

क्योंकि मन्त्रियों को माननीय सदस्य जब चाहे तब दबा सकते हैं, यह आप सब जानते हैं। इसलिये मन्त्रियों के हाथ में वह डिस्क्रिशन छोड़ा हुआ नहीं है।

हाउस ने, पार्लियामेंट ने अपनी बुद्धिमानी से एक स्टेट्यूटरी कमेटी बनाई है जिसमें बहुत से लोग हैं, बहुत से लोगों पर तो प्रेशर नहीं पड़ सकता है, इसलिए वह जो भी स्टैंडर्ड बनाते हैं वह सही बनाते हैं, मन्त्रिसब स्टैंडर्ड बनाते हैं और कोई भी चीज उनके ध्यान में आती है कि परीक्षा करने की आवश्यकता है तो उसे परीक्षा कर के सुधारते भी हैं तो माननीय सदस्य ने जो बातें कही उसमें कोई विशेष ऐसी चिन्ता करने की बात नहीं है, ऐसा मेरा नम्र निवेदन है।

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) The question is

"That the Bill be passed"

The motion was adopted

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) Now we go back to the Essential Commodities (Amendment) Ordinance, and the Essential Commodities (Amendment) Bill

(I) RESOLUTION RE THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1964

(II) THE ESSENTIAL COMMODITIES (AMENDMENT) BILL, 1964

—continued

SHRI I K GUJRAL (Delhi) Mr Vice-Chairman, after a long period of warnings, appeals, cajolings, etc, when the Essential Commodities Ordinance was issued on 5th November, most of us in the country had felt that that was a red-letter day in our history. We had felt that the time had come when the Government had realised that as the entire food problem or most of it was due to the misdeeds of

the traders, strong action was meant and would be taken. We had all hoped that as a result of that things would come to a stage or at least would take such a posture when the situation would improve and the food price would, if not come down, at least start stabilising themselves.

[THE DEPUTY CHAIRMAN in the chair]

It is very unfortunate to rise here this afternoon and to think that that opinion of that day which looked to be a red-letter day looks very pale now. The paling is due to the fact, and my submission is, that we have tried to be firm but we are firm on our knees. We have not realised that merely being firm or merely issuing an Ordinance or making laws does not deliver the goods. It does not deliver the goods because either the analysis is wrong that the problem has not been created by the hoarder, the trader and the dealer, or the action taken has been very infirm and was not meant to be purposive.

Madam, if I quote to you the situation as it happened, you will yourself perhaps be surprised. In Delhi alone as a result of the trend in prices, you will see that at the time of or immediately before the Ordinance, the general price level of wheat alone was approximately Rs 57 per quintal, and then it was allowed to stay there for some time. Although it was only nominally when the Ordinance came that a Committee met and Delhi thought that if the price was fixed at Rs 57 it would be all right, it was always sold in the market at Rs 67. Some time back it was felt that if a rise of Rs 6 per quintal could be allowed the dealer would start importing from Punjab. Firstly informally and then formally this permission was given and you will recall that I had requested in a calling attention motion the Minister to come and let us know the situation, and when the calling attention motion was being discussed here, the price had shot up to Rs 79. Today when we are passing the Act, when we are converting the Ordinance into an Act,

[SHRI I K GUJRAL]
the price level of wheat is approximately Rs 79, and if it is Rs 79 in the wholesale market, the retail price according to today's report is approximately Rs 38 per maund. Leave alone wheat, Madam, I will only point out to you in yesterday's papers a very big caption saying that the atta price has shot up. It was said Imported wheat flour which had disappeared from the shops in the last week of September reappeared in some shops in November to sell at 45 to 48 paise per kg. That was the time when the Ordinance was passed. After a couple of weeks it disappeared again to be replaced by indigenous wheat selling at 70 to 75 paise per kg. This is the situation of wheat.

Let me also in a moment draw your attention to other commodities also which are felt to be essential. In the first week of November in the Delhi market arhar was being sold at Rs 132 per kg, and on 25th November the same arhar was Rs 136, in December Rs 37, and today after Punjab's Ordinance the situation has gone worse in sympathy with those commodities which have been controlled and the export of which is banned. I could go on reading to you, Madam, commodity after commodity to show that since June the prices have never looked back, and I ask you to give a thought to it as to what is the use of passing such laws if they are not going to deliver the goods. I have full sympathy with the Minister particularly in matters of Delhi where it is a question of responsibility without authority. I have full sympathy with him that the local administration does not bother even to ask him when a thing is controlled or recontrolled. It does not even ask him when the prices are raised and when the prices are allowed to go up. Today we have a complete picture of *laissez faire* at least in Delhi market. I have drawn the Minister's attention from time to time, I have complained about the non-co-operation or lack of co-operation from the Chief Ministers. We have often heard that con-

ference after conference met where Chief Ministers and others again and again were told that to give it some sort of control or semblance of control of prices movement was necessary in the national interest, but unfortunately they did not deliver much goods. It is very unfortunate that we have, having failed to introduce rationing, having failed to introduce commodity prices, been thinking of something like informal rationing. This informality is very disquieting. Informal rationing cards, informal controls, informal prices, all have resulted in chaos.

AN HON MEMBER Informal hoarding also

SHRI I K GUJRAL Informal hoarding also. Now informality has reached a stage when one does not know whether one can ever be formal or not and whether it is of any use to pass a formal law. A stage has come—and this I am saying with a feeling of considerable pain—a stage has come when we have perhaps to think again whether we can really do something, whether the line we are following is the right line, whether the line that was adopted in the matter of control of prices and other matters has been the correct line. The Ordinance gave considerable powers to the administration. I have no sympathy with those who are or who can possibly be exposed to the provisions of this law and the Ordinance, but when the administration does not use it, when the administration feels that it is helpless in using it or it deliberately does not use it, I do not know what next step lies with us. I would like the Minister, when he replies to this debate, to give us an assurance that at least from now on there is some more purposiveness in the attitude of the administration both at the Centre.

PROF. M B LAL (Uttar Pradesh) The Ordinance was already there. If the law were intended to be effective it could be enforced.

SHRI I. K. GUJRAL: I am unfortunately in a very strange situation today that I do not find myself in a position to contradict what my learned Professor friend says. I do feel that this is a situation which at least we can now say is not being utilised for political purposes. It is a national issue and we are all keen on all sides of the House that it should be resolved in a national way. We are all keen that somehow or other the commodity prices should be brought down. I am told that the next two or three months are particularly going to be unhappy, and if the present trend continues, I sometimes feel where things are going to be. Today in Delhi alone after the Punjab ban on export of the inferior quality grains, the prices of jowar and bajra in the market are reported to be higher than even the wheat price. It is also reported that the Minister, when he was replying to my calling attention motion last week, had told us that in Delhi at least imported wheat was available in sufficient quantities at reasonable prices. Unfortunately that is not the position today so far as the consumer is concerned. As I have read to you some instances, they themselves prove that the vulnerable sections of society are not even in a position to get what they would like to get. When the Minister pleaded his helplessness last week in reply to the calling attention motion in matters of Delhi, that very day the prices shot up. And I do not know if after the Minister's reply today the market would react in the same fashion. The market here has been monopolised not by a big group but by a small group, and since June we have been telling the administration here that at least now, if not before, the time has come when the law which we have passed should start functioning in Delhi. Why is it that in the last six to eight months it is not possible for the Delhi Administration or any wing of it to import wheat on Government account into Delhi and sell it to the retailers? Why is it that in spite of assurances over the last six or seven months it

has not been possible for them to issue family cards? You will bear with me, Madam Deputy Chairman, that in this House alone I must have raised the issue quite a few times by way of supplementaries, call attention notices and in other ways requesting the Minister to order the Administration to issue family cards for wheat and sugar. I do not know; if the administration is incapable or unable or unwilling to issue cards in the last one year, how can they meet the situation? We have been told last week that now perhaps the cards would be issued in January. I hope that that promise will be kept because I am very sceptical so far as the administrative functioning in Delhi is concerned. In Delhi today there is a law of jungle. Anyone can sell anything at any price, and the only law prevailing is what is known as the Essential Commodities Order which only tells a dealer to display the price of the article which he sells. I do not know whom and how much it helps if a dealer displays the list of his prices, that he is going to sell wheat at Rs 78 or Rs. 80 or Rs. 90 and then if he sells at that price, there is nothing to stop him and there is no one to tell him "you cannot sell at that price." The only thing is that his declaration of profession must conform to his practice, and since his practice is dubious, he does not mind declaring it also because he gives a bill for it, he gives a cash memo for it, and it does not make him a blackmarketeer. Therefore, today when we are going to convert this Ordinance into a law, with utmost humility and with pain, I request the Minister to assure us that some steps will be taken at the Centre as well as in the States—some hope lies there—that a person who breaks the law will be brought to book. That has not been our experience in the past in spite of the fact that the Ordinance has been functioning for so long. My friend, Shri Chandra Shekhar, speaking here two days ago had brought to you the picture of how things are moving in the various parts of the country.

[Shri I. K. Gujral]

Only this afternoon I met a person from a village near Roorkee and he told me that in that village a stage has come when the residents do not have any wheat or any lower or coarse quality of jowar or bajra even and they boil what we call sanghadas and eat them. Now things are coming to that stage. I do not know what can be done and I do not know what should be done. If we are unable to control the price, if we are unable to control the dealer and if we feel that the only ultimate solution lies in our begging the dealer that he must import from Punjab and must sell at a reasonable price—a reasonable price which also he decides for himself—I do not know what we can do. About three months ago, the Delhi Administration appointed what it called the Price Committee and all sections of society from Delhi were associated with that and I watched the spectacle of helplessness in that Committee. Every party, every political opinion, was of the unanimous view that the prices should be controlled and yet, the dealers were sitting there facing the fact that since the Administration cannot control the Punjab price, they cannot promise delivery of goods at reasonable prices in Delhi as well. Then, ultimately the profits were controlled; 6½ per cent or 1½ per cent they would charge. And the dealer has found a very interesting way of defeating that also. And again I quote from the newspaper which says:

“Apart from delay in bringing pulses under the purview of the Foodgrains Dealers Licensing Order and the statutory fixation of margin, the immediate reason for the rise in the price appears to be that the dealers have raised the rate of interest.”

