निवेदन करना चाहूंगा कि हिन्दुस्तान की सरकार आज मुनाफाखोरी को रोकना चाहती है, लेकिन इस सरकार ने जो फूड प्रोडक्ट्स और एग्रीकल्चरल प्रोडक्ट्स 72 में आयात किए उन पर 627 करोड़ रुपये का मुनाफा कमाया, कैमिकल्स पर 479 करोड़ रुपये का मुनाफा कमाया, ड्रग्स और फार्मेस्युलिकल्स पर 117 करोड़ रुपये का मुनाफा कमाया। और इंडस्ट्रियल प्रोडक्ट्स पर 51 करोड़ का मुनाफा कमाया। आज सरकार को चाहिये था कि वह व्यापारी के सामने एक आर्दश उपस्थित करती। हम देखते हैं कि सरकार किसान से, सरकार व्यापारी से लेवी के रूप में 105 रुपये क्विंटल पर अनाज खरीद रही है, लेकिन वह यही अनाज जनता को 130 रुपये से लेकर 136 रुपये पर बेच रही है। 31 रुपये का मुनाफा एक क्विंटल में सरकार उठा रही है। तो यह सरकार सब से बड़ी हिन्दुस्तान की कालाबाजारी और चोर-बाजारी करने वाली है। व्यापारी वर्ग की तरह

[श्री भैरों सिंह शेखावत]

से ही मुनाफा उठा रही है। उपसभाध्यक्ष महोदय, हमें यह भी विचार करना पड़ेगा कि आखिर इन चीजों के भाव क्यों बढ़े? क्या चीजों के भाव अपने आप बढ़े या चीजों के भाव सरकार ने भी बढ़ाये हैं। वनस्पति का भाव कंट्रोल करने का अधिकार इस हुकूमत को है, लेकिन इस हुकूमत ने 2-1-73 को प्रति किलो उस के 40 पैसे भाव बढ़ा दिया। फिर 16-7-73 को 75 पैसे प्रति किलो उस का भाव बढ़ा दिया, फिर 1-12-73 को 54 पैसे से ले कर 60 पैसे तक भाव बढ़ा दिया और फिर 16-7-74 को एक रुपये 80 पैसे से ले कर दो रुपये 20 पैसे तक भाव विभिन्न जोन्स में बढ़ा दिया। इसी तरह से कपड़े पर। अप्रैल 1974 से 30 परसेंट इन्फ्लेशन कर दी उस की एक्स मिल प्राईस पर। शक्कर पर 15-12-73 से उस की एक्स फक्टरी शुगर प्राईस साढ़े मात परसेंट बढ़ा दी। यूरिया का भाव 55 से 105 कर दिया, सुपर फास्फेट 20 से 49 कर दी, और पोटास 55 से 150 कर दी, डग्ग्स में 19 अप्रैल, 1974 से 20 बल्क डग्ग्स पर आपने 70 परसेंट तक की कीमतों में वृद्धि कर दी। साबुन पर जुलाई 1973 से आप ने कीमतें बढ़ाने की इजाजत दे दी और फरवरी 1973 से स्टील बिलेट्स पर 80 रुपये, बार्स पर 85 रुपये और राइस पर 50 रुपये पर टन कीमत बढ़ा दी और सितम्बर 15, 1973 से सब कैंटेनरीज पर 75 रुपये प्रति टन आप ने कीमत बढ़ा दी। सीमेंट पर सितम्बर 15, 1973 से दस रुपये प्रति टन कीमत बढ़ा दी और मई 17, 1974 से 50 रुपये प्रति टन कीमत बढ़ा दी। इस के अतिरिक्त पेट्रोलियम में आपने पेट्रोल, किरोशन आयल, कुकिंग गैस, लुब्रीकेंट्स, ग्रीजेज, नेप्था, बिटुमेन और फरनेस आयल की कीमत बढ़ा दी। कोयले की कीमत जनवरी 1974 से आप ने दस रुपये प्रति टन बढ़ा दी और इस के अलावा कार, स्कूटर और ट्रक्स की कीमतें भी बढ़ा दी। फूड ग्रेन्स की कीमतें बढ़ा दी और उपसभाध्यक्ष महोदय, आप को ताज्जुब

होगा कि इस सरकार ने कीमत बढ़ाने की नीति के अन्दर जो बच्चों के टैक्सट बुक्स थीं जो कि सस्ते दामों में छपी थीं, सस्ते काजग पर छपी थीं उन के लिए इस साल सारे देश की राज्य सरकारों ने उन टैक्सट बुक्स की कीमतें भी बढ़ा दी। मैं यह इसलिए निवेदन करना चाहता हूँ कि यह सरकार किसी प्रकार का आदर्श आज व्यापारी के समक्ष रख नहीं पा रही है। मैं समझता हूँ कि आज तक सरकार ने जो आदर्श उपस्थित किया है वह मुनाफाखोरी का आदर्श है और अगर इस सरकार से कोई प्रेरणा ले कर चलेगा तो वह निश्चित रूप से मुनाफाखोर होगा और यह मुनाफाखोरों की जमात आज हिन्दुस्तान की जनता का शोषण करती जा रही है। उपसभाध्यक्ष महोदय, बड़े ताज्जुब की बात है कि सरकार 105 रुपये प्रति क्विंटल के हिसाब से लेवी ले रही है। 50 प्रतिशत लेवी देने के बाद व्यापारी को बाकी 50 प्रतिशत अनाज दूसरे स्टेट को एक्सपोर्ट करने की इजाजत मिल जाती है। महाराष्ट्र में मेहू की कीमत 165 रुपये प्रति क्विंटल निश्चित की गयी है। आज अगर एक व्यापारी राजस्थान में 125 रुपये पर मेहू खरीद करता है और 105 रुपये के भाव से उस का 50 परसेंट सरकार को लेवी दे देता है और बाकी 50 परसेंट वह बंबई को एक्सपोर्ट कर देता है तो एक क्विंटल पर उस को 50 रुपये प्रति क्विंटल के हिसाब से मुनाफा होगा। यह आज सरकार की नीति है। आखिर यह स्थिति क्यों बनती जा रही है। उपसभाध्यक्ष महोदय, हिन्दुस्तान में अनाज पैदा होता है लेकिन उस के होते हुए भी लोगों को भूखा मार दिया जाता है। एक बार भारत सरकार ने आदेश निकाल दिया कि एक प्रान्त से दूसरे प्रान्त में अनाज नहीं जायेगा। दूसरी बार राज्य सरकारों ने आदेश निकाल दिया कि एक जिले से दूसरे जिले में अनाज नहीं जायेगा फिर जिलाधीशों ने आदेश दे दिया कि एक तहसील से दूसरी तहसील में अनाज नहीं जायेगा और उस के बाद तहसीलदारों ने आदेश निकाल

