

SHRI B. R. BHAGAT: Madam, I move:

"That the Bill be returned."

The question was put and the motion was adopted

THE MINERAL OILS (ADDITIONAL DUTIES OF EXCISE AND CUSTOMS) AMENDMENT BILL, 1964.

THE MINISTER OF PLANNING
(SHRI B. R. BHAGAT): Madam, I beg to move:

"That the Bill further to amend the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 as passed by the Lok Sabha, be taken into consideration."

Madam, the House will recollect that as a result of discussion with the oil distributing companies Government were able to secure a reduction of prices in respect of certain categories of mineral oils with effect from the 28th May, 1958. These reductions were individually of small amounts and the benefit was not likely to reach the consumer if a corresponding reduction was made in the ceiling prices. It was accordingly decided that the amounts accruing from the negotiated price reductions should be transferred to the Consolidated Fund of India. This decision was given effect to by a levy of additional Duties of Excise and Customs by an Ordinance issued on the 30th June, 1958, which was subsequently replaced by the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958. An express provision was made in the Act that the additional duties of Excise and Customs levied there under were not to be added to the price of goods for sale. By this it was ensured that the levies were not passed on to the consumer by making any increase in the prices of the products concerned. Since the reductions were

only provisional and further reductions were expected, the Act provided for ceiling rates and authorised the Government to fix effective rates from time to time by notification.

Since then, as a result of further examination and negotiations with oil companies it has been possible to effect some further price reductions. But as the likely effect in each case was only marginal, on each such occasion it was decided to mop up the benefit arising out of the reduction to the Consolidated Fund of India by suitably adjusting the effective rates of the additional duties of excise and customs. A temporary amendment was also made in the Act for the period 1st April 1959 to 31st October 1959 raising the ceiling rates to enable quick adjustment of certain amounts standing in favour of Government.

As the House is aware, a Committee was appointed in August, 1960 to examine the principles and elements according to which the selling prices of various petroleum products in India should be determined. In the light of the Committee's recommendations the effective rates of additional duties of excise and customs were adjusted taking into account the reduction proposed by the Committee from 1st October 1961.

In terms of the pricing principles applicable under the Refinery Agreements and the recommendations of the Oil Price Enquiry Committee, adjustments have to be made for variations in the f.o.b. cost at Abadan and the marine freight applicable from time to time from Abadan to the Indian ports of discharge. Due to fall in these figures since 1961, a sum of nearly five crores of rupees has accrued in favour of Government and further sums are accruing at the rate of nearly sixty lakhs of rupees per month. These amounts have to be appropriated to the Consolidated Fund of India. But after the adjustment of the effective rates from the 1st October 1961, very little margin is left between the ceiling and the

effective rates within which it is not possible to make a quick recovery of the amount accruing in favour of Government or to take care of further reductions which may accrue in further. It is, therefore, necessary that the ceiling rates fixed in the Act should be raised sufficiently.

I now come to the new items. The Act does not at present include a levy on asphalt and bitumen nor on lubricants, greases and other similar products. Envisaging the possibility of increase in consumption of these products, and keeping in view the recommendations made by the Oil Price Enquiry Committee, two new entries are being added so as to enable recoveries being made from the oil companies in respect of future price reduction on them. For these reasons, the Bill seeks to raise the ceiling rates of duty in respect of the products which are already covered by the Act as also to bring asphalt and bitumen and certain other petroleum products, liable to excise duty under Item No. 11A of the Central Excise tariff, within the scope of the Act and to fix the ceiling rates of additional duties for them. The effective rates, both on the existing products as well as on those proposed to be included now, will continue to be fixed by notification. Government have also carefully considered the possibility of passing on the benefits arising from the price reductions to the consumer, but we are satisfied that in the existing circumstances, it would be desirable to continue the present arrangements of crediting all such accruals to the Consolidated Fund of India.

Hon. Members would have observed that a declaration under the Provisional Collection of Taxes Act, 1931, has been inserted in the Bill. In view of the urgency of the matter and revenue consideration it was thought expedient to insert this declaration in the Bill. The effective rates of duty on the existing commodities have already been raised from the existing ceiling rates provided in the

Act. However, no imposition has so far been made on asphalt and bitumen or on the products covered by Item No. 11A of the Central Excise Tariff which are now proposed to be included in the Act.

Madam, I am sure that in consideration of the facts that I have tried to explain, the House will unanimously support the measure.

SHRI DAHYABHAI V. PATEL:
(Gujarat): No.

The question was proposed.

SHRI DAHYABHAI V. PATEL:
Madam, I have listened patiently to the speech of the Mover. I am sorry to say that he is utterly unconvincing. He trotted out reasons that were given in the year 1953 when prices were being discussed with the oil companies and the oil companies were asked to give some relief and reduction in oil prices. We were told at that time that the reduction was so small that it could not be passed on to the consumer. Therefore, Government appropriated or misappropriated that sum also. The same story was repeated in the two subsequent years, 1959 and 1961. The principle of the thing is wrong, the principle of the Bill. The Public Accounts Committee has been pointing out for the last five, six or seven years, that the Government of India overestimates its Budget in regard to expenditure, in regard to its power to spend money, even wastefully as it is doing. The estimates are always inflated so far as expenditure is concerned and are the lowest so far as income is concerned. The Public Accounts Committee has pointed out this very bad feature in our budgeting. If the Minister is inclined to think that the increase that will come as a result of this measure is very small, why does he not give it to the consumer?

SHRI B. R. BHAGAT: It can't be given. It is very marginal.

SHRI D. DAHYABHAI V. PATEL: If it is marginal, and a little more because you are always taking too much from the people.

SHRI B. R. BHAGAT: From where?

SHRI DAHYABHAI PATEL: If it is only a marginal reduction that you get, add a little more margin yourself and then give it to the consumers. You are making transport more and more costly. There is a tax on oil. there is a tax on petrol and now you want to add bitumen, tar, which is so essential for the making of good roads of which there is a great lack, particularly in certain areas like Gujarat where I come from. There are hardly any tar roads worth the name except in the cities. You have fortunately good roads and connecting roads on this side or I understand in South India but even in this year of Grace nineteen hundred and sixtyfour, which is shortly to end, you cannot drive your car from Bombay to Ahmedabad safely. Your life will be in danger.

[**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN)** in the Chair]

The two principal cities of Surat and Baroda are not connected by a good road. Why can't it be done? Government says, cost and why does the cost go up? It is because of the faulty policies of the Government. Therefore in Principle this is a tax on transport and I object to it. The duty of the Government is to provide cheaper transport.

SHRI B. R. BHAGAT: May I explain? It is reduction; it is not cost; it is not adding anything.

SHRI DAHYABHAI V. PATEL: But you are giving no reduction to the consumer. You are trying to appropriate it to yourself.

SHRI B. R. BHAGAT: There is no adding to the cost; there is no tax on the consumer. I am sorry to say that it has not been understood.

SHRI DAHYABHAI V. PATEL: I am sorry if I have not been able to make myself sufficiently clear. I say that

whatever reduction the Government gets in the cost of oil should be passed on to the consumer. If it is marginal, if it is very small, if it is half an anna per gallon, make it one anna because you are already getting too much from everywhere else. (*Interruption*). If Mr. Khandubhai Desai was sitting on this side, I am sure he would have also advocated this. Oh, it is Mr. Abid Ali, Mr. Khandubhai Desai's old lieutenant and right hand; it applies to both of them equally.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Or it is possible you might be on this side.

SHRI DAHYABHAI V. PATEL: I do not know but what I wish to say is that it is not right to appropriate in this manner the gains that the Government is getting. They should have got more by quicker negotiations. I am glad that they are getting a little reduction but I am sure it is possible to get more. There are countries in the world that have no oil; they depend on countries abroad for refining, yet they have their own refineries. But we have not. We made the initial mistake of giving too much to the refining companies and giving them very long leases. When we have found oil in our own country, the pace of oil is rather slow. If the pace of exploration was faster and more efficient our dependence on the foreign oil companies would become much less and therefore all this would not be necessary. But that is going a little beyond the scope of the Bill that is before us. Here what I wish to say is that I do not like this principle of appropriating everything that you get. In 1958 when they started getting some concession they told the House that it is too small. They negotiated and got something more in 1959 and now they have got still something more. I do not know all told what it would amount to but if the Government is getting a concession, a reduction in cost it should be for the Government to give a reduction in cost to the consumer. The cost of petrol and the cost of oil in terms of the rate at which they are

sold in the market is preposterous. If you look around, nowhere in the world is oil sold with so much profit or with so much tax imposed on it. One-third or even less than one-third is the actual cost, whether it is cost of import or cost of refining and three-fourths of the cost is made up of tax by the Government tax at every stage, at the first stage, second stage, third stage and so on and by the time it reaches the consumer for every rupee the consumer pays twelve annas is towards taxes. Therefore I think the Government should have taken a more reasonable view, a more practical view and tried to give some relief to the consumer. So in principle I am not inclined to support this Bill.

SHRI D. THENGARI (Uttar Pradesh) Sir, in the first place, whatever amounts accrue as a result of this measure must be passed on to the consumer. It has been argued that the amount is too small. If the benefits are too small, that is an additional argument why the Government should not hesitate to pass it on to the consumer. As a matter of fact there is a widespread impression in the country that the Government is not consumer-conscious and this impression must be removed. I have been said that the burden arising out of this measure will not be passed on to the consumers but at the same time we all know that these companies have a knack of passing on the burden over their shoulders to the consumers and the Government invariably finds itself helpless in such matters. Therefore we will not be prepared to accept any assurance from the Ministry that the road transport will not be dearer on account of this measure. Even if it is decided that the benefits accruing from this shall not be passed on to the consumers it is necessary that the amount recovered should be appropriated to the Roads Fund because we have not yet fulfilled the targets set out in the Nagpur Plan. According to my information, probably with the only exception of West Bengal, no

other State has fulfilled the Nagpur Plan targets. If the amount is appropriated to the Consolidated Fund we are not confident that it would be properly utilised or that it would be utilised specifically for the development of road transport. And I need not emphasise the need to develop road transport at the present stage of our economic development. Sir, the hon. Minister may or may not express it in so many words but it is certain that as a consequence of this measure the burden of taxation is bound to increase. I am more interested in reduction of prices of some essential commodities such as kerosene, diesel or petrol. All these commodities are of common use and the Government must assure us that their prices would be reduced. It will not do for the hon. Minister to shirk the responsibility and say that reduction in their prices or taxation on these commodities or such matters pertain properly to the Budget and that this Bill is something different and therefore this matter of reduction of prices should not be brought in at this stage. I should like to say that we must have an integrated financial policy and such an integrated policy cannot suffer separation of the Budget from other Acts or Bills concerned with Finance.

One more point I should like to add. The Government has given a certain guarantee about profits to these various companies. I should like to point that foreign companies like the Burmah Shell, and ESSO are giving indecent treatment to their employees. It is not merely a question of employer-employee relationship. The Finance Ministry cannot absolve itself of its responsibility by saying that employer-employee relationship is a matter entrusted to the Labour Ministry. Unless you close the nose, the month will not be opened. It is a question of our national honour. Our employees in Burmah Shell and ESSO are not likely to get decent treatment unless and until the Finance Ministry emphatically and boldly asserts that no guarantee of profits can be given unless those

[Shri D. Thengari.]

foreign companies assure the Government that they would give a fair and decent treatment to their employees.

With these words I close.

SHRI SURESH J. DESAI (Gujarat):

Mr. Vice-Chairman, the Mineral Oils (Additional Duties of Excise and Customs) Amendment Bill, which is before the House, is a simple Bill and it is not a controversial Bill as is sought to be made out. In fact, the principle of the Bill was accepted as early as 1958 when, as the hon. Minister, Mr. Bhagat, pointed out, after protracted negotiations, certain reductions in the prices of mineral oils were secured. At that time it was thought that these reductions if reflected in ceiling sale price to be fixed by the oil companies would not be such as to reach the consumer and therefore it was thought it would be better if the benefit was mopped up by the Government. Because the oil prices were likely to vary from time to time, only ceiling rates of duty were fixed in the original Act. After that there have been certain further reductions and a sum of Rs. 5 crores has accrued to the Government. So, the Government have come forward with this Bill for revising the additional rates of duty, that is, fixing new ceilings under which, from time to time, all variations in the oil prices can be mopped up by the Government. There is nothing controversial about it. The principle was already accepted as early as 1958. My friend, Shri Dahyabhai Patel, asked whether this reduction can be reflected in the price to the consumers, but these reductions are not as much as that. Given the sum of Rs. 5 crores, if it is reflected in the price of petrol or diesel oil or kerosene all over the country, would be hardly worth while. That would be very little. That is why these reductions from time to time which are secured in the oil prices are mopped up by way of these additional duties by the Government. In the case of kerosene, for instance, it is not merely a question of reducing the price of kerosene to

the people. The poor people use kerosene. That is a fact. But then we have to restrict the consumption of kerosene because the imports are getting larger and larger each year and we have to pay for these imports of kerosene. That is why certain duties have to be levied in order that the consumption of kerosene is restricted. It is not possible that the reductions from time to time which are secured in the prices of mineral oils can be passed on to the consumer. There is some misunderstanding about it. They are too small to be reflected in the ceiling selling price and that is why the hon. Minister said that the principle was laid down that whatever benefits accrued should be mopped up by the Government from time to time by way of these additional duties of excise and customs.

Another point which some hon. Members have made is about the road fund and the development of roads. Of course, whatever be the revenue, which accrues out of these additional rates of duties, it goes to the general exchequer. They go to the Consolidated Fund. Only a part of the duty on petrol and motor spirit and a part of the motor tax go to the road fund.

Now, as far as the development of roads is concerned, the Nagpur target has been exceeded already by about 14 per cent. Of course, the road development has not been uniform all over the country. For instance, in West Bengal, the road development has been 120 per cent of the Nagpur target. In the case of the State from which Mr. Dahyabhai Patel comes and I also come i.e. Gujarat even at the end of the Third Five Year Plan, the target will be only something like 65 per cent. But that is the case in Orissa and Assam also. Orissa, Assam and Gujarat are backward in road development. At the same time, it must be remembered the money which will accrue to the Government as a result of this Bill, by way of these additional rates of duty, does not go to the road fund. This will only go to the general exchequer, to the Consolidated Fund. Road fund

and the development of roads is a separate item and certainly attention should be paid to these States which are backward as far as road development is concerned. But I do not know whether that point is pertinent to the Bill under consideration. As far as the general targets of road development, as far as the Nagpur targets, are concerned, they have been exceeded by 14 per cent if you take the road development all over the country. So, this is a Bill which is of a non-controversial nature. The principle has already been accepted and I do not think any controversy should be raised.

With these words, I support the Bill.

SHRI B. R. BHAGAT: Mr. Vice-Chairman, I do not know how to describe the attitude of the hon. Member opposite who chose to oppose this measure. Frankly I think if he has second thoughts he will see the wisdom of a measure like this. His main grounds for opposition were two. One is that the whole of it should be passed on to the consumer. The other is that all these duties making the petroleum products costly are coming in the way of development. I think these were the two grounds. I wish to join issue with him on these two points. Firstly, so far as passing the benefits on to the consumer is concerned, as I explained while moving this Bill for consideration, the benefits were marginal not in terms of the total. The total may be Rs. 5 crores as I myself have said. Now, it is assumed that Rs. 60 lakhs per month is accruing, but it is distributed over a large number of products. In respect of each of them it may be one paise or two paise or four paise per unit. Practically, administratively and for various other reasons it is very difficult to transfer it.

Then, the question of transferring it to the consumer is not a laudable object by itself. This money that accrues to the Government whether it goes to the Consolidated Fund or for any special benefits or for road development or anything else—instead of

going to these laudable objects would lie frozen. The consumer does not get any advantage of the money. It is lying frozen. Even as it is there is no increase in the burden on the consumer as a result of this. Actually over a period we have been trying successively to break the monopoly of the oil companies. The hon. Member knows their strength. He knows the dangerous powers they have in their having monopoly power and it goes to the credit of this Government. Pursuing it persistently and perseveringly we have tried to bring about reductions successively and we have come to this stage. We have provided a ceiling for this. We may reach the ceiling in reductions and correspondingly we will take the benefit to the exchequer. Now, that ceiling also is being pierced and so we have come to this House to give us another ceiling. So, the effort of the Government in persuading the oil companies to bring down the prices, I think, should have got at least one word of cheer from the hon. Member. He did not do that. He only chose to attack the Government on things which do not exist. There is no burden or any additional cost to the consumer. And we have said that in future if we find that this reduction is large or sizeable, we might consider passing on the benefit to the consumer.

