

श्री राजनारायण : (उत्तर प्रदेश) वह जो नौ वजे वाला है उस की खबर करवाइये।

श्री सभापति : वह भी आयेगा।

Clauses 2 to 20 were added to the Bill.

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

SHRI VIDYA CHARAN SHUKLA : Sir, I move :

"That the Bill be passed."

The question was put and the motion was adopted.

THE ESSENTIAL COMMODITIES (AMENDMENT) BILL, 1971

THE MINISTER OF STATE IN THE
MINISTRY OF INDUSTRIAL DEVELOPMENT / औद्योगिक विकास मंत्रालय में
राज्य मंत्री (SHRIGHANSHYAM OZA) :
Sir, I beg to move :

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

Sir, the House will remember that the present Essential Commodities Act was passed in 1955. It replaced the Essential Supplies (Temporary Powers) Act, 1946 which was then in force. As early as 1955 and even before it was found necessary to have such an act permanently on our statute book for the control of production supply and distribution and of trade and commerce in certain commodities.

Sir, we are trying to achieve rapid economic growth along with social justice. We are raising resources and making investments in various sectors in a planned and well thought out manner. Situations are bound to arise, wherein constraints on production, supply and distribution of commodities may occur. Essential Commodities Act provides in the interest of the general public for the control of production and distribution and trade and commerce of commodities which we deem to be essential. At present these commodities number 58 and include items of daily consumption like foodgrains, sugar, vanaspati kerosene, drugs, medicines, etc. It has been the

experience of both the Union and the State Governments that the Act has proved quite helpful in curbing hoarding, profiteering and blackmarketing. In 1970 action was taken in 22,739 cases. In the first eight months of the current year it was 10,980. The number of persons prosecuted in 1970 was 17,535 while in the first eight months of the current year it is 8,865.

Sir, from 1955 onwards we have made suitable amendments in the parent Act to make the provisions more effective. The present Bill is a further step in that direction. It has to be borne in mind that neither the original Act was framed nor the present Bill has been brought forward to deal with the present situation only arising out of emergency in our country. For that we have also presently put on the statute book the Defence of India Act and have framed rules thereunder. Essential Commodities Act has become a sort of permanent measure. The provisions of this Act are enabling and can be brought into operation or withdrawn according to the exigencies of the time. As I said earlier, keeping in view our developing economy such measures provide a very useful instrument for meeting certain situations as and when they arise.

Sir, coming to the present Bill, I will try to explain to the hon. Members in short what the various clauses seek to achieve.

clause 2, sub-clause (i) seeks to amend section 3, clause 2, sub-clause (j). As the clause stands today, it provides that the Government may by order provide for any incidental and supplementary matters including in particular the entering and search of premises, vehicles, vessels and aircrafts and the seizure by a person authorised to make such search of any article in respect of which such person has reason to believe that contravention of the order has been, is being or about to be committed. We may mark the word used here 'articles' which means only articles could be seized. As hon. Members will see, the clause as it stands today does not expressly authorise the seizure of conveyances used in conveying the property or the covering or receptacle or vehicle in which the property is found. It is necessary to empower the seizure of not only the articles but also of conveyances, covering, receptacles, etc. Seizure of articles in res-

[Shri Ghanshyam Oza.]

pect of which contravention of an order had taken place without any authority to seize covering etc. was proving irksome in practice in certain cases.

The next proposed amendment is in respect of sub-section (3B) of section 3. Sub-section (3B) of section 3 of the Act lays down the procedure for fixing prices of foodgrains, edible oilseeds or edible oils sold to the Central Government or a State Government by an order made under clause (f) of sub-section (2) of section 3. Such price is to be fixed under the present law having regard to—

(i) the controlled price fixed under this section or under any other law; and—the word used here is 'and'—

(ii) the prices of these commodities prevailing or likely to prevail during the post-harvest period in the area to which this order applies.

The word 'and' between the two clauses is not proper. It should be 'or'. Because when the price is fixed statutorily by an order it is not that we should go on to consider the price that is likely to prevail in the post-harvest period. Therefore we want to omit the word 'and' and put in the word 'or'. If there is a controlled price then legally that is the only price which is applicable and payable. The post-harvest price can be taken into consideration only when there is no controlled price.

Clause 3 of the present Bill seeks to make an amendment in section 5 of the principal Act. Section 5 of the principal Act refers to delegation of powers to make orders under section 3.

Section 3(3A)(i) empowers the Central Government by notification in the official gazette to delegate powers to control rise in prices and to fix the price at which any foodstuff should be sold.

A doubt has been raised whether the power to issue a notification under this sub-section can be delegated to State Governments or other authorities under section 5. It is proposed to amend the Act to make it clear that this power under section 3(3A) is also capable of being delegated, not the power to issue orders only but the power to issue notification also.

Section 12A of the Act and section 8A of the Criminal Law Amendment Act, 1952 provide for summary trials for contravention of orders declared as special orders under these sections. Section 12A was inserted in the Essential Commodities Act 1955 as a new section by the same said amending Act. This section empowers a special judge trying an offence under sub-section (i) of section 6 of the Criminal Law Amendment Act, 1952 alleged to have been committed by a public servant in relation to the contravention of any special order notified under section 12A of the Act in a summary way. These provisions had validity only for a limited period and were extended from time to time. The present validity expires on 31-12-1971. Even at the time of the last amendment some hon'ble Members had expressed a desire either for a longer extension or for making it a permanent feature.

The Government have carefully considered the question of extending the validity of these sections in consultation with the State Governments and the concerned Ministries of the Government of India. Taking into account the fact that shortages of certain essential commodities are likely to persist for some time to come, Government consider it desirable to place these two provisions permanently on the Statute Book instead of extending their life from time to time. In view of the stringency of the provisions, a two-yearly review of each notification that may be issued under the Act has also been provided with consequential saving provisions. I hope the honourable Members will agree that the amendments suggested are necessary to make the provisions of the Essential Commodities Act more purposeful and effective and I commend them for acceptance of the honourable House.

The question was proposed.