दिया कि एक गांव से दूसरे गांव में अनाज नहीं जायेगा और होलसेल डीलर्स लाइसेंसिंग आर्डर ने और परेशान कर दिया कि दुकान से अनाज घर में नहीं जायेगा और घर में अनाज चला गया तो कोयला, तेल, किरोसिन आदि की कमी हो गयी उसके कारण पेट में नहीं जायेगा। हिन्दुस्तान की सरकार ने देश की जनता की प्रान्तबंदी से पेटबंदी तक की पूरी व्यवस्था कर दी और यह हालत सरकार ने आज पैदा की हुई है। तो उप-सभाध्यक्ष महोदय, मैं कहना चाहता हूँ कि इस नीति के अन्दर सरकार को और कुछ एचीव हुआ हो या नहीं हुआ हो, लेकिन एक एचीवमेंट निश्चित रूप से हुआ है कि अनाज के मामले में यह समाजवाद ले आये है। इन्होंने छोटे और बड़े का अन्तर नहीं मिटाया, अमीर और गरीब का अन्तर नहीं मिटाया, अगर मिटाया हो तो हम जानते नहीं, लेकिन अनाज में आज गेहूं से मंहगा ज्वार बिकता है, गेहूं से मंहगी मोठ बिकती है, गेहूं से मंहगा चना बिकता है। यह इस लिये है कि सरकार ने इन चीजों के भाव कंट्रोल नहीं किये, केवल गेहूं की कीमत को कंट्रोल करने की कोशिश की और इस कारण से दालों और मोटे अनाज के भाव बढ़ गये। आज हालत यह हो गयी है कि गुड़ और शक्कर गन्धा और थोड़ा दोनों एक भाव बिक रहे हैं जितना भी चाहे ले लें। गेहूं और ज्वार के भाव में कोई अन्तर नहीं, न सरकार ने किसी के भाव पर कोई अंकुश रखा। ऐसा लगता है कि सरकार ने जहां सक्का खाने वाले हैं वहां ज्वार भेज दिया और जहां ज्वार खाने वाले हैं वहां गेहूं भेज दिया और जहां गेहूं खाने वाले हैं वहां मिलो भेज दिया और इस प्रकार के कंट्रोल और रेगुलेशन की व्यवस्था की, कि जिस के कारण आज लोगों की हालत खराब है।

मैं एक उदाहरण के रूप में कहना चाहता हूँ कि खाद का भाव निश्चित करने का काम सरकार ने हाथ में है। सरकार ने दो महीने पहले यूरिया का भाव 55 रुपये प्रति बैग से 105 रु. प्रति बैग कर दिया। समाचारपत्रों में आपने देखा होगा

अलग अलग राज्यों में जो फर्टिलाइजर्स के डीलर्स हैं उनके पास पुराना स्टॉक है। राजस्थान सरकार ने आदेश दे दिया कि जिनके पास पुराना स्टॉक पड़ा है उनको 55 रु. के भाव पर देना पड़ेगा। पंजाब सरकार ने आदेश निकाला, हरियाणा सरकार ने आदेश निकाला, मध्य प्रदेश सरकार ने आदेश निकाला। लेकिन राज्य सरकारों के आदेश, जब तक ऐंसेंशल कमोडिटीज एक्ट के मातहत भारत सरकार आदेश नहीं निकालती तब तक, व्यापारियों पर कोई अंकुश नहीं रख सकते। लोग हाई कोर्ट और सुप्रीम कोर्ट में गये और वहां से आदेश निकल गया कि राज्य सरकार 105 रु. कीमत पर बेचने से मना नहीं कर सकती। मैं मंत्री महोदय से पूछना चाहता हूँ कि आप किसानों का भला करना चाहते हैं? अगर चाहते हैं तो आपने अब तक नोटिफिकेशन क्यों नहीं निकाला कि जिनके पास पुराना स्टॉक है वह पुराने भावों पर बेचेंगे। जिस दिन सारा यूरिया निकल जाएगा उस दिन सरकार भाव निश्चित करेगी।

इसी तरह से शक्कर का देखिये; 70 प्रतिशत शुगर कंट्रोल में है और 30 प्रतिशत खुले मार्केट में। एक ही शक्कर है, उत्पादन करने वाली मिलें एक हैं, एक ही सरकार है, एक ही बेचने वाला है लेकिन कुछ शक्कर तो दो रुपये किलो का है और कुछ शक्कर 4 साढ़े चार और 5 रुपये किलो में भी समझ में नहीं आता कि एक ही उनकी मिठास है, एक ही चीज है, यह नहीं कि कंट्रोल वाली शुगर के अन्दर मिठास कम है और दूसरी शुगर में ज्यादा है, लेकिन बाजार में दोनों शक्करों के अलग अलग भाव हैं। इसी सदन के अन्दर भूतपूर्व खाद्य मंत्री जी ने एक बार घोषणा की कि शक्कर की नई नीति बनाई जाएगी और इस भेदभाव को मिटाया जाएगा। मुझे खेद के साथ कहना पड़ता है कि वह तो गये, लेकिन उन्होंने एक गलत परंपरा जो चलाई वह परंपरा आज उसी प्रकार विद्यमान है। सरकार को मैं कह सकता हूँ कि वह व्यापारियों के हाथ में है, जनता के हाथ में नहीं।

श्री भैरों सिंह शेखावत

शक्कर की मिलों वाले आज से 3 वर्ष पहले किसानों को गन्ने का मूल्य नहीं चुका पाते थे वर्षों के अन्दर वह मूल्य चुकाया करते थे। यू.पी. के इलेक्शन के लिए पता नहीं उनसे कितना पैसा सरकार ने लिया। यह संभव है कि सरकार ने कोई वायदा किया हो चुनाव के दिनों में कि जब तक इतनी कमी पूरी नहीं होगी तब तक प्राइस में हेरफेर नहीं किया जाएगा, उस विश्वास के साथ यह सरकार चुप बैठी हो मैं नहीं कह सकता। लेकिन जनता के साथ यह सरासर धोखा है।

उपसभाध्यक्ष महोदय, सीमेंट को लीजिए। उसका भाव कंट्रोल पर 14.50 रु. है, लेकिन बाजार में 40 से 60 रुपये प्रति बैग मिलता है। सरकार का कंट्रोल है कि 14 रुपये मिलना चाहिए। मैं इस सरकार से पूछता हूँ कि वह 14 रुपये में क्यों नहीं मिलता है? 40 और 60 रुपये तक क्यों जाता है। जयपुर उद्योग जिसके साहू जैन मालिक हैं, चित्तौड़ की सीमेंट फैक्टरी जिसके बिड़ला मालिक हैं उनके बैग को तुलना लीजिए, उसकी भी शिकायत की गई। लेकिन सेठ हैं, साहूकार हैं उनका कोई चालान नहीं कर सकता। इसी तरह सीकर में मिलावटी सीमेंट को कुएं बनाने में प्रयोग किया गया, कुआं बनाया लेकिन वह कुआं ही फट गया।... श्रीमन्, मैं थोड़ा समय और लूंगा।

उपसभाध्यक्ष (श्री विपिनपाल दास) : आपने 20 मिनट तो ले लिये।

श्री भैरों सिंह शेखावत : मैं जल्दी समाप्त कर दूंगा।

जैसा मैंने निवेदन किया कि आज हिन्दुस्तान में जितनी भी राज्य सरकारें हैं, उन राज्य सरकारों ने इसी एक्ट के मातहत बिना केन्द्र की अनुमति लिये आदेश निकाले, भारत सरकार की जानकारी में ऐसे आदेश निकले जो हाई कोर्ट में न टिकें, ना टिकने वाले थे। राजस्थान सरकार ने कह दिया कि चने की निकासी नहीं हो सकती, लेकिन जब व्यापारियों से राजस्थान सरकार की सांठगांठ हो गई