As far as the other point is concerned . . .

SHRI LOKANATH MISRA (Orissa):
Let him continue after lunch.

SHRI B. R. BHAGAT: I will take only two or three minutes.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Let him continue.

SHRI B. R. BHAGAT: I will finish in two or three minutes and the House may grant me this indulgence. Then, he said that by making all these levies we are making road transport costly.

Already the hon. Member pointed out that part of the petroleum duty

[Shri B. R. Bhagat.]
goes for the Road Development Fund, both for the Central fund and for the State Fund. Already we are appropriating a part of it.

SHRI DAHYABHAI V. PATEL: We see only the appropriation. We do not see the development of roads.

SHRI B. R. BHAGAT: I have all sympathies for the hon. Member if the roads are not developed in Gujarat. But I have faith in the ingenuity of the people of Gujarat. They are a very industrious and sagacious people. They have advanced in many fields. They will advance also in road development. It is news to me that road development in Gujarat is lagging behind. But I have all sympathies for it because I would like it to develop faster, and the money will come out of the Consolidated Fund or India. We are doing a lot for road development and more should be done. I would like to correct the hon. Member when he said that almost twelve annas out of a rupee are by way of tax. That is not correct. On many items, for instance kerosene, we have deliberately put in the last Budget the duty high. For what reason? To conserve foreign exchange, to prevent the large consumption of kerosene, because most of the kerosene is imported; and therefore to conserve foreign exchange we raised the duty. The House appreciated it. But on other items the duty is not that high, whether it is the diesel oil or other vaporous oil or other things.

SHRI DAHYABHAI V. PATEL: Why don't you give the break-up of the cost of petrol, imported cost and the duty? You will see that what I am saying is true.

SHRI B. R. BHAGAT: I will give the break-up respect of the major items.

श्री विमलकुमार मन्नालालजी चौराड़िया:
(मध्य प्रदेश) यह आफ्टर लंच ठीक रहेगा।
तब ब्रेक अप भी हो जायेगा और हमें भी
आसानी रहेगी समझने में।

SHRI M. P. BHARGAVA (Uttar Pradesh): Sir, he can continue after lunch.

SHRI B. R. BHAGAT: If the House so wishes, I have no objection.

SHRI DAHYABHAI V. PATEL: We would like to have a break-up of those things.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The House stands adjourned till 2.30 p.m.

The House then adjourned for lunch at four minutes past one of the clock.

The House reassembled after lunch at half past two of the clock, The DEPUTY CHAIRMAN in the Chair.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE.

REPORTED FIRING BY POLICE ON DISPLACED PERSONS FROM EAST PAKISTAN AT COIMBATORE

THE DEPUTY CHAIRMAN: Mr. Vajpayee.

SHRI A. B. VAJPAYEE (Uttar Pradesh): Madam, with your permission, I rise to call the attention of the Minister of Rehabilitation to the reported firing by police on the displaced persons from East Pakistan at Coimbatore.

THE DEPUTY MINISTER IN THE MINISTRY OF REHABILITATION (DR. MONO MOHAN DAS): Madam, on behalf of my senior colleague, Shri Mahavir Tyagi, I beg to read the following statement:—

मुझे कोयम्बटूर में मद्रास राज्य सरकार प्रशासन के आधीन खोले गये शिविर में इस दुर्घटना के बारे में जानकर बहुत दुःख हुआ। जिन परिस्थितियों में यह गोली

चलाई गई इसके सम्बन्ध में पूर्ण व्योम हमारे पास उपलब्ध नहीं है। ज्यूहो १४ दिसम्बर के प्रातः काल के दैनिक पत्रों में यह समाचार पाया गया, गृह विभाग मद्रास सरकार तथा कलेक्टर कोयम्बटूर से टेलिफोन पर बात-चीत की गई। कलेक्टर तथा उप आरक्षक-महानिरीक्षक दोनों ही घटना स्थल पर गये।

कलेक्टर से जो हमें प्रारम्भिक सूचना प्राप्त हुई उस से ऐसा प्रतीत होता है कि शिविर में एक पुलिस कर्मचारी तथा विस्थापितों के समूह में कुछ झगडा हुआ। विस्थापितों ने सतरी का पीछा किया किन्तु ड्यूटी वाले सतरी ने उस पर प्रहार करने से रोका। इस पर विस्थापितों ने सतरी पर पत्थर आदि चलाने आरम्भ कर दिये, जिससे उसे सिर पर चोट आई और उसकी एक उंगली भी टूट गई। सतरी ने आत्म रक्षा के लिये गोली चलाई जिससे एक व्यक्ति की मृत्यु हो गई तथा एक घायल भी हुआ। घायल व्यक्ति तथा सतरी दोनों को हस्पताल में दाखिल कर दिया गया है। गोली चलाने के लिये किसी भी सरकारी अधिकारी ने आदेश नहीं दिया था। चूकि कानून तथा व्यवस्था की जिम्मेदारी राज्य सरकार की है, राज्य सरकार ने मैजिस्ट्रेट द्वारा जाच करने के लिये आदेश दे दिये गये हैं। जाच के पूरा होने पर ही घटना के व्योरे का पूर्ण पता चलेगा। शिविर में अब शांति है तथा किस और घटना का समाचार प्राप्त नहीं हुआ है।

SHRI A B VAJPAYEE: Madam, are we to understand that the police had been posted inside the camp and, if so, for what reasons?

DR MONO MOHAN DAS: Inside the camp there is a police post. We have to keep it to maintain law and order.

SHRI A B VAJPAYEE: I cannot understand why there should be police

inside the camp. I can understand the police being posted on the gate of the camp but the police has no business to be inside the camp.

DR. MONO MOHAN DAS: Why not? It is necessary for the police post to be there inside the camp.

SHRI A B VAJPAYEE: How is it necessary?

THE MINISTER OF REHABILITATION (SHRI MAHAVIR TYAGI): As my colleague has already stated, the camp is under the administrative charge of the State Government and for the purpose of the safety of the inhabitants there, the displaced persons there, they have to maintain the police force.

SHRI A B VAJPAYEE: The reply is not yet clear. The police has to be there to safeguard the camp but why should the police be inside the camp?

SHRI MAHAVIR TYAGI: It is to be inside the camp because the camp is a colony just like a town. You will not see the policemen being kept outside the town, they will be inside the town. The police people are meant for the camp; they are going about inside and outside the camp and the boundaries.

SHRI A B VAJPAYEE: May I know the number of displaced persons in this particular camp?

SHRI MAHAVIR TYAGI: At present the population is 357 only.

SHRI M P BHARGAVA (Uttar Pradesh): May I know from the hon. Minister whether it is not possible to control the camp by remote control or it is absolutely necessary for the police to be within the camp if law and order is to be maintained?

SHRI MAHAVIR TYAGI: It is for the purpose of maintaining law and order. Wherever there is a population, police is there. They are not kept

[Shri Mahavir Tyagi.]

under guard like the prisoners. They are free people inside the camp. But even then for the purpose of maintaining peace and law and order, there is some police posted. Some of them are outside on the gate, some go about in the camp.

SHRIMATI SHAKUNTALA PARANJ-PYE (Nominated): How many policemen would be there in the camp?

SHRI MAHAVIR TYAGI: This information is not readily available.

SHRI LOKANATH MISRA (Orissa): As the Minister said, the policemen were there for some time. What was the particular occasion? From the reply given by the Minister, I could not understand what was the particular occasion on that particular day. Why was the policeman chased out by these refugees? Did he behave improperly with any of the refugees or else, what was the reason for this altercation?

SHRI MAHAVIR TYAGI: These are matters which are under enquiry and as the House was informed, a Magistrate has been deputed. The difficulty with the administration there is that all the officers do not know the Bengali language. So, along with the Magistrate, an officer who knows Bengali has been sent there so that a thorough enquiry may be made, and as soon as the enquiry is complete, they will send the report here, I might inform the House.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): The hon. Minister has just stated that the number of the refugees is only 300. Our experience is that police is not posted for a population of 300. So, the Minister would have to give some reason, special reason, for posting a police force for a population of 300. In a village where the population is only 300, generally police is not posted. So, there should be some special occasion or special reason for posting a police force in this particular refugee colony.

SHRI MAHAVIR TYAGI: I do not think that there is any reason or that any explanation is called for for the presence of the policemen inside the camp. The camp is not like a barrack. It is a small colony spread over; there are roads and passages in between. It is a colony type of thing. They are not huddled together in a small, little barrack and therefore . . .

SHRI CHANDRA SHEKHAR: Perhaps I could not make my question clear. The camp is not like a barrack, the camp is just like a village. Our experience is that in a small village with a population of 300, generally police is not posted, there is no police force in a village of 300. The hon. Minister will have to give some special reason. Is this colony in the remotest corner or is there any special danger to the security of these refugees? What were the reasons for posting a police force there in that particular locality where only 300 people are inhabited? That was my question.

DR. MONO MOHAN DAS: I may inform this hon. House that there are often altercations and quarrels amongst the refugees also. And sometimes the refugees go out of their camp and create some disturbance in the neighbouring villages. This has come to our notice. Moreover, sometimes these refugees take a very strong attitude when some occasion comes for reducing their doles or something like that. So, even for the functioning of the officers who are in charge of the administration of the camp police is necessary.

SHRI B. K. P. SINHA (Bihar): May I know if this particular camp is an enclosed camp, enclosed by wall or wires or is it an open camp? Secondly, may I know whether this pattern of posting a police force inside a camp is an all-India pattern or is peculiar to this camp?

SHRI MAHAVIR TYAGI: It is an all-India pattern. Wherever these displaced persons are established in any camp, for the purpose of guarding the camp and for keeping peace there, some policemen are posted on the gate as well as outside.

Well, as regards barbed wire fencing, etc. I am afraid I have not got complete information with me just now but this pattern of keeping police, a police station—a temporary police station—is also there so that if there is any complaint from any of the displaced persons living in that camp—and if they want to lodge any report, they might have the police station nearby to lodge their own reports.

DR. SHRIMATI PHULRENU GUHA (West Bengal): I want to know whether there was a police force there or a single policeman was posted there?

THE DEPUTY CHAIRMAN: How many policemen were posted there?

SHRI MAHAVIR TYAGI: It is not an armed police force. It is like ordinary civil police and some of the people are deputed in to the camp.

SHRI D. THENGARI (Uttar Pradesh): May I know, Madam, whether anybody from the police force was suspended for firing? Who ordered the firing and was he competent enough to order the firing?

THE DEPUTY CHAIRMAN: That investigation is going on.

SHRI MAHAVIR TYAGI: As I have just submitted, the matter is under investigation. If the policeman is found at fault, not only suspension but definitely something further might come. If it is proved action will be taken. Immediately action has been taken on the very day. A magistrate has gone there. He is making a thorough enquiry and as soon as the result of the enquiry is in the hands of the authorities, they

will take proper action either against the police or the person concerned.

SHRI R. S. KHANDEKAR (Madhya Pradesh): May I know, Madam, whether the Magistrate is an executive magistrate or judicial magistrate because often the experience has been that an enquiry by an executive magistrate is not a proper enquiry? So I should like to know whether the Central Government will advise the State Government to appoint a judicial Magistrate to enquire into this firing.

DR. MONO MOHAN DAS: We are not prepared to agree to the allegation that has been made.

THE DEPUTY CHAIRMAN: He only wants information. He is not making any allegation.

SHRI MAHAVIR TYAGI: The only information we have in our possession is as already telephoned by the District Magistrate that a Magistrate has been deputed and a magisterial enquiry has been ordered. And with him is going one officer who knows Bengali so that the enquiring Magistrate might take down the statements of the displaced persons there and look into their grievances.

SHRI R. S. KHANDEKAR: Is it an Executive Magistrate or a Judicial Magistrate?

THE DEPUTY CHAIRMAN: Mr. Bhagat.

THE MINERAL OILS (ADDITIONAL DUTIES OF EXCISE AND CUSTOMS) AMENDMENT BILL, 1964—contd.

SHRI B. R. BHAGAT: I had all but finished my reply when the House desired that I should give some information about the percentage of the tax element in the price of petroleum products. I have tried to go through it hurriedly and worked out the percentage. Although it may not be

[Shri B. R. Bhagat.]

exactly accurate, it is to the closest approximation. For example in the inferior kerosene which goes into the consumption of the common people more so in the villages, the excise duty works out to 39 per cent. In the superior kerosene it works out to 50 per cent. I may add that there has been considerable step-up in the duty in the last Budget because of the reasons that the Finance Minister wanted, and rightly, to conserve foreign exchange and not allow the consumption of kerosene to go up very high. That is why there had been a large step-up in the duty in the last Budget.

Then I come to the high speed diesel oil that goes into trucks. It is 69 per cent. Motor spirit is 64 per cent.

SHRI DAHYABHAI V. PATEL: Have you taken sales tax into consideration?

SHRI B. R. BHAGAT: In Gujarat, I am told the sales tax is twelve paise per litre. That again, by approximation, comes to about 3 per cent. or a little more. So, that will make it up to 67 per cent. or so.

In any case it is not twelve annas in the rupee.

SHRI DAHYABHAI V. PATEL: What is the difference, Mr. Minister?

SHRI B. R. BHAGAT: It is not twelve annas in the rupee.

SHRI DAHYABHAI V. PATEL: If you claim to be near approximation with all that staff in the official corner, my approximation from memory is very nearer to the correct position.

SHRI B. R. BHAGAT: I am only trying to make it as accurate as possible.

Madam, the last point that I want to say is that this additional impost should not have been there. Then, what was the alternative? This was the result of the reduction that the

Government were able to bring about in the price of petroleum and petroleum products after protracted negotiations with the company. If we had not done it, what would have happened? Then the company would have made the profits, and I think the hon. Member would not have liked that.

SHRI DAHYABHAI V. PATEL: I am asking for lowering the price. I am not saying that you take from the company.

SHRI B. R. BHAGAT: The price has not been increased and, as I said . . .

SHRI DAHYABHAI V. PATEL: It is already high.

SHRI B. R. BHAGAT: As I said it related to a large number of items in which the difference was only fractional. In some cases the reduction may be 2, 3, 4 or 5 paise which it would have been difficult to pass on to the consumer in each case. Therefore, it has to go to the Consolidated Fund of India. And that, as I said earlier in the day, goes there. Take the motor spirit cess. Out of this impost from the motor spirit, a road cess fund for development of roads in the States as well as at the Centre is being created. It goes for the development of transport and other things. It is not as if the Government has not been able to bring about this reduction and it has not been able to pass it on to the consumer that a very great hardship has been caused. Nothing of the kind. I am very glad, Madam, that the House has given full support to the measure. The two points that the hon Members have raised I have tried to meet and I am sure the House will be convinced by it. With these words I move.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958,

as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the 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.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be returned."

The motion was adopted.

THE PROVISIONAL COLLECTION OF TAXES (AMENDMENT) BILL, 1964

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI RAMESHWAR SAHU): Madam, I move:

"That the Bill further to amend the Provisional Collection of Taxes Act, 1931, as passed by the Lok Sabha, be taken into consideration."

Madam, this is a simple measure and I will not take much of the time of the House in explaining the purpose of the Bill. As the hon. Members know, by virtue of a declaration under the Provisional Collection of Taxes Act, 1931, any provision of a Bill purporting to impose or increase any duty of Customs or Central Excise can be brought into effect immediately upon the introduction of the Bill in Parliament. The imposition or increase in the rates of duty in respect of which such a declaration is made comes into effect immediately on the expiry of the day on which the Bill is introduced and they continue to remain in force for a period of 60 days. In case the Bill does not come

into operation as an enactment before the expiry of that period the whole of the duty collected by virtue of the declaration has to be refunded.