SHRI BABUBHAI M. CHINAI (Maharashtra) : Mr. Chairman, Sir, while wholeheartedly supporting the Bill I want to bring to the notice of the hon'ble Members a few points. The first is that the Act expiring on 31-12-1971 is now being made permanent on the Statute Book. The second point is that by this order 58 commodities have been covered under the Essential Commodities Act. There can be no two opinions that in an emergency like

this the prices of essential commodities should be controlled and it should be seen that no undue advantage is taken by those who are responsible for rising prices. However, I want to bring to the kind attention of the hon'ble Minister that on 4th December we have passed the Defence of India Act and that Act and this Act overlap each other. Therefore, I would request him to examine it at his leisure if there is any overlapping which could be eliminated in future.

Sir, only two days before the hon'ble Finance Minister came before the House and levied an impost of nearly Rs. 134 crores which we have all very willingly supported in the cause of the nation. But one must not lose sight of the fact that there are certain imposts which will add to the cost of manufacture of certain items and the cost of the item is bound to go a little up. The Government in their zeal to keep the cost at the lowest should not forget the realistic situation which faces the country by way of imposts of the burden which the hon'ble Minister has put.

The second point which I want to make is in connection with the textile industry. Sir, we have got a very radical example. Even though orders were issued to the textile industry to produce standard cloth, the industry was not in a position to produce it till the last quarter of 1970. And the causes—I do not want to repeat—are well known to the Government. Sir, the essence of everything today is production. Here my humble appeal to the hon. Minister is this. To maintain the price line, the essential thing is more production and for more production you will require raw materials. If raw materials are supplied to the concerns in time, if licences are given in time, I have no doubt in my mind that there will be more production and the price line will be maintained, and there will not be any necessity for the Government to come down with a stick on anybody, because the nation's conscience has been roused and they are all prepared to co-operate with the Government. Sir, I know of instances where even when the certificate of the military department had been obtained for production for military purposes, the raw material licence has not been given to the concerns. If this is the way the Government is going to function,

I am afraid, Sir, the prices can never be kept under control. My humble appeal to the hon. Minister is, when licences have to be given, where the certificate of the military department has been obtained, at least in those cases raw materials licenses should be supplied immediately, so that the nation does not suffer, the defence effort does not suffer.

The third and final point that I want to make is, after all for whom has this Bill been brought? This Bill has been brought for the benefit of the consumers. The consumers must be protected. There can be no two opinions about it. But in doing so, the Government should not forget the small men, the small traders. I have always found that the small traders are being picked up one or two here or there and are fined or sent to jail for a little fault here or there, or sometimes without any fault even, while the big people, the producers and distributors go scot-free. This is not the purpose of this measure. This measure should be enforced at the higher level, the middle level and the lower level with the same zeal, so that the small traders are not made a scapegoat. I have always found, and I am sure the House will agree that we have always read in the papers, that a small trader who charged two paise more for his drug or four annas more for his sugar or rice was caught and jailed for three months. Of course, he should not have done it. But what about the middle distributors, the wholesale distributors and the producers who charge higher prices and go scot-free? Therefore, the Government should take care of those people first and not the small traders who are also common men and who are consumers themselves. I do not plead for the small traders who are really at fault. But in actual practice I have found over the last several years that the small traders are the escape goat of the Government and the whole bulk of the producers, the middlemen and the distributors go scot-free. I hope, Sir, the hon. Minister will take care of these people. Sir, I am reminded of a Gujarati proverb which the Parsis generally quote. It says :

हरो करो ने न्हानी बहु पर चढ़ो

It means that in a family the elders go on moving about, but if there is any blame to be apportioned, then the youngest daughter-

[Shri Babu Bhai M. Chinai]

in-law is the victim. So, let not the youngest daughter-in-law be made a victim. Let the elders who are at fault be taken to task. I hope, Sir, the Government will look into this matter and enforce this measure effectively to see that the prices do not rise. Thank you.

श्री जगदीश प्रसाद माथुर (राजस्थान) :

सभापति महोदय, ऐसा लगता है कि माननीय मंत्री महोदय ने इस विधेयक को परिस्थिति से बिल्कुल निरपेक्ष रहते हुए प्रस्तुत किया है। वर्तमान स्थिति के अन्दर विशेष तौर से जो युद्ध की स्थिति पैदा हुई है, उसमें बाजार की क्या स्थिति है, इस बात की जानकारी मुझे लगता है स्वयं मंत्री महोदय की नहीं है। मंत्री महोदय ऐसा लगता है कि बाजार कभी गये नहीं। अगर वे बाजार जाते तो वस्तुओं के दाम किस प्रकार से बढ़ रहे हैं, किस प्रकार से ब्लैक मारकेटिंग हो रही है, लोक मुनाफा-खोरी कर रहे हैं, इस बात का मंत्री महोदय को पता होता और उनकी सरकार ने इस संबंध में अगर कोई कार्यवाही की होती तो इस विधेयक को प्रस्तुत करते समय माननीय मंत्री महोदय स्वयं अपनी और से सदन को जानकारी देते कि आजकल किस प्रकार से लोक मुनाफाखोरी कर रहे हैं और उन्होंने अब तक किस प्रकार कार्यवाही की है। आप बाजार में जाइये, दिल्ली के बाजार में किरसिन तेल खरीदने जाइये, दौ सौ, तीन सौ लोगों की लाइन लगी मिलेगी या आप बेटरी सेल खरीदने जायें तो बाजार में मिलेंगे नहीं। ख़त्म नहीं हुए हैं, दूकानदार दूकान के अन्दर जायगा दूकानदार कहेगा कि आपके लिये विशेष रखे हैं आप अकेले आइये और अकेले जब कोई जायगा तो जो बाजार में दाम है उसका ड्योढा-दुगुना लेकर मिलेगा। चीज मिल रही है, ऐसी बात नहीं है कि लोगों को किरोसिन नहीं मिलता या उसका उपयोग नहीं होता या सेल नहीं मिलते हैं, सेल भी मिलते हैं, लेकिन जिस मात्रा में ब्लैक मारकेटिंग हो रही है और प्रोफ़ीटियरिंग हो रही है और उस संबंध में जो कार्यवाही उन्होंने की है उसकी