और 180 रु. प्रति क्विंटल बम्बई के बाजार में चना बिकने लग गया जब कि राजस्थान में चना 127 रुपये प्रति क्विंटल था उस समय राजस्थान सरकार के कुछ मंत्रियों ने सरकारी अधिकारियों से मिलकर 10 हजार बोरी चने की 15 दिन की अवधि निकालकर महाराष्ट्र में एक्सपोर्ट होने की परमिशन दे दी। लोगों ने कहा कि तुम चने पर पाबन्दी नहीं लगा सकते तो इसे राजस्थान की हुकूमत ने नहीं माना तो व्यापारी यहां आए और खाद्य मंत्री महोदय से मिले और कहा कि यह गैर कानूनी है। जब वे भी इस बात को नहीं माने तो व्यापारी हाई कोर्ट में चले गये। हाई कोर्ट ने भी उस आदेश को रद्द कर दिया। सबसे बड़ा संकट इस चने के कारण से हुआ। सभापति जी, पिछले दिनों में जो एक और संकट खड़ा हुआ वह था खली की निकासी का। इस बारे में मध्य प्रदेश की सरकार से सितोरिए मिले। उन्होंने सरकार से सांठगांठ की। उन्होंने कहा कि खली की निकासी को बंद कर दिया जाए। खली की निकासी बंद कर दी गई। हालत यह हो गई कि उसकी 2200 रुपये टन की कीमत से 1100 रुपये टन कीमत हो गई। इसका उन्होंने फायदा उठाया। लोग जब यहां मिलने के लिए आए तो भारत सरकार ने उन्हें कोई संरक्षण नहीं दिया। खैर खली की निकासी जो लगाई थी वह वापस ले ली गई। उसके बाद दूसरा वर्ग सरकार से मिला तो फिर निकासी बंद की गई और बाद में फिर उसको खोला गया। आप देखें कि इस निकासी को खोलने के बारे में कितने गोलमाल हुए। यह एक इन्कवायरी का मसला है इसलिए मैं इस संबंध में अभी कुछ कहना नहीं चाहूंगा।

यही स्थिति राइस ब्रान के बारे में भी हुई। उसकी निकासी को भी खोल दिया गया। यह सारी स्थिति सब लोग जानते हैं। मध्य प्रदेश में गुलाबी चने की जो जांच हो रही है वह क्या हो रही है। उसमें कांग्रेस के लिए चंदा इकट्ठा किया गया, पैसा इकट्ठा किया गया। लेकिन

यह स्थिति यहीं की नहीं है बल्कि गुजरात में जो कुछ हुआ उसको बच्चा-बच्चा जानता है। गुजरात के अंदर एक कारण ग्राउण्ड नट आयाल की निकासी को रोकना था जिसके कारण राज्य सरकार ने व्यापारियों के उपर 20 परसेंट की कंपलसरी लेवी लगाई। लेकिन बाद में जब चिमन भाई पटेल की दूसरी सरकार आई तो उसने कंपलसरी लेवी के बजाय वालयंटरी लेवी लगा दी। 40 परसेंट के एकसपोर्ट की परमिशन दे दी। आम चर्चाएं हैं यह चार्ज मैं नहीं लगा रहा हूं, कांग्रेस की उसी सरकार के मंत्रियों ने चार्ज लगाया। इस निकासी के चक्कर में इन्होंने 32 लाख रुपये इकट्ठे किए। उस समय यू. पी. का इलैक्शन था इसलिए पता नहीं कि चिमन भाई के घर में कितना पैसा गया लेकिन इतना मैं कह सकता हूं कि अधिकांश पैसा यू. पी. के चुनाव में गया।

उपसभाध्यक्ष (श्री बिपिनपाल दास) : अब आप समाप्त कीजिए।

श्री भैरों सिंह शेखावत : मैं समाप्त कर रहा हूं।

मैं यह कहना चाहता हूं कि कालाबाजारी करने वालों पर, चोरबाजारी करने वालों पर इस कानून में व्यवस्था की है कि उन्हें न्यूनतम 3 महीने से 6 महीने तक की सजा मिलेगी और 5 से 7 वर्ष तक की भी सजा देने की व्यवस्था है लेकिन कानून को बनाने वाले यह भी जानते हैं कि आपने मजिस्ट्रेट को इस बात के लिए भी अधिकार दिया है कि वह चाहे तो इस सजा को कम भी कर सकता है और मजिस्ट्रेट चाहे तो ज्यादा भी कर सकता है।

क्या मंत्री महोदय इस सदन में आंकड़ें प्रस्तुत करके सदन को विश्वास में ले सकते हैं कि कितने व्यापारियों का आपने चालान किया। आपके श्री राधाधरमण जी जो दिल्ली के चीफ एक्जीक्यूटिव कौंसिलर हैं उन्होंने वक्तव्य दिया है कि दिल्ली के अंदर छोटे-मोटे व्यापारी पकड़े गये। उन्होंने सिविल सप्लाय डिपार्टमेंट पर यह चार्ज लगाया

कि व्यापारियों के खिलाफ हम कोई भी योजना बनाते हैं तो उसकी सूचना उनको मिल जाती है। ऐसी स्थिति में उपसभाध्यक्ष महोदय, आप यह मानकर चलें कि कानून जब तक सख्त नहीं बनेगा ईमानदारी से कानून का पालन नहीं किया जाएगा हिन्दुस्तान में इस कानून के जरिये से मंहगाई पर कंट्रोल करने की व्यवस्था में सफलता नहीं मिल सकेगी।

दुर्भाग्य से, इस देश में भ्रष्टाचार ऊपर से लेकर नीचे तक इतना फैला हुआ है जिसकी कोई इस्ताह नहीं। आज अगर बंगाल की तरह से कोई एक कमीशन आफ इंक्वायरी नियुक्त की जाए तो मैं दावे के साथ कह सकता हूं कि हिन्दुस्तान के अंदर 100 से ऊपर ऐसे मंत्री होंगे जिनको बिहाइड द वार्स जाना होगा। श्री उमा शंकर दीक्षित जब जयपुर गए हुए थे तो वहां कहने लगे कि हिन्दुस्तान में सबसे ज्यादा कर्प्शन तामिलनाडु में है। मगर वह तामिलनाडु में है या नहीं, इसके बारे में मैं नहीं कहना चाहता। लेकिन अगर राजस्थान सरकार या भारत की सरकार कोई संतोषजनक व्यवस्था करके चले, और विश्वास देकर चले, तो मैं राजस्थान को ही कहता हूँ, वहां 100 वीं आई. पी. को जेल का कटघरा न दिला दू तो राजनीति से सन्यास ले लू। चोर और डाकू से ज्यादा लुटेरे वहां बैठे हुए हैं। तो ऐसा कानून कितना ही बनाए, जब तक कानून का ईमानदारी से पालन नहीं करेंगे तब तक अपने उद्देश्य में सफलता नहीं मिल सकती।

The question was proposed.

THE MINISTER OF COMMERCE
(PROF. D. P. CHATTOPADHYAYA): Sir,
I beg to move:

“That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration.”

Sir, this Bill is being introduced to replace the Ordinance which has already been promulgated. The objective of this Bill is well-known. The Government wants to ensure that the essential commodities are made

[Prof. D. P. Chattopadhyaya]
available to consumers at the price fixed which is reasonable. And the reasonable price fixation criterion has been defined already. Sir, we want that all possible measures, legal and administrative, are taken to see that the Essential Commodities Act is actually followed in letter and spirit.

Now, there are several points which I would like to mention, and I will not go into details.