A declaration under the Provisional Collection of Taxes Act is almost invariably inserted in every Finance Bill or any such Bill which seeks to impose or increase any duty of customs or excise. This becomes necessary as the markets react immediately to any proposal for the imposition or increase of any commodity tax and the consumers have to pay increased prices almost from the very time the proposals are announced. The application of the Provisional Collection of the Taxes Act to some extent helps in mopping up the unearned profit at least on the stock of goods which are still with the manufacturers or in the warehouses or are about to be cleared from the docks.

Of late, due to the large tax effort that have had to be made, the Finance Bills have many more clauses and sub-clauses than in earlier years. It is but natural, therefore, that the hon. Members in the two Houses of Parliament should desire to have more time for consideration of the proposals. It is with this object in view that it is proposed to increase the time limit from sixty days to seventy-five days. I am sure that the House will unanimously support the measure.

The House will recollect that in 1957 because of the General Election, consideration of the annual Budget and the Finance Bill had to be spread over two sessions of Parliament. To meet that situation the Provisional Collection of Taxes Act was temporarily amended extending the period from 60 days to 120 days for that year only. The amendment was operative up to the 31st December, 1957 only.

Madam, I move the Bill for consideration.

The question was proposed.

SHRI SANKAR PRATAP SINGH DEV (Orissa): Madam, I may not have any hesitation in agreeing to the increase of the period from 60 days to 90 days in validating the change in taxes, direct or indirect, by the Executive but I do so with reservation.

I have repeatedly said that taxes have been on the increase from year after year. In 1957-58 the total revenue from taxes was Rs. 695.7 crores. In 1963-64, within a period of six years, it rose to Rs. 1,478.4 crores, more than 100 per cent. increase. Do you not think it is staggering? In our country where the per capita income is the lowest and stands at Rs. 300, out of this about 25 per cent. go to taxation. Forty per cent. of our lowest income group earn only five annas per day and out of that about two annas goes to direct and indirect taxation. Can we commit a worse crime than this, to tax a man by two annas a day whose income is only five annas a day? The newspaper report says that in Delhi the other day, within this week of cold wave, about nine people died because they could not clothe themselves. This was the reported number of deaths but what would be the actual death roll? Nobody knows. Is that the result of your seventeen years of planning? I do appreciate the problem which the Government are faced with in mobilising internal resources. Developmental planning has received considerable attention in our country in the last decade. The Government can borrow money, increase taxes, etc. for financing the lopsided Plan. That the Plan is lopsided is obvious from the failure on all fronts. We have hardly achieved any target. Numerous people are dying of hunger. While foodgrains import has been progressively increased, still we have failed to meet the internal requirements. You can see the long queue outside the fair price shops. People have to wait for hours before they get their turn and even at times when they get to their turn, the shopkeeper says that the stock

has exhausted. From the taxation figure which I have quoted above, you will see that the incidents of taxation on commodities and services has shown an increase of more than 100 per cent. There cannot be two opinions that such an increase specially on indirect taxes is not conducive to the interest of equity as the main burden of indirect tax is borne by the common man. The Government can come forward with numerous explanations to defend their action of taxing the poor people.

The Finance Minister himself will bear me out that the tax proposal in the country must be realistic and should not inflict undue hardship in sections of the community which are known to be weak. A broad analysis of indirect taxation shows that it has been particularly oppressive on the less fortunate sections. Can there be a worse thing than taking away two annas out of five annas a day which a poor man earns? Of course excise duties on items like iron and steel, cement, motor spirit, etc. directly do not enter into the consumption budget of the poor section. However, the Government cannot deny that induced effect of such taxation on housing, will to a greater extent have its effect on the poor sections by directly increasing the cost of construction as a result of increase in the price of other materials which are taxed and be a sympathetic increase in the price of substitutable items. These are some of the problems which the Government should not lose sight of before the Finance Bill is prepared and rates of direct and indirect taxation are fixed from time to time.

The aim of planning, if I have understood it correctly is to achieve the various goals laid down in the Directive Principles of our Constitution. This can only be achieved if we concentrate all our efforts in ameliorating the most weaker sections of our society and that can only happen by progres-

sively decreasing their duties on consumer goods and other items which are generally consumed by our poor people. This can be done by taking away levy on agriculture as majority of our population depends on the land. Anything which helps to reduce the burden on the agriculturists is welcome. With these words I conclude.

THE MINISTER OF PLANNING (SHRI B. R. BHAGAT): Madam, if I have understood the hon. Member aright, I think he did not object to the extension of time of the provisional collecting from 60 to 75 days. So I am very happy to learn that he agrees with this Bill. But what he has said was probably his concern about the increase in the resources by way of taxation successively every year and also by the incidence of various duties on the various classes of people. That is what he meant to say. I think that particular matter the House is at liberty to take up at any moment in the Budget discussions. So far as increase in internal resources is concerned, that is one of the dictates of this House. This House having accepted the Third Plan, has also accepted the policy of raising internal resources. So we, in the Government, take it as more or less a commitment or a duty towards the House to raise the resources so that the Plan targets are fulfilled and instead of expressing satisfaction that the Government has done its duty in raising the resources to the maximum extent, anxiety should not be expressed. Secondly, about the incidence on various classes of the various types of duties, that is very carefully gone into while formulating the Budget. The main policy is, whether the direct tax impost or indirect tax impost, the imposts should be levied in a manner so as not to hinder the production and they should not affect the common people generally they should try to mop up unproductive wealth and encourage productive investments and give relief to the smaller people, the middle-income group, etc. All these devices which

have been devised from year to year have been implemented in our tax policy, but certainly any tax when imposed, will hurt but so long as the burden is distributed very equitably, so long as the Fund is going towards the development of the country which is to increase the real, income of the people, I think it will go to help the common man about whom the hon. Member who spoke is worried. With these words, I move.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Provisional Collection of Taxes Act, 1931, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clause 2 was added to the Bill.

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

SHRI B. R. BHAGAT: I move:

"That the Bill be passed."

The question was put and the motion was adopted.

(I) RESOLUTION RE. THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1964 AND (II) THE ESSENTIAL COMMODITIES (AMENDMENT) BILL
1964.

श्री ए० बी० वाजपेयी (उत्तर प्रदेश) :
महोदया, मैं निम्नलिखित संकल्प उपस्थित करता हूँ :

"यह सभा ५ नवम्बर, १९६४ को राष्ट्रपति द्वारा प्रख्यापित अत्यावश्यक वस्तु (संशोधन) अध्यादेश, १९६४ (१९६४ का अध्यादेश संख्या ३) का अनुमोदन करती है।"

महोदया, ५ नवम्बर को केन्द्रीय सरकार ने एक अध्यादेश जारी किया। उस अध्यादेश

[श्री ए० ब० ब जपेयी]

को कानून का रूप देने के लिये अब एक विधेयक सदन के सामने लाया जा रहा है । प्रश्न यह है कि जब संसद् की बैठक १६ नवम्बर से शुरू होने वाली थी, तो ५ नवम्बर को अध्यादेश जारी क्यों किया गया ? खाद्य मंत्री महोदय सदन को यह बताये कि इन ११ दिनों में, ५ नवम्बर को अध्यादेश जारी करने के बाद और १६ नवम्बर को संसद् की बैठक शुरू होने तक, इस अध्यादेश के अन्तर्गत कितने लोगों के खिलाफ कार्यवाही की गई ? जहाँ तक मुझे पता है, एक दो मामलों को छोड़ कर इस अध्यादेश के अन्तर्गत कार्यवाही नहीं की गई । क्या उन एक दो मामलों को, और अधिकार जो शासन के पास हैं, उनके अन्तर्गत दंडित नहीं किया जा सकता था ? क्या यह जरूरी था कि संसद् की बैठक आरम्भ होने से ११ दिन पहले सरकार अध्यादेश जारी करती ? क्या इन ११ दिनों में ही खाद्य स्थिति बहुत बिगड़ने वाली थी ? क्या ५ नवम्बर को कोई ऐसा विषम संकट पैदा हो गया था, जिस का सरकार न तो संसद् की पिछली बैठक में अंदाज लगा सकती थी और न जिस संकट को रोकने के लिये सरकार के पास जो असाधारण अधिकार है, उनको सरकार पर्याप्त समझती थी ?

महोदय, संसदीय लोकतंत्र में अध्यादेश केवल उसी समय जारी किया जाना चाहिये जब उस अध्यादेश के बिना काम न चलता हो और उस अध्यादेश के अभाव में ऐसी परिस्थितियाँ पैदा होने का डर हो, जिन्हें शासन साधारणतया नियंत्रण में न कर सके । अभी तक शासन की ओर से यह बात स्पष्ट नहीं की गई है कि ५ नवम्बर को ही अध्यादेश जारी करने की आवश्यकता क्यों पड़ी । शासन अगर चाहता तो संसद् की पिछली बैठक में जो इस ओर से चेतावनी दी गई थी कि खाद्य की परिस्थिति और भी बिगड़ेगी, इस तरह का कानून में संशोधन कर सकती थी । लेकिन उस समय हम से कहा गया कि

परिस्थिति बिगड़ी जरूर है, लेकिन हमने उसे संभाल लिया है और थोड़े ही दिनों में परिस्थिति पर काबू पा लिया जायेगा । अध्यादेश का जारी करना यह बताना है कि शासन दूरदर्शिता से काम नहीं ले सका । हम शासन को अधिकार देने में सकोच नहीं करेंगे, अगर शासन इस बात का औचित्य सिद्ध कर दे कि उन अधिकारों के बिना वह खाद्य संकट पर विजय प्राप्त नहीं कर सकेगी ।

इसके साथ यह भी देखना होगा कि अध्यादेश जारी करने के लिये कौन से कारण दिये गये हैं । इसके साथ जो वक्तव्य जारी किया गया है, उसे पढ़ कर हमी आती है । यह कहा गया है कि देश में संकटकाल की स्थिति है । भारत सुरक्षा अधिनियम लागू है, लेकिन यह स्थिति स्थायी नहीं है/अस्थायी है, बदल सकती है और भारत सुरक्षा अधिनियम हर दम नहीं रहेगा, इसलिए इमेजियल कमोडिटीज़ ऐक्ट में संशोधन करने जरूरी है । मैं जानना चाहता हूँ कि क्या शासन यह समझता था कि १६ नवम्बर को संसद् की बैठक शुरू होगी, उसमें पहले इमर्जेंसी खत्म हो जायेगी और भारत सुरक्षा अधिनियम रद्द कर दिया जायेगा¹ ? यह ठीक है कि यह स्थिति हर दम बनी नहीं रह सकती, लेकिन आज तो यह स्थिति है कि भारत सुरक्षा अधिनियम के अन्तर्गत शासन को असाधारण अधिकार प्राप्त है और उन अधिकारों का उपयोग कर के शासन अनाज के व्यापारियों पर, जड़ीमानी पर, संग्रह करने वालों पर, कठोर कार्यवाही कर सकता है । लेकिन संकटकाल की स्थिति आगे नहीं रहेगी, इसलिये अध्यादेश जारी करने का समर्थन नहीं किया जा सकता । जो वक्तव्य दिया गया है उसमें यह बात स्पष्ट नहीं की गई कि यह अध्यादेश दो दृष्टियों से प्रभाव डालेगा । एक तो इस अध्यादेश के अन्तर्गत समरी ट्रायल की व्यवस्था की गई है और दूसरे कुछ मामलों में अपील करने की अनुमति

छीन ली गई है । वक्तव्य मे केवल एक तथ्य पर प्रकाश डाला गया है और दूसरे तथ्य को छिपाया गया है । मैं नहीं जानता कि ऐसा किस कारण हुआ है ।

अध्यादेश अगर ५ नवम्बर को न भी जारी होता, तो १६ नवम्बर को संसद की बैठक आरम्भ होते ही, खाद्य मंत्री महोदय अपना संशोधन विधेयक ले कर हमारे सामने आ सकते थे और सदन के स्वीकृति प्राप्त कर सकते थे । मैं जानता चाहूंगा कि केन्द्रीय सरकार ने किन कारणों से प्रेरित हो कर ५ नवम्बर को अध्यादेश जारी किया ? क्या खाद्य मंत्री महोदय इस सदन को संतुष्ट कर सकते हैं कि अध्यादेश जारी किये बिना काम नहीं चल सकता था ? उन्हें बताने होंगे कि कितने मामले ऐसे हैं, जिन में इस अध्यादेश के अन्तर्गत मुकदमे चलाये गये ? शायद दिल्ली का एक मामला छोड़ कर और तो मुकदमे नहीं चलाये गये हैं । दूसरे सदन में २ दिसम्बर को एक प्रश्न पूछा गया था कि इस अध्यादेश के अन्तर्गत कितने मामले सरकार के सामने आये हैं और उसका यह जवाब दिया गया था कि अभी तक कोई मामला नहीं आया है । शायद २ दिसम्बर के बाद कुछ तथ्य खाद्य मंत्री महोदय के पास आये हों, तो उन्हें सदन को विश्वास में लेकर के बताना चाहिये कि कितने मामलों में अध्यादेश के अन्तर्गत कार्यवाही की गई है । लेकिन यह समझने का कोई कारण नहीं है कि ऐसे मामलों की संख्या ज्यादा है ।

अच्छा होता, अगर सरकार यह अध्यादेश जारी न करती । कभी कभी यह मदेह होता है कि क्या खाद्य के/मोचों पर अपनी असफलताओं पर पर्दा डालने के लिये सरकार अधिकाधिक अधिकार अपने हाथ में लेना चाहती है । अभी शासन के पास अधिकारों की कमी नहीं है । सरकार के तरकश में तीर नहीं है, इसीलिये एक और तीर खाद्य-मंत्री महोदय मांगते हैं, यह बात नहीं है । कटु सत्य यह है कि जो अधिकार संसद ने

शासन को दिये, उन अधिकारों का प्रभावी रूप से उपयोग करके शासन खाद्य स्थिति को संभाल नहीं सका । नजरबन्दी कानून का उपयोग किया जा सकता है, किया गया है, भारत-सुरक्षा-अधिनियम सरकार के पास है, एमेशियल कमोडिटीज एक्ट में अगर आर्डिनंस द्वारा संशोधन न भी किया जाता तो भी ऐसे अधिकार सरकार के पास थे जिनको काम में लाया जा सकता था । लेकिन शायद सरकार सोचती है कि अधिकारों को बढ़ाने मात्र में समस्या हल हो जायेगी । मेरा इसमें मतभेद है । जब तक अधिकारों को दबता से उपयोग में नहीं लाया जायेगा तब तक जिस उद्देश्य के लिए यह अध्यादेश जारी किया गया है या जिस उद्देश्य के लिए सरकार यह विधेयक ला रही है, वह उद्देश्य पूरा नहीं होगा ।

इस बात में कोई डकार नहीं कर सकता कि खाद्य स्थिति गम्भीर है और चेतावनियों के बावजूद सरकार दूरदर्शिता से काम नहीं ले पा रही है । सरकार की कठिनाइया भी हैं, उनसे मैं अपनी दृष्टि ओझल नहीं करता, किन्तु व्यापारियों का समस्या ट्रायल किया जाय । इसका प्रावधान करना सरल है, उन्हें सजा दे दी जाये और उन्हें उस सजा के खिलाफ अपील करने की इजाजत न हो, यह अधिकार भी सरकार प्राप्त कर सकती है, लेकिन यह इस बात की गारंटी नहीं है कि जो शासन का तंत्र है वह सचमुच में जिन मामलों में कार्यवाही होनी चाहिए उनमें कार्यवाही करेगा । अनुभव ऐसा है कि जब नौकरशाही के हाथ में व्यापक अधिकार रख दिये जाते हैं तो उनका दुरुपयोग होता है और ईमानदार व्यापारी भी, छोटे व्यापारी भी उनकी चपेट में आ जाते हैं ।

सरकार मुनाफाखोरो के खिलाफ कड़ी कार्यवाही करे, इस में दो मत नहीं हो सकते । जो अन्न को दबाए हुए है या अन्न के अभाव का लाभ उठा कर कमाई कर रहे हैं वे दया के पात्र नहीं हैं, वे हमारे समाज के शत्रु हैं और वे कठोर से