सूचना देने की कृपा करने तो पता चलता कि क्या किया गया है। वे ये सूचना देने की कृपा करें कि इन चीजों के प्रोडक्शन में क्या कुछ कमी हुई है, अगर प्रोडक्शन में कमी होती तो ममझ में आ सकता था कि युद्ध का काल है, इन्होंने प्रोडक्शन की यूनिट दूसरी तरफ डाइवर्ट कर दी होगी या मिलिटरी के परपज के लिये डाइवर्ट कर दी होगी, लेकिन इस प्रकार का स्पष्टीकरण दिये बिना इस विधेयक को लाये। आपने कहा कि सरकार के खरीदने के लिये फूडग्रेन्स, एडीबिल आयल के दाम बांध दिये हैं। सरकार इस देख में बड़ी खरीददार नहीं है, खरीददार तो जनता है और जनता की दृष्टि के आज जो चीजों के दाम बढ़ते जा रहे हैं, उनको रोकने की दृष्टि में आपने कौन से कदम उठाये हैं। युद्ध लंबा चल सकता है। अमरीकन शिप्स आ रहे हैं, हमारे मित्र रणा के शिप्स भी आ रहे हैं, हो सकता है कि युद्ध लम्बा टर्न ले ले, अगर युद्ध के प्रारंभिक दिनों में ऐसी स्थिति है तो युद्ध अगर तीन चार साल चल जाये, तो सरकार मुनाफाखोरी को रोकने में बिल्कुल ही असमर्थ होगी और लोगों को जनता को खुले आम लूटने की छूट मिल सकती है। इस प्रकार की स्थिति के संबंध में सरकार स्पष्टीकरण लेकर आती और बताती कि हमने मुनाफाखोरों को पकड़ा है।

एक चीज पिछले दिनों और मुनने में आई कि सरकार ने जो मोनोपोलाइज कमीशन के अन्तर्गत इंडस्ट्रीज आनी हैं जिनकी कंपैसिटी बढ़ाने पर रोक लगाई गई थी, सरकार ने उनको खुली छूट दे दी है कंपैसिटी बढ़ाने की, प्रोडक्शन बढ़ाने की। उनकी कंपैसिटी बढ़ी और आज बाजार में मंत्री महोदय देख सकते हैं कि रेडियो सेट बनाने वाली मरफी और टेलीफोन की बड़ी-बड़ी यूनिट्स हैं। आज सरकार की बिना जानकारी के इस मात्रा में उन्होंने कंपैसिटी बढ़ाई है, अपनी लाइसेंस कंपैसिटी के अलावा कि जो छोटी यूनिट्स हैं, जो अपने हाथ से काम करने वाले हजारों लोग दिल्ली में हैं, आज वे कम्पीट

नहीं कर सकते । सरकार ने इस स्थिति जो ओवरलुक किया है, उसके कारण से छोटे कन्ज्यूमर या छोटे उत्पादक मरते जा रहे हैं और बड़े उत्पादक सरकार की कृपा से बढ़ते जा रहे हैं । अगर इस प्रकार की परिस्थिति पैदा होती है इस युद्ध काल के अन्दर तो उसका परिणाम देश के अन्दर बहुत बुरा पड़ेगा ।

एक बात जो विशेष रूप में मैंने पहले भी कही थी, वह यह है कि जो बड़े व्यापारी हैं पिछले दिनों जिन क्षेत्रों में युद्ध का प्रारंभ में असर पड़ा, जितने सीमावर्ती इलाके थे, वहाँ जो बड़े-बड़े होलसेल के डीलर्स थे, जो डिस्ट्रिब्यूटर्स थे, उन्होंने उन सीमावर्ती इलाकों के अन्दर माल भेजना बन्द कर दिया, जो रूटीन तरीके से माल जाता था उन्होंने उस माल को भेजना बन्द कर दिया । लेकिन उस क्षेत्र के अंदर जान बूझ कर चीजों की कमी पैदा की गयी बड़े उत्पादकों द्वारा उनके जो बड़े-बड़े होलसेल और डिस्ट्रीब्यूटर्स हैं हिन्दुस्तान भर के लिये जो डिस्ट्रिब्यूशन करते हैं, उन्होंने सारे सीमावर्ती क्षेत्र के लोगों का मनोबल घटाने के लिये यह काम किया । तो इन बड़े डिस्ट्रिब्यूटर्स ने जो किया, क्या मंत्री महोदय सदन को इस बारे में जानकारी देंगे कि पंजाब में जम्मू काश्मीर में और दूसरे सीमावर्ती क्षेत्रों में जहाँ कि युद्ध की स्थिति प्रारंभ हुई है, वहाँ जो माल की कमी पैदा हुई उसका कारण क्या है, कौन उस का कारण था ? क्या उसका कारण वहाँ के छोटे दुकानदार थे ? उनके पास अगर वहाँ माल नहीं है तो स्वाभाविक है कि माल को वहाँ कमी होगी और उससे लोगों में बेचैनी पैदा होगी । और यह बेचैनी पैदा करने वाले जो मुख्य लोग थे, बड़े डिस्ट्रिब्यूटर्स जो पूरे डिस्ट्रिक्ट या प्रान्त के लिये होते हैं, उनमें से किसी एक के खिलाफ भी सरकार ने आज तक कोई कदम नहीं उठाया और उसी का परिणाम है कि उन सारे सीमावर्ती क्षेत्रों में बहुत सी चीजों के दाम बढ़ गये हैं और चीजें बाजार