The wholesale dealer gives some credit to the retailer and he charges him a higher rate of interest. Therefore, the retailer has also perforce to raise his prices.

May I, Madam, before I sit down, say that the time has come when this feeling of helplessness and disheartenedness must be met in a very challenging way? It is very fortunate today that in India we have a man like Mr. Subramaniam who is at the helm of affairs so far as food is concerned. I do not think that he ever before in his life had to meet such a challenge and I am sure that with strength of character and purposiveness he will be able to meet it. But whether he will enthruse those with whom he has to work with the same spirit or not, I do not know. But I know also, and I repeat it, Madam, that Mr. Subramaniam will receive all the support from his party and from the House whenever he so wishes. The only thing that he has to do is to realise that the stage has come when informality should be converted into formality, when no one should be made to believe that he can get away with anything and that we must be firm but we should not be on our knees any more.

I am grateful to you, Madam, for permitting me to speak for so long but I hope that after this debate and after this law is enacted, we will see a new era in the country and the Minister will be able to meet all those defects which the Ordinance was not able to meet—not that the Ordinance was weaker—and make the law as purposeful and competent as it could be. But I hope that a new spirit would be enacted and from today at least the corner would be turned.

SHRI K. V. RAGHUNATHA REDDY (Andhra Pradesh): Madam, the Bill that is before the House proposing certain amendments to the various procedures under the Criminal Procedure Code is a welcome measure and clause 12 A contemplates that when the Government comes to the conclusion that either in relation to production or distribution or trade or commerce or on any other relevant consideration a situation has come into existence to issue a Gazette notification for the purpose of dispensing with

certain ordinary procedures under the Criminal Procedure Code that are now available, then this provision of the Bill will come into force. As far as the production aspect is concerned, there may perhaps be not very much difficulty in controlling production; when we deal with the question of primary production, there will not be any difficulty and the existing Government machinery may be able to deal with it. But the most diseased part of the Indian economy is the distribution system. Rather unfortunately, for a number of years this distribution machinery has been allowed to become contaminated and it has now reached a stage when it cannot be treated with ordinary medicines that are available under the system of clauses, and the Government should have taken this aspect of the problem into consideration and thought it fit to rectify the distribution system over quite a number of years. The immediate remedy would be this. If the Government can assure that at least at places where the Government runs distribution centres, if a citizen who is unable to get an essential commodity in the market goes and knocks at the door of the distribution centre he will be able to get the supply of the article concerned, then to a very large extent, this question of mismanaging the distribution, blackmarketing and other things are likely to disappear. That is, if a citizen is unable to purchase an article at a normal price and if he goes to a Government-run distribution centre and knocks at its door, no citizen should be made to pay more for the purchase of that commodity and if this system of distribution had been evolved, by this time this malady could have been cured to a great extent.

As far as the Bill before the House is concerned, this is a very, very simple measure. Though a very alarming note has been sounded here and there, this Bill only seeks to amend certain laws and procedures so that any culprit who commits an

offence under the Essential Commodities Act can be dealt with rigorously in a very summary manner. And the summary procedure is nothing new. It is already there in the form of the Criminal Procedure Code, and for quite a number of offences the summary procedure is applicable.

What the Bill seeks to remove from the purview of trial is the warrant procedure that is available under the Criminal Procedure Code which becomes a cumbersome procedure to deal with cases of this type. The warrant procedure takes a little longer time and the summary procedure, as the word 'summary' itself indicates, is a short trial. Even when we use this summary procedure, one need not be frightened that all the avenues of justice that are available to the citizen to agitate his case and to get justice are done away with. Even in the case of summary procedure, the law of evidence is to be followed. There is a Judge who is to weigh the evidence as if in a balance and then come to a conclusion. Then only punishment is possible.

Again an alarming note has been sounded that because the appeal provision has been taken away in certain cases justice is denied to a man as a matter of discrimination as against those who are provided with appeal under certain other Acts. Madam, under the Criminal Procedure Code in section 439 there is, what you call, a criminal revision petition. And that criminal revision is not denied to any citizen who is sought to be convicted under this Act. And under the Criminal Procedure Code under section 435 or 439, whatever the case may be, one can deal with the question of propriety, the question of legality and even on questions of facts. Sometimes, if the judgment of the lower court is perverse in the appreciation of facts and in arriving at a conclusion of fact, even those aspects of the matter also can be agitated under the revisional jurisdiction of the High Court, and I do not think any person who is convicted

[Shri K. V. Raghunatha Reddy.]
under this procedure can complain that he is being denied the normal justice that is available in this land. And if a person is prepared to violate laws, especially in matters where the interests of the community at large are involved, he must also be able to face the procedure that is thought fit by Parliament to deal with such cases.

Madam, a provision of appeal also is made available in this Bill. After a special Judge passes sentence beyond a certain limit, in such cases a provision of appeal is made available under this Act. So, Madam, this Bill is a very, very simple measure, as I said. It is not a very highly controversial type of legislation unless one is prepared to question the entire philosophy of the Essential Commodities Act. This Bill is a very simple Bill trying to amend certain provisions of the Criminal Procedure Code for the purpose of speeding up the trial. There is nothing either very revolutionary or very agonising as far as the liberties of the citizens are concerned. I welcome this Bill and I hope that the hon. Minister would administer it successfully. I may, however, add that the portfolio of food had been the graveyard of many a reputation in this country. But the present hon. Minister is facing the crisis with courage and conviction. I wish him all success. I heartily support this Bill.

SHRI ARJUN ARORA (Uttar Pradesh): Madam Deputy Chairman, I rise to support the Bill though I am not sure if as a result of this Bill the situation in the country will be altered to any extent. We are aware that this Bill merely seeks to replace the Ordinance issued on November 5. My hon. friend, Mr. Vajpayee, is very angry why that Ordinance was issued. I do not understand the reasons behind his anger. The food situation is bad and strict action is necessary. My compliant, however, is that though the Ordinance was issued more than 40 days back, no action has been taken anywhere in the country under the

Ordinance. Member after Member in the Lok Sabha asked the hon. Food Minister to say if any action has been taken under the Ordinance. But I find that neither in the Lok Sabha nor here has he been able to point out any action taken under the Ordinance.

Madam, the Ordinance has remained, unfortunately, a dead letter, and what I am afraid of is that even after we enact that Ordinance into an Act of Parliament, no action may be taken and we may remain where we are. All that this Bill seeks to empower the appropriate governments is to give them the power of summary trial. Summary trial is important. In a matter like food it is necessary that those guilty of anti-social acts, of hoarding and other things, which accentuate the food crisis, should be punished summarily and exemplarily. But nobody is being punished. The problem is not that the Government do not have adequate powers. The Government have powers, but there is, in certain quarters, the reluctance to use those powers against hoarders, black-marketeers and profiteers. We find that the administration in the country is not up to the task. And while I am all in favour of giving the Government the powers of declaring a situation under which summary trial for anti-social acts may take place, I want the Government to over-haul the administrative machinery. The whole administration is rotten. It is a heritage of the British rule which has not been revolutionised. The British built their administrative machinery to suit their own purpose. The purpose was to strengthen the aligned rulers and not to serve the society. Unfortunately, during the last seventeen years our Government has not attended to this task.

Every Naib Tehsildar of 1947 has now become a Deputy Collector and has got greater powers. Clothing the bureaucracy with greater powers will not enable it to serve the social purpose. The administration must be revolutionised and it must be made

fit for the social purpose that the present Government has in view, and that is why in spite of the good intentions of the Minister, no action has been taken against any hoarder after the Ordinance was promulgated on November 5.

Madam Deputy Chairman, the people in the country, particularly in the North are wondering where has the kharif crop gone. Rains this year were good. The kharif crop was described by all concerned as a bumper crop. But neither maize is available nor jowar, nor bajra, nor rice. Where has this crop gone? Obviously it has not been washed away by the floods. Obviously it has not been exported. It has been hoarded by some people and the number of hoarders in the country today is increasing. I am sorry to find that even cultivators do not want to sell their crop. And why should they sell their crop soon after they harvest it? They find that the traders who buy the crop at the time of harvest at low prices make 100 or 150 per cent. profits later on.

Now the cultivator himself has learnt the trick and he sells only that part of his produce for which he requires the cash. Something drastic will have to be done but I am afraid the present administrative set-up is not able to do that. Unless that is thoroughly overhauled no action, no amount of powers given to the Government will alter the situation. I want to know whether the Minister has any inkling, whether as a result of this enactment, prices will go down. The prices are shooting up. The hon. Mr. Gujral has just given the details of the wheat prices prevailing in Delhi. As far as wheat is concerned, there is undoubtedly shortage in the country but even in the matter of sugar, what has been happening? When sugar was controlled in the middle of April 1963, the prevailing price in Delhi market was Rs. 1.17. Now the controlled price is Rs. 1.47. As a result of 18 or 19 months of control, the controlled price of sugar has gone up by 30 paise. That is some-

thing which should be an eye-opener to people who think that by mere legislation, by mere Acts of Parliament we can alter the food situation or check the price spiral. I find that the Government is unfortunately too busy bothering about the physical availability of foodstuffs to mind about the rise in prices. I think that is not a correct direction in the thinking of the Government. If prices do not go down or at least their rise is not checked, there is temptation for everybody to turn a hoarder. So the Government should give equal attention to the rising prices with the attempt to look after the physical availability of foodgrains. I do concede that the present Food Minister is up to the mark. His handling of a very bad situation in Kerala, a very bad situation in certain other parts of the country, has rightly won the praise of the people and their admiration. But if he engages all his time and energy in making foodstuffs available irrespective of the price, his task will become more and more difficult every day. There has been a sort of muddle in U.P. Some months back the U. P. Government became active and it seized the hoarded foodgrains. Somehow the High Court did not find that act a legal act and the foodgrains seized by the Government of U.P. were unfrozen by the hon. High Court on a writ petition filed by some traders from Kanpur. Now that was something which should have been met, that was an occasion which should have been met by the issue of an ordinance. That was not done and in that case where ordinance was necessary, the lengthy procedure of filing a Letters Patent appeal was chosen. That has given people the feeling that in the treatment of traders the Government adopts a much softer attitude than it should. I do not know why the powers of issuing an ordinance were not used by the Governor of U. P. and by the Government here.