[श्री ए० बी० बाजपयी]

कठोर दंड के भागी है, लेकिन उन्हें दंड देने में सरकार अभी तक विफल रही है और यह विफलता इसलिये नहीं है कि सरकार के पास दंड देने के अधिकार नहीं है या इसलिए भी नहीं हैं कि वे अपील में छूट जाते हैं और इसलिए भी नहीं है कि समरी ट्रायल नहीं होता है, बल्कि जिनके खिलाफ कार्यवाही होनी चाहिए उनके खिलाफ कार्यवाही नहीं होती, क्योंकि कुछ राजनीति बीच में आती है और जिनके खिलाफ कार्यवाही नहीं होनी चाहिए उनके खिलाफ असाधारण अधिकारों में कार्यवाही हो सकती है। मैं दिल्ली का उदाहरण जानता हूँ। एक व्यापारी के यहाँ केवल इसलिए तलाशी ली गई— मैं सदन में नाम नहीं लेना चाहता, अगर खाद्य मंत्री महादय जानना चाहेंगे तो मैं उन्हें नाम बताऊँगा—दिल्ली के एक प्रतिष्ठित व्यापारी के यहाँ केवल इसलिए तलाशी ली गई कि वह व्यापारी विरोधी दल से सम्बन्ध रखते हैं, वे व्यापारी सत्तारूढ दल के खिलाफ हैं। तलाशी लेने के बाद कुछ निकला नहीं, यह बात अलग है। लेकिन जिनके यहाँ तलाशी ली गई और माल मिला, ऐसों के खिलाफ भी कठोर कार्यवाही नहीं की गई, क्योंकि वह सत्तारूढ दल से सम्बन्धित है। दिल्ली का सेंट्रल कोऑपरेटिव स्टोर किस तरह के गोलमाल कर रहा है, यह सदन को बताने की आवश्यकता नहीं है। उसके अध्यक्ष के विरुद्ध कार्यवाही नहीं की गई क्योंकि वे मसूदे के सदस्य हैं, कांग्रेस से सम्बन्धित हैं, यद्यपि उनके नीचे के जो कर्मचारी हैं उन्हें गिरफ्तार किया गया है, पुलिस उनको अदालत में ले जा रही है। लेकिन अगर राजनीति बाधक बनेगी तो फिर सरकार कितने भी अधिकार प्राप्त कर ले समस्या सुलझने वाली नहीं है। जब हम इस ओर से सरकार को अधिक अधिकार देने में झिझकते हैं, सकोच करते हैं, विरोध करते हैं तो इसलिए नहीं कि हम मुनाफा-खोरी का समर्थन करना चाहते हैं, लेकिन

हमें डर है कि इन अधिकारों का दुरुपयोग होगा, राजनैतिक आधार पर भेदभाव की नीति अपनाई जायेगी। हमें यह भी डर है कि बड़े और बेईमान व्यापारियों के साथ छोटे और ईमानदार व्यापारी भी फसेंगे। हमें यह भी डर है कि किसान की स्थिति क्या होगी? अगर किसान घर में अनाज रखना चाहेगा और वह समय आने पर उस अनाज को बेचने का विचार करेगा तो क्या यह जो विधेयक आ रहा है उस विधेयक के अन्तर्गत वह डीलर की श्रेणी में, व्यापारी की श्रेणी में नहीं आयेगा? क्या उसके खिलाफ भी कार्यवाही होगी?

खाद्य मंत्री महोदय स्वीकार कर चुके हैं कि जो अनाज दबाया गया है उसमें बड़े व्यापारियों और बड़े किमानों की एक संधि का हाथ है, उनके एक्सिस का हाथ है, एक एक्सिस है बड़े व्यापारियों में और बड़े किसानों में। इस एक्सिस को कैसे खत्म किया जायेगा? आज बड़े व्यापारी अपने गोदामों में अनाज नहीं रखते, उन्होंने किसानों को रुपया दिया हुआ है और उस रुपये के बदले में वह अनाज खलिहानों में रखते हैं, किसानों के भंडारों में रखते हैं। सरकार के लिए यह तो संभव नहीं है कि वह गांव गांव में छापे मारे, किसानों का भंडार उनके खलिहानों से निकाले और व्यापारियों के यहाँ अगर छापे मारे जाएंगे तो अनाज नहीं मिलेगा, वह छूट जाएंगे क्योंकि उनकी तरफ से अनाज बड़े किसानों ने अपने यहाँ रखा हुआ है। इस परिस्थिति का निराकरण इस अध्यादेश से कैसे होगा? जो कठोर सजा के अधिकारी हैं उन्हें सजा मिलनी चाहिए, लेकिन समरी ट्रायल हो, अपील की छूट न हो ये कोई ऐसी चीजें नहीं हैं जिनका स्वागत किया जा सके। हा, मुनाफाखोरी भी ऐसी चीज नहीं है जिसका स्वागत हो। देश में जब भुखमरी फैली हो तो हम किसी को आवश्यकता से अधिक अनाज का संग्रह करने की छूट नहीं दे सकते। लेकिन क्या केवल कानून को

कठोर बनाना, कानून में संशोधन करना ही काफी है? अगर कानून में संशोधन करने मात्र से समस्या हल हो जाती तो यह समस्या कभी पैदा नहीं होती। यह पहला ही मौका नहीं है कि जब एग्रेसिवल कम्पेडिटिज एक्ट में संशोधन किया जा रहा है, इससे पहले भी संशोधन किए गए थे, मगर उस संशोधन के आधार पर कितने मामलों में कार्यवाही की गई? यह सवाल अलग है कि शासन-तंत्र वही बना है और देश का राजनैतिक स्वरूप भी बदला नहीं है। केवल अधिकार ले लेने मात्र से ही सरकार अन्न-संकट पर विजय प्राप्त कर लेगी, इस राय का कम से कम मैं तो नहीं।

कुछ सुझाव दिये गये थे कि कम से कम एक महीने की सजा और अपील न करने का जो प्रावधान है इसको बढ़ा दिया जाये, कम से कम तीन महीने की सजा की जाये जिससे कि क्रिमिनल प्रोमीजर कोड की सतह पर यह संशोधन आ सके। यह सुझाव कांग्रेस के सदस्यों ने भी दिया था, लेकिन शायद खाद्य मंत्री महोदय उसे स्वीकार नहीं कर सके। यह भी सुझाव दिया गया था कि जो टेक्निकल ढंग के अपराध हैं उनमें सजा कम होनी चाहिए, उनकी गरिमा, उनका महत्व उतना नहीं होना चाहिए जितना कि बड़े ढंग के अपराधों का होता है, लेकिन यह अध्यादेश इस बात में भी कोई फर्क नहीं करता। अगर कोई गलती से सूची लट-काना भूल जाये तो वह भी उतनी कड़ी सजा का भागी होगा जितनी बड़ी सजा किसी को बहुत बड़े पैमाने पर अनाज का संग्रह करने पर मिलेगी।

महोदय, देश के अन्न संकट के निराकरण के लिये तत्कालिक और दूरगामी दोनों तरह के उपाय अपनाने होंगे। सरकार दूरगाम दृष्टि से कौन से उपाय अपनाने जाय यह अभी निश्चित नहीं

कर पा रही है। आज अंग्रेजी के एक समाचार-पत्र ने एक कार्टून दिया है, मैं उसका उल्लेख करने के लोभ का संवरण नहीं कर सकता। उसमें खाद्य मंत्री हमारे प्रधान मंत्री जी से यह पूछते हुए बताए गए हैं कि आज की हमारी खाद्य नीति क्या है, जिसका संकेत यह है कि खाद्य नीति रोज बदलती है। कभी कहा जाता है कि खाद्य नीति पर, खाद्य संकट पर कब्जा पा लिया, काबू पा लिया और कभी कहा जाता है, यह खाद्य संकट वर्षा चलेगा। कभी कहा जात है हमने कानून बनाया है, उसका रामबाण का प्रभाव होगा—दाम कम हो जायेंगे, पर्याप्त मात्रा में अनाज मिलेगा। लेकिन कोई भी उपाय कारगर साबित नहीं हो रहा है। मुझे कभी कभी बड़ा आश्चर्य होता है, हमारे प्रधान मंत्री जी आजकल जहां जाते हैं, विद्यार्थियों को गांवों में जाने का उपदेश देते हैं और विद्यार्थियों से कहते हैं वे गांवों में जाकर किसानों को समझाएं कि अधिक अनाज किस तरह से पैदा किया जा सकता है। आज कल विद्यार्थियों के पढ़ने के दिन हैं, परीक्षा निकट आने वाली हैं, विद्यार्थी गांवों में जायें यह कहने का कोई अर्थ नहीं है। और विद्यार्थी गांव में जाकर क्या करेंगे? वे गांव वालों के ऊपर भार बनेंगे। उन्हें यह तो पता नहीं है कि जो की बाली कौन सी होती है, गेहूं की बाली कौन सी होती है, उन्होंने कृषि का अध्ययन नहीं किया है। जो कृषि कालिजों से निकले हैं वे भी गांव वालों की कोई सच्ची सहायता नहीं करते। कहने का क्या अर्थ है कि विद्यार्थी गांवों में जायें और किसानों से कहें कि वे अनाज की पैदावार बढ़ाएं। मगर सरकार के सब काम बेतरतीब हो रहे हैं। ऐसा लगता है जैसे सरकार की पकड़ ढीली हो गई है, जैसे सपड़ा बिगड़ गया है, जैसे संकट का सामना करने के लिये दृढ़ता-पूर्वक कौन सी नीति अपनाई जाये, यह शासन तय नहीं कर पा रहा है। इसलिये कभी दो साल की योजनाएं बनती हैं, कभी दस साल की बात कही जाती है। इन तरीकों से खाद्य संकट हल नहीं होगा। खाद्य मंत्री महोदय अगर अधिक अधिकार देते

[श्री ए० वी० वाजपेयी]

है, तो हम उसके मार्ग में बाधक नहीं बनेंगे, हम शासन को यह कहने का मौका नहीं देंगे कि हमने अधिकार मांगे थे, आपने अधिकार नहीं दिये। इसलिये हम अन्न संकट पर विजय प्राप्त नहीं कर सके। हमारे स्वर्गीय प्रधान मंत्री कहा करते थे/कोई अगर मुनाफाखोरी करेगा, चोरबाजारी करेगा तो हम बिजली के खंभों से उसको लटका देंगे—तब अंग्रेजों का राज था यहाँ। जब आजादी आई और आजादी के सैतानी हमारे प्रधान मंत्री बने तो सत्रह साल तक हम देखते रहे—बिजली के खंभे पर लटका हुआ कोई दिखाई नहीं पड़ा। अब तो खैर किसी को लटकाने की बात नहीं कही जाती और किसी को लटकाना ठीक भी नहीं है। हमारे यहाँ लोकतंत्र है, हमारे यहाँ संविधान है, मौलिक अधिकार हैं और मौलिक अधिकारों की रक्षा के लिये न्यायपालिका है और हम चाहते हैं जिस किसी व्यक्ति को सजा दी जाये कानून के अंतर्गत सजा दी जाये और उसे इस बात की छूट होनी चाहिये कि वह अपील कर सके। यह ऐसा कानून जो अपील की छूट नहीं देता, मुझे पसन्द नहीं है। लेकिन अगर मंत्री महोदय ऐसा ही कानून चाहते हैं मैं विरोध नहीं करूंगा, वे ऐसा कानून बनाएं और जिनको सजा देना चाहते हैं, सजा दें। अगर गेहूँ के साथ घुन भी पिस जायें तब भी संकट काल में हम अर्बाज नहीं उठावेंगे। लेकिन, गेहूँ के साथ घुनों के पिसने के बाद भी अगर यह शासन बढ़ती हुई कीमतों को नीचे नहीं ला सका, अगर यह शासन पर्याप्त मात्रा में अनाज जनता को मोहय्या नहीं कर सका तो यह शासन शासन चलाने का अधिकारी नहीं होगा।

मैं एक बार फिर से निवेदन करना चाहता हूँ कि ५ नवम्बर को अध्यादेश जारी करने की कोई आवश्यकता नहीं थी। मंत्री महोदय सदन की बैठक होने के लिये रुक सकते थे। मगर मंत्री महोदय ने एक ओर तो दूरदर्शिता से काम नहीं लिया और दूसरी ओर जल्दबाजी

से काम लिया। इन ग्यारह दिनों में कोई आसमान टूटने वाला नहीं था। अध्यादेशों से शासन करने की नीति कोई बड़ी लोकतंत्रवादी नीति नहीं है और इसीलिये मैंने यह प्रस्ताव पेश किया है कि यह अध्यादेश समाप्त कर दिया जाये; क्योंकि जो विधेयक लाया गया है उसमें रेट्रोस्पेक्टिव एफेक्ट से सजा देने की बात कही गई है। अगर सदन मेरा प्रस्ताव मान ले और अध्यादेश रद्द हो जायें तो भी कुछ बिगड़ने वाला नहीं है। मंत्री महोदय का बिल पास लिया जा सकता है। एक ही फर्क पड़ेगा कि दो चार मामले जो ऑर्डिनेंस के अन्तर्गत चलाए गए हैं उनको रेट्रोस्पेक्टिव एफेक्ट में लाकर सजा नहीं दी जा सकेगी।

The question was proposed.

THE MINISTER OF FOOD AND AGRICULTURE (SHRI C. SUBRAMANIAM): Madam, I beg to move:

“That the Bill further to amend the Essential Commodities Act, 1955, and the Criminal Law Amendment Act, 1952, as passed by the Lok Sabha, be taken into consideration”

Madam, at this stage I do not propose to make any elaborate speech. The hon. Member who moved the Resolution put forward his points of view with regard to this Ordinance and also with regard to this Bill. I am sure there would be many hon. Members who would be putting forward many other points of view also with regard to these. Therefore, I would reserve my reply to the end of the discussion over the Resolution and also over the Motion for consideration of the Bill but even at the outset I would like to say only this particularly with regard to why an Ordinance was issued on the 5th of November while Parliament was to meet on the 16th of November. Madam, the point for consideration is this: Once a Bill of this sort is moved and then passed, it requires

some time for implementing the provisions of the Bill, for making the machinery ready. Therefore whenever a Bill might be passed, if action is to be taken subsequent to that then it takes a few weeks before the machinery could be got ready, before proper action could be taken on the basis of the law. Therefore, if this Bill had come forward in the usual course and had been passed, as it is being passed now, then from that time it would take another month to get the machinery ready, but it was necessary, in the interests of dealing with the situation, that the State Governments should be enabled to take the various steps necessary for the purpose of dealing with a case in a summary way. This is one aspect. When you provide for a measure of this sort, it is not merely for the purpose of using it immediately but it is also for the purpose of making it at as a deterrent. For this reason also you enact certain penal provisions and therefore simply because you arm yourselves and you do not use that arm; it does not mean that the arms are not necessary. It might be that because of the very fact of the presence of the arm in the hands of a particular person certain instances might take place. Therefore, this appreciation of the overall situation is what has got to be taken into account not the number of cases which have been launched in finding out whether we could or could not have waited for a four days more before issuing this Ordinance. It is the urgency of the problem and the situation prevailing in the country that had to be taken into consideration in issuing this Ordinance and also the creation of an atmosphere in the country in which anti-social elements will have to be put down with a firm hand. For the purpose of creating that atmosphere it was absolutely necessary. Apart from this, with regard to the provisions which are contained in the Bill which has got to be passed here, I would only like to say that we are only making procedural changes with regard to the trial of cases. Summary trial is nothing new to criminal juris-

prudence in our country. As a matter of fact the Criminal Procedure Code provides summary trial but it has been provided for petty cases. Now we are providing this summary trial for the purpose of disposal of cases in a summary way, as quickly as possible taking into account the necessity to deal with these offences in a quick way. It is from that point of view that this amendment is being made.