We want to ensure that if some essential commodities prices are not followed by the sellers, then those goods may be confiscated by the Government—not only the goods themselves but also the carriages, the vessels, the vehicles, receptacles, etc. concerned. Also, we want that the penal provisions incorporated in the parent Act are enhanced. Formerly, it was stipulated in the parent Act that the highest penalty that could be imposed is 5 years. Now that is being increased up to 7 years. As for the minimum fine that we propose to impose for the first offence is three months' imprisonment, unless some extenuating circumstances are there. If the court does not explicitly specify it, then even for the first offence, three months' imprisonment has been provided. For the second offence, it was provided in the parent Act that the imprisonment should not be less than one month. Now, we propose to impose for the same offence a minimum of six months' imprisonment, unless there are some compelling, extenuating circumstances.

The other point which we are introducing in the Bill is *mens rea*. Now, to establish these things is not a very easy thing. But in the case of those who indulge in corrupt practices and unwholesome practices, *mens rea* is to be presumed. The onus is on them to disprove these things. Sir, you will appreciate that this is absolutely necessary, because otherwise this sort of cases drag on and on. So the burden of proof will be on the accused. Sir, we also want to make this offence cognizable and it should ordinarily be non-bailable. This is intended only to make the laws more effective and stringent because under the pleas of bailability and non-cognizability, many of

these offenders have been evading arrest and detention. So, in order to make these things more effective, we are making it cognizable and non-bailable. Of course, if for special reasons, the courts think otherwise, then it is for the courts to decide otherwise to grant bail even in non-bailable offences.

In the case of companies and corporations, we have provided that if any corporation or company is found to be indulging in these malpractices in the trade of essential commodities, then the corporation or the company on conviction will be condemned so that in the public eye and esteem the corporation suffers and it is afraid of indulging in these things in future.

The other thing that we are introducing is summary trial. It is found that if the usual procedures of trial are resorted to, then many of these wrong-doers who indulge in these malpractices, anti-social practices, black-marketing and charging higher prices for the essential commodities, escape taking advantage of the dilatory and time consuming legal proceedings. So, in order to avoid all these avoidable delays, it has been decided in the Bill which is going to replace the Ordinance, to provide for summary trial.

Sir, these are the main features of the Bill. There are some other subsidiary features which I do not like to go into details at the moment. But I would like to make it very plain that the Government is determined to curb unwholesome business practices like profiteering, hoarding, black-marketing and charging higher prices for essential commodities and in an extraordinary situation, extraordinary measures are called for. With the intention of firmly dealing with these unwholesome business practices, Government has decided to bring about this piece of legislation and make it more stringent than the parent Act. I hope this Bill will be taken by the House and the hon. Members in the spirit in which it has been brought forward for their kind and careful consideration in these difficult economic situations. The Government has been taking many measures, administrative and legal, to fight these economic problems. Therefore, unless all-round attempts are

made to fight these menacing economic problems of black-marketing and hoarding, we are not likely to be successful.

So, it is one bold and correct step forward and I hope it will meet the support and endorsement of this hon. House.

With these words, Sir, I place this Bill before the House for its kind consideration.

The question was proposed.

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): The Resolution and the Motion are now open for discussion. Shri Mariswamy.

SHRI S. S. MARISWAMY (Tamil Nadu): Sir, by and large, I welcome this Bill. So far as the speech of the hon. Minister is concerned, it is also to be welcomed. But the fact is, Sir, how far is it successfully implemented? We all know that blackmarket is a demon which took its birth during the time of the Second World War—1939 to 1945. When the late Panditji was released from the jail, whether it was in his first meeting or the second meeting, he said, "When we get Swaraj, I will hang the blackmarketeer by the next available lamp post." It was in March or April of 1945. And now, it is more than 26 years. And we have amended this Essential Commodities Act a number of times. First we brought an Act. Later on, we brought an amendment. Then we referred the matter to the Law Commission, and it has issued a statement. After having waited for two years to make a thorough study of the Law Commission Report we have now come out with this Bill. Our hon. Minister, who is a professor and a very scholarly type of man—personally I like him and I have no axe to grind against him—has narrated the objects of the Bill in a very lucid form.

He has put it in his last sentence that he made the already existing provisions a little more stringent and also one or two alterations have been made. Earlier it was bailable and now it is unbailable. Earlier, they were not publicized, now they are going to be publicized. I believe they are going to publicize in the newspapers in the form of advertisements because there is a provision that

they are going to collect the money expended on that account. But there is also some danger that we will find the advertisement in certain newspapers and certain newspapers would not have that favour from the Government. And we know all this bother.

Sir, let us go to the root cause. I would rather compare our Minister a scholarly type of man, with Hugh Dalton of England. He is also a great professor. As a professor, Hugh Dalton was very much respected all over the world. His books are text-books even today. But as an administrator, you know what has happened to him. Inadvertantly he said something and as a result, he had to lay down his office and go out of Government. And I don't think that fate would fall on our Prof. Chattopadhyaya. Anyway, Sir, let us go to the root cause. Either the merchant community of the Indian society has become totally selfish, inhuman and callouse to the sufferings of the people or hundred per cent Shylock type or the Government has become so weak and inefficient due to various reasons. Either one of these must have been the reason. The men who form the Government must have been corrupt or they associate themselves with the corrupt people or the condition of those people are such in the Government that they had to be corrupt. Either one of these reasons must be the root cause of this thing. Unless we tackle the root cause, we cannot solve the problem. And you might bring in this amendment today. After six months, you will have to bring in another amendment because we find that every action that we take, there are some loopholes and the malpractices are being indulged in. And politics has now become something inalienable in any walk of life of our country. In the pre-Independence days, large sections of people were far away from politics. Only a small percentage of people took part in politics and that was the Nationalist Movement. A very minor sector was on the side of the Government. But out of that small section, let us say, 15 per cent of the people, which took active part in politics, 10 per cent were in the national movement, two or three per cent were on the Government side and one or two percent were on the communal side.

[Shri S. S. Mariswamy]

Now, politics has become the by word and nobody is far away from politics. 85 per cent are in politics and only 15 per cent are away from politics. Whether he is a small man, what may be called a petty shopkeeper, or a big industrialist, he is in politics. So, the entire system of our economy is based on politics. Therefore, if we analyse our entire system of economy, then we should examine the political system also.

The main menace in the political system is our way of conducting elections. Under this system, no honest man can come forward and contest election without spending money. And, where can he get the money from? He has to depend upon either the businessman or on the Government or the Party which has got lot of money. Unless and until these things, these pre-requisites, are there, no honest man would come forward to fight an election, because he will certainly lose. Even if he is a saint he will lose to a sinner loaded with a lot of money. Hands down the sinner would win. That is the present-day condition. So, the political situation is such that he has to lean on the section that wins in the elections, that is the moneyed section. Government also wants money. Party also wants money. That is the state of affairs.

Sir, if we make up our mind today that all the political parties, the ruling party and all the opposition parties, hereafter should not spend any money on elections and the entire responsibility of elections, i.e., propaganda, poster printing, arranging plate-forms, publishing manifesto, etc. will be undertaken by the Commission and the political parties would not be expected to spend a single paisa, you take it from me that half of the corruption will go. You take it from me that until and unless we tackle the black market, we will never succeed. As I have said earlier, I have got a lurking fear in my mind that this would not be effective when we begin to implement them.

Sir, I would like to say one or two things more. One is about the present system of control. This policy is handled by the Commerce Ministry. They have introduced controls and the quota system. All this has become obsolete in my humble opinion.