Then another thing which has been worrying people is that right from June, almost every month or so, Chief Ministers and Food Ministers are sum-

[Shri Arjun Arora]

moned to Delhi for conferences and the net result is that the country gets the impression every time that the Chief Ministers and the Food Ministers in the various States do not listen to the Food Minister at the Centre. That impression is not only dangerous from the point of view of the food problem, it is also dangerous from the point of view of the unity of the country but that impression is based on something solid. There have been at least three Conferences of Chief Ministers during the last six months pertaining to food. At each of them, the suggestions made by the Prime Minister and the Food Minister here have been rejected by the Food Ministers and the Chief Ministers of the various States. There appears to be no concerted policy in the country. It is a very funny situation in which every Chief Minister and Food Minister from every State come to the Centre with their demand and the Union Food Minister is supposed to produce all the wheat and all the rice which the various States need and when, as is natural, the energetic Food Minister, in spite of all his efforts, is not able to meet the demands of the various States, the States do not co-operate with him. They go back to their capitals and issue statements against him. In UP unfortunately it has been a common issue statements against him. In UP Minister does a pilgrimage to Delhi, next morning at Lucknow he convenes a press conference and condemns the Union Food Minister for not giving UP as much food as UP needs. UP does need a lot of food but I do not know where the Union Food Minister is expected to procure it from. Now I find that Punjab has also begun to follow that practice and that State, which we were told was the granary of India, that State, where thanks to the ill-advised zonal system wheat was selling at cheap and reasonable rates during the last summer and during the monsoon, even there the Chief Minister blames Mr Subramaniam for not meeting his bill. I do not know if that problem is worrying the Union Cabinet or not. It is wor-

rying all thinking people in the country. The way out is of course procurement. The Union Food Ministry is bound to face and the country is bound to face a much graver crisis than it is facing to-day if we do not take to procurement and the Union Food Ministry merely adopts itself a role of a beggar of P.L. 480 grain from America and a distributor to the various States. That is not the way out. The shortage in the country is from five to seven per cent. If we had a bumper crop last monsoon, if the kharif crop was good in North India the shortage should have gone down but the fact is that the shortage has not gone down because the kharif crop is not available for consumption. This House and the other House have recently passed the Foodgrains Corporation Bill. That Corporation is being set-up and is likely to begin functioning from January. Its task should not be that of a distributor of foodgrains to the various States. Its task should be procurement and it should be monopoly procurement. Unless you decide to accept monopoly procurement you will not be able to meet the food crisis, you will not be able to compete with the traders, because a Government-run Corporation or a Government-run Department will, after procurement, have to sell the foodgrains at reasonable prices. But no prices are reasonable enough for the profit-greedy hoarders and profiteers. You cannot hope to compete with them. The Government should be able to arrange for procurement of all the requirements which will meet all its commitments, and only when that amount of procurement has been done, should the traders be allowed to purchase any part of the crop. What is happening today is that any time there is a difficulty in the distribution of foodgrains through fair prices shops, the prices go up and goods become available. So this sort of competition with the traders will not do. What was tried but failed is that in the case of the kharif crop the Government announced reasonable

prices and in some instances the Government attempted to buy foodgrains at those reasonable prices. But the traders are willing to pay more and the cultivator is willing to accept more. The result is that even where procurement has been tried as a sort of Government competition with the traders, it has failed. So monopoly procurement is the only way out. We are today very much dependent on P.L. 480 foodgrains. I am not particularly enamoured of America but I am thankful to the U.S. Government for the foodgrains which we get from them, maybe the *chapathis* which I took this morning were made out of P.L. 480 wheat, but dependence on P.L. 480 foodgrains is not going to help us in the long run. It is only going to let us down and make us more and more dependent on others. The Food Minister took over the portfolio at a time when the crisis was deep, and all his attention during the last six months has naturally been concentrated on avoiding suffering, on avoiding starvation, and I am happy to find that due to his energetic steps and his willingness to meet all the needs of all the States, there have been almost no starvation deaths in the country. But living from ship to mouth, and the Food Minister being merely a distributor of imported foodgrains is not the way out. The country today needs an agriculture department as vigorous as the Food and Agriculture Minister we have now. I am sorry, Madam, to say that our efforts at Community Development Blocks, extension, and all that have not helped the agriculturists and their production is not going up. Unless we concentrate on our own agriculture, no amount of legislation is going to help.

With these words, Madam, I support the Bill. I hope some action will be taken against the anti-social people once this Bill becomes a law even if the Government had not

taken action against them under the Ordinance.

SHRI G. RAMACHANDRAN (Nominated): Madam, I certainly rise to support the Bill. I think the trouble is not that this House is unwilling to support this Bill. Any measure which Government brings forward to meet this food crisis in the country will have the support of almost every section of this House and the other House. So the question is not that we are not willing to give the Government all the powers they need. But speaker after speaker has stressed this. We can give you powers, but are you willing to take the risks of enforcing the powers that we give? Even the ordinary law, if it had been practically and fully worked, would have half met the problem. But now we are giving you more powers which you have asked for, and I share this scepticism with other Members of this House that we can go on giving powers to the Government, but I am not sure that this Government is strong enough or willing to face the unpopularity that it may give rise to, by taking all the risks in implementing the laws and the legislation that we ask the Government to go ahead with. Some time ago I asked the Finance Minister a question like this, that probably the crisis over rice may be over, but is not a crisis coming in regard to wheat? And I remember the hon. Minister saying that they were ready to meet the crisis over wheat. But the situation is very different today. We are talking all sorts of things in this House and at the innumerable conferences. But out in the country, within a radius of ten miles of every town and city in this country the cry of hunger is ringing across this country. I took a somewhat strange step recently, about twenty days ago. I wrote letters to twenty people in a rural area immediately surrounding my home town in the Kerala State, in the Neyyatinkara taluk, and I wrote these letters to people whom I know,

[Shri G. Ramachandran.]

whom I can trust. And I asked them what was really happening in the area, in which they lived, within fifteen miles of the capital of Kerala. And out of these twenty, nineteen people have written back to say, "We hear of food arriving, ten thousand tons unloaded there; twenty thousand tons have come here, but nothing is reaching us, and whatever is reaching here is so little that we cannot maintain ourselves and our families on the pittance of rice that is given." In the whole of Kerala it has been said again and again that it is tapioca that stands between famine and the people. But even the price of tapioca has risen today; something which people could have got very easily a year ago, they are unable to get today. All that I want to say, Madam, is—I do not want to add to the paeans of praise which have been offered to the distinguished member who is holding this portfolio. I know him personally. If any man can solve this problem from the side of Government, he is the man to do it. But that is not my point—my point is that there is a dangerous situation arising in this country, the Government, as a whole, at the Centre and in the States, do not seem to appreciate the full extent of the danger which is coming out from the rural areas of this country. Our people are not going to tolerate the situation for long. A cry will arise in this country which will tell the Central Government, "Either feed the people or get out". And they should be prepared to hear this cry from every part of this country. Some-
4 P.M. thing much more than what we have so far done is necessary to meet the crisis. Millions are involved. Food must get the first priority and it is not getting that priority in this country. Every other kind of expenditure, tremendous expenditure under different heads is going on. But all the expenditure necessary, all the efforts necessary and all the controls necessary, in

regard to this major problem are not being undertaken in an adequate measure. My hon. friend here, Shri Arjun Arora, said something about the administration, and I shall repeat it. I can tell the hon. Minister in charge: Give us good administration and we can solve this problem. But how will he give us good administration? It is for him to answer. I wish to utter this warning in all solemnity on the floor of this House that the situation is not improving. The situation is steadily deteriorating, so far as the rural areas are concerned. There is no outcry from the cities because somehow you manage to give something to the cities and the vocal people of the cities keep quiet. But the masses from the villages are not able to raise their cry in order that their cry can reach out to the capitals like Delhi or the State capitals in the States of India. But they are the people who matter, and some day they will march on the cities of India saying, "We are hungry and you are eating. We will not allow this." That will be the day of reckoning. Let not that day of reckoning come. Feed the people. I do not want you to get out.

SHRI N. PATRA (Orissa): Madam Deputy Chairman, I support this Bill. But it is a pity that even after the appeal of the Prime Minister, even after the promulgation of the Ordinance, the hoarder has not come to his senses. He has not corrected himself. He has been thinking that the Government is so weak that he can go on hoarding foodstuffs and so he has created scarcity in the country. What do we see? What do we hear from the Treasury Benches? I also belong to the same party. I am a Congress Member. But what do we hear from all the Members? They strictly disapprove in unequivocal terms the policy of the Government. But anyhow to soften it they say that the Minister is good, that he is all right and he will do the job. But everybody disapproves of the position. The Government also is not

firm in its policy of food procurement. Their policy contemplates giving a certain portion of the trade to the private trading channels. But we have had the worst experience of the private trade. Still you are depending on this private trade. You do not know how to make the private trader behave. You cannot make him behave. I say it is always better to take the full responsibility for total procurement. Call it monopoly or not, whatever you may call it, you should take the full responsibility. You may need more money. You should invest more money and if you want more—you wanted Rs. 1 crore for the Food Corporation—you can get further grants. This House will be always prepared to give you whatever money you want. But do not depend upon the hoarders. They are there always to create scarcity for the people. In the words of the hon. Member who spoke just now, any day it may be an occasion for the people to revolt and upset the orderly government. It is a big warning. Whatever powers you want, everybody will give you. There are no two opinions about giving you powers and entrusting your executive and your magistrates with all the powers you want. But what do we see? The courts do not try to co-operate with the Government to the extent it is required from them. There is no doubt that summary trial is there, but this summary trial will be applicable only against small people. The big people who have amassed crores of money, tons of money, they will never come under the purview of this summary trial. They may get a fine of Rs. 10,000 or two years rigorous imprisonment. There is a provision that they can go on appeal and going on appeal means going to the High Court and it will take years to come to decision. So again these people will thwart your Bill. They will not come to your aid. It is always better to be alert. Take the full procurement into your own hands and do not trust these hoarders who are there

always to put you in trouble and to put the ruling party into trouble.