Another aspect which I would like to place before the House is, I thought the hon. Member was making a point that a minimum punishment was being provided for in this Bill. There is no such thing which is being provided for. Whatever the punishment, it is already provided for in the Essential Commodities Act and the Criminal Law Amendment Act. What is prescribed in this Bill is that after a summary trial punishment up to a certain extent alone could be given. If a Magistrate has to pass a sentence of punishment beyond that then the summary trial procedure should not have been followed in that case. It is only from that point of view that one year's punishment is being indicated here. If in any particular case a punishment for more than one year has to be given then the summary trial cannot be followed. It is only in that connection that the expression 'not exceeding one year' is made use of here.

And with regard to the appeal provisions, it is also a well known fact that if a certain minimum sentence is passed no appeal is provided. This does not mean that any injustice would be done to the accused. Simply because there is no appeal, it does not mean that there are no provisions of law under which a convicted person can get redress. There are revision provisions under which any case can be taken to the High Court if there is any illegal irregularity or patent injustice done. In such cases the High Court has got always the power to interfere. Therefore taking into account the situation in the

[Shri C. Subramaniam.]

country only to deal with the situation in an effective manner, in a firm manner and in a quick manner these provisions are being made and therefore as I could see, I do not see any possible objection could be taken to this Bill. To feel because there is summary trial innocent persons also would get convicted, I am afraid, is an unnecessary fear. Simply because it is a summary trial proof of guilt is not being dispensed with; the Evidence Act is not being abrogated. That an accused is presumed to be innocent till he is proved guilty is not being abrogated; that the benefit of doubt goes to the accused is not being abrogated. Only the procedure is being made more brief and to that extent I am sure our judiciary also will be careful to see that innocent persons are not punished simply because of these summary trials and I have no doubt that this House will have full faith in the judiciary. After all these powers are not being conferred upon the executive; if that were so then hon. Members may complain that the executive may misuse this power. Whatever power is being conferred for the purpose of summary trials is being conferred on the judiciary in which we all have more or less confidence. By and large we have confidence in the judiciary and therefore unless we think that the judiciary is likely to misbehave in using this power, I do not think any argument can be brought forward that these powers which are being conferred under this Bill are likely to be misused. These are not powers which are being conferred on the executive; I want to repeat it. These are all powers which are being conferred on the judiciary for the purpose of disposal of the cases in a particular manner following the procedures which have already been laid down. We are not laying down any new procedure unknown to criminal jurisprudence in our country. Therefore I move that the Bill may be taken into consideration. If hon. Members make any points, I shall try to reply to them at the time of my reply.

The question was proposed.

THE DEPUTY CHAIRMAN: The Resolution and the Motion, both are before the House.

PANDIT S. S. N. TANKHA (Uttar Pradesh): I want to seek a clarification on one point. The hon. Minister told us that by keeping three months as the maximum punishment under the Bill . . .

SHRI C. SUBRAMANIAM: One year.

PANDIT S. S. N. TANKHA: . . . it is not his intention that the court's powers should be limited to that punishment. On the other hand he says that if the court wishes to give a higher punishment, then it would be open to it not to proceed in a summary trial but treat it as a warrant case. But what I have not been able to understand is how the court will determine this point at the initial stage when the prosecution starts the case. It is only from the facts of the case as may be brought out during the progress of the trial, that is, at a later stage only that he can determine whether he should give three months imprisonment or a higher term. At the initial stage the prosecution too can not ask the court not to proceed in summary trial but to treat the case as a warrant case because the court is not bound to decide at the initial stage and say 'I am going to give a higher punishment and therefore this will be a warrant case'. Therefore I have not been able to follow how the court will determine the procedural point and at what stage it will do it.

THE DEPUTY CHAIRMAN: You are answering it now or later?

SHRI C. SUBRAMANIAM: If the hon. Member wants I can answer immediately. Madam, the point for consideration is this. When a charge

sheet is laid, then the offences committed and whatever the prosecution case is, all that is put in the charge sheet. From that the magistrate will have to come to a conclusion whether it is a serious case in which if all the facts are proved it is likely that the accused would merit a higher sentence or a sentence within one year would be adequate. Therefore at that time he has to take a view with regard to the allegations made by the prosecution that if all the allegations are proved whether a sentence within one year would be all right or it should be more. So it is a matter of judgment which the magistrate or the judge will have to exercise at that time and then proceed with the case. I do not think there will be any further disclosures during the trial which will aggravate the offence; all the aggravating circumstances would have been stated already in the charge sheet.

SHRI R. S. KHANDEKAR (Madhya Pradesh): Madam Deputy Chair-man, this Bill seeks to replace the Ordinance which was promulgated on the 5th November 1964. I take strong exception to the promulgation of the Ordinance when Parliament was being convened only a week or ten days later. I am therefore entirely in agreement with my hon. friend, Mr. Vajpayee, who spoke in favour of the Resolution.

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair]

Sir, the situation had not developed all of a sudden; it was developing for a long time and warnings were given to the Government now and then by various parties that the situation was not going to be very favourable and therefore the Government ought to take some positive steps but the Government remained complacent. If the Government had forethought they could have brought a suitable legislation in the last session of Parlia-

ment. The hon. Minister said that it would have taken some time to prepare the machinery and that was why the Ordinance had to be issued. But these arguments to my mind are not convincing. When the British used to rule over this country they often used to rule with Ordinances and we used to very vehemently criticise the ordinance-making power of the then Government. Now this Government also after proclaiming that we are a democratic people, that we have enshrined this principle in our Constitution, have assumed these extraordinary powers to themselves when there was only a few days for Parliament to be convened. This is really misuse of power according to my humble opinion. It was not necessary to promulgate such an Ordinance. This step is most undemocratic and unconstitutional. This also sets a very bad precedent for the Governments to come afterwards. In fact we had expected a model behaviour from this Government which has ruled this country all these years but unfortunately we are seeing that this Government is setting up bad precedents for the Governments to follow. I wish now this should be the last occasion when such Ordinance-making power is used for the benefit of the Government.

Now, according to the Bill there are only two sections which require some amendment in certain Acts. Proposed section 12A seeks to give powers to try cases summarily. Now, I am opposed to it. I know that there is a procedure for summary trials in our Criminal Procedure Code and this is not a new procedure as the hon. Minister has just pointed out. But summary trials, according to me, deprive the accused of a fundamental right. I know the Evidence Act and the other Acts do not deprive the benefit of these Acts to the accused and the courts have to follow them. But as far as I know, summary trials do not record the full evidence of the witnesses. Only a summary of the evidence is recorded in the statement. You must have read in the

newspapers that in Delhi courts evidence was not recorded and even the judgments were not recorded and the accused persons were sentenced to various terms of imprisonment. It was a shocking disclosure to us and also to the authorities who inspected the courts recently. This was reported in the newspapers. When those convicted applied for copies, they did not give even copies for months together. How can they appeal to higher courts in the absence of written judgments? So, summary trial is a very dangerous precedent.

We have proclaimed that in order to strengthen democracy we must have rule of law, in this country and rule of law means that we must be governed according to the prescribed procedure of giving full benefit of all the facilities to the accused. In a summary trial the accused is deprived of so many facilities which are given under ordinary law. That does not mean that I am supporting the cause of the profiteer or the blackmarketeer. He should be punished no doubt. The complaint is that in spite of various stringent measures, in spite of sweeping powers with the Government, the Government is not able to bring to book the offenders regarding food and other essential commodities.

The hon. Minister has said that the accused has got the opportunity to approach the High Court, but may I submit that when there is no specific provision even in the law, the High Court is reluctant to interfere in such matters? At the most the accused can go to a High Court in regard to revisionary matters, but revision is allowed only on legal matters, if there is an infringement of law. On facts the High Court will not interfere in any case.

Then, summary trial is provided for all the offences. The only difference is this. If the sentence is less than a month or a fine not exceeding

Rs. 2,000, then there is no appeal. But if the sentence is more than a month and a fine exceeding Rs. 2,000, then appeal is provided. Now, as I said, in summary trial no evidence is recorded. Only a summary is recorded. I have doubts whether opportunity to cross-examine the witness will also be afforded to the accused in summary trials. Only the gist of the statement of the witness is given on a paper and the accused is convicted or discharged on that evidence. Now, when an appeal is provided, if this meagre statement or meagre evidence goes to a higher court, the higher court will not be able to find out the real crux of the matter because there will not be a detailed statement of the accused nor there will be any cross-examination report fully, nor there will be any statement of the accused and all that. So, it would be very difficult for the higher courts in summary trials—even when the provision for appeal is there—to find out the real issue and come to a conclusion whether the accused is innocent or not. So, I would like the Minister to explain whether in regard to summary trials directions will be issued to note all the evidence which is furnished in the trial. I quite understand that in these days there is a long delay in judicial cases. Even in criminal matters where instructions are there that the trial should be speedy, we find that criminal cases are pending for a long time in various courts. Justice delayed is justice denied and such important cases should not be lingering on in courts for a long time. I quite understand the necessity of providing for quicker trials, but I submit that in haste for quicker trials, to get speedy justice, we should not overlook the Fundamental Rights, the fundamental privileges and the fundamental points of law. All the facilities which are given to an ordinary accused in our legal jurisprudence should not be denied to the accused.

Then, in summary trials, as has been pointed out, there is a possibility

of an innocent person being involved in such cases, because there will not be any elaborate evidence. The Government has armed itself with such sweeping powers and the experience of the Government is not a very happy one. As has been pointed out many times, politics play a very important part even in the administration of justice as well as in the functioning of the executive. In order to have some vindictiveness or some personal grudge, if the executive is armed with such sweeping powers by such legislation, which gives wide powers and sweeping powers to the executive, there is a danger of the being misused. Though the Government may give assurances on the floor of the House, the experience is a very sad one in this matter. Many a time very innocent persons are involved. Many a time only on grounds of personal jealousies or personal matters, many innocent persons are involved in such cases. So, I would like that strict care should be taken so that innocent persons should not be harassed in the name of speedy justice, in the name of bringing to book various profiteers and black-marketeers.

Now, proposed section 8A is almost similar and, therefore, I would not say much on that.

Lastly, I would say only this. Although the Government may take such sweeping powers with them, such wide powers with them, they have not been able to curb inflation in this country. As has been pointed out on so many occasions, the Government are not without any powers. They have got immense powers. The hon. Minister said that this Ordinance or this Bill would be a sort of deterrent. But I would ask: Have they not enough legislation with them? Have they not the Defence of India Rules? Have they not so many laws which they could employ against these defaulters? But for the last so many days we have not been able to find that the prices have come down or the inflation is checked or the food articles are easily

available. So what is the use of having such a deterrent? My complaint is that those who indulge in such anti-social activities, all those who are blackmarketeers or profiteers, they fully know the real strength of the Government. They know that these are only paper tigers, if I am not using a bad expression they know that the Government cannot do anything because, although they have got such wide powers with them, they have not been able to do anything. They have not been able to implicate any such man who is breaking the laws every now and then. So, what is the use of adding one more weapon in the armoury of Government thinking that it may cause a deterrent to the blackmarketeers? In fact I would like to ask this. After the promulgation of this Ordinance how many cases have been challed under this Ordinance so far in the whole of India? How many blackmarketeers have been sentenced? How many profiteers have been dragged into the court? If I am not wrong, Government are taking a long time to produce statistics from all the States, or if at all they produce, it will be a very minor one. Only recently I had asked a question about the use of the Defence of India Rules against the profiteers and blackmarketeers and against the persons who were implicated for political offences. The Government could not give that answer. I am quite sure that more political persons were arrested under the Defence of India Rules than persons who were arrested under the Acts relating to black-marketing of food articles. My submission is that without resorting to this Ordinance the Government could have waited for some more time. If it was so urgent, they could have brought such a legislation in the last session of Parliament and there was no necessity of adopting this extraordinary, undemocratic method.

I have already submitted about the precautions to be taken at the time of the summary trials. With these observations I conclude.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Mr. Vice-Chairman, I heard with attention the two learned speeches from the side opposite of the hon. Member, Shri Vajpayee, and the hon. Member, Shri Kandekar. The point before the House relates entirely to procedure, and the Bill proposes not only to have summary trial but in certain cases the Bill also proposes that the right of appeal will also not be exercised. As one connected with the legal profession for some time my first reaction to this Bill is naturally against it, and I would very much like in the normal circumstance that a person should have full opportunity and should have all those facilities which the Criminal Procedure Code prescribes for a full trial. I would very much like that the judgment should have at least an appeal so that the person concerned may have a further opportunity to vindicate himself by explaining his position to the appellate court. Normally Sir, that is perfectly correct, but when I see the situation prevailing in my country, when I see the scarcity of food, when I see that the food available is also at a cost or at a price which is not within the means and the power of the common man when I see that the distribution and the availability are in a very very hopeless position, when these are the conditions and when the country is passing through difficult times, obviously the question comes as to what should be done.

Sir, I entirely agree that there should be more production on all accounts, and if you look into the history of this enactment, the Essential Commodities Act, through the years—1946, 1955, 1961 and 1964—you will see that during the war and after the war also when the demand was more and the commodities available were less, the Government had to come forward with a Bill so that the commodities available should be distributed properly, and it should not be the case that only those who can afford, who can exercise power, should get the

commodity and the common man should be deprived of it. That was the genesis, that was the basis of the Essential Commodities Act that in difficult circumstances when there is a shortage of commodity, it should be properly distributed, it should be equitably distributed and fair play should be given to all people concerned. Now I see that if one goes to the market and is prepared to give any price, he can get any amount of wheat, any amount of rice, and in the ordinary course of things to the ordinary people, to the common man, it is not available. Naturally, although according to our ancient culture we are used to tolerating things to a great extent, still the present situation has made people to demand that those who blackmarket, those who indulge in profiteering, should be flogged. The demand was that they should be hung, the demand was that they should be shot. That was the tempo of the country that had been created. That being the tempo and those being the difficulties that our common men were feeling, I should say that our Food Minister as well as our Prime Minister with folded hands and bended knees made an appeal to all concerned. They appealed to the traders and to all concerned to see that things were available to the common man. But all these appeals, all these requests, failed. Our condition, our culture, our temperament, does not permit even at this stage that we should prescribe flogging or hanging or shooting at a public place. The utmost that they can do is to curtail the procedure so that the matter may be dealt with expeditiously. It is the only object of this Bill, and the thing should not prolong in such a way that the people may feel well, we can carry on with this matter and see that the case goes on for a couple of years. When I saw the Resolution of the hon. Shri Vajpayee, I thought that I must be prepared, and my party should be prepared, for a scathing condemnation of the Bill and the circumstances therefor. But I was happily surprised when I heard that Vajpayeeji, if I may

say so, gave his fullest support to the Bill that is before the House. Of course, he expressed his misgivings; sitting on the opposite side, he has to say something. He mixed politics. He said that political advantage might be taken although he knows very well that in these matters we are very careful . . .

SHRI A. B. VAJPAYEE: No, no. Not at all.

SHRI AKBAR ALI KHAN: Although he has supported the Bill, he is not sure how far the Government will go. In this, you and I share the anxiety of the public.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Akbar Ali Khan, he said, even if my Resolution is accepted, nothing will be lost because the Bill can be proceeded with. He has not supported the Bill.

SHRI AKBAR ALI KHAN: What I am saying is that the Resolution condemning the Ordinance obviously condemns the Bill also, and as he has said . . .

SHRI A. B. VAJPAYEE: Not necessarily.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): He does not support in that way.

SHRI AKBAR ALI KHAN: If he supports it, it is still more welcome. On the question of the Ordinance, if he limits himself as to why the Ordinance was brought in or was promulgated, the Minister has answered him there also. I would appeal to him. I mean, this is not a matter where not a single day should be wasted.

SHRI A. B. VAJPAYEE: You wasted so many days. Why was this Bill not brought forward during the last session of Parliament? Why was this Ordinance promulgated on the 5th November?

SHRI AKBAR ALI KHAN: Even if I concede that to my hon. friend, will he also appreciate . . .

SHRI A. B. VAJPAYEE: Thank you.

SHRI AKBAR ALI KHAN: When I felt it necessary, should I wait further more? It is possible that it might not have struck us, we might not have thought it to be necessary when we were in the session. . .