From the first day on which the Industrial Policy Resolution was passed and up to this period we have not found any drastic improvement in the country either in the production side or in the comfort that the common man can enjoy. There is absolutely no improvement. Why? The common man consumes minor things, the essentials. They are there in the private sector. Public sector deals in engineering and a number of other things. They do not cater to the needs of the larger section of the population. So, when the private sector is left with this sort of production of essential commodities, etc. they are given a lot of room with less control over them and they also make a lot of money which they share with politicians. So they lose the fear of Government and Government is also afraid of them because otherwise at the time of next elections money would not come in. So long as this system prevails, this sort of anti-social activity will go on in the country. What I would suggest is that Government should come forward and take up in public sector the production and distribution of essential commodities. That will be the first step in the right direction. But what are we doing? There are 36 enterprises in the public sector and I believe some of them are turning the corner, making a little money. But hitherto they were in a great mess. Even today, I was told, they are not using the maximum capacity; some of the industries are using only half of their capacity. Some of them do not have even spare parts and they have to depend upon outside countries for them. All these things are there. What I would suggest is that the Government should put an end to this taking up of major industries in the public sector and try to go to ordinary essential commodities and they should also undertake the responsibility of their distribution. And when they take it up half of the ills would be overcome.

The other thing is, Sir, we are empowering the Collectors with more powers than they were enjoying before. But our previous experience has been that when they were given powers either they were not fully used or misused. Now, without changing the set-up again you are giving them more powers. I do not know how it is going to work.

So far as the object of the Bill is concerned, I am one with it; I do not have any differences. But I wonder how it is going to be worked to meet the present needs. There is a rumour in the country, which fact we should not forget and I want the hon. Minister to take it into account, that this Ordinance which was promulgated on the eve of the AICC session was more like a shot in the arm of the Congress worker whose morale was sagging. But I do not believe it. I want that you make that rumour a lie by your actions.

PROF. D. P. CHATTOPADHYAYA: You are right in not believing it.

SHRI S. S. MARISWAMY: It was issued on the 22nd June, 1974. Today it is the 25th of July—nearly one month—and Government knew very well that summons have been issued on that day and that Parliament was going to meet on the 22nd of July. Then why should not the Government wait till Parliament met? Heavens would not have fallen in the course of one month. I would like to emphasise this point because, how many companies have they booked during this one month and how many advertisements have we seen in the newspapers? Has any Member of the House seen any advertisement that such and such a man has been apprehended for such and such malpractices? At least I have not seen. I read all the papers published in Delhi when I am in Delhi. When in Madras I see all the national papers but I have not seen one advertisement. So, heavens would not have fallen if this Ordinance had not been issued. Coming back to my original point, repeatedly issuing Ordinances is not good. Of course, since they have got a majority there is absolutely no chance of its getting defeated. People like me are also prepared to vote for the Government on this issue. But two essential things must be fulfilled. Firstly, the supply of essential things of the common man must be the responsibility of the Government. So long as you do not do that, these measures would not have their effect. Secondly, the practice of proclaiming Ordinances in a dramatic fashion—rather, I am sorry to use the phrase, in a cheap fashion—must come to an end. During the British period if an Ordinance was passed—there

was an emergency period—people were afraid of it. Even today, in England if an Ordinance is passed people look at it with awe and respect. Now I am sorry to say that our Ordinance papers are trash; nobody cares to have a second look at them. Whereas this Ordinance was kept a secret, another Ordinance about dividends was leaked out. That is the system of Government we have. My point is that measures taken without applying much comprehension and imagination would not meet the requirements of the day.

However, I welcome this Bill. I wish the hon. Minister all success. But he should bear in mind these points because he is in charge of the Commerce Ministry—a very powerful Ministry—and I am told that after he assumed office our exports have gone up and added to our balance of payments position and things have improved very much. I wish him all success but at the same time, because he is a Professor and a studious man, he must apply his mind on the basic issues and come forward with a comprehensive Bill next time, may be even in this session itself. I will welcome it much more than this. Thank you.

SHRIMATI SUMITRA G. KULKARNI (Gujarat): Vice-Chairman, Sir, today we are here to discuss the Essential Commodities (Amendment) Bill. I have been since morning thinking about this expression 'essential commodities' and I feel that the expression 'essential commodity' has almost become a mockery. The moment any item is declared essential it vanishes from the market. Even the most basic necessities of our life, soap, cement, paper, vanaspati—unless vanaspati is there we cannot cook; unless washing soda is there we cannot wash our clothes—anything that is declared essential and that is necessary for society, it vanishes from existence and it is not available in the market. This is the condition of essential commodities today. Sometimes I feel—I ask to be forgiven in advance for saying this—if the hon. Minister were to declare tomorrow that sunshine is an essential commodity I am afraid it will vanish and it will no more be available. This is the condition of essential commodities and all of us are

[Shrimati Sumitra G. Kulkarni]
very deeply concerned about this issue. And that is the reason why we are discussing this today.

I have always held that in Indian society which is considered to be backward the two things that may help our society is education, that is, bringing up the level of education of our people, and improving the hygienic condition of the public. I used to feel for quite some time, for the last nearly 20 years, that if we can afford to make paper free for the people—it should be available at any counter at any place without any cost so that people are prompted to take that paper and learn to write—that would help the growth of literacy. The second is soap. If at least half the unhygienic condition could be removed by free use of soap the health of the nation could be preserved and that in itself will be a very invigourating thing. Unfortunately, all these things are totally absent from the market today. I am a mother of very small children and every mother of school-going children knows to her own distress how the children come home asking for some exercise books and they are not available. All of us know that they are not available. If we pay more we can get them. It is most unfortunate that the ten or eleven year old child who is not aware what business is, what trade is, comes to know that things are available under the shelf. They can see what is happening. A child goes to the shop and he is told that it is not available. But after fifteen minutes when the child goes back and if by some good luck there is a nice person who takes pity on that child, he might say, all right, I will give it to you. So that is the condition of essential commodities. And it is for this purpose that this Bill is being brought forward. We can give whatever powers are necessary to the Minister and his officers for strengthening the hands of the Government. The Minister just now said that this is a more stringent measure and he wanted that we should understand it in the right spirit. We are fully aware of the difficulties due to lack of essential commodities and we are ready to give any assistance that he requires from us. I am sure that even the

Opposition Members will agree that we should give all the powers necessary to the Government and its officers so that it can ensure that hoarded essential commodities are brought out. There is a perpetual scarcity that is going on in the country and every day one thing or other is not available and we have to go three to four times for such things, and still we do not get them. As I said we will give all the powers that he wants. The real test is how effectively and in what manner they are able to use those powers to achieve the object in view. After all, the whole essence of the thing is the effective manner in which these extensive powers are used. He has said that it has been made a cognisable offence. It has also been made non-bailable and it is left to the discretion of the Judge to make it bailable or otherwise it is essentially non-bailable. They have increased the punishment from five years to seven years, and from one month to three months. They have also provided for summary trial. These are all very good powers. I wish him success and hope that he will be able to bring out result with the help of these extensive powers. We have developed a sort of scepticism in our hearts that with all the powers that are there on the Statute Book nothing really comes out. The test of the Government and the Minister is whether, with all these powers, they will be able to use it as effectively as we want it or for that matter as they want it. Even if in their own mind it is effective, we will be grateful.

The second point that occurs to me is to what extent, with the help of all these extensive powers, hoarded commodities will be brought out. I am sure all of you will have noticed this morning that in anticipation of our mini-Budget that is expected to be presented on the 31st July, already the shops are putting up signs of 'no stock' in respect of every essential item and non-essential item. They are hoping that the excise duties will be going up on these items and, therefore, they are going to profit during this period also. After all, the excise duty is put on the ex-factory price and not on what is there in the shelf.