I whole-heartedly support the Bill and I want the Minister to take bold steps in the matter of food. If necessary, he may come up for supplementary demands for money for procurement purposes.

THE DEPUTY CHAIRMAN: Shri Vajpayee. He will give his reply.

श्री ए० बी० वाजपेयी (उत्तर प्रदेश) :

महोदया, मेरे संकल्प के ऊपर श्रीर ख.रा मंत्री महोदय के विधेयक के सम्बन्ध में जो विवाद हुआ है और जिसमें सभी दलों के सदस्यों ने भाग लिया है, उससे एक बात साफ हो गई है कि सारा सदन इस मत का है कि सरकार को अधिक अधिकारों की आवश्यकता नहीं है। आवश्यकता इस बात की है कि जो भी अधिकार सरकार के पास है, उन्हें दृढ़ता से काम में लाया जाये। मंत्री महोदय ने संसद् की बैठक से ११ दिन पहले आयादेश जारी करने का समर्थन करने हुए ए०. वा. कहें श्री कि हर्ने अलग अलग राज्यों में मशीनरी तैयार करने में कुछ समय लगता है और उसके लिये हमने ५ नवम्बर को आयादेश जारी करना प्युक्त समझा। मैं उनसे जानना चाहूंगा कि राज्यों ने अलग अलग मशीनरी कब स्थापित की। क्या यह सच नहीं है कि आयादेश जारी करने के कई दिन बाद तक राज्यों ने किसी प्रकार के तंत्र का निर्माण करने के बारे में विचार नहीं किया। मैं उनका ध्यान अंग्रेजी के अखबार "हिन्दुस्तान टाइम्स" के एक समाचार की ओर दिलाना चाहता हूं। यह पटना की खबर है और १३ नवम्बर के अखबार से मैं उसको उद्धृत कर रहा हूँ :

"The Bihar Government will soon set up its machinery for the enforcement of the Anti-Hoarding and Anti-Profiteering Ordinance providing for the summary trial of traders and officials".

[श्री ए० बी० वाजपेयी]

बिहार सरकार ने इस तरह की घोषणा की है कि १३ नवम्बर को वह मशीनरी बनाएगी। अब अगर मशीनरी नहीं थी और केन्द्र द्वारा सावधानी बरतने के बाद भी मशीनरी राज्यों में नहीं बनो—और मैं समझता हूँ बिहार इस मामले में अकेला नहीं है और प्रान्त भी पोछे रहने वाले नहीं हैं—तो राज्य में जब मशीनरी नहीं थी, तो राज्यों में आर्डिनेन्स जारी करने का मतलब क्या था? और अगर १३ तारीख तक भी राज्यों में मशीनरी नहीं थी, और राज्य मशीनरी तैयार करने के बारे में सोच रहा था तो खाद्य मंत्री संसद् की बैठक होने तक भी रुक सकते थे—अन्य बिलों के ऊपर इस एजेन्डियल कमोडिटीज बिल को प्राथमिकता दी जा सकती थी और सरकार को अ.यादेश जारी करने की आवश्यकता नहीं पड़ती थी। लेकिन मुझे इसमें अभी भी संदेह है कि क्या सचमुच सरकार ने गंभीरतापूर्वक विचार करके अ.यादेश जारी किया? अगर गंभीरतापूर्वक विचार किया जाता, तो हमारे प्रधान मंत्री जी १२ नवम्बर को इलाहाबाद में एक भाषण देते हुए यह नहीं कहते कि खाद्य संकट थोड़े ही दिनों में समाप्त होने वाला है।

१२ नवम्बर, का भाषण १३ नवम्बर के अखबारों में छपा है और समाचार का शीर्षक है:

"Food Crisis near end" says Shastri:

"Allahabad. P.T.I. November 12. Prime Minister Lal Bahadur Shastri today said that the Government would tide over the present food crisis in a few days".

इस समाचार का खंडन नहीं किया गया। क्या यह भाषण इसलिए दिया गया था कि उस समय फूलपुर में चुनाव हो रहे थे या इसलिए दिया गया था कि प्रधान मंत्री महोदय यह समझते थे कि थोड़े ही दिनों में खाद्य संकट हल हो जायेगा? अगर थोड़े ही दिनों में

खाद्य संकट हल होने वाला था तो फिर ५ नवम्बर को अ.यादेश का कोई मतलब नहीं और अब बिल लाने की आवश्यकता क्या है? अगर अ.यादेश जारी किया गया था, तो आपको देश में वातावरण पैदा करना चाहिये था कि मुनाफाखोरों के खिलाफ और चोरबाहारी के विरुद्ध कड़ी से कड़ी कार्यवाही की जायेगी और इस कार्य के लिए जनता और विरोधी दल आपका साथ दे। लेकिन प्रधान मंत्री जी ने ऐसा भाषण दिया कि हम अब संकट पर थोड़े ही दिनों में विजय प्राप्त कर लेंगे। इस तरह के भाषणों से वातावरण बिगड़ता है। यह सरकार के संकल्पों में संदेह पैदा करता है और यह आशंका जगाता है कि सरकार परिस्थिति को गम्भीरता से या बहुत कम करके देख रही है या कम करके देखना चाहती है।

पिछले सत्र में मैंने कहा था और आज कांग्रेस के अनेक माननीय सदस्यों ने इस बात को दोहराया है कि अन्न का संकट और भी गम्भीर होने वाला है। परिस्थिति और भी बिगड़ेगी और केरल में जो कुछ हुआ है, उससे हमें शिक्षा लेनी चाहिये। पंजाब में जो कुछ हुआ है वह हमारी आंखें खोलने के लिए पर्याप्त है। हमारे खाद्य मंत्री जी कल चंडीगढ़ दौड़ कर गये थे, मैं उनकी तारीफ करता हूँ कि जहां भी संकट पैदा होता है, वे दौड़ कर जाते हैं और उस संकट को हल करने का यत्न करते हैं। लेकिन संकट तात्कालिक नहीं है, संकट क्षणिक नहीं है, संकट दूरगामी है, संकट गम्भीर है और हमें विदेशी विशेषज्ञों की चेतावनी पर ध्यान देना चाहिये कि खाद्य स्थिति और भी बिगड़ने की सम्भावना है।

एक बात मैं कहूंगा कि यह जो अ.यादेश जारी किया गया है, उसके जारी करने के बाद भी कलकत्ते में कुछ व्यापारियों को डिफेंस आफ इण्डिया रूल्स के मातहत पकड़ा गया और इस अ.यादेश के अन्तर्गत नहीं। मैं १५ नवम्बर के 'हिन्दुस्तान स्टैंडर्ड्स' के सम्पादकीय का कुछ अंश आपके सामने

रखना चाहता हूँ। वहाँ पर व्यापारी पकड़े गये लेकिन नये ऑर्डिनेन्स के अन्तर्गत नहीं और समाचारपत्र इस बारे में टिप्पणी करता है कि सरकार इस अध्यादेश को अमल में नहीं लाना चाहती है तो इसे जारी क्यों किया गया। मैं उद्धृत कर रहा हूँ—

"It is not known why the Anti-Hoarding Ordinance promulgated last week is being allowed to rust in the Government armoury. Friday's arrests in Calcutta were not made under the new enactment".

THE MINISTER OF FOOD AND AGRICULTURE (SHRI C. SUBRAMANIAM): May I point out that this does not provide for the arrest? This provides for procedure in the trials. The arrests will have to be made either under the Criminal Procedure Code or the Defence of India Rules. I do not think there is anything wrong in that.

SHRI A. B. VAJPAYEE: Was it not open to the West Bengal Government to have made a declaration according to the Ordinance and then to have proceeded against the traders according to these provisions?

SHRI C. SUBRAMANIAM: This is only for the purpose of charging the procedure, for summary trials. For arrest, they will have to use other laws.

THE DEPUTY CHAIRMAN: The common laws.

SHRI A. B. VAJPAYEE: I entirely agree with the hon. Minister but why was not summary trial resorted to in this case?

SHRI C. SUBRAMANIAM: That does not deal with summary trials. They will have to be arrested under the Defence of India Rules or the Criminal Procedure Code. That is some misinformed criticism.

THE DEPUTY CHAIRMAN: This deals only with the procedure.

SHRI A. B. VAJPAYEE: Why then was the Ordinance promulgated? If the Ordinance provides for an amended procedure, before action was taken, why did not the West Bengal Government issue a notification in the Gazette and take action under that Ordinance?