SHRI A. B. VAJPAYEE: You could have waited for 11 days

SHRI AKBAR ALI KHAN: I say, in this matter of food, the urgency of even a single day counts very much. I am sure that my hon. friend will not say that the public has suffered because it was an Ordinance. I mean, it was for public good, it was in the interests of the public, and the Bill has been brought forward as soon as the session has started.

SHRI A. B. VAJPAYEE: In how many cases have there been summary trials? The hon. Minister could not given even figures. He does not have them.

SHRI AKBAR ALI KHAN: My hon. friend will appreciate that the very fact that the Ordinance was brought in must have controlled the people from committing these things. It is always the case. When a law is brought in, that itself acts as a deterrent (*Interruptions*) and I am sure that my hon. friends will appreciate that the necessity and the urgency and the delicacy of the situation was such that if the Government had made even a day's delay you would have taken the Government to task.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Is he right in making the claim that it has proved to be a deterrent? Is he right in making this claim in the House?

SHRI AKBAR ALI KHAN: I am speaking out my views on that, and I think the Minister might have many reasons.

SHRI CHANDRA SHEKHAR: Can you claim that this Ordinance has proved to be a deterrent from the 5th November to the 16th November? As a responsible leader of the Congress Party for whom we have every regard, can you claim that this Ordinance has proved to be a deterrent from the 5th November to the 16th November?

SHRI A. B. VAJPAYEE: And that there has been no blackmarketeering and hoarding?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You cannot ask him that question directly.

SHRI AKBAR ALI KHAN: I am in possession of the Chair.

THE VICE-CHAIRMAN: House.

SHRI AKBAR ALI KHAN: I was addressing the Chair and the Chair was addressing the hon. Member. I do feel the urgency and importance of the matter. When once you come to the conclusion that things are proceeding slowly, that summary trial should be there and that this matter should not be delayed, and if you approve the substance of the Bill, then I think the objection regarding the Ordinance at least loses the force of it. Technically you are right because we have the background—I do not say you, we have the background—that the Britishers used to pass Ordinances, and naturally, our reaction was very strong, but they were for a definite purpose. These Ordinances are for the benefit of the public, for the good of the country, for improving the condition, the situation, that has become already difficult. So, I would appeal to my friends: You appreciate the motive and the objective with which this Ordinance was promulgated and the Bill has been presented before the House. So, having that in mind, I think the steps that we have taken in view of the difficulties that we are facing in the matter of foodgrains are very, very

modest. We could have taken even stricter measures. But as I told you, Sir, suppose somebody is hanged to-day, I am sure, not only friends from this side but friends from the other side also, will resent it because we do not want such strict measures and such strict punishments that are given in dictatorial or totalitarian countries. So, as I mentioned, I was very happy with the substance of his speech, though he was not supporting the measure that is before the House.

Now, coming to my hon. friend, Shri Khandekar, he went on in the same way as a legal mind normally goes—well, this procedure, well, this summary; well this appeal. I concede that. Well, I mean, the first reaction on me was absolutely against it. But when I see the condition of the country, I think that those things should not deter us from supporting the Bill. But we should make the country feel that in the matter of food, in the matter of hoarding, in the matter of black-marketeering, in the matter of profiteering, this Parliament will not tolerate anything and, if necessary, will pass severe measures so that the situation in the country is fully under control. (Interruptions). And you will also appreciate—probably you must have noticed it—that we have applied the same thing or the Government officers who commit offences in the same way. For that also we have provided for summary trial. I mean, we feel those difficulties. After all, whether they are officials or traders or cultivators, they are the kith and kin of you and me. They are part and parcel of my blood, of my life, of my country, and in that situation whatever I do I do with great pain, when there is no alternative. So I do hope that this amendment will make it abundantly clear to all concerned that Parliament is very serious about the food situation today. Sir, I am glad that this Session will be remembered. We had the Anti-Corruption Bill

wherein we have made it absolutely definite and clear to the people that no corruption at any stage, including the Ministers, can be tolerated. We have made it clear that so far as the Essential Commodities (Amendment) Act is concerned, we would modify the procedure and see that the matter is dealt with strictly. Very soon we will be having another measure regarding adulteration of foodstuffs. So all these things put together and with the help and co-operation of all of you, specially our friends on the Opposition side, I am sure this difficult task we will be able to grapple with and see that the food situation is brought under control and really the present difficulties that are experienced by our people will be very soon obviated. With these observations, Sir I support the measure.

SHRI S. S. MARISWAMY (Madras): Sir, after the eloquent speech of Mr. Vajpayee—even though I could not understand verbatim what he said for he spoke in such a fluent Hindi. . .

THE VICE-CHAIRMAN: (SHRI M. P. BHARGAVA): You could have used the instrument.

SHRI S. S. MARISWAMY: What I could understand from the apparatus that you have provided for translation, I did understand a gist of his speech. And after the speech of Mr. Akbar Ali Khan, I rise to speak disagreeing completely with what Mr. Akbar Ali Khan said so far.

Sir, the Bill reminds me of a similar measure that was introduced in Soviet Russia immediately after the downfall of the Czar regime by Lenin in which he brought a new phrase, "summary trial" for the first time in the political history. And we know what happened after the introduction of that Bill. Even though he was following a policy which he termed it as "New Economic Policy" which gave some room for free trade, eventually his assurance got whittled down and the free trade was totally

abolished. Then a totalitarian regime came into being in Soviet Russia. In the same manner our Government has brought this Bill with the provision of summary trial, and I am quite sure that this Congress Government by bringing this Bill has proved again and again that it is on the threshold of a Communist regime in India. The Bill when passed into an Act and put into operation will be an instrument for political victimization. This bill will be used as a political weapon by the ruling party indiscriminately specially after the elections. Sir, I come from a State where this sort of Central power taken with the obvious innocent intentions has been used to victimise the opponents. In the same manner this Bill will also one day be used as a political weapon against the enemies of the ruling party.

Sir, I heard with a feeling of little amusement from the hon. Food Minister, Mr. Subramaniam, the unique definition that he gave about the ordinance. He said the ordinance was brought with a view to preparing the necessary machinery for the incoming Bill. He also said that this measure was brought for producing deterrent effect. The speakers before me questioned the Minister as to how it would act as a deterrent because from the statistics that I have collected. I understand that after the passing of the Ordinance there were three instances wherein six small traders holding four quintals of this or that grain have been so far hauled up in Madhya Pradesh. The Ordinance is in operation for the last three weeks and they have so far hauled up only six small dealers in Madhya Pradesh. Beyond this there have been no prosecutions under this ordinance and it appears to me that they have upturned the Himalayas to catch a mouse. When the Britishers were here they brought forward a number of ordinances, but later on when they came before the Parliament for legalising them, they never said that the ordinances were brought

[Shri S. S. Mariswamy.]

with a view to preparing the machinery. An ordinance is brought in emergency, to avert a crisis and chaos but not in this flamboyant manner. The hon. Minister suggested that this Bill will be strengthening the hands of the judiciary. Sir, I do not say that our judiciary is bad. Our Judges do not lag behind anyone. But we cannot say that all the members of the judiciary are above board. We know instances of bad people getting into the judiciary and behaving wrongly. There are instances where the Judges have given false age with a view to continuing in office. The hon. Minister knows this because both he and I come from the same State.

SHRI T. V. ANANDAN (Madras): Is the hon. Member aware that in his own State the food situation has eased and there are no more long queues standing for hours together?

SHRI S. S. MARISWAMY: May I remind the hon. Member that this is not because of this wonderful ordinance? The queues stopped there long before this ordinance was brought in.

SHRI T. V. ANANDAN: There is no opportunity now for the Opposition parties to create propaganda among the public.

SHRI S. S. MARISWAMY: Sir, I do not answer. The judiciary is not totally above board but, as I just said, there are some bad eggs. But the fact remains that the judiciary what we had during the British days is no more. There are certain people—I do not say all—who have fallen from the esteem.

THE VICE-CHAIRMAN: (SHRI M. P. BHARGAVA): Mr. Mariswamy, you cannot generally criticise the judiciary like that.

SHRI S. S. MARISWAMY: But there are certain cases. The hon. Minister said that the Central Government is

strengthening the hands of the judiciary and also he said Sir, summary trial is not a new thing. We know that some petty cases have been tried and we also know how they have been tried. The people who are caught up are taken to the Magistrate. The lawyers who appear for them tell them that if they admit their guilt levelled against them, they would be fined lesser. Sometimes innocent people are also made to stand in the dock and say, "I admit". And they are fined Rs. 5. But if he refused to admit or tried to deny the charge he was fined Rs. 50. That is the fashion of the summary trial that goes on. I do not know whether the hon. Minister wants to apply the same sort of summary trials for merchants also.

SHRI P. N. SAPRU (Uttar Pradesh): In England in almost 50 per cent. of the cases the accused plead guilty. They do not come forward with false defence. And if this sort of thing is being done here this is simply a credit to the administration.

SHRI S. S. MARISWAMY: Fifty per cent. But what about the rest of the cases? Shri Vajpayee said that we have the D.I.R. and also we have the Essential Commodities Act of 1955. With all that we are unable to put an end to the rise in prices. I wonder whether this Bill is going to solve the problem. The root cause for the rise in prices or of scarcity of foodgrains is that system of our planning. We have inflation on the one hand and we have disincentives on the other as far as agricultural production is concerned and you expect plenty of grains to be available without making any efforts towards that end. I am quite sure that this Bill, if it is passed, will make this day the blackest day in the history of our Indian Parliament.

DR. SHRIMATI PHULRENU GUHA (West Bengal): Sir, I welcome the Essential Commodities (Amendment)

Bill 1964. I wish the Government brought this Bill long ago. We find that it is very difficult for the common people these days to get foodstuffs. People have to stand for hours in queues to get the foodstuffs. If it is only a question of standing in a queue people may not mind so much but even after standing there for hours it often happens that people do not get the foodstuffs. Even when food is available, it is often beyond the means of the common people. Even when foodstuffs and medicines are available, they are again often adulterated. A section of traders have behaved most miserably. In fact some businessmen have organised blackmarketing in foodstuffs and some of these people are doing better, far better than those who are doing honest business. Some of the traders are anti-social. In fact these anti-social traders have made the life of the common man most miserable to-day. The Government tried the method of appeasement with these traders, anti-social personnel and exploiters. If I can blame the Government, it is for the way that they have so far followed. They have followed a policy of appeasement with these anti-social trading community far too long. They appealed to the exploiters again and again to behave properly and the exploiters and anti-social elements never behaved properly. But this Bill indicates that the Government are discarding the policy of a peasement any more. I welcome this Bill but I again say that a Bill of this type should have been brought long ago instead of giving so much chance to the anti-social traders to hoard foodstuffs and make the life of the common people so miserable.

may mean something to them but one month or Rs. 2000 means nothing to them. It must be certainly admitted that nothing can be done by mere legislation. To implement the law, improvement must be there in the mechanism of administration. There should be a complete overhaul of the mechanism of administration to implement this Bill.

With these words I welcome this Bill and I hope it will be implemented properly to eradicate the miseries of the common man.

SHRI T. CHENGALVAROYAN (Madras): Sir, I should have contended myself with casting a vote in support of this Bill but the very vehement speech of my hon. friend, Mr. Vajpayee, rather stirred me to my epths to intervene in this debate in support of this Bill. Mr. Vajpayee was pleased to state certain factors that have to be taken into account while considering the necessity and the timely necessity of this Bill. Doubts were expressed, despair was stated, danger was visualised when this Bill is to be passed. One Member was pleased to state that it would be the blackest day of our Parliament to have passed this Bill but may I, with your leave, try to analyse the six points of opposition that Shri Vajpayee was pleased to make? First he stated: 'Why should there be a resort to an Ordinance on the day of November 5th?' There was no particular charm and no particular significance, much less a sinister significance in the selection of the day of November 5. May I respectfully remind that Ordinances are passed under two set-ups—under a totalitarian regime or under foreign bureaucracy. An Ordinance is always passed as a measure of antagonistic legislation but in a democratic set-up, with a free Constitution—and the Constitution recognises the promulgation of Ordinances—such an Ordinance is anticipatory legislation of Parliament. This Ordinance, if I may say with great respect, belongs to a certain

I would like to point out that the punishment of one month and Rs. 2,000 as fine will not mean much to these traders. Personally I would have welcomed this Amendment more if it had provided a more severe punishment—at least punishment for a year or Rs. 20,000 as fine which

[Shri T. Chengalvarayan.]

category of anticipatory legislation by Parliament on the lines of the Ordinance. The second point that was made out was: 'Why resort to this Ordinance and these far-reaching measures of a very stringent kind when we have the D.I.R. and the Act?' May I most respectfully remind Members of that way of thinking that when action was taken, sometimes very rarely taken, under the provisions of the D.I.R. our indignation was the highest, that the D.I.R. was not meant to cover and to deal with such cases. With what face and with what grace we can say: "Why not resort to the D.I.R.?" The D.I.R. is meant for one and only purpose—whether it affects the defence of our country. May I also say in this connection that there were one or two cases where the highest courts of our country have interpreted that they should not be invoked for dealing with certain ordinary offences or affairs. Therefore if I can read the necessity of the resort to such provisions in this Bill, it is by deference to the decisions of certain High Courts that it would be an abuse of power to resort to these D.I.R. provisions in meeting certain ordinary cases however emergent and however urgent it may be. There was the other point: 'Why this summary trial that is provided in this Act?' One thing is certain. Summary trial as such, if it is to be condemned, it has to be repealed in the provisions of our Criminal Procedure Code. If there could be summary trials for certain offences and if it could be considered to be a civilised Criminal jurisprudence to deal with such petty offences by means of summary trials, I fail to understand and much less appreciate the argument that summary trials should not be provided for in these cases. In very advanced criminal jurisprudence, for two sets of cases summary trials are provided—for petty and mean cases summary trials are provided and equally for very grave anti-social offences summary trials are provid-

ed. Now the ordinary Criminal Procedure Code deals with cases of a petty nature which could be dealt with by summary trials, but the time has come and I think the hour has also struck when such offences relating to the food of the society, when such offences relating to the life of the people itself, such offences have to be dealt with not with the luxury, not with the leisure of the ordinary trials of our courts, but in a summary fashion.

I therefore most respectfully command this provision for summary trials so far as offences relating to food are concerned. There is another argument, Mr. Vice-Chairman, It is said, if there is a summary trial why should there not be a provision for an appeal? The hon. Minister for Food has very clearly and categorically explained it, and I do not think I can add anything to that. He said that it is not wholly a case of not providing for an appeal, that there is provision for an appeal but that provision is limited, and it is limited when the punishment is more than what is prescribed. Therefore, Mr. Vice-Chairman, to say that there is no appeal provided for at all is not a proper reading of the Bill. But there is one question, Mr. Vice-Chairman, which Mr. Vajpayee was pleased to put forward as an argument. When an innocent man, a man who should not have been dealt with under the provisions of this Act, is brought to book, what remedy is there? he asked. May I as a lawyer tell him that there are ever so many remedies provided under the law, for example article 226 of the Constitution? There are ever so many writs that could run very high and quick with regard to redress of such abuse of the provisions of the Act. Therefore, Mr. Vice-Chairman, to say that all the remedies now open to the innocent man are taken away by this provision of the Bill is rather too much in my respectful submission.

There was another argument, Mr. Vice-Chairman, that power is given in this case and that power is likely

to be abused. May I respectfully draw a distinction that under this Act power is not conferred on the executive, power is not at all given to court? It is a question and a case of conferment of jurisdiction but not of power. May I just in a minute, Mr. Vice-Chairman, explain a very important legal difference between conferment of power and conferment of jurisdiction? In the case of conferment of power there is always the likelihood of an excess or an abuse or a misuse of that power. But in the case of conferment of jurisdiction it is all a case of acting within the limits, within the ambit of that jurisdiction. One point was made that the executive may use this against certain persons for political considerations. For that, Mr. Vice-Chairman, I see a very salutary provision in this Bill, in clause 2, and there is this statement which is very significant.

"If the contravention of any order in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette, specify such order to be a special order for purposes of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament."