से गायब हो गयी हैं और सामान समय से वहाँ नहीं पहुँच पा रहा है । एग्जेमियल कमोडिटीज ऐक्ट लागू करने के बाद कमोडिटीज की सप्लाई भी होनी चाहिये, इस नाते में भी क्या कोई कदम सरकार द्वारा उठाया गया है इसकी कोई जानकारी हम लोगों को नहीं है । मैं उन क्षेत्रों में घूमता हूँ । आज भी वहाँ यह परिस्थिति है कि छोटे-छोटे रिटेलर्स कहते हैं कि हम को माल नहीं मिल रहा है । जिन तरीकों से, जिन नियमों में और जिन पद्धति में उनको पहले माल मिला करता था, आज बड़े डिस्ट्रिब्यूटर्स ने उस तरीके से उनको माल देना बन्द कर दिया है और वे अपने स्वार्थ के लिये, इस लिये कि माल अगर वहाँ चला गया तो उनको ज्यादा पैसा नहीं मिलेगा, वहाँ माल नहीं भेज रहे हैं और वहाँ सीमावर्ती क्षेत्र के किसान और मजदूर आज देश के लिये लड़ाई लड़ रहे हैं । वहाँ नागरिकों का मोरेल बहुत ऊँचा है, लेकिन हिन्दुस्तान के बड़े डिस्ट्रिब्यूटर्स ने उनका मनोबल तोड़ने का प्रयत्न किया है । क्या इसके लिये माननीय मंत्री महोदय ने कोई कदम उठाया है ? आज इस विधेयक को पेश करते समय उनको अपना एक स्टेटमेंट लेकर आना चाहिये था कि इन-इन चीजों की कमी देश में पैदा नहीं हुई है, किन्तु यह कमी जानबूझ कर बड़े-बड़े व्यापारियों ने और डिस्ट्रिब्यूटर्स ने पैदा की है । ऐसा होने पर मैं इस विधेयक का स्वागत करता । मैं तो इस विधेयक का विरोध करने की कोई बात नहीं है, लेकिन सरकार आज जिस रास्ते से चल रही है, जिस तरह से वह बड़े लोगों को प्रोटेक्शन दे रही है, जिनकी वजह से यह आर्टिफिशियल कमी पैदा हुई है उसके लिये मैं मंत्री जी से निवेदन करूँगा कि इन सारी चीजों का स्पष्टीकरण देने हुए और अपनी कारगुजारियों को बताने हुए सदन को अपने विश्वास में लेते, तभी हम लोग इसका हृदय से समर्थन करते । समर्थन इसका फिर भी हम करेंगे, क्योंकि आज इस विधेयक की आवश्यकता है, लेकिन सरकार के द्वारा

[श्री जगदीश प्रसाद माथुर]

माल खरीदने के लिये, स्टेट गवर्नमेंट के माल खरीदने के लिये जो भी बाजार में पोस्ट हार्वेस्ट कीमत होती है उसके आधार पर सरकार तो माल खरीद लेगी, लेकिन जनता के लिये माल किस दाम पर उसको मिलेगी और जनता के लिये माल का जो दाम बढ़ गया वह किसे बढ़ाया? क्या सरकार जनता का भी कुछ ध्यान करेगी इस नाते और यह सोच कर कि सरकार और जनता अलग-अलग नहीं है। सरकार जनता के लिये भी कुछ नियमों को लाये सरकार अगर उचित भाव पर माल खरीदना चाहती है, तो जनता को भी उचित भाव पर चीजें मिलें इस नाते से अगर कोई व्यवस्था सरकार ने की हो तो वह अपनी कारगुजारी को सदन को बतलाये और ऐसा होने पर हम जरूर इस विधेयक का समर्थन करेंगे।

श्री राजनारायण (उत्तर प्रदेश): श्रीमान्, एक दिन कंप्यूशियस के शिष्यों ने कंप्यूशियस से पूछा कि महाशय, एक कुशल शासक के लिए किन बातों की आवश्यकता है। तो उसने कहा कि तीन बातों की। पहली बात यह कि उसके पास अच्छी सेना हो। दूसरी बात, खाने की समुचित व्यवस्था हो और तीसरी बात कि जन-विश्वास हो। तो शिष्यों ने कहा कि महाशय, अगर तीनों काम एक साथ न हो पायें तो? तो उसने कहा कि सेना में कुछ कमी करनी हो तो कमी कर दो। सेना कम भी रहेगी तो काम चल जाएगा। क्या उसको छोड़ने से काम नहीं चलेगा तो उसने कहा कि थोड़ा अन्न भी कम कर दो। फिर शिष्यों ने पूछा कि क्या इन दोनों को छोड़ने से काम नहीं चलेगा तो उसने कहा कि अगर जन-निश्वास खो कर सरकार बनानी हो तो फिर सरकार बनाओ ही नहीं। तो सरकार मत बनाओ। तो मैं यह कहना चाहता हूँ कि पूरी श्रद्धा, भक्ति और निष्ठा के साथ माननीय मन्त्री जी हिन्दी और अंग्रेजी दोनों विधेयकों को पढ़ लें और

यह बतायें कि इस विधेयक में किसको वह क्या देते हैं और इसमें सरकार क्या पाती है। हिन्दी में है आवश्यक वस्तु मशोधन विधेयक, 1971 और अंग्रेजी में है एग्जिज्युल कमोडिटीज अमेंडमेंट बिल, 1971, कहीं भी कोई पकड़ है। कहीं भी कोई ठोसपन है। कहीं भी किसी को पता चल पा रहा है कि कौन सी सामग्री, कौन सा पदार्थ, कौन सी वस्तु या कौन सा पण्य किस कीमत में मिलेगा। कहीं नहीं है। तो मैं चूँकि मन्त्रिगण बड़ी जल्दी-जल्दी बदल रहे हैं, इसलिए पुनः कहना चाहता हूँ कि मैं समझता था कि जब यह इमरजेंसी का युग है और इस समय सारा राष्ट्र युद्ध संलग्न है और इस निष्ठा और विश्वास के साथ कि बहुत ही जल्द और शान के साथ इस युद्ध में हमारी विजय होगी तो हम को आज एक ऐसा विधेयक प्रस्तुत कर देना चाहिए था, जिससे जनता प्रफुल्लित होती और जनता समझती कि हाँ, इस लड़ाई में हमारी कामयाबी हम को कुछ फायदा दे रही है। तो पहला काम यह करना चाहिए था कि जनता को बताना चाहिए था कि तुम को अपनी जीवनोपयोगी आवश्यक सामग्री की कीमत ज्यादा नहीं देनी होगी और लागत और मूल्य में एक और डेढ़ से ज्यादा का फर्क नहीं होगा। साथ-साथ जनता को यह आश्वासन सरकार को देना चाहिए था कि जो जीवनोपयोगी आवश्यक सामग्री जनता को मिलती है उसकी लागत के डेढ़ गुने से ज्यादा दाम किसी भी हालत में जनता को नहीं देना होगा। उदाहरणार्थ, हम एक उदाहरण ले लें, मिट्टी का तेल है। जैसे मिट्टी का तेल अगर दस पैसे बोतल बन जाता है कारखाने में तो सरकारी ड्यूटी, एक्साइज ड्यूटी और दोनों वगैरह का किया आदि सब मिला कर 15 पैसे के अन्दर-अन्दर एक बोतल मिट्टी का तेल जनता को मिल जाना चाहिए। यह व्यवस्था सरकार को करनी चाहिए थी। कपड़ा जो 8 आने गज बन जाता है, सादा मोटा कपड़ा, जनता को आश्वासन हो जाना चाहिए था कि 8 आने