महोदया, मैं नहीं जानता कि कानून में यह जो संशोधन किया जा रहा है, यह राज्यों के कहने पर किया जा रहा है या मुख्य मंत्रियों के कहने पर किया जा रहा है या केन्द्रीय सरकार अपने आप कर रही है; क्योंकि इस कानून को भी अमल में लाना राज्य सरकारों के ऊपर होगा। अगर उनके अधिकारी चाहेंगे तो कार्यवाही करेंगे और राज्य सरकारों को गजट में नोटिफिकेशन प्रकाशित करके इस कानून के अन्तर्गत समरी ट्राइल करने की व्यवस्था करनी पड़ेगी। क्या राज्य सरकारों की तरफ से ऐसा कानून बनाने का सुझाव आया है और क्या वे ईम नारी के साथ इस कानून के अन्तर्गत कार्यवाही करेंगे? अभी जो कुछ हुआ है, उससे ऐसा पता चलता है कि राज्य सरकारें ऐसी कार्यवाही नहीं करेंगी। अगर राज्य सरकारें सहयोग नहीं देंगी तो केन्द्रीय सरकार नये नये कानून बना कर खाद्य संकट पर कैसे विजय प्राप्त करेगी, यह मैं जानना चाहता हूँ।

एक बात हम न भूलें कि सभी प्रान्तों में कांग्रेस सरकारें हैं और एक ही पार्टी सब प्रान्तों में शासन चला रही है। यदि इस समय प्रान्त और केन्द्र की नीति में समन्वय इतना कठिन है और केन्द्रीय खाद्य मंत्री जी राज्यों के मुख्य मंत्रियों से अपनी बात नहीं मनवा सकते तो जब प्रान्तों में भिन्न भिन्न दलों की सरकारें होंगी तब फिर एक केन्द्रीय नीति को अमल में लाना कि ना कठिन होगा इस पर हमें विचार करना चाहिये।

[श्र. ए० बी० वाचपेयी]

खाद्य मंत्री जी इस बात से सहमत थे कि खाद्यान्नों की दृष्टि से क्षेत्र नहीं होने चाहिये, सारे देश को एक इकाई माना जाना चाहिये। मगर मुझ मंत्रियों ने दबाव में आकर उन्होंने अपना विचार छोड़ दिया। अब हर एक प्रान्त का एक एक क्षेत्र बन गया है। अब प्रान्तों के भीतर जिलों के बीच में दीवार खड़ी की जा रही है। खाद्य सकट को हल करने का यह तरीका नहीं है।

दूरगामी दृष्टि से भी सरकार का दिमाग साफ नहीं है। खाद्य मंत्री जी ने कहा था कि वह एक कृषि कमिशन बनाने के बारे में विचार कर रहे हैं, लेकिन सरकार इस पर कोई फैसला नहीं कर सकी है। फिर दबा हुआ अनाज कैसे निकाला जायेगा? क्या किसानों के पास से भी दबा हुआ अनाज निकाला जायेगा। यदि हा, तो इसके लिये कौन से कदम उठाये जायेंगे? क्या सरकार अलोन्ट्रि होने का खतरा मोल लेगी? ये ऐसे प्रश्न हैं, जिनके सम्बन्ध में सरकार को असंदिग्ध रूप से अपनी राय तय करनी चाहिये। मगर ऐसा लगता है कि सरकार अपनी विफलता को छिपाने के लिये अधिक से अधिक अधिकार प्राप्त करना चाहती है।

महोदया, हम सरकार को अधिकार देने में आपत्ति नहीं करेंगे, लेकिन हम एक क्षण के लिए यह मानने के लिए तैयार नहीं हैं कि अभी से इस तरह के अधिकार लेने मात्र से समस्या का हल हो जायेगा। परिस्थिति गम्भीर है, काबू के बाहर जा सकती है और उसके लिए अभी से सरकार उपाय तथा योजना करे। कही ऐसा न हो कि ससद् की अगली बैठक में जब हम एकत्र हो, तो परिस्थिति और भी बिगड़ी हुई मिले और फिर शासन के लिए ससद् के सामने किसी और नये अधिकार को मागने की गुंजाइश न रह जाये।

जब खाद्य मंत्री जी नियुक्त हुए थे, तो मैंने उनका स्वागत किया था। उन्होंने जो नीतियाँ अपनायी हैं, वे सही दिशा में नीतियाँ जानी हुई दिखाई देती हैं, लेकिन उनके परिणाम नजर नहीं आ रहे हैं। कही न कही, किसी न किसी प्रकार की कमी जरूर है, जिसका पता लगाया जाना चाहिये। अगर परिस्थिति बिगड़ेगी, फिर शासन को क्षमा नहीं किया जायेगा। आप जो भी अधिकार चाहते हैं, वे अधिकार आपको प्राप्त हो रहे हैं। इन अधिकारों का उपयोग कर, अगर आप अनाज के बढ़ते हुए दामों को नहीं रोक सके, अगर उचित मूल्य पर लोगों को पर्याप्त अनाज नहीं दे सके, तो इस देश में क्या होगा, इसकी कल्पना करते हुए मैं थर्रा उठता हूँ। कांग्रेस के सदस्यों ने भी चेतावनियाँ दी हैं और मैं चाहूँगा कि अगर विरोधी दल की बात खाद्य मंत्री न भी सुनें, तो कम से कम कांग्रेस के सदस्यों की चेतावनियाँ सुनें। वे दीवार पर लिखे हुए को पढ़ें। खाद्य के मोर्चे पर शासन की विफलता कानून को, व्यवस्था को, आर्थिक नियोजन को यहाँ तक कि हमारे लोकतंत्र को भी खतरे में डाल देगी। शासन यदि दीवार के लिखे हुए को नहीं पढ़ सकी, तो यह शासन का भी दुर्भाग्य होगा और साथ ही साथ देश का भी दुर्भाग्य होगा।

SHRI C SUBRAMANIAM: Madam Deputy Chairman, it gives me no pleasure to pilot a Bill of this sort because this Bill has become necessary in view of the fact that there are certain unsocial elements in our country who are prepared to exploit the food situation to make money at the cost of starving the millions of our people and that is why in spite of protests from certain sections of the House it has become necessary for the Government not only to arm themselves with this power but if necessary to arm themselves with more powers. But I also agree that it is not merely a question of arming oneself with more powers; it is also necessary to utilise

the powers that exist or that we may get in the most effective manner possible. I do agree with the criticism made that even some of the existing powers had not been utilised to the fullest extent possible to meet the situation. But that is not due to unwillingness or because either the Government or some of the Ministers or the officers are colluding with or shielding these unsocial elements. There are certain difficulties in enforcing a measure of this sort and these also will have to be kept in mind. Madam, what is important today is that we have got to make food available and distribute the available food in an equitable way so that not only the rich but the poor people also, not only the city people but the rural people also, not only the producers but the non-producers also, would be able to get an equitable share. And if this has to happen as was pointed out by Mr. Arora, two aspects will have to be kept in mind. One is physical availability. Without physical availability whatever be the price, it has no meaning; it has no significance. I do remember the days when I was a young boy when rice was being sold perhaps at one-twentieth of the price at which it is selling today but those were the days when there were famines and those were the days when millions died due to famines. Therefore merely low price is not an index of prosperity. But a reasonable price also is important, is essential, because if it is beyond the purchasing capacity of the ordinary man, then even physical availability has no meaning. He does not have the capacity to purchase and therefore even though he may see the stocks in front of him in the shops, unless he takes to looting he won't be able to get it legitimately. That is why these two aspects will have to be kept in mind. And if some State Governments are hesitating it is mainly because when they take action for the purpose of controlling prices there is no availability. When they try to make available the prices shoot up. Therefore this is the dilemma in which some of

the State Governments are placed and if they hesitate a little it is nothing surprising. Madam, in this matter it is not as if we can issue a writ from the Central Government and the State Governments obey those writs. The State Governments are the authorities which are mainly concerned with food and food distribution and if we have to evolve a policy which would meet the national situation, that will have to be evolved not by enforcing something from the Centre. It has got to be done by carrying the State Governments with us, arguing with them and showing them that certain policies are necessary in the national interests. That is why we had to have conference after conference and I am not unhappy about it because what I want is not acceptance immediately here and then going and sitting there with folded hands without implementing them. That is why I do not mind these arguments, these discussions, these conferences. But what is important is, ultimately when we arrive at a decision after all these discussions and conferences, those decisions will have to be properly implemented. Therefore, if in a complicated matter like this there are differences of opinion—even in this House I find so many points of view; I am saying not only with reference to parties but even within the party there are various approaches—it is nothing surprising if there are differences of approaches as far as the State Governments are concerned. What is important is not these different approaches and different points of view but after taking all these into account to arrive at a policy decision and having taken that decision what is still more important is to implement it effectively and efficiently. That is what we are aiming at and I hope it would be possible for us to succeed.

Ultimately as I had already stressed on another occasion it is not a question of merely distributing what we have. What is important today is to increase production about which I shall presently refer in a brief way

[Shri C. Subramaniam.]

because that aspect will also have to be kept in mind. Production has not increased to the extent necessary and that is why we have to import today as much as possible from outside. I do agree that when we depend upon imports particularly from a distance of 12,000 miles we stand a great risk. I am sure hon. Members would have read with some concern about a strike in the U.S.A. in the ports there which would have completely paralysed the movement of foodstuffs from America. A strike which was to happen in the U.S.A. naturally concerned us because we depend upon the wheat coming from there every day, every week and every month and if it were a strike for any prolonged period naturally that would have affected the food arrivals here, the food situation here. But I am glad, Madam, that I have just now received information that that strike is not taking place; thank God. But it also gives us a warning that if we continue to be depending upon these imports we are taking a great risk and if such a situation should arise in which it would not be possible for us to get foodstuffs from these far off places, 12,000 miles away, what would be our position? Therefore I do agree that we have to get away from this situation as quickly as possible but that cannot be done overnight and that is why we try to get foodstuffs from there and distribute it. But unfortunately this has also created an attitude in the minds of the States that because we are importing, therefore, every State Government should be provided with all its requirements. What has got to be realised is that even imports have got their own limitations, with regard to what is made available by other friendly countries and also with regard to the capacity to get them moved by ships. All these limitations are there. In spite of that I do find that grievances are expressed by the various State Governments. Not only U.P. but other State Governments also have got a grievance against the Central Food Minister

that sufficient wheat is not being made available, sufficient rice is not being made available and that is creating a critical situation in the various States.