This is what they are wanting. Today is 25th July. Now, 31st July is the fixed date. Can we hope that from tomorrow morning, the essential commodities, in respect of which there is a 'no stock' sign in anticipation of 31st July, will be brought out? If that is brought out, we would have achieved a great deal. This is the real test of this particular legislation. Now, let me give you a small instance. I am not aware of the position all over the country, but what is prevailing in Gujarat, I am sure, must be prevailing all over India. In Gujarat there is the Governor's administration. There are no legislators to distract the administration or to corrupt the administration. Legislators are absent and their nuisance value is absent. In one month of the Governor's rule, 2,087 raids were carried out and only 6,000 cement bags were seized. Three bags from one dealer and three bags from another dealer, like that it went on. For whom are you raiding like this? Each raid costs so much money to the Government. Are we going to befool ourselves? You get three or four bags. This is the result of the raid. This is the pitfall in this particular Act. We may give all the powers and we may make it stringent, but if we fail to implement it, it will not have achieved anything. It will be once again three bags in one raid and four bags in another said. Three bags of cement may be required for repairing the walls in a house. We will not be successful in checking hoarding. If we do not guard against this, it will become another ornamental piece on the Statute Book. It will give extraordinary powers in the hands of the policeman who will wreak his vengeance on some innocent people with whom he has to settle scores. If this power which we give to the administration is not properly used, we will not achieve anything. This is the thing against which I would like the hon. Minister to take care.

I have only two questions to ask. One is, do you have a plan to bring out hoarded essential commodities? During the next three months there has to be a positive plan for a day-to-day checking up. What are the steps that will be taken for utilising the powers granted under this Bill? Unless this plan is there I feel that it will be of no

use because it will not improve the management and it will not give any relief to the consumer. I feel there has to be a plan if we want to make this a success. This is one question I have to ask of the hon. Minister. Does he have a positive plan and in the next three months what are the steps that he is going to take? The second question is, have you made an estimate of how much will come out as a result of the various steps that you will take? After all, there has to be a tentative plan and a positive estimate as to what you will be able to bring out. Unless the Government know what they are going to do and how much will come out, what is the use of anything? The hon. Minister should take care of these two things. (*Time bell rings*). If such a plan is not prepared, it is my humble request to the hon. Minister that he should cajole or force the administration and his Ministry to prepare such a plan.

Unless such a plan is prepared, he will be let down and he will find himself in a difficult position because with all these powers he will not be able to achieve anything. So, it is very essential that we should have this kind of a plan prepared. We, in this country, are thoroughly fed up with the innumerable statutes and laws that we have got. Take one example. The income-tax officer has got vast powers. There is not one thing that the income-tax officer cannot do. At any time or any hour of the day or the night, he can walk into any residence. Almost they say that even God does not have this much power as he has. You will agree, Sir, and the House will agree with me that most merrily income-tax evasion is going on. Annually, to the tune of Rs. 2,000 crores income-tax is evaded. About five years ago, the figure was Rs. 400 or Rs. 500 crores. About two years ago, when I joined Parliament, it was Rs. 700 crores. Today, it has come in the range of Rs. 1,500 or Rs. 2,000 crores annually. It is not as if the Income-tax officer does not have the power. It is the will, it is the administration, it is the Government behind it. We want to make use of the statute that we have got. They should make use of the powers that have

[Shrimati Sumitra G. Kulkarni]

been granted by this honourable House to the Government to bring out the essential commodities. That is the crux of the matter. We would like to give everything that they want, all the strength, all the power, that is necessary. But our request is: Please prepare a plan, find out what amount you are going to bring out and see to it that it is honestly and earnestly implemented and not made an ornamental piece of legislation which otherwise it might become.

DR. Z. A. AHMAD (Uttar Pradesh): Mr. Vice-Chairman, I was wondering whether I should speak on this Bill. Every time that I stand up to speak, I suffer from a feeling or sense of futility because I am convinced that this debate is not going to yield much. That there are very few Members in this House is significant. It indicates that Members on that side and this side feel that this is a ritual that we have to perform, that this is a sort of drama in which there are so many exercises in futility. So, it is all right. Prof. Chattopadhyaya will say something. He has his own role. We have our own role. And we will talk and go. Karl Marx once said that the British Parliament is the talking shop. I think that characterisation applies very correctly to our institution also. We talk, talk and talk. But we know that not much is going to come out. Anyway, since this ritual has to be performed and I am also an actor in that drama, I will also say something.

Now, about the objective of the Bill, the objectives of all the Bills that the Congress Government brings forward are good. There is no dearth of good objectives, there is no dearth of good declarations, there is no dearth of promises, there is no dearth of warnings to anti-social elements. But the test is not in the declaration of the objectives. The test is in the implementation of the measures that will fulfil the objectives, that will take us nearer to the realisation of the objectives. That is the test. And in it, the Congress Government has failed not once, not twice, thousands of times. In every respect it has failed. Here the objective is to provide essential commodities to all people at reasonable

rates. Very good. But what is happening in this country? We talk of economic crisis. It is not an ordinary economic crisis. It is an economic crisis that will have far-reaching effects on the entire political and social fabric of this country. Let the ruling party not be complacent about it. We are talking of Bihar. We are talking of some mischief here and some mischief there. I may tell you that deep down in the hearts of the people a bitterness is being created. Deep down in the hearts of the people it has gone into their blood which one day will break out and you will reap the consequences of it.

You indulge in platitudinous talks and you say that not only here, there is inflation all over the world. I call it nonsensical talk. First of all, it is not true that in the socialist sector there is inflation. I have been to two countries just now. There is no inflation there. The prices of bread, meat, butter or vegetables are still the same as they were ten years ago. It is a constantly controlled economy. Nobody is allowed to increase the prices. It is strictly controlled. I can give you the figures of the G.D.R. I went there ten years ago and I went there recently. The prices of meat, milk, bread and butter are still the same as they were ten years ago. I have got the figures with me. I can give it here. I can publish them. I went to Poland. There is no inflation. Of course, in capitalist countries there is inflation. But that is nothing new for them. There is over-production and low consumption. That is the law of capitalist development. And from time to time there is overproduction. Then there is restriction on production, and then inflation comes in and then again the demand grows. And somehow they adjust and this cycle goes on. All those who have studied economics know that this cyclic development takes place in the capitalist society—inflation followed by deflation and then there is adjustment between the supply and the demand. All those things take place. If you compare your country to advanced capitalist countries like America, West Germany or France, you are living in a world of your own.

In this country we talk of 40 per cent. living below the poverty line. Actually today it is 60 per cent. and it is all due to rising prices. And this poverty line is according to Asian standards of living, not according to European standards of living. Here you cannot get even rice or dal. Rice is luxury. In my eastern U.P. even *Sattu*, a powder of a sort of rough grain, is a luxury for a big section of the population.

You talk of inflation and you compare it to the inflation in the Western European countries. In the Western European countries if there is inflation some of the luxuries will be cut. Instead of two televisions they will have one television. Instead of four cars they will have two cars. Instead of going to Southern France for holidaying they will go to the Miami Beach. Where is the comparison? Look at the Ministers and the Prime Minister, responsible persons, talking in this way. They say there is inflation all over the world, that it is a common phenomenon. This inflation can be contained. They say it cannot be contained. Where 60 per cent. of the population is below the poverty line the seriousness of the situation must be realised.