गज का वना हुआ कपड़ा सारी ड्यूटीज आदि को लेकर किसी भी हालत में 12 आने गज के ऊपर नहीं जा सकता। 8 आने, 9 आने, साढ़े दस आने या 11 आने जो भी चाहें, एक लक्ष्मण रेखा रख ले। 12 आने की, जो 12 आने को पार करे उसकी दुर्गति वही होनी चाहिए जो रावण की हुई थी। तो उसी के साथ-साथ और मामग्रियां हैं, सीमेंट है, चीनी है। श्रीमन्, चीनी के बारे में, चूँकि मैं गन्ना क्षेत्र से आता हूँ और अभी 27 तारीख को गोरखपुर में गन्ना उत्पादकों का एक महा सम्मेलन होने जा रहा है। मैं इस परेशानी में हूँ कि वह सम्मेलन हो या न हो। वह सम्मेलन एक निर्णय लेने वाला है कि हमारा आन्दोलन किस रूप में हो; क्योंकि सरकार गन्ना-उत्पादकों के हितों की अब तक उपेक्षा करती रही है और मिल-मालिकों के हितों की रक्षा करती रही है। हम लोग आपस में सोच रहे हैं कि चूँकि इस समय युद्ध चल रहा है, ऐसी स्थिति में क्या किया जाए। तो मैं यह जानना चाहता हूँ कि सरकार गन्ना-उत्पादक के गन्ने और मिल में उत्पादित चीनी की कीमत में कोई सम्बन्ध रखना चाहती है या नहीं। श्रीमन्, मैं उम स्थान का रहने वाला हूँ जहाँ पहले सेवार से चीनी बनती थी, अच्छी चीनी बनती थी और यह हिसाब रहता था कि जै रूपए मन चीनी तै आना मन गन्ना, यह पता पड़ता था और इसी चीज को लेकर 1946 ई० से जब से उत्तर प्रदेश में श्री गोबिन्द बल्लभ पंत मुख्य मन्त्री हुए, हम यहीं मांग करते चले आए हैं, हमारे भाई नवल किशोर जी भी मन्त्री रह चुके हैं, बाबू विलोकी सिंह जी भी हमारे दल के नेता रहे हैं, उनको मालूम है कि बराबर हमने यह मांग की है कि जै रूपया मन चीनी तै आने मन गन्ना। अगर चीनी 42 रूपए मन है तो गन्ना भी 42 आने मन होना चाहिए, अगर चीनी आज सवा दो रूपए मन हो तो सवा दो आने मन गन्ना होना चाहिए। इस तरह का हिसाब बनाओ। जै रूपया मन

चीनी तै आने मन गन्ना। मीधा हिसाब है। इसी तरह से आज देख लिया जाए गन्ने का हिसाब और चीनी का हिसाब। हम बार-बार खोज रहे थे, हमारे मित्र श्री नवल किशोर जी आ कर बैठ गए बगल में और इनको कुछ मरकार का अनुभव है, तो हम खोज रहे थे कि देखें इसमें कोई ठोस चीज मिल रही है या नहीं, लेकिन इसमें कोई ठोस चीज नहीं है, सब लफ्फाजी है, सारा शब्दों का जाल है, वाक्य जाल है।

संसदीय कार्य विभाग तथा नौवहन और परिवहन मन्त्रालय में राज्य मन्त्री (श्री ओम् मेहता) : ठोस सिर्फ आप है।

श्री राजनारायण : यह अभी पहली मर्तबा ओम् की वृद्धि स्पष्ट हुई है, पहली मर्तबा इसके मुखारविन्द से एक सही बात निकली है, वह यह कहता है कि तुम्हारी ही एक बात हमको ठोस लगती है।

श्री ओम् मेहता : मुझे यह तो नहीं लगता। आपने यह गलत समझा। मैं तो यह कहता हूँ कि यह अपने को ठोस समझते हैं और किसी को समझते ही नहीं।

श्री सभापति : राजनारायण जी, आप अपनी बात कहिए।

श्री राजनारायण : हा, इसलिए गन्ना और चीनी के बारे में मैं अभी निवेदन कर देना चाहता हूँ कि यही समय है, यही मौका है जब कि चीनी के मिल मालिकों को भी देश हित और जन हित और समाज हित में सरकार मर्यादित और नियमित कर सकती है और चीनी के मिल मालिकों को कह सकती है कि तुम चीनी की कीमत के अनुपात में जै रूपया मन चीनी तै आने मन गन्ना की कीमत दो।

श्री महावीर त्यागी (उत्तर प्रदेश) : गन्ना मैनकुलिन है, चीनी फैमिनन है।

श्री राजनारायण : वहाँ तो समता है।

श्री सभापति : आप खत्म करे।

श्री राजनारायण : यह सीधी-सीधी बात मैं चाहता हूँ कि सरकार करे। उसी के साथ साथ, श्रीमन्, एक बात यह है...

श्री ओम् मेहता : जब यू० पी० में तुम्हारी हुकूमत थी तो तुमने यह किया था, जरा यह बताओ।

श्री सभापति : आप अपने तरीके से अपनी बात कहे जाइए।

श्री राजनारायण : श्रीमन्, आप जानते हैं यह सही है कि इस समय अल्लहडू ओम् बहक गया है, एक गलत कुसंगित में फँस गया है।

श्री सभापति : आप इस बिल पर कहिए।

श्री राजनारायण : अगर हम उनकी बात का जवाब न दे तो वह अपमानित होगा, इसलिए उसकी बातों का जवाब देना मेरा परम पुरानी कर्तव्य होता है संसदीय प्रथा के अनुसार। उसमें समय नहीं लगेगा। मैं ओम् को बताऊँ कि जिस समय सविद की सरकार थी, उसको मालूम होना चाहिए, कि 13 रुपए और 14 रुपए क्विंटल गन्ने की कीमत दिलवाई।

श्री शीलभद्र याजी (बिहार) : कहां दिलवाई।

श्री राजनारायण : 15 रुपया और 16 रुपया क्विंटल पश्चिमी जिलों में गन्ने की कीमत दिलवाई गई 1967-68 ई० में।