Madam, I do not grudge these statements because there should be some shock-absorber somewhere and, therefore, if they think that I should serve as the shock-absorber, to the extent I have that capacity, I am prepared to be the shock-absorber, but the State Governments should realise that even my capacity to function as a shock-absorber is limited to a certain extent. It cannot be taken beyond a certain limit. That apart, what is important, as I have already stated, is production and more production. In that also the State Governments are the authorities who are constitutionally fastened with the responsibility of taking action. Agriculture is solely a State subject. Still by planning, through conferences, by giving various aids we try to influence the production aspect also in the various States. There also it is necessary to take more energetic action. I have absolutely no doubt about it. The action we have been taking is not adequate, is not sufficient. Only yesterday I had been on a visit to Himachal Pradesh. I found a revolution taking place in agriculture there. Useless, waterlogged land, land without drainage is being converted into land which can yield two crops in a year and where they were getting only 12 maunds to 15 maunds per acre of maize, they are getting 45 maunds today. The picture itself has completely changed. When I entered that region where this intensive agricultural development is taking place in collaboration with West Germany, I thought I was entering a different country altogether. The atmosphere itself has completely changed and it has been done not with foreign equipment, foreign exchange being made available, but using new techniques by our own people, with our own local materials, with our own local implements, New methods and new

techniques are being used there, which are being made available on the basis of the experience of other countries. Therefore, I came back with greater confidence that if it can happen in Himachal Pradesh it can happen anywhere else also. It is not merely that a five per cent increase has taken place. It is much more. Every year it is taking place. Therefore, what is important is this. Even as enforcement and implementation of the various policies in respect of food distribution is important, so also the question of implementation of the various programmes of agricultural production, is more important than anything else. I have no doubt that the difficult situation in the country has brought about a new awareness, a new consciousness, for the purpose of increasing production, also disciplining ourselves as far as the distribution aspect of it is concerned.

Madam, we are trying to tackle the situation by various controls, various regulations, various disciplining methods and for the purpose of enforcing it we are also bringing into force various penal provisions. Even penal provisions will have no effect unless there is social consciousness against this exploitation. Only the other day the Home Minister pointed out that even traders, who have been punished for blackmarketing, for hoarding, for exploiting the food situation, when they came out of the jail, were received with garlands. It is a shame on the society. If these anti-social elements who have been tried and convicted under the ordinary law, not even summary procedure, for blackmarketing, for profiteering, trying to make money at the cost of the starving millions are to be received with garlands when they come out of jail, then, what is the use of all these penal provisions? It looks as if they have participated in some political movement and therefore, on coming out they are being garlanded. Unfortunately this jail-going has been made popular with regard to the political movement

and, therefore, everybody thinks that going to jail has no significance now. If my friend, Shri Annadurai, goes to jail and comes out, then for political purposes I can understand a garland for him, a procession for him. But if that should happen to a black-marketeer also, then politicians will think twice before getting into jails for political purposes.

The point for consideration here now is this. I am not going into the various aspects of the food situation and the *distribution problem*. I have dealt with it on other occasions also and I do not think I should go into it in great detail at this juncture. But what is important now is that we should have all the powers necessary to deal with this situation. That is why even though it was not pleasant for us to think of this Ordinance and to bring forward a Bill for replacing the Ordinance, we have brought it forward, because we think that it is necessary for the purpose of dealing with the situation. I am not prepared to say simply, passing this Bill is going to immediately improve the situation everywhere. If hon. Members should think that we have any such illusion, I can assure them that this is only one of the measures intended for the purpose of tackling the situation. That does not mean in a war if you are producing a revolver somewhere and a bullet somewhere you can say that with that revolver or that bullet you will be able to win the war. It is not merely the bullet. It is the various other things which also matter. Production of a revolver or a bullet is only a part of the arms, it is only a part of the whole process. Therefore, I do not think anybody would put forward the claim that this Bill, when it is passed, will bring about a revolutionary change in this country, that immediately the entire food problem will be solved. No. That is why I may tell the hon. Members that I am grateful to the various hon. Members, who have given solid support to this Bill. Even Mr. Vajpayee had grievance only against the issue of the Ordinance. He was willing to

[Shri C. Subramaniam.] consider the Bill on its merits. He gave his moral support to it. I am glad about it. Therefore, except for one lone and lean section of the House all the others gave full support to the Bill and I am glad about it. I can give only this assurance that it will be my endeavour, as Food Minister at the Centre, to infuse a new spirit with regard to the implementation not only of this measure, but also in regard to the implementation of the various policies and decisions which we have been recently taking. It is only by the implementation of all these policy decisions that we will be able to bring about a new atmosphere altogether.

Madam, mention was made with regard to the good kharif crop we had and that spite of that availability in the country had been reduced. One hon. Member, Shri G. Ramachandran, mentioned that there is greater distress in the rural areas. I do not know how far he is correct, because today in U.P. what is the position? With the kharif crop the rural situation is almost normal today. The market arrivals in the cities and towns are scarce today and that is why the cities and towns have to be fed through either imported wheat or other procured grains. What has to be kept in mind is that of the rural population, the majority of them, 80 per cent or 85 per cent of them, are agriculturists, producers. Certainly no hon. Member would say that the producers also will have to be fed either from imported wheat or from other procured foodgrains. Unfortunately, what has happened now is that imported wheat is the cheapest grain today. Therefore, even the real producer thinks that he can sell his grains at a higher price and he should be fed with imported wheat. That is the atmosphere that has crept into the country today.

SHRI A. B. VAJPAYEE: What about the landless?

SHRI C. SUBRAMANIAM: After all the landless also, what are they?

SHRI A. B. VAJPAYEE: They are not producers.

SHRI C. SUBRAMANIAM: They are either agricultural labourers, or a small section, I do agree, will not come into the category of either producers or agricultural labourers who are tied to the agricultural sector. That small section will have to be taken into account. How to do it is the thing. If it is going to be a question of distribution in the entire country, then it becomes a very difficult task. Why is it that there is difficulty in the rural areas? How is it created? It is mainly because the towns and cities suck away the rural production because of the higher purchasing power in these urban areas. That is why we are evolving the policy of cordoning off the big cities with higher purchasing power so that they are taken care of, so that there may not be so much of drawing of these rural products into the city areas. Therefore, to that extent we are able to feed the urban population with imported wheat or procured foodgrains within the country, and to the extent we reduce the pressure of demand in these urban areas, to that extent the rural area is protected. I do not think any Government can take the responsibility of distributing foodgrains to every nook and corner, in the 5 lakhs of villages in this country. That is why we have to evolve a strategy which will take care of the rural population, which will not create those pressures and distortions in the rural areas, and the only way to do it is to take care of the urban area in a proper way. That is why we are concentrating on the urban areas so that the pressure in the rural areas may not be there and it may be released to that extent. Therefore, it is not because we are partial towards the city population that we try to give them an assured supply. It is for the purpose of relieving the pressure on the rural population that this is being undertaken. That is why we try to consider whether informal rationing will do or formal rationing and therefore

cordonning off of the entire urban area will have to take place. Even here there is difference of opinion. There is bound to be difference of opinion in this matter and there is nothing surprising in it. Simply because it is one party, it does not mean that it is a regimented party where there should be only one way of thinking. We are a democratic party. Even within the party we are democratic. Therefore, different ways of thinking and different approaches are bound to be there in this party also. Therefore, I am not surprised that certain Chief Ministers think that statutory rationing is necessary; certain other Chief Ministers think that statutory rationing is not good and therefore we should have only informal rationing. All these things are there, but ultimately what is important is to take a policy decision which can be implemented with the co-operation of all the State Governments. It is from that point of view that we are proceeding forward. Therefore, it is from that aspect I would like to submit this. It is not as if we do not take care of the rural population. We try to safeguard the rural population by taking these various actions.

Then, Madam, I will come to the Bill proper. Particularly my hon. friend, Shri Vajpayee, said: why don't you accept my resolution and pass the Bill? Suppose I accept the resolution and pass the Bill, what happens? In the Bill itself I have said that this Ordinance is replaced. On what is the effect of that? All the action taken under the Ordinance is validated as if it is continuing in effect. Therefore, no purpose is served by passing the resolution unless he wants to pass a stricture on the Government for the purpose of issuing this Ordinance. Then it is quite a different thing. He should be rather straight-forward and bring a censure motion against the Government for having passed this Ordinance. He should not try to achieve his objective in this way.

Then, some Member argued that it is something undemocratic. I res-

pectfully submit that I differ from his views. The Constitution provides for it, for the issue of an Ordinance, and after the issue of the Ordinance how it should be formalised is also provided in the Constitution. Therefore, we take this step and there is nothing undemocratic about it. I have no doubt in my mind that whenever the occasion arises, we will not hesitate to pass an Ordinance. That is what I want to say. It was pointed out by somebody as to why an Ordinance was not issued in U.P. to regularise certain things. That is the angle with which you should look at it when an Ordinance is necessary. If it is not issued, then the Government should be taken to task for that. Therefore, I do not think the issue of an Ordinance is anything undemocratic, is anything totalitarian, is anything which should be avoided. If an occasion arises, it will have to be issued.

Then criticism was made about lack of action after the issue of the Ordinance. It is a very legitimate criticism. I tried to find out what had happened. Not that I justify lack of action under the Ordinance, but still it is not as barren as it looks. I find now from the information available that 16 cases have been launched under the Ordinance in Mysore alone. About Bihar something was read, but my information is—of course I could not verify it officially—2 cases have been launched in Bihar. In other cases it is one, two, etc. I do agree that there should have been greater use of this Ordinance for the purpose of summary trial, not for the purpose of arresting. I want to correct this impression that this Ordinance does give the power to arrest anybody. For that, there is already enough of power available and therefore we do not provide it here and this cannot be used for that purpose. Therefore, while some action has been taken, I also agree with the criticism that more energetic measures for the purpose of using this Ordinance should have been taken. I am sure the State

[Shri C. Subramaniam.]