I see in this provision, Mr. Vice-Chairman, a provision for parliamentary scrutiny and control and correction. In other words, if there is an abuse on the part of the Government in reference to such notification, parliamentary scrutiny and control is provided for in this Bill, and I am sure, to those who are anxious to protect the liberty of the citizen and equally the welfare of the society and equally the good conduct of the executive, I think this provision will be more than sufficient and considerably salutary.

One word, Mr. Vice-Chairman, and I have done. There has been some

criticism that this Bill provides for a certain amount of retrospective effect or retroactivity with reference to certain provisions, But may I submit, Mr. Vice-Chairman, that what is provided in clause 4 is not giving retrospective effect to the Ordinance but a question of validation of acts and deeds and things which have been done during and by the terms of this Ordinance. It is far from saying, Mr. Vice-Chairman, that this will be a retroactive measure. It is a validating provision and is usual in all such cases. When actions had been *bona fide* taken, when action was taken in the interests of society and for good Government, such action should not be called into question subsequently as not being taken under power. It is a well known provision, to be found in all such modern enactments, to include a validating clause, and this validating clause merely states, very innocently—if I may say so—

"Notwithstanding such repeal, anything done, or any action taken under section 12A of the Essential Commodities Act, 1955, or section 8A of the Criminal Law Amendment Act, 1952, as inserted by the said Ordinance, shall be deemed to have been done or taken under those sections as inserted by this Act."

Therefore, Mr. Vice-Chairman, all the doubts that were raised, the despair that was expressed and the dangers that were visualised were, if I may say so, only in their anxiety to see that such far-reaching measures are not given greater scope and unnecessary application. May I assure my hon. friend, Mr. Vajpayee, that the tradition and the training that we have had will certainly lend themselves to such a guarantee that if ever this Act as amended is to be invoked, it will be invoked against those persons to catch whom the present arm of law is not sufficient? My friend, Mr. Mariswamy, was rather in a light vein when he said that after this Ordinance came into force only three

[Shri T. Chengalvaroyan.]

persons were booked. That itself shows how deterrent this Ordinance has been. But for this Ordinance, Mr. Vice-Chairman, three hundred, even three thousand persons would have gone on with their unsocial activities without any fear of punishment. Therefore, Mr. Vice-Chairman, this Ordinance was passed timely, and this Bill has come very hourly so that, with the sequence of this Bill, we hope and trust that there will be no occasion to use this Bill. May I take this opportunity and the floor of this House to appeal to, all those concerned not to give any occasion for resorting to this Bill? This is the hope with which I support this Bill most wholeheartedly.

श्री चन्द्र शेखर : महोदय, मैं प्रारम्भ में ही यह प्रकट कर देना चाहता हूँ कि मैं उन सब कदमों के साथ हूँ जो कि जखीरावालों और मुनाफाखोरी करने वालों के खिलाफ उठाए जायें लेकिन जिस प्रकार से यह अध्यादेश लाया गया और इसके पहले भी जिस तरह से नियमों का पालन किया गया, जो कि सरकार ने ब्रुद बनाए हैं, उससे संदेह होता है कि इन नियमों का पालन भी कहां तक होगा और इसी दृष्टिकोण से मैं माननीय अटल बिहारी वाजपेयी को बधाई देना चाहता हूँ कि जनसंघ ऐसी पार्टी से ताल्लुक रखने हुए भी, उसके नेता होते हुए भी, कभी-कभी वे अच्छी बातें कहते हैं ।

श्री ए० बी० वाजपेयी : कभी कभी ?

श्री विमलकुमार मन्नालालजी चौरड़िया
(मध्य प्रदेश) : हमेशा कहते हैं ।

श्री चन्द्र शेखर : मैं यह बात इसलिए कह रहा था कि मैं भी श्री वाजपेयी जी की तरह नहीं समझ सका कि यह अध्यादेश ५ नवम्बर को लाने का विशेष कारण क्या था ? अभी हमारे पूर्व वक्ता महोदय ने बताने की कोशिश की और माननीय अकबर अली खान साहब ने—जिनकी हम

लोग बड़ी इज्जत करते हैं—उन्होंने यह बताने की कोशिश की कि उससे पहले शायद जरूरत नहीं थी और ५ नवम्बर को जरूरत महसूस हुई । महोदय, पिछली बार जब पार्लियामेंट में हम लोग मिल रहे थे, मैंने आपको बताया था और इस सदन को भी मालूम है कि दो खबरे एक साथ छपीं, एक खबर यह छपी कि उत्तर प्रदेश के उत्तराखंड के इलाके में फौज के लोग अपने राशन से कटौती करके वहां के भूखे लोगों को अनाज दे रहे हैं, अपने राशन का एक हिस्सा उन्होंने वहां के भूखे लोगों को बांटा, इसलिए कि उनको खाना मिल सके और दूसरी खबर यह भी छपी कि उत्तराखंड के रास्ते से नैपाल और तिब्बत को हमारे देश का चावल चोरी से जाता है । उस समय पार्लियामेंट मिल रही थी, उस समय सरकार के सामने यह दृश्य साफ था लेकिन उस समय यह आवश्यक नहीं समझा गया कि इस तरह का कोई अध्यादेश लाया जाये । पार्लियामेंट के पिछले अधिवेशन में खाद्य मंत्री ने कहा, प्रधान मंत्री ने कहा कि हम परिस्थिति के ऊपर काबू पा रहे हैं, स्थिति पहले से सुधर रही है । चाहे इस अध्यादेश से और कोई बात प्रकट होती हो या न होती हो, इनकी बात अवश्य प्रकट होती है कि पिछले अधिवेशन से और ५ नवम्बर तक खाद्य स्थिति और अधिक बिगड़ी है, जखीरा-बाजों और मुनाफाखोरी करने वालों की प्रवृत्ति और अधिक बिगड़ी है और सरकार को इस बात के लिए मजबूर होना पड़ा है कि इस प्रकार का अध्यादेश लाए । लेकिन इस अध्यादेश की जरूरत क्यों पड़ी ? क्या इसके पहले सरकार के तरकश में जो हथियार थे उनका इस्तेमाल किया गया ? माननीय खाद्य मंत्री ने कहा और वह ठीक कहा कि हथियार हर दम चलाना पड़े यह जरूरी नहीं है, किसी समय चलाने की जरूरत पड़ सकती है, इसके लिए भी हथियार रखना जरूरी होता है । लेकिन महोदय, हथियार का प्रदर्शन हर दम कोई जरूरी नहीं होता, हथियार अपने पास रखे जाते हैं और उनको

जरूरत पड़ने पर इस्तेमाल करने के लिए निकाले जाते हैं, किन्तु अगर हथियार हर-दम बिना जरूरत चमकाए जायें तो इसके अर्थ ये होते हैं कि हथियार चलाने का कोई इरादा नहीं है। मेरा यही आरोप है इस हुकूमत के ऊपर कि जो कानून बनाए जाते हैं, एक बार नहीं अनेक बार जो वक्तव्य यहां पर दिए जाते हैं वे लागू करने के लिए नहीं बनाए जाते, नहीं दिए जाते। बढ़ते हुए असन्तोष की धारा को मोड़ने के लिये, उस असन्तोष को कुंठित करने के लिये समय समय पर इस तरह की घोषणाएँ की जाती हैं। महोदय, मैं इस सिलसिले में माननीय खास मंत्री जी को तुलसीदास जी की एक चौपाई की याद दिलाना चाहूंगा।

“सूर समर करनी करहिं

कहिं न जनावहिं आप

विद्यमान रण पाइ के

कायर करहिं प्रलाप”

“In the battlefield the brave is known by his chivalry. But faced with the same situation the coward only talks too high.” तुलसीदास जी ने जो कहा है, आज हमारी हुकूमत के बारे में वह सही हो रहा है। खास मंत्री के सारे वक्तव्यों को ले लीजिए, प्रधान मंत्री के सारे वक्तव्यों को ले लीजिए और उनका साराश निकालिए तो ऐसा लगता है कि इस पार्लियामेंट के फोरम से, समाचारपत्रों के जरिये हम बातें करना चाहते हैं। लेकिन कुछ करने का इरादा नहीं है और अगर इरादा है तो इसको करने की हम में सामर्थ्य नहीं है। जिस हुकूमत में किसी भी नियम को, कानून को लागू करने की सामर्थ्य नहीं है, उस हुकूमत को अधिकार देते समय संसद को बहुत सोच समझ कर अधिकार देना चाहिये। जैसे जिस आदमी को अणु बम चलाने का ज्ञान नहीं है, उसके हाथों में अणु बम को देना खुद उसका सहार करना है, उसी तरह जो हुकूमत अपने द्वारा बनाए गये

कानूनों को लागू नहीं कर सकती उस हुकूमत को और अधिक अधिकार देना इस बात का द्योतक है कि हुकूमत ऐसी परिस्थिति में सदन को पहुंचा देना चाहती है, इस देश को इस हालत में पहुंचा देना चाहती है कि देश का जन मानस यह समझने लगे कि इन वक्तव्यों से कुछ नहीं हो सकता, संसद के नियमों में कुछ नहीं हो सकता और जो कानून बनते हैं, उनके जरिये कुछ नहीं हो सकता। माननीय अकबर अली खान यहाँ नहीं हैं, मैं उनको बताना चाहता था कि ५ नवम्बर को जब अध्यादेश जारी हुआ था। मैंने बड़े भरोसे के साथ माननीय लाल बहादुर शास्त्री जी के वक्तव्य को पढ़ा था, जिसमें उन्होंने कहा था कि अब जितने अधिकार देने चाहिये सारे अधिकार अधिकारियों को दे दिये गये हैं और उसके बाद भी अगर हालत नहीं सुधरी तो इसके लिये वही दोषी साबित होंगे। लेकिन ५ नवम्बर के बाद क्या खास मंत्री यह कहेंगे कि जमाखोरी में कुछ कमी हुई है, जखीरेबाजी में कमी हुई है, मुनाफाखोरी में कमी हुई है? क्या व्यापारियों का सहयोग मिला है? जहाँ तक व्यापारियों का सवाल है, हमारे एक माननीय सदस्य ने अभी कहा हमें पुरानी परम्पराओं पर भरोसा रखना चाहिये और उस पर अगर भरोसा रखे तो हमें इस बात का विश्वास हो जायेगा, आश्वासन मिल जायेगा कि उन अधिकारों का दुरुपयोग नहीं किया जायेगा। मान्यवर, मैं आपके जरिये इस सदन को बतलाना चाहता हूँ कि भारत सुरक्षा कानून का उपयोग किस पर हुआ? सस्ते गल्ले के दुकान करने वाले, १,००० की पूजी लगाने वाले सैकड़ों व्यापारी हर राज्य में जेलों में भेजे गये या उन पर मुकदमा चलाया गया। मैं नहीं जानता किसी राशनग इन्स्पेक्टर या क्लर्क के ऊपर भी मुकदमा चलाया या नहीं लेकिन एक भी बड़ा आदमी, एक भी जखीरेबाज, एक भी ऐसा आदमी जो सारे हिन्दुस्तान की अर्थव्यवस्था को प्रतिक्रियावादी धारा की ओर मोड़ना चाहता है, उसके ऊपर कोई

[श्री विमल कुमार मन्नालाल त्रिपाठी] कानून नहीं लगता। दिल्ली के अन्दर जखीरों को पकड़ा गया, यहां के कमिश्नर ने बयान दिया, खाद्य मन्त्रालय के एक प्रवक्ता ने कहा उन्होंने बड़ा करिश्मा किया है। तीन दिनों बाद पता चला, यह तो केवल वेरीफिकेशन आफ स्टॉक था। फिर यह संदेह होता है कि कानून का उपयोग कैसे होगा। डिफेंस आफ इन्डिया का एक तो उनके ऊपर उपयोग हुआ और दूसरा उपयोग संयुक्त सोशलिस्ट पार्टी के लोगों पर हुआ। मैं इस मामले को पहले भी उठा चुका हूँ। उन्होंने इस बात के लिये मुजाहिदा किया, प्रदर्शन किया कि खुराक की हालत बिहार में खतरनाक है। इस पर वहां के एक विधायक श्री रामानन्द तिवारी एम० एल० ए० के ऊपर लाठिया और डंडे चले, उनको सरे बाजार मारा गया, उनको एक कानून के अन्तर्गत आरा या बक्सर की जेल में रखा गया फिर वह सारे नियम उठाकर अब उनको डी० आई० आर० में बन्द कर दिया। और जिस मजिस्ट्रेट ने मारा उस मजिस्ट्रेट के बारे में—वजीरे आला कहूँ, मुख्य मंत्री कहूँ—उन्होंने जवाब दिया कि वह आदमी वहां पर मौजूद ही नहीं था, उनकी जांच से यह साबित हो गया। महोदय, उस मजिस्ट्रेट को मैं जानता हूँ, इसलिये कि एक दिन फर्ट क्लास के स्टीमर के सैलून पर बैठ कर माननीय बलिराम भगत, माननीय राम सुभग सिंह, माननीय जगजीवन राम, वहां की माननीय सुमित्रा सिन्हा और दसो मिनिस्ट्रो को उसने कहा कि ये सब बेईमान हैं, घूसखोर हैं, पार्लियामेंट के असेम्बली के द्वारा सिवाय घूस लेने के और बेईमानी करने के कोई काम नहीं करते। मैंने माननीय कृष्ण बल्लभ सहाय को मार्च में एक खत लिखा। मुझ से कहा गया आप पटना में आकर बयान दीजिये कि इस मामले के बारे में क्या कहना चाहते हैं। मैं गया बयान देने के लिये। मेरे दोस्तों ने कहा मत जाओ। मैंने कहा, जरूर जाऊंगा। और जब मजिस्ट्रेट बयान लेने लगे तो मैंने

कहा महोदय, आप बता सकते हैं मेरा इन मजिस्ट्रेट से क्या ताल्लुक हो सकता है, बिहार से मेरा कोई ऐसा ताल्लुक नहीं रहा, इस आदमी को मैं नहीं जानता। जो जो घटनाएं मिनिस्ट्रो के साथ गुजरी हैं, उसका एक अंश भी मुझे मालूम नहीं। लेकिन यही आदमी जब रामानन्द तिवारी, एक सार्वजनिक कार्यकर्ता, एक एम० एल० ए० को मारता है। चीफ मिनिस्टर कहते हैं ठीक काम किया—क्योंकि रामानन्द तिवारी यह कह रहे थे कि खुराक की हालत खराब है . . .

SHRI P. N. SAPRU: I rise on a point of order. I think we should not discuss these individual cases and we should not bring in men who are not in the House to defend themselves. It is a matter of vital importance that hon. Members should refrain from commenting upon the conduct of persons who are not before the House.

श्री चन्द्र शेखर : मैं समझता हूँ कि यह व्यक्तिगत कैसे नहीं है, माननीय सप्रू जी के लिये व्यक्तिगत हो सकता है। लेकिन एक पोलिटिकल पार्टी, राजनैतिक पार्टी का नेता अगर डिफेंस आफ इन्डिया रूलिंग में गिरफ्तार होता है, उसके साथ ज्यादाती की जाती है, तो हमारे लिये यह उतना ही सार्वजनिक प्रश्न है जितना सार्वजनिक प्रश्न सरकार को बचाने के लिये, उसके साथ हमदर्दी दिखाने के लिये। माननीय सप्रू जी के लिये एक सार्वजनिक प्रश्न हो सकता है, क्योंकि जिस तरह से सरकार की प्रशंसा करना वे अपना गौरव समझते हैं, उसी तरह से एक स्टेट के नागरिक की सुरक्षा करना और उसके अधिकारों का हनन न हो, इस बात को देखना मैं अपना कर्तव्य समझता हूँ।

SHRI P. N. SAPRU: You have not given your ruling, Sir.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): There is no point of order, Mr. Sapru I am afraid. You go on.