श्री ओम् मेहता : क्या था। यू० पी० वालों को मालूम होगा।

श्री राजनारायण : यह जानते हैं।

श्री शीलभद्र याजी : यह गलत बात बताते हैं।

श्री राजनारायण : यही कारण रहा कि 1969 के मध्यावधि चुनाव में पूरी ताकत लगाने के बावजूद भी कांग्रेस हार गई। यही कारण है, किसान कहता था कि हम सविद के लोगों को वोट देंगे, यही कारण था कि चौधरी चरण सिंह को इसका

सारा-सारा फायदा मिला। बाबू त्रिलोकी सिंह हैं, इनसे पूछ लो, ये जानकार हैं। बाबू त्रिलोकी सिंह इधर उधर की फजूल बात नहीं करते और जो उनकी सरकार की गलती होती है वह भी हिम्मत से कबूल कर लेते हैं।

एक बात और कहना चाहता हूँ, गल्ले के बारे में। सरकार को आज यह फैसला कर लेना चाहिए कि किसान को गल्ला उपजाने में कितना खर्चा पड़ता है? यह भी एक उद्योग है। लगान, बीज की कीमत, पानी की कीमत, खाद की कीमत, मेहनत—ये सब जोड़ दो और इसके बाद उस पर कुछ पुरस्कार भी रखो, जैसे कि कपड़ा, सीमेन्ट और चीनी में जोड़ते हो। फिर जो पड़े वह किसान की गल्ले की कीमत रखो और फसल के समय जो किसान की गल्ले की कीमत निश्चित हो, जिस भाव पर किसान गल्ला बेचे, उससे 16 फी सदी, 20 फी सदी से ज्यादा कीमत पर वह गल्ला हगिज-हगिज किसान को न खरीदना पड़े। मोटी तौर पर, जैसे अगर 16 रु० मन किसान से गल्ला लिया जाए तो वह गल्ला 18 या साढ़े 18 रु० मन हर हालत में किसान को दिया जाए, यह नहीं हो कि किसान से गल्ला तो 16 रु० मन लिया जाए और फिर वही गल्ला किसान आढ़तियों के सरकारी गोदाम से 40 रु०, 35 रु०, 32 रु० में खरीदे। यह किसान का चौं-तरफा हनन होता है। तो मैं यह नहीं पा रहा हूँ कोई प्राइस पालिसी, कोई दाम सम्बन्धी नीति इसमें है, केवल इसमें कह दिया है कि दाम बांधने पर ऐसा किया जाएगा। कोई ऐसी चीज नहीं है। नीतिविहीन यह विधेयक है और इन्फ्लेशनल कर्मांडरीज में, आवश्यक वस्तुओं में, किन-किन वस्तुओं को गणना के रूप में समावेश किया जाए, इसकी कहीं पर सूची नहीं दी गई है।

इसी मुद्दाव के साथ श्रीमन्, मैं इस समय अपने भाषण को मथित करता हूँ और आपके द्वारा इस सरकार से निवेदन

करता हूँ कि युद्ध का समय है, जन-विश्वास प्राप्त करो, जो अरबपति है, धनपशु है, उन धनपशुओं को देश की आवश्यकताओं को समझाओ और उनसे बड़ी से बड़ी कुर्बानी लेकर जो मिहनत की दौलत पैदा करने वाली जनता है उसके हित में इससे कुछ कर लो।

MR. CHAIRMAN : Mr. Sanyal.

SHRI SASANKASEKHAR SANYAL (West Bengal) : Mr. Chairman, Sir, this Bill is partly necessary and partly unnecessary, because it is a little variation of the old thing. As my friend Shri Babubhai Chinai said, the defence of India is overlapping. That is partly correct. That is another matter. You would remember that some days back I came to your Chamber and mentioned the matter that I and my 'Brahmin' went to a shop to make some purchases... (Interruptions). I am a Brahman and my wife is a Brahmin. That is the proud privilege of all Brahmins.

Sir, I went to a shop and I mentioned to you that sugar was selling at a higher rate.

श्री राजनारायण : कौन ब्राह्मण है ?

श्री शशांक शेखर सान्याल : हम मक्के बड़ा ब्राह्मण हैं।

श्री राजनारायण : श्रीमान्, ये जन्मना ब्राह्मण हैं या कर्मणा ?

MR. CHAIRMAN : All Brahmins are equally good.

SHRI SASANKASEKHAR SANYAL : I would have given him a good answer to his question, but that would involve the Chair. I am as good a Brahman as the Chair may be. I am one of those persons who go to shops to make purchases...

MR. CHAIRMAN : You have to talk on the Bill.

SHRI SASANKASEKHAR SANYAL : I am coming to the Bill I mentioned to you regarding the rise in the price of sugar and kerosene.

11 A.M.

Somehow or other you did not permit me to mention that matter but I do not grudge, Sir, if you go to Connaught Place

you will find that orange is selling at higher rates on the plea that Bangla Desh fight is going on. You go to the Druggist; CalmPOSE, a tranquilliser is selling at a very high rate. You go to a retailer; sugar is selling at a higher rate; kerosene is selling at a higher rate; mustard oil is selling at a higher rate. These poor retailers say that the big dealers of Pahar Ganj are charging higher rates from them. What happens is this. These big dealers are writing in their account books the proper rates but they are charging higher rates from these small dealers. I am personally satisfied that these small dealers, the Vithalbhai Patel House dealers are not making any profits for themselves. My friend referred to prosecutions and convictions. You have been a lawyer; I have been a lawyer. And we know these prosecutions and convictions under the Essential Commodities Act have not stopped blackmarketing even by a fraction because this is not so much a penal proposition as a preventive proposition. Therefore I want to know from the hon. Minister what machinery he is going to set up for seeing that these big dealers do not fleece the small retailers and incidentally the common people who are consumers. We are giving all support to the Government in this emergency but the Government is not giving any support to the common man. That is a dangerous thing.

There is also another aspect. Rice, pulses, flour, they are all adulterated by mixture of unedible things. Powdered stones and all such things are mixed with rice, pulses etc.