Governments will take note of the criticisms made on the floor of this House and on the floor of the Lok Sabha also that whenever powers are given, they should be more effectively used.

Then, Madam, the Swatantra Party was greatly concerned that by passing this Bill the fundamental rights were being eroded. I thought I had already answered that point, that as far as fundamental rights are concerned, we are not taking away any of those fundamental rights by this Bill or by the Ordinance. It is not so. As I already stated, what we are trying to preserve is the most sacred fundamental right that everybody is entitled to be fed, is entitled to receive his basic needs. It is for the purpose of providing this basic need of each individual, the most fundamental of all fundamental rights, for the purpose of enforcement of that fundamental right that this Bill has been brought forward. With this measure, and not only with this measure but by a co-ordinated policy of action, co-ordinated programme for the purpose of meeting this very difficult situation, I hope and trust that, while we are passing through difficult days—and we may have to pass through difficult days for many years—these days can be made bearable if we have a proper programme and if it is properly implemented. Therefore, I do not give any assurance to the country that the deficit will be over next year or the year after that. It has got to be there for some time, but I do give this assurance that this Government will try its best, to the best of our ability, to alleviate this distress, to have equitable distribution as far as possible, to make prices stay at a reasonable level; and for that purpose whatever action is necessary we shall try to take it unhesitatingly. I can give this assurance that this Bill will not be used for any political purpose as it was indicated by some Member. This is a purely social, protective measure, and it is from that point of view that I seek the support of the House for this Bill.

THE DEPUTY CHAIRMAN: I shall first put the Resolution to the vote. The question is:

"This House disapproves of the Essential Commodities (Amendment) Ordinance, 1964 (Ordinance No. 3 of 1964) promulgated by the President on the 5th November, 1964."

The motion was negatived.

THE DEPUTY CHAIRMAN: I shall now put the motion for consideration of the Bill to the vote. The question is:

"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."

The motion was adopted.

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

Clause 2—Insertion of new section 12A in Act 10 of 1955

SHRI V. M. CHORDIA (Madhya Pradesh): Madam, I move:

"That at page 2, lines 18 to 27 be deleted."

[This amendment stood in the name of Shri G. K. Kapoor also.]

॥ उपसभापति महोदया, जहां तक इस बिल की भावना का सम्बन्ध है उससे कोई विरोध नहीं है ज्यादा केसेज पर समरी ट्रायल होना चाहिये इस बारे में दो मत नहीं हैं। लेकिन प्रश्न यह है कि इन केसेज के समरी ट्रायल होने के बाद मिनिमल प्रोसीडिंग के अन्तर्गत जो अधिकार अपील करने का अभियुक्त को रहता है उसका हलन इसके द्वारा किया जा रहा है। जैसे कि कहावत है 'मारे भी और रोने भी न दे', तो ऐसी ही स्थिति का निर्माण हमारी सरकार करना चाहती है।

अगर कोई गुनाह करता है, तो उसके खिलाफ सख्त से सख्त कार्यवाही की जानी चाहिये। उसको समरी ट्रायल करके निर्णय दिया जाना चाहिये। उसको अपील का अधिकार न देना, उसको सुनवाई का अधिकार न देना, यह न्यायसंगत प्रतीत नहीं होता है। हमारे एक पूर्व वक्ता ने अपने भाषण में कहा कि वह रिट पिटीशन कर सकता है। तो मैं इस सम्बन्ध में यह कहना चाहता हूँ कि अगर वह डिस्ट्रिक्ट मजिस्ट्रेट की आज्ञा लेकर सुप्रीम कोर्ट में रिट पिटीशन करना चाहते हैं, तो कान्स्टीट्यूशन के मातहत वह कितना महंगा पड़ता है, उसमें कितनी कठिनाइयाँ होती हैं, यह बात किसी से छिपी हुई नहीं है। इस दृष्टि से मैं निवेदन करना चाहता हूँ कि आप समरी ट्रायल जरूर करें लेकिन उसको अपील करने का अधिकार, उसको सुनवाई करने का अधिकार बंदस्तूर रहने दें क्योंकि जहां तक सख्ती करने का अधिकार है वह तो आप करें लेकिन इसके साथ ही साथ जहां न्याय का सम्बन्ध आ जाता है वहां पर आपको उनके साथ न्याय भी करना चाहिये। मैं इस बात को राजनीतिक दृष्टि को सामने रख कर नहीं कहना चाहता हूँ क्योंकि पार्लियामेंट में हम जो कुछ भी काम करते हैं वह राजनीतिक दृष्टि से नहीं करते हैं। लेकिन उपाध्यक्ष महोदया, मुझे अच्छी तरह से मालूम है कि सन् १९५१-५२ में मध्य प्रदेश में जब कपड़ा कानून बना था उसमें कितने केसेज दायर किये गये थे और वे सब राजनीतिक कारणों से ही दायर किये गये थे। जब टैक्सटाइल कंट्रोल के अन्तर्गत वे राजनीतिक कारण पूरे हो गये, तो वे सारे केसेज न जाने कहा गये और कोई पेश नहीं हुआ। हम केन्द्र में बैठ कर इस तरह की कल्पना नहीं करते हैं कि इस तरह के कानूनों का राजनीतिक सदुपयोग या दुरुपयोग होगा। लेकिन मैं यह कहना चाहता हूँ कि सन् १९५२ में टैक्सटाइल कंट्रोल के मातहत भूतपूर्व मध्य भारत राज्य के इंदौर शहर में पंचनामे के द्वारा उसका राजनीतिक दुरुपयोग किया

गया। तो इस दृष्टि से मैं प्रार्थना करता हूँ कि हम चाहे जितनी भी अच्छी भावना से कानून बनाये, समरी ट्रायल का अधिकार दें लेकिन किसी व्यक्ति को अपील के अधिकार से वंचित नहीं करना चाहिये। इसी दृष्टि को सामने रख कर मैंने अपना संशोधन दिया है और आशा करता हूँ कि माननीय मंत्री जी इस पर ध्यान देकर इसे स्वीकार करने का कष्ट करेंगे।

The question was proposed.

SHRI C. SUBRAMANIAM: Madam, I do not know the intention of this amendment which has been moved by the hon. Member because one portion of it enlarges the scope of the Bill and the other section tries to restrict the scope of the Bill. Lines 14 to 17 state:

"Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year."

Therefore we are restricting the powers of a magistrate with regard to the sentence which he can impose in a summary trial to only one year. If that is removed, then he will be entitled to pass any sentence which will be . . .

SHRI V. M. CHORDIA: We do not mind if the sentence . . .

SHRI C. SUBRAMANIAM: I do not know whether it is the intention of the hon. Member that within the powers of the magistrate he can impose any sentence.

SHRI P. N. SAPRU (Uttar Pradesh): May I just intervene to point out that if instead of summary trial some other form of trial is prescribed, then the whole of the evidence will have to be led and it will really be a source of prolonged trial. In order to make the trial expeditious it is necessary to have a provision of this character.

SHRI C. SUBRAMANIAM: I am glad that the hon. Member has further re-inforced my argument and therefore I find it is necessary. Madam, after all, what are the cases that are likely to be under the Essential Commodities Act? Firstly, it may be the breach of the provision with regard to the prices which are notified. This does not require any elaborate evidence or any such thing. It is a straight case whether that witness is to be believed or not. Therefore the summary trial is not going to cause any inconvenience. Or if it is a question of hoarding, it is a physical fact whether so and so had in his possession more than the notified quantity. Therefore, if you take into account the sort of cases which are likely to come up for trial under the Essential Commodities Act, they are simple cases with simple evidence, whether the witness has to be believed or not. If it is a question of an elaborate trial, then, as was pointed out by the hon. Shri Sapru, the question of the whole cross-examination and everything being written will come. It is a procedure which is unnecessary as far as the sort of cases which are likely to arise are concerned. Therefore, I respectfully submit that I am unable to agree with the hon. Members point of view and even with regard to the provision of appeal, I am unable to accept the amendment.

SHRI A. B. VAJPAYEE: What about offences of a technical nature? Suppose a dealer had not advertised the price?

SHRI C. SUBRAMANIAM: As far as this is concerned, this does not provide the minimum sentence which has got to be given for any offence which is technical. For instance, it can be a mere fine or a mere warning. Apart from that, that is why under the Bill we have taken powers that we should notify by a special order the category of cases which can be tried under a summary procedure. We will try to distinguish it. The procedure for some of these technical offences do

not come under this; that would be taken care of when we issue the notification under section 12A(1).

THE DEPUTY CHAIRMAN: The question is:

1. "That at page 2, lines 18 to 27 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—Insertion of new section 8A in Act 46 of 1952

SHRI V. M. CHORDIA: Madam, I move:

2. "That at page 3, lines 13 to 22 be deleted."

[This amendment stood in the name of Shri G. K. Kapoor also.]

मेरे संशोधन का आशय यह है कि पब्लिक सर्वेंट का अगर आप समरी ट्राइल करते हैं, तो उसकी भी अपील करने का अधिकार होना चाहिये। जिस तरह से किमिनल प्रोसीजियर के अन्तर्गत वह अपील कर सकता है उसी तरह से इसमें भी अपील करने की व्यवस्था होनी चाहिये। इस तरह के पावर्स देने की दृष्टि से मैंने यह संशोधन प्रस्तुत किया है। आशा है कि माननीय मन्त्री जी इसे स्वीकार करेंगे।

The question was proposed.

SHRI C. SUBRAMANIAM: Having accepted the provision for the traders, I do not think that officials who collude with these people should be differently treated.

THE DEPUTY CHAIRMAN: The question is:

2. "That at page 3, lines 13 to 22 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—Repeal

SHRI V. M. CHORDIA: Madam, I move:

3. "That at page 3, lines 32 to 36 be deleted."

[This amendment stood in the name of Shri G. K. Kapoor also.]