श्री चन्द्र शेखर : दूसरी बात, महोदय, मैं यह कहना चाहता हूँ कि आखिरकार उन घोषणाओं को क्रियान्वित करने के लिये कोई कदम सरकार क्यों नहीं उठाती। जैसा माननीय वाजपेयी जी ने कहा एक केस भी अभी तक ऐसा नहीं पकड़ा गया जो इस कानून के अन्तर्गत आता है। क्या इसका मतलब यह है कि ५ नवम्बर के बाद हम समझ लें कि इस देश में जखीरेबाजी बन्द हो गई? क्या इस अध्यादेश के बाद हम समझ लें कि जो व्यापारी थे, उन्होंने सरकार के साथ सहयोग करना शुरू कर दिया? ऐसा तो नहीं हुआ, ५ नवम्बर के बाद यह नहीं हुआ। इसलिये नहीं हुआ क्योंकि हुकूमत की जो मशीनरी है, जिसके द्वारा दस दिन पहले माननीय खाद्य मंत्री जी ने अध्यादेश लागू किया, वह आज दो महीने के बाद भी तैयार नहीं है और जो हालत ५ नवम्बर को थी वही हालत आज १५ दिसम्बर को है, दोनों में कोई फर्क नहीं हुआ है और माननीय खाद्य मंत्री जी को इस बात का खयाल रखना चाहिये कि वे जो नियम बनाते हैं, जो कानून बनाते हैं, उनको लागू करने वाली मशीनरी कैसी है? यह वह मशीनरी है जिसको मैं भ्रष्टा नहीं कहूँगा लेकिन निकम्मी जरूर हो गई है। अभी एक माननीय सदस्य ने कहा अगर किसी आदमी को नाजायज तौर पर इस एक्ट के मातहत पकड़ा जाता है,—तो संविधान की धारा २२६ के अन्तर्गत रिट आ सकता है। मैं कानून नहीं जानता, मैं वकील भी नहीं हूँ। लेकिन संविधान की धारा २२६ शायद ऐसे मामलों में लागू नहीं हो सकती, क्योंकि कोई भी उच्च न्यायालय कोई भी हाई कोर्ट, जब तक कि एक्ट का वायलेशन न हो या जब तक मौलिक अधिकारों का उल्लंघन न हो, धारा २२६ के अन्तर्गत कोई रिट मजूर नहीं करेगा।

एक और बात बड़े जोरों से कही गई—खाद्य मंत्री जी ने भी कहा—कि ये जो अधिकार दिये जा रहे हैं, वे जुडीशियरी को दिये जा रहे हैं। इस सवाल को छोड़ दीजिए जिसकी ओर

माननीय सदस्य ने इंगित किया कि जुडीशियरी के किस स्तर के लोगों को दिया जायेगा। लेकिन जब सरकारी तौर पर सुनवाई होती है, मुकदमों की, उस समय जुडीशियरी के लिये कोई खाम मौका नहीं होता, अपनी राय प्रकट करने का—एक आदमी पकड़ा गया, एक राशनग इन्स्पेक्टर की या दो अफसरों की गवाही हुई, इधर उधर की बात हुई और सजा कर दी। जुडीशियरी के सामने पूरी तफसील नहीं दी जाती है और न दोनों तरफ के गवाह ही पेश होते हैं। समरी ट्राइल में सफाई पेश करने का मौका नहीं होता है और इसका मतलब भी ऐसा ही है। इस संबंध में मैं यह कहूँगा कि ससद सरकार को जो अधिकार देती है, उसका इस देश में दुरुपयोग किया जाता है। लेकिन इससे भी बड़ा खतरा जो मुझको दिखलाई देता है वह यह है कि इन अधिकारों को लेने के बाद हुकूमत कुछ नहीं करेगी। अगर वह नाकामयाब हो जायेगी तो हमारे खाद्य मंत्री जी बजट सेशन जो फरवरी में आ रहा है, उसमें कुछ कहेंगे और जैसा कि हम से पिछले सेशन में कहा गया था कि हमने खुराक की हालत पर काबू पा लिया है। लेकिन ५ नवम्बर को एक अध्यादेश लागू कर दिया गया, जिसको आज समद के सामने पेश किया गया है। अब इस संबंध में यह कहा जा रहा है कि हम इस कानून के द्वारा खाद्य के मामले में सख्त से सख्त कदम उठाने जा रहे हैं। माननीय श्री अकबर अली जी ने कहा कि इस तरह की भावना देश में जानी चाहिये यह समद भ्रष्टाचार के मामले में, जखीरेबाजी को रोकने के संबंध में और किसी तरह की मिलावट के बारे में एकमत है। लेकिन मैं माननीय मंत्री जी से बड़े अदब से यह कहना चाहूँगा कि देश के अन्दर इस तरह की भावना पैदा होनी चाहिये कि समद के अन्दर जो विचार होते हैं, जो निर्णय होते हैं, उनका कोई असर होता है। सरकार इन नियमों को कार्यान्वित कर के लिए तत्पर रहती है। किन्तु यदि समद में किये गये फैसलों को कार्यान्वित नहीं किया जाता है, तो इसका नतीजा क्या होता है कि लोगों में एक तरह की निराशा

[श्री चन्द्रशेखर]

फैलती है, मायूस, फैलता है और उस निराशा तथा मायूसी का एक ही नतीजा होता है कि जिस चीज को रोकने के लिए हम कानून बनाते हैं, वही जहनियत और प्रवृत्ति इस मुल्क में और बढ़ती है।

मेरा इस अध्यादेश को लागू किये जाने पर जो सबसे बड़ा विरोध है, वह यह है कि इतने बड़े हथियार को जारी करने के बाद, निकालने के बाद अगर हुकूमत इसका इस्तेमाल नहीं करती है, तो फिर याद रखिये कि इस मुल्क में जो पीड़ित जनता है, उसकी राहत के लिए, उसके भरोसे के लिए कोई चीज नहीं रह जायेगी।

मैं एक और बात खाद्य मंत्री जी से निवेदन कर देना चाहता हूँ कि क्या आप यह समझते हैं कि यह जखीरेबाजी की समस्या, यह होर्डिंग की प्राबलम और मुनाफाखोरी की समस्या केवल इस बिल के द्वारा कुछ लोगों को कुछ महीने की सजा देकर या जुर्माना करके हल हो जायेगी? जैसा कि अभी माननीय श्री वाज-पेयी जी ने एक कार्टून का जिक्र किया था। मैं भी यह कहना चाहता हूँ कि जहाँ तक खुराक का मामला है, सरकार सुदृढ़ नीति क्यों नहीं बनाती है, कोई फैसला क्यों नहीं करती है? वह इस तरह के च्युनिटिव मेजर्स को लागू करके, छोटे मोटे कायदे कानूनों को बनाकर क्या इतनी बड़ी समस्या को हल करना चाहती है? अगर सरकार इस समस्या को हल करना चाहती है, तो एक बार इस संसद् के सामने आकर कहे, इस देश के सामने आकर कहे और सरकार को यह एलान करना होगा कि सब से बड़ी भूल भारत सरकार ने सन् १९५३ में की जिस समय उसने यह कहा कि हम कंट्रोल को हटा कर, नियंत्रण को हटा कर धीरे-धीरे अनियंत्रित बाजार की नीति लागू करना चाहते हैं। उस समय के खाद्य मंत्री जी अब इस संसार में नहीं रहे और मैं उनके बारे में कुछ नहीं कहूंगा। अब आप सन् १९५३ से १९५५ तक की खुराक नीति को ही ले लीजिये। उस समय श्रीमान् क्या हुआ? उस समय हमारे

पास जो स्टॉक था, उस समय हमारे पास जो अनाज का भंडार था, उस समय हमारे पास जो विदेशी पूँजी थी, उसको हमने खर्च कर दिया और सारे देश में इस तरह की जहनियत पदा हो गई है कि अगर नियंत्रणों को हटा लिया जायेगा, तो देश में खुशहाली आ जायेगी और कोई परेशानी नहीं रहेगी। श्रीमान्, मैं आपके सामने १९५३ से १९५५ तक की बात बतलाना चाहता हूँ इस बीच एक मौका ऐसा आया जब फसल बरबाद हुई। लेकिन फसल बरबाद होने के बावजूद भी खुराक की चीजों की कीमत नहीं बढ़ी। क्यों नहीं बढ़ी? इसलिए नहीं बढ़ी कि उस समय आंशिक नियंत्रण था, उस समय पाशाल कंट्रोल था और व्यापारी यहाँ पर तरह का मन्यपिलेशन करते थे कि नियंत्रण से बिल्कुल हटा दिया जाय। ज्यों ज्यों नियंत्रण पूरी तरह से हटता गया, त्यों त्यों कीमतें भी बढ़ती ही चली गईं। सन् १९५५ के अंत में, या सन् १९५६ में मुझे अच्छी तरह से मालूम नहीं है, मैं याददाश्त से कह रहा हूँ, कोई निश्चित तिथि नहीं बतला सकता हूँ, कीमतें बढ़नी शुरू हो गई थी। दुर्भाग्य से उस समय जो खुराक के वजीर साहब थे, वे भी उसके बाद इस दुनिया में नहीं रहे। वे दो वर्ष इस देश में ऐसे समझे जाते हैं जब कि खुराक के मामले में इस देश में सबसे अच्छी नीति बनाई गई थी। लेकिन मुझे दुःख के साथ कहना पड़ता है कि यही सही नहीं है। इसके बाद सारे देश की जहनियत को एक दूसरी दिशा में मेरी दृष्टि में गलत दिशा में मोड़ने की कोशिश की गई। कोई भी अर्ध विकसित देश, कोई भी पिछड़ा देश, कोई भी देश जहाँ सैकड़ों में ४० या ५० प्रतिशत लोग भूखे या अर्धभूखे हों, उस देश में अनाज की खपत आर्थिक विकास के साथ अधिक बढ़ेगी और अनाज के ऊपर लोगों का पैसा भी अधिक खर्च होगा तथा देश में अनाज की कमी भी होगी। ऐसे मौके पर किसी नियोजित अर्थ-व्यवस्था में खाद्यान्नों पर से नियंत्रण हटाना एक भयंकर भूल होगी और उस समय इस तरह की भूल की गई, जिसको आज भी रह

रह कर दोहराया जा रहा है कि सन् १९५३ से १९५५ तक ऐसी नीति अपनाई गई थी, जिससे खुराक की समस्या ठीक हो गई थी, हल हो गई थी। श्रीमान्, मैं अब से यह कहना चाहता हूँ कि इस समस्या को हल करने की कोशिश नहीं की जा रही है, बल्कि इस समस्या से जनता का मुँह मोड़ा जा रहा है। कुछ लोगों की ओर से यह प्रचार किया जाना है कि सन् १९५३ से १९५५ तक भारत सरकार ने भी खाद्य नीति अपनाई थी, वह अब नहीं अपनाई जा रही है, जिसका नतीजा हम भुगत रहे हैं। इस प्रचार नीति का नतीजा यह हो रहा है कि देश की हानि हो रही है केवल भौतिक रूप से नहीं, आध्यात्मिक रूप से भी। आज भाई देश का मानस बदला जा रहा है और यह सरकार जो अपने को समाजवादी कहती है, जो नियोजित अर्थ व्यवस्था में विश्वास करती है, कभी कभी यह सोचने लगती है कि यह सारी कठिनाई कहीं नियंत्रणों की वजह से तो नहीं हो रही है? इसी की वजह से पूरा नियंत्रण का हुक्म नहीं देती है। मैं माननीय मंत्री जी से कहूँगा कि इसके अलावा कोई रास्ता नहीं है कि सारे खाद्य व्यापार को सारे इस काम को अपने हाथ में लेना होगा। लेकिन इसमें कठिनाइयाँ हैं, दिक्कतें हैं, मशीनरी में भ्रष्टाचार है, लेकिन इसके अलावा इस मुल्क के लिये कोई रास्ता नहीं है। इस कठिनाई को ६ महीने, ८ महीने और अगर इससे भी ज्यादा समय लग जाय तो मुसीबत झेलकर हल कर लेना चाहिये। हमारे माननीय मंत्री जी को देश के सामने कहना चाहिये, संसद के सामने कहना चाहिये कि वे ८ महीने में, १० महीने में पूरी तरह से आने वाली उस कठिनाई पर नियंत्रण करेंगे। अगर सरकार सारे खाद्यान्न के व्यापार को अपने हाथ में ले लेती है—हो सकता है कि नौकरशाही में भ्रष्टाचार हो, उसमें इस तरह के कार्य करने की क्षमता न हो—लेकिन सारे देश को ८ महीनों तक दिक्कतों को बर्दास्त करना होगा और अपना भविष्य बनाना होगा। लेकिन यह हुक्म

साहस के साथ इस तरह का कदम उठाने के लिए तैयार नहीं है, खाद्य मंत्री जी साहस के साथ इस तरह का कदम उठा नहीं पाते हैं। इसका कारण यह है कि खाद्य मंत्री जी को विरासत मिली है और उनके चारों तरफ जो निहित स्वार्थ के लोग हैं, वे उनके पीछे लगे हुए हैं और उन्हें इस तरह का कदम उठाने से रोकते हैं। श्रीमान्, माननीय मंत्री जी के चारों तरफ इन निहित स्वार्थी लोगों का दबाव पड़ता है, तब उसकी वजह से वे कभी भी फिसल जाते हैं और सही बातें सोचते हैं, सही राय देते हैं, लेकिन जब कदम उठाने के लिए जब मौका आता है तो उस समय खाद्यान्नों के ऊपर सरकार नियंत्रण की घोषणा के बजाय वे सदन के सामने आकर कहते हैं कि यह आर्डिनेंस पास कर दो। हम सस्ते गल्ले की दुकानें खोलेंगे और जो नियमों का पालन नहीं करेगा, उन्हें तीन महीने की सजा देंगे। इस तरह से देश को भुलाया जा रहा है, इस समस्या के प्रति लोगों में भ्रम पैदा किया जा रहा है। लेकिन मैं एक अदना आदमी होते हुए सरकार को यह चेतावनी देना चाहता हूँ कि आप दो महीने तक, तीन महीने तक, चार महीने तक, साल भर तक, ऐसी बातें कर सकते हैं, टाल-मटोल का रास्ता अपना सकते हैं, लेकिन देश की जनता को धोखे में नहीं रख सकते। इस समस्या का एकमात्र रास्ता वही है जो मैंने कहा है। इस तरह की टालमटोल की बातें करके आप देश के साथ न्याय नहीं कर रहे हैं, समाज के साथ न्याय नहीं कर रहे हैं। सरकार को अपने ऊपर यह जिम्मेदारी लेनी चाहिए कि वह एक एक आदमी को खाना पहुंचाये। अगर हमारे माननीय सदस्य श्री अकबर अली खान साहब इस फरमान के साथ आते कि पार्लियामेंट के एक एक मेम्बर को इस काम में हाथ बटाना होगा, तो मैं खुशी के साथ और हमारे दूसरे साथी खुशी के साथ इस काम को अंजाम में इस हुक्म के साथ हाथ बटा कर काम करते। लेकिन आप हम से कहना चाहते हैं कि जिस

[श्री चन्द्रशेखर]

को बड़ी भारी बीमारी हुई हो, जिसको कहिये टाइफाइड हुआ हो या जो कैंसर का मरीज हो, उससे कहा जाय कि वह कुनेन खा ले, तो कम से कम मेरा जैसा मरीज जो डाक्टरों तो नहीं जानता, लेकिन जो थोड़ा ज्ञान रखता है. नेन को खाने के लिये तैयार नहीं होगा ।

Shri AKBAR ALI KHAN: We have brought the Food Corporation Bill. That is one way.

श्री चन्द्र शेखर : वही मैं कह रहा हूँ कि आप को यह देखना होगा कि किस हद तक मर्ज बढ़ गया है और उसी के अनुसार दवा देनी होगी । आपको उसको भी संशोधित

करना पड़ेगा । इसलिये बड़े अदब के साथ मेरा खाद्य मंत्री महोदय से यह कहना है कि निकट भविष्य में आप उसी एक मात्र उपाय से इस समस्या को हल कर सकते हैं और इस बीमारी का इलाज कर सकते हैं, अन्यथा इस प्रकार के अध्यादेशों, इस प्रकार के नियमों और उपनियमों से कुछ नहीं होने वाला है । धन्यवाद ।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at one minute past five of the clock till eleven of the clock on Wednesday, the 16th December, 1964.