They have coined clap trap phrases—“Consumers’ resistance should be built up to fight inflation”. You allow all sort of loot. You allow all sorts of profiteering. You permit and encourage every form of profiteering, blackmarketing, hoarding, everything. Not only you condone it, you permit and encourage it. You facilitate it and then you preach that consumers’ resistance should be built up, that the people should co-operate. And when the people start co-operating, you call upon the police and the army to shoot them down. What is this? DIR, MISA, law and order, everything comes there. Constitutional methods, peaceful methods will have to be adopted! I wish some of us who get Rs. 51 a day were in that position where we cannot get ‘sattu’ to eat, rice and dhal to eat. Then I will be happy to find them talking about peace, law and order: ‘shanti’ and all that sort of thing. If I were in that condition, I shall myself go out and resort to violence.

I will go out and snatch food from somebody else. Why should I not? They are also human beings. They are as much citizens of India as we are citizens of India who are sitting in this air-conditioned place, having our cars, our luxuries and our flats. That poor man, who works for you, who is the back-bone of India, who constructs India, who carries on agriculture, he is starving. And we talk about him! So, consumer resistance and such other platitudes should not be used.

Now, Sir I will not repeat what my friend here, my friend there and many others will say. Our whole structure is wrong. It is not a question of your willingness or your desire to improve things. Your whole economic structure, your social order, is wrong. Everything has gone wrong. The whole economic set-up has gone out of your hands. You cannot do anything about it. As time passes, it is going more and more out of your hands. Remember, the day is not far off when you will be called to account by the people. They have given you power for 25 or 27 years. To-day there may be no alternative. But life does not allow vacuum to remain for ever. Because the Opposition is divided, there is no alternative.

श्री राजनारायण (उत्तर प्रदेश) : आप हमारे साथ आ जाइए ।

DR. Z. A. AHMAD: Don't interrupt me. I do not accept your alternative. I do not accept your party as the alternative. I think a good alternative of progressive, democratic and real socialist elements will come into existence one day and they will challenge this rule of blackmarketeers and profiteers which is existing today. I feel sorry to say this because I do feel that there were great opportunities to reorganise India and to raise our people to a higher level. Look at other countries. What has happened in other countries? Where are we going? We are going deeper and deeper into the mire. Your whole structure, economic structure, political structure, administrative structure, everything is wrong.

[Dr. Z. A. Ahmad]

What is this Bill for? To raise the sentence of imprisonment from five years to seven years. What did you do with the sentence of five years? You had five years; you could punish people. Did you punish anyone with imprisonment for five years? Sometime ago one of the hon. Members here asked for some figures and the Minister gave the figures. What was the term of imprisonment? In the majority of the cases, it was imprisonment till the rising of the court. In a majority of the cases, it was imprisonment till the rising of the court when you had provision for five years' imprisonment. Now, you want to raise it from five years to seven years. You may raise it to 10 years or even 20 years. But as long as the bureaucracy, these people who are linked up economically, mentally, politically with the ruling class, with the exploiting class, as long as their mind is modelled on those lines, you will not get sentences of five or seven years. You will get one day, two days or three days. And the most interesting part of this Bill—I say it is an exercise in futility—is that while you raise the maximum sentence from five years to seven years, the minimum sentence is three months but in certain cases where the magistrate considers it desirable, less than three months, even till the rising of the court, can be given. I think in all laws—I know the agrarian laws well—there is always a loophole for the vested interests. There is always a loophole for the scoundrels and anti-social elements to get away. Shall I read it? Everybody knows it. There is a proviso everywhere. Here it says:

“Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months”.

He can do so in all cases whether it is the first offence, second offence, third offence or 10th offence. You are making it non-bailable. But any Magistrate is authorised to make it bailable. It is a hoax which Mr. Chattopadhyaya has tried to play on us. It is befooling the people, making them think that you are going to take some stern action against the black-marketeers and hoarders. You are going to do nothing

of the sort. It is a trick and buffoonery which you are perpetrating on the people. Therefore, I will not say much. I will put it directly. My contention is this that unless all the essential commodities are brought under a system of public distribution through physical procurement and control of the stocks and proper public distribution of those stocks, all these laws will remain on paper and will serve no purpose at all. You appointed a Committee headed by Mr. Mohan Dharla known as Dharla Committee. Mr. Dharla is an important man. He recommended that pulses, sugar, vanaspati, processed edible oils, footwear, kerosene, domestic fuels, etc. should be brought under a system of proper procurement and public distribution. That Committee emphasised the importance of building an institutional infra-structure for that purpose. What attention have you paid to that Committee? You have paid no attention at all. You will keep on considering that recommendation for another 4 or 5 years. I am sure Mr. George will say that they are paying great attention to it. You cannot. Can you? Can you, who are dependent for your very existence on the black-marketeers and profiteers, bring all these commodities under a public distribution system. You cannot. I challenge. You can only dupe us by saying that you are considering it. You officials will not do it. You officials are—I won't use any strong word—the lackeys of these big money bags. After their retirement, they have to get their sons and themselves appointed in these concerns. Therefore, this will not happen. But we will go on criticising and condemning your policy from this House and from public platforms. I know nothing will be done. This trash should be thrown in the waste paper basket. We shall build up strong movements to fight for the demands of the people. People cannot be allowed to go on suffering and the exploiters, profiteers and the money bags cannot be allowed to exploit and suck the blood of the people.

(Time bell rings)

I end my speech with these words and that exercise in futility can continue.

SHRI JAGAN NATH BHARDWAJ (Himachal Pradesh): Mr. Vice Chairman, I support this Bill because I see in it some unconventionalism. No doubt there is a provision for summary trial and it is a great improvement over the original Bill. But I have to say much about this Bill. As a matter of fact, I was thinking in terms of offering some amendments to the Bill. I dropped this idea simply for the reason that the Bill does not need any amendment, but it needed change in its shape. The Essential Commodities Act of 1955 and this amendment require a major change in their shape. I see that this Bill is punishment oriented. It is not implementation oriented. As a matter of fact, this Bill should be implementation oriented. In this Bill I see no radicalism; there is no unconventionalism like bringing into books the culprit. The necessity of the hour is that those who commit defaults should be brought to books and when there are no people in the books whom to give punishment for 7 years instead of 5 years? So, a major change is needed at the moment. There is a hue and cry among the public that Government must do something to check the rising prices and so it is in terms of this general demand that we have to shape our coming laws. For this purpose I have been speaking very often. On the 10th May, I moved a Resolution that there should be a Price Commission. Unfortunately that Resolution could not be discussed in the House because it lapsed. Therein I proposed that the Government should do two or three things. First thing was that they should appoint a Price Commission. All these can be brought within the purview of this Act. Then I said that there should be some vigilance system consisting of some flying squad system so that the Magistrates are able to punish the guilty people on the spot. Now the greatest defect in the law is that the defaulter gets some time. Within this breathing time, they manage to meet some higher authorities and manage to escape the clutches of law. It is, therefore, essential that we should remove this weakness in our present laws and make our laws unconventional. You may have read in papers that on the 12th May our Prime Minister also said in a meeting in the

Planning Commission that our laws should be unconventional. She felt that there is need to make our laws unconventional. It is in that spirit that we have to shape our laws and we have to bring new requirements of the time into our laws. In a way this Bill shows some signs of that unconventionalism. It provides for summary trial. I am, at the moment, satisfied with it and I support the Bill with a clear hint to the Government that they must think in terms of making the Essential Commodities Act more and more unconventional and to make it more and more implementation oriented. With these words, Sir, I support the Bill and oppose the Motion moved by my friend. He has said that he is against this Ordinance. But he was contradicting himself since he did not say anything against the Ordinance and since he could not point out anything which was bad in the Ordinance or in the proposed Bill. But he simply said that he opposes it. As a matter of fact, he had an opportunity to say so many things loudly when he was speaking. But because there was no reasonable point in his speech, I oppose his Motion and I support this Bill and I urge upon Government to think in terms of making the Bill implementation-oriented. Thank you, Sir.