अभी माननीय मन्त्री जी ने अपने वक्तव्य के दौरान बतलाया कि इस आर्डिनेंस के लागू होने के बाद इस तरह के करीब ३५ केसेज हैं या कुछ और भी होंगे। मगर इतने बड़े देश में और ऐसी भ्रष्टाचार परिस्थिति के समय जिसकी कल्पना हमारे माननीय मन्त्री जी और न शासन ने भी की थी, उसके तहत राष्ट्रपति जी को कष्ट देकर अध्यादेश जारी करवाया गया, यह बात कहां तक उपयुक्त है। माननीय मन्त्री जी ने जो आंकड़े बतलाये हैं उनसे मालूम होता है कि इन तरह की चीज रखने की आवश्यकता नहीं थी और थोड़े से ही केसेज के लिए इस तरह बिल को लाना उचित मालूम नहीं देता है। प्रश्न यह पैदा होगा कि उन केसेज का क्या होगा जिनको इसके तहत हमने किया। तो मेरा नम्र निवेदन है कि अन्य जो दूसरे कानून हैं, जैसे डी० आई० आर० है, उनके अन्तर्गत जो व्यवस्था है कि वे कोर्ट में पेश किये जा सकते हैं, उन्हें दण्ड दिया जा सकता है।। लेकिन मेरा कहना यह है कि आप इस कानून के मातहत और रिट्रोस्पेक्टिव इफैक्ट से उन केसेज पर लागू न करें। इस आशय से मैंने यह संशोधन पेश

किया है और आशा है कि माननीय मन्त्री जी मेरे संशोधन को स्वीकार करेंगे।

The question was proposed.

SHRI C. SUBRAMANIAM: This is intended for the purpose of regularising all the actions taken under the Ordinance. As a matter of fact I already indicated while introducing this Bill that various actions have got to be taken before the summary trial could take place—the notification of the magistrate, the notification of the powers of the magistrate all that will have to be done again. Therefore all the action taken preparations taken will have to be taken again. That means further delay. Therefore, I am sorry that I am unable to accept this amendment.

5 P.M.

THE DEPUTY CHAIRMAN: You are pressing this amendment also.

SHRI V. M. CHORDIA: Yes, Madam.

THE DEPUTY CHAIRMAN: The question is:

"That at page 3, lines 32 to 36 be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

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

SHRI C. SUBRAMANIAM: Madam, I move:

"That the Bill be passed."

The question was proposed.

SHRI P. N. SAPRU: Madam Deputy Chairman, may I say that I would like to congratulate Dr. Subramaniam . . .

SHRI C. SUBRAMANIAM: I also thank you for conferring a doctorate on me.

SHRI P. N. SAPRU: I have no right to confer a doctorate, but I hope he will soon be a Doctor. May I congratulate Mr. Subramaniam for bringing forward this measure which is necessary in the interest of the vast masses of this country? Mentally, Madam Deputy Chairman, I am so constituted that I do not like repressive legislations of any type, but I do not look upon this as a repressive legislation. It violates no fundamental law. It violates no fundamental principles of jurisprudence such as I know it. The accused persons in this case will have a right of trial, no doubt that trial will be of a summary character. But there are many sections in the Indian Penal Code which are triable in a summary manner by a magistrate and there is, therefore, no departure from the principles of criminal procedure as we know it in this country.

Then, Madam, there is no question of any fundamental right involved because fundamental rights enjoyed at the expense of the community are not recognised by the Constitution. The Bill deals with essential commodities. We know that there is shortage of commodities. It has been no pleasure for the Food Minister to bring forward a measure of this kind. Had there been strong public opinion against these hoarders and profiteers and these so-called men of business, there would have been no sympathy for a Bill of this character.

So far as the penal provisions are concerned. I think they are all right. It is not correct to say that there is no right of appeal. There is right of appeal in cases where a magistrate passes a sentence of more than one month . . .

SOME HON. MEMBERS: One year.

SHRI P. N. SAPRU: One year is the limit. Where a magistrate passes a sentence of more than one month,

there is right of appeal, and also, I think, in cases of heavy fine there is right of appeal. But even in cases where a magistrate passes a sentence of more than one month, it will be open to the accused person to go to the High Court for a writ under article 226 of the Criminal Procedure Code. The Special Magistrate who will be appointed to try these cases will be under the jurisdiction of the court as visualised in article 227 of the Constitution. Of course, there is the fundamental right of going in special cases to the Supreme Court. The terms of article 136 of the Constitution are of a very, very wide character and in any case of injustice, whatever be its nature, the Supreme Court can give relief. Therefore, the person accused of these offences will face no difficulty whatever in proving his innocence. As a matter of fact, I rather think that the limit of one month is a little too low because what will happen is that many magistrates will give a sentence of 25 days or 26 days in order that the matter may end there and, therefore, it may not go to any superior court. We did deal with this class in our country rather drastically, and if my friend will help us in doing so, they will be rendering a very great service. There are the stout champions of the rights of the people. I think I can also claim to be a champion in my own way of the rights of the people. I do not like undue interference with the liberty of the individual. It is something sacred with us. But there is no violation of the rule of law in this Bill. There is no departure from the well-recognised principle of the rule of law in this Bill. I give this Bill, Madam Deputy Chairman, my whole-hearted support.

श्री विमलकुमार मन्नालालजी चौरड़िया :

उपाध्यक्ष महोदया, यह जो बिल अब पास होने की स्थिति में आ रहा है, माननीय सप्रू साहब ने भी इसके बारे में चर्चा की कि इस बिल में अपील का प्राविजन रहेगा। वह तो मैंने भी पढ़ा कि अपील के प्राविजन का जहां

तक सवाल है, वह ऐसा है और उसके लिये मेरा यह नम्र निवेदन है कि एक हजार रुपये का जिनके ऊपर जुर्माना होगा, वे अगर हाई कोर्ट के सामने जाने का इसमें प्राविजन न भी रहता, तो भी हाईकोर्ट के सामने चले जाते क्योंकि उनमें इतनी ताकत है। लेकिन जिन आदमियों के ऊपर ५० रु० जुर्माना होगा या ५० रु० से थोड़ा ऊपर जुर्माना होगा या जिनका थोड़ा इम्प्रोजनमेन्ट होगा और जिनको अधिकार है क्रिमिनल प्रोसीजर कोड के तहत कि वे डिस्ट्रिक्ट मैजिस्ट्रेट के यहाँ अपील कर सकते हैं उनमें क्या इतनी शक्ति होगी कि वे हाई कोर्ट में जायें। इसी दृष्टि से छोटे छोटे लोगों के लिये मैंने एक सशोधन दिया था। मनीनीय सभू साहब बड़े आदमी हैं और वे बड़े बड़े केसेज की अपील करते हैं।

SHRI P. N. SAPRU: They will be able to go under section 485 to the District Magistrate.

श्री विमलकुमार मन्नालालजी चौरड़िया :
इसी दृष्टि से मैं चाहता था कि क्रिमिनल प्रोसीजर कोड के अन्तर्गत उनको लाभ मिले।

अब जहाँ तक इस कानून का सवाल है, मेरा यह कहना है कि इससे हमारे व्यापार में अव्यवस्था न हो, इससे लोगों को कोई कठिनाई न हो और इसी दृष्टि से हम ये अधिकार दे रहे हैं। लेकिन मूल में जैसा कि मन्त्री जी ने भी बताया कि जब तक उत्पादन नहीं बढ़ेगा, तब तक यह समस्या बिल्कुल हल नहीं होगी।

मनीनीय मन्त्री जी के भाषण से एक बात अप्रत्यक्ष रूप से यह मालूम हुई कि अनाज के संग्रह में यदि आवश्यकता हो तो कुछ ज्यादाती से भी काम लिया जाना चाहिये। वैसे तो हमारे प्रधान मन्त्री जी ने जो पत्र राजगोपालाचारी जी को लिखा था, उसमें इस बात का इशारा किया था कि इस तरह की कोई ज्यादाती, इस तरह का कोई कोएरेशन या कम्पलेशन अनाज की वसूली में नहीं किया जायगा। लेकिन मैं यह चाहूँगा कि मन्त्री

महोदय इस बारे में अपना स्पष्ट वक्तव्य भी दें कि काश्तकारों के साथ जरूरत से ज्यादा ज्यादाती नहीं की जायगी। इसका एक बहुत बड़ा कारण यह है कि हमारे यहाँ पर सीलिंग कानून लागू होने के बाद काश्तकार इतने अधिक बड़े नहीं रह गये हैं जिनसे हम अधिक मात्रा में अन्न प्राप्त कर सकें। इसलिये जैसा कि हमारे अर्जुन अरोड़ा साहब ने एक दम नाराज होकर के यह कह दिया कि उससे जबरदस्ती लिया जाना चाहिये, वैसा नहीं होना चाहिये और इस बारे में हमारे मंत्री महोदय जरा काश्तकारों की दृष्टि से लीनियन्ट रहेंगे, तो ठीक रहेगा।

और एक यह कि नगर के लोगों को, शहर के लोगों को, तो सस्ते दामों पर अनाज मिल सके और ग्रामीण क्षेत्रों को न मिल सके, उनमें लैंडसेलेस सूवरस भी है, लुहार भी है, सुनार भी है, बढ़ई भी है, सब तरह के लाभ है, तो उन लोगों के प्रब्लम के बारे में भी हमारे मन्त्री महोदय शान्तिपूर्वक सोच करके कुछ करेंगे, तो ज्यादा अच्छा होगा। और यह विदेशों के ऊपर आश्रित रहने से तो काम नहीं चलेगा।

अन्त में यही निवेदन है कि शासन ने अधिकार लिया है, तो इसका सदुपयोग हो यही प्रार्थना है।

SHRI C. SUBRAMANIAM: Madam, it needs no reply.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at ten minutes past five of the clock, till eleven of the clock on Friday, the 18th December, 1964.