[MR. DEPUTY CHAIRMAN in the Chair]
Unedible liquid is poured into edible oils. Similarly some foreign liquid is poured into kerosene oil. This sort of adulteration is going on in respect of all things and ultimately the benefit goes to the big trader in two ways, in the form of more price and also evasion of income-tax. Therefore there is no question of controversy, quarrel or acrimony here. It is a question of finding out concrete steps by pooling all our wisdom together in order to set up a machinery which will restrain and prevent the big dealers from gambling with the lives and daily necessities of the common man.

SHRI BALACHANDRA MENON (Kerala) : Sir, this Bill is absolutely necessary so that we can to an extent see that the essential commodities are in a way

[Shri Balachandra Menon.]

distributed to the people at controlled rates. These amendments are necessary but as has been pointed out there are two accounts maintained by most dealers and we are not in a position to find it out. Some drastic action will have to be taken. If there are complaints from individuals Government must immediately move to find out, to seize documents and to act on the complaints quickly. These two accounts are kept in such a way that one is for the Government and the other is for themselves. This is what is being done. Now kerosene and food prices in remote areas go on increasing. You may be able to control it here but in villages and in places which are remote it is very difficult to control the prices. Unless we have popular committees we would not be able to control the prices. I would therefore suggest that popular committees consisting of Members of Opposition parties should be set up at every level and their complaints must be taken up and the Government must act immediately.

It is only that way that we will be able to control because, when a commodity is scarce, there is always the possibility of a black market price being charged for the commodity.

SHRI N. G. GORAY (Maharashtra) : There is artificial scarcity also.

SHRI BALACHANDRA MENON : Yes, artificial scarcity; that is also there. So, this can be checked only by popular committees, and popular committees must be set up at all levels so that we can make use of these committees to get the prices controlled. We must insist on all merchants all over to put up the price of every commodity, and it must be exhibited in every place. This has to be done. During a war period like this we must be in a position to see that efforts are taken to see that black-marketing is stopped and people's help is sought for stopping blackmarketing. These Clauses are necessary but by themselves they will not be of much use unless there is a popular, vigilant people's leadership which will check and help the Government to control the prices. For example, we have fixed a certain price. There is some unofficial rationing in Kerala. In other States there might be rationing which will have to be kept going strictly. There will be the surplus rice that will come to the market. You must be in a position to fix up even

the price of such rice, which can be had in addition to the rationed rice, at a certain price. That is necessary. Unless that is done, there will be blackmarketing. So, there will be a fair price as well as a ration price. Both will have to be fixed up. It is only within that limit that the merchants can be allowed to sell their commodities, especially essential commodities. That is one suggestion which I wanted to make. When we don't have rationing throughout and when it may not be possible to have the essential commodities at reasonable prices and when you are not in a position to supply them through Government agencies there will be the necessity that some amounts of essential commodities have to be sold in the open market. But they must also have a fair price and they will have to be fixed. Another thing that I would like to suggest is that Government must take over the distribution of at least some of the most important essential commodities. Unless that is done you will not be in a position to assure the ordinary people the possibility of getting food, edible oil and such other absolutely necessary articles of daily use. I would therefore suggest that the Government take over the trade in these essential commodities. A certain amount will be directly given by them. The rest can be allowed to be controlled by market forces, but there also the price will have to be fixed. These are the two suggestions that I wanted to make.

SHRI CHITTA BASU (West Bengal) : Sir, I shall restrict my comments to the limits of the Bill. Sir, in the proposed amendment it has been suggested that the prices for the foodgrains or other cereals, which will be given by the Government to the purchaser, will be the controlled prices or, in the absence of any controlled price, some price which has got some relation with the post-harvest period. This I think is the Government's intention in this amendment. Sir, there are two prices. There is no doubt about it. Some prices are controlled and some prices are not controlled. But there is a role played by the Agricultural Prices Commission and they fix up certain floor prices, some prices in relation to certain crops, for example jute, raw cotton. Sir, under the provisions of the Act raw jute and raw cotton can also be taken hold of by the Government; they may be purchased by the Government. Their prices are not

controlled; the Agricultural Prices Commission merely fixes certain prices which we all support prices.

Again, the support price is invariably lower and much lower than the prevailing price in the market, I think you will agree with me that in the case of cotton it is much lower than the prevailing market price. In this case if the Government want to purchase that commercial crop from any cultivator, they will pay only the controlled price or in the absence of it some price having relevance to the post-harvest period. In the matter of post-harvest price it is said :—

"For the purposes of this sub-section, "post-harvest period" in relation to any area means a period of four months beginning from the last day of the fortnight during which harvesting operations normally commence."

As is well known to every body, the ordinary, poor peasant cannot withhold his stock. Immediately after the harvest the crops are taken possession of by the big moneylenders, the rich peasants or the middlemen and the Government will have to purchase from them. In that process the poor agriculturists and the poor cultivators are deprived of a remunerative price or a just price, but when the Government purchase that from the ordinary cultivator, under the provisions of this Bill, they will pay a price only in relation to the post-harvest period. The post-harvest period price is invariably lower than the price which is prevailing after six months or ten months or towards the end of the season. This provision is of a permanent nature. I would not have raised this question at all had it been only of a transitory nature. It is going to be permanently on the Statute Book. Therefore, for all time to come, so long as this Act remains, the poor agriculturist will be deprived of a legitimate and fair price for his crop. I would suggest that the Government should give some thought, so that the poor agriculturist will not be deprived of a legitimate price under the provision of a so-called post-harvest period price. The post-harvest period price is normally much lower than the legitimate, just and fair price. Therefore, I want this point to be taken note of.

As regards the price rise, this is not the occasion to discuss it, I feel that if the provisions of this Act are to be given effect to, the Government should come forward with a measure to take physical control of certain essential commodities and for that purpose monopoly purchase by the State of foodgrains and commercial crops is a necessity. In the absence of such a policy, the price rise cannot be arrested. In the case of monopoly purchase of agricultural produce, the poor agriculturist should be ensured a fair price. Therefore, on the basis of these major promises the Essential Commodities Bill should be recast. Only if it is recast there will be benefit both to the consumer and to the poor agriculturist. Otherwise, it will become a permanent headache to the poor agriculturist.

DR. K. NAGAPPA ALVA (Mysore) : Sir, this is a very important amendment to the already existing Act. Price rise has given rise not only to many problems but also difficulties. I want to particularly emphasise the importance of implementing this Act at this critical juncture in the history of our country when every effort has to be made to defend the country with the unity of the people.