SHRI N. R. CHOUDHURY (Assam): Sir, while listening to Mr. Shekhawat, I was reminded of a story. There was a meeting and somebody was there to propose something. As soon as he rose from his seat and said, "I propose", the other man rose from his seat and said, "I oppose." The first man said, "I have not yet proposed". Then the reply from the other man was, "I stand to oppose what you propose to propose." Now, Sir, it has become a habit with our Opposition parties to oppose whatever the Government proposes. Now, Sir, they oppose ordinances wherever they are promulgated. So far as this Ordinance is concerned, I do not see any reason why they should oppose it. Now, the object of this Ordinance was only to add some stringent punishment; to make the penal provisions of the Essential Commodities Act, 1955, more rigorous and their implementation more effective. This Act is already there and the object of this Ordinance was only to make the penal

[Shri N. R. Choudhury]
provisions more stringent and to make the implementation more effective. Therefore, I do not find any reason for their opposition to this Ordinance. Whether it is an Ordinance or a Bill or an Act, there is nothing to oppose it. Mr. Shekhawat, while he was moving his own Motion, said that the prices were going up, that blackmarketing was there, that corruption was there and that all these and many other things were there. Prices are going up; blackmarketing is there and it is in abundance. Therefore, we need some stringent and penal measures under the Essential Commodities Act and hence this Ordinance. Therefore, when he chose to oppose this Ordinance, he was really arguing for this Ordinance.

Then, Sir as regards the opposition to the Ordinances by the Opposition parties, I would like to say a few words. Sometimes we must promulgate ordinances. Certain things are there which make it necessary to promulgate ordinances. Recently, Sir, our Finance Minister announced that a supplementary budget would be placed before the Parliament on the 31st July. Now, what is the result of that or what is the reaction to that? In New Delhi, you will find that so many essential consumer goods have disappeared from the market. As soon as he made the announcement that a supplementary budget would be placed before the Parliament on the 31st July, many essential consumer goods have disappeared from 5 P.M. the market. Today it has

appeared in the Bombay press also that some consumer goods, very essential commodities, have disappeared from the market. You can imagine the lot of the 'mofussil' areas, village areas, and the lot of these people. In such cases, things must be kept secret. As such, an ordinance is necessary, because our parliamentary procedure is such. First you have to seek permission of the House to introduce a Bill, then you have to introduce it, then there are lengthy procedures, there are so many ways of consideration then it has to be passed either by the Lok Sabha first and then by the Rajya Sabha or from the Rajya Sabha to the Lok Sabha, there is first reading, second reading, third reading and so on. It is a lengthy procedure. By that time, much water will pass through

the Ganges, the Brahmaputra and Cauvery. In such cases, in such vital matters, an ordinance is necessary. And I suppose the Government is justified in promulgating these ordinances. But in such cases when there is an ordinance, some people will stand up and say: We oppose this ordinance, the Parliament has not been taken into confidence, and so on. My point is that. This type of opposition is like that man who stands up to oppose whatever the other man proposes to. This type of opposition, I suppose, would not do any service to the country. There must be a constructive opposition. In this Essential Commodities Act there are many things to be said. Let them criticize constructively.

Sir, there is nothing wrong in this Bill. Government wants to prescribe some stringent penal provisions. In the Objects also, it is stated, "... to make their implementation more effective". But merely by passing an Act, the purpose cannot be achieved. For that, effective implementation is necessary. For effective implementation there must be an effective machinery.

Now, Sir, here again there must be notification of essential commodities. They must have notified certain commodities. What are the essential commodities? Who are the persons who will make such list? Normally, in this bureaucratic set-up, Government depends on bureaucrats.

Some things are there. For other things, notification is necessary. And these will be handled by whom? By the bureaucrats. These bureaucrats generally have very good relations with profiteers, black marketeers and big business houses, and they will do as they did in the past. This summary trial provision was there in the principal Act. Penal provisions were also there, though not so stringent. From one month they have made it three months, as the minimum. As the maximum, from 5 years they have made it 7 years. In how many cases, summary trial has taken place? It was there in the parent Act also. In how many cases, big business men or big magnets have been tried and imprisoned for contravention of this Essential Commodities Act? You will find none. Sir, it all depends

on how you implement it. Unless we have a good implementation machinery, whatever stringent penal provisions we may have in the Bill, it will remain ineffective.

So my point is whether the Government is prepared to gear up its administrative machinery which is responsible to look after the implementation of this Act. Sir, in this country, some of the politicians are not free from corruption. They have their close ties with the black-marketeers and profiteers. Three groups of people are combined together, i.e. corrupt business people, corrupt bureaucrats and corrupt politicians. All the three classes of people are taking the country to dogs. Today, can the Government stop the corrupt politicians from hobnobbing with the big business houses, black-marketeers, profiteers and smugglers? They cannot stop it.

SHRI BHUPESH GUPTA (West Bengal): Can you tell us how to identify the corrupt?

SHRI N. R. CHOUDHURY: You are also leading a party. All the national leaders like you and people on both the sides of the House should find a way to detect these corrupt people.

PROF D. P. CHATTOPADHYAYA: Now the ball is in your court.

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): Mr. Choudhury, please continue with your speech.

SHRI N. R. CHOUDHURY: I would like to give a specific instance. In Assam, we have got Food Trade Advisory Committee for essential commodities.

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): You have to wind up now.

SHRI N. R. CHOUDHURY: They have got non-official Chairman and Members and the S.D.O. or the Deputy Commissioner, as the case may be, as the Convenor.

Now, I will give you a specific instance. The price for cement is fixed. Now, the Chairman and Convenor of the Food Trade Advisory Committee invited cement dealers to the office of the Sub-Divisional Officer and suggested to the business community that they were free to charge about 50% more than the fixed price without cash memo. If that type of arrangement is being made by the persons who are responsible to look after the implementation of this Act, then how will you implement this Act? You have given the Collectors the powers to seize essential commodities in any package or receptacle. If your Collector behaves in this way and is in collusion with the corrupt political head and the business community, how will this Act eradicate black-marketing? My point is this. Let there be a Bill. You make the penal measures stringent. But whatever you propose in this Bill will never be implemented unless you gear up your machinery.

Lastly, Sir, I would like to mention one point. Our friend from Jan Sangh has started with opposing the Bill.

SHRI JAGDISH PRASAD MATHUR (Rajasthan): You oppose it.

SHRI N. R. CHOUDHURY: I am not opposing it. I support this Ordinance. But I want that it must be implemented in letter and spirit. That is what I want. But you are opposing the Bill itself. Why? Because the wholesale business people are with Jan Sangh. This type of enactment goes against the wholesale traders. Therefore, they are bound to oppose it. By that, they are serving their masters. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI BIPIN-PAL DAS): The debate will continue on Monday. The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at twelve minutes past five of the clock till eleven of the clock on Friday, the 26th July, 1974.