We have to remember that India is rural India. So, while we implement this Act, every effort should be made to see that we give the fullest satisfaction to the people, that these essential commodities are available to them. I must say particularly that when there is emergency and war anti-social elements and even infiltrators and other anti-national elements have an upper hand. There is a feeling everywhere in this country that when an emergency of this kind comes, when the people are in difficulty, anti-social elements have an upper hand and greater attention must be paid to see that the prices of food articles and cloth do not go up. For that, it is very necessary that people's resistance movement is encouraged, particularly the women's organisations should be alerted to see that the price resistance movement becomes stronger and stronger.

There is another point which I would like to say and that is about the businessmen and traders. They smuggle these articles and carry them off in their vehicles. We have the bitter experience that it has become

[Dr. K. Nagappa Alva.]

difficult to prevent this smuggling and smuggling of timber, particularly of sandal. And I am glad that here is a provision to seize the vehicles and that has to be applied. It is also very necessary that summary trial under clause 4 should not be merely for namesake, but summary trial wherever necessary should be strictly enforced.

Another point which I want to emphasise is the menacing effect of adulteration of foodstuffs. It has been seen that the merchants and the traders have succeeded in fooling the Government and in adulterating the foodstuffs. It has been their job also here as to find out methods how to come out of such things. I may also utter a note of warning to the Government that anti-social elements particularly come out on such occasions with donations and other things for the war effort; at the same time they also increase their trade with corrupt practices: they smuggle and indulge in adulteration of foodstuffs. Also, there are certain articles which do not come under the purview of this Bill. We should see that the prices of those articles are also not raised and those who indulge in such corrupt practices must be booked and punished ruthlessly. About prevention of adulteration of foodstuffs, this is the one opportunity, the greatest opportunity, for the Government to have the cooperation of the people. I am making a suggestion in that connection that at all levels and particularly in the villages, the village leaders have to be taken into confidence so that they may give their fullest cooperation. I may say here that I had the occasion to go to Egypt and there I just wanted to know why the people were backing Nasser with all enthusiasm in spite of all the difficulties. They said that the price of the foodstuffs had not risen. The price of bread there has remained steady. So, all these consumer goods, food articles and other things should not rise in price, any rise has to be resisted.

With these words, I support the Bill.

SHRI GHANSHYAM OZA : Mr. Deputy Chairman, Sir, I am grateful to the hon'ble Members for supporting the amendments that I have brought forth. Opportunity has been taken to express concern about the rising prices, about the non-availability of

certain consumer goods and about the implementation of the Act. I will take the points first made by Mr. Chitta Basu because it has something to do with one of the amendments which I have brought forth.

He expressed concern that the post-harvest price will be inequitable to the producers.

SHRI CHITTA BASU : Small producers.

SHRI GHANSHYAM OZA : Small or big. It is not going to be inequitable to any producer. I wish the hon'ble Member had read section 3(ii) (f) he would have seen that this relates to :

"for requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to the Central Government of a State Government or to an officer or agent of such Government or to such other person or class of persons and in such circumstances as may be specified in the order."

This is done mostly after the goods have passed the hands of the cultivator. Some business men purchase goods when the prices are very low soon after the harvest. The store them and later on they try to charge higher price from the consumers. At the time of the harvest the prices are at a low level. And, therefore, only post-harvest price will be given to the persons from whom goods have been procured under section 3(ii)(f).

SHRI CHITTA BASU : It is not meant for purchasing if it is a matter of anti-hoarding...

SHRI GHANSHYAM OZA : You know the Food Corporation has been constituted. It gives support to agricultural prices. It procures foodgrains directly from the agriculturists. This has also a different meaning altogether. It is not meant for procuring foodgrains from the producer or agriculturist. It is meant against only persons who have stored them. We do not want to give them any benefit of hoarding.

SHRI A. D. MANI (Madhya Pradesh) : On a point of clarification, Apart from oils and foodgrains and so on, this blackmar-

ketting is also going on in medicines also. There is lot of blackmarketing going on. Stocks are being hoarded. And I can tell for the information of the hon'ble Minister that the tablet, diabenese, which is required for diabetic patients is not available in many towns. May I request him to assure the House that he would include medicines also in the list of essential commodities?

SHRI AKBAR ALI KHAN (Andhra Pradesh): It does not come in his purview.

SHRI GHANSHYAM OZA: Leave diabetic patients alone. Let us come to the non-diabetic people. We know, Sir, that drugs have been covered by the Essential Commodities Act. As far as my knowledge goes, on every packet of drugs there is price given. Drug is an essential commodity. The prices are controlled. As far as my knowledge goes, subject to correction, every packet of a drug has got to display the price at which it is to be sold.

SHRI AKBAR ALI KHAN: It disappears from the market.

SHRI GHANSHYAM OZA: I was first dealing with the prices.

MR. DEPUTY CHAIRMAN: First hear him.

SHRI GHANSHYAM OZA: In a general way I would say that we are not taking satisfaction of just putting the legislation on the Statute Book as some hon'ble Members have observed. We want the co-operation of the people at every level to see that the goods are sold at fixed prices and are available to the consumer.

SHRI SASANKASEKHAR SANYAL: What co-operation do you want?

SHRI GHANSHYAM OZA: Whenever you come across a case you must immediately go to the nearest authority and point out that goods are not available or are hoarded or higher prices are being charged. We have constituted Citizens Council, Consumers' Resistance Council, and so on. Women's Council has also been set up. So with the co-operation of all these bodies we hope that particularly in these times we will be able not only to curb

hoarding but also to regulate the prices. In this juncture, if you do not extend co-operation to the Government authorities, I do not think we can have the Act successfully implemented. So, I would not take more time of the House. Some other points have also been made and we have taken note of them.

SHRI GANESHI LAL CHAUDHARY (Uttar Pradesh): The public is co-operating with you, Sir.

SHRI GHANSHYAM OZA: We are thankful for the co-operation. If there is any complaint, it can be reported to the nearest authority. For example, in the Delhi Administration several Inspectors have been appointed and several shops have been opened for supplying goods at fair prices. We have delegated all these powers to the States and the Union Territories, and they are constituting several authorities to cope with the situation.

So, I hope the House will excuse me if I do not say more. I am thankful to the Members for their support.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now we shall take up clause by clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

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

SHRI GHANSHYAM OZA: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.