

Saturday, 25th March, 1950



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

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PARLIAMENTARY DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Saturday, 25th March, 1950.

The House met at a Quarter to Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

MEETING OF INTER-PARLIAMENTARY GROUP

Mr. Speaker: Before we proceed to the business of the day, I have to announce to Members that the meeting of the Inter-Parliamentary Group which was fixed for this evening at 5.15 has to be postponed, because I understand that the Select Committee on the Finance Bill has not finished its deliberations and is going to sit today. A suitable date for the meeting of the Inter-Parliamentary Group will be fixed and notified in due course.

SOCIETIES REGISTRATION (AMENDMENT) BILL

Shri Sidhva (Madhya Pradesh): This is a Bill which I had moved during the last session. The hon. the Law Minister (Dr. Ambedkar) told me that he would like to take the opinions of the States. I would, therefore, like to know, before I formally move this Bill, as to whether the opinions of the provinces have been received. If not, I would like to have this Bill confined to the Centrally Administered Areas.

The Minister of Law (Dr. Ambedkar): Sir, in accordance with the promise that I gave when my friend Mr. Sidhva moved his Bill, that in view of the fact that this matter fell under the Concurrent List and according to the Standing Orders of the Government of India, it was necessary to consult the States before undertaking legislation, my Ministry had addressed a letter to the various provinces to ascertain their views with regard to the proposed enactment of a law as proposed by my friend Mr. Sidhva. I am sorry to say that on account of the pre-occupation of the various States, the replies of all of them have not been received as yet. I have received, however, replies from two States in Part A and some of the States in Part C.

With regard to the States in Part A, I have received replies only from Madras and Punjab and I am sorry to say that both of them are opposed to the Centre enacting such a piece of legislation. The Madras Government have said that they themselves have under consideration an exhaustive and comprehensive piece of legislation to deal with the points raised in this particular Bill. The Punjab Government have said that they realise the necessity of having a penalty.

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clause such as the one proposed by Mr. Sidhva, but they say that they themselves have recently enacted a law imposing such a penalty and so far as that particular province is concerned, no such legislation is necessary.

With regard to the States in Part C, the position that they have taken is this: that they have no such problem for the moment on hand. Some of them say that there are no such societies existing within their jurisdiction. Others have said that the law which my friend Mr. Sidhva seeks to amend has been very recently introduced within their area in the year 1949. There are no societies and there is as yet no experience to suggest whether any societies have violated the provisions of the Bill. That is the position as revealed by the replies given by the various States to which this communication was addressed. Some of the other important States such as, for instance, Bombay, U. P. and Madhya Pradesh have not replied. This is a matter placed in the Concurrent List and it is desirable that we should have the reaction of most, or the majority of the States in Part A before the Centre can undertake this legislation.

As I said last time, personally I do not think that anyone could really dispute the position taken by my friend Mr. Sidhva that if the provisions of this Bill have to be effective, it is necessary to have some such penalty clause. I agree with him. But my point is this that it is desirable to carry the majority of the States in making this legislation and as they have not as yet replied, personally I would have very much preferred that this Bill was either withdrawn or held back on the assurance that the Centre will grapple with the situation as and when time and circumstances permit.

Shri Sidhva: Sir, in view of the statement made by my friend Dr. Ambedkar that he is personally in favour of this Bill and that as this subject is in the Concurrent List he would like to have the opinion of all the important States, I would like to hold over this Bill. I cannot withdraw the Bill in any case. It is an important Bill. I know what is happening in the various societies. Therefore, I would request you to allow me to keep this Bill alive. I shall not move it now.

Mr. Speaker: If no motion is made this time, it will automatically be kept alive under the rules.

PUNISHMENT OF TAX EVADERS AND BLACKMARKETEERS BILL,

Prof. K. T. Shah (Bihar): I beg to move:

"That the Bill to provide for the punishment of tax evaders and blackmarketeers, be referred to a Select Committee consisting of Shri M. Anauthasayanam Ayyangar, The Hon. Shri Rafi Ahmed Kidwai, Sardar Hukum Singh, Shri Damodar Swarup Seth, Babu Hammarayan Singh, Shri K. Hanumanthaiya, Shri Shambhu Nath Shukla, Prof. N. G. Ranga, Pandit Hirday Nath Kunzru, Shri Ramnath Goenka, Shri Banarasi Prasad Jhunjhunwala, Shri T. T. Krishnamachari, Dr. Zakir Husain, Shri Jaipal Singh, Sardar Bhopinder Singh Man, Shri Hari Vishnu Kamath, Shri Mahavir Tyagi, Shri Raj Bahadur, Sardar Sochet Singh, Pandit Balkrishna Sharma and the Mover, with instructions to report on the opening day of the next session of Parliament."

The principle of this Bill, Sir, and its operation are closely connected, not only with the finances of this country, but also with the general welfare and progress of the country and its people. It is a matter, Sir, which should have found place, and in fact has found an indirect reference, in the last Budget Statement. But owing to the rigorous time-limit I felt convinced that it would be no use my offering any remarks on the financial statement. This, however, is a particular subject, among the many subjects covered by the

Budget, on which it is impossible to remain silent. I think the time has long since come when some effective and deterrent measures should be taken to guard against the evil rampant throughout the country of tax evasion and black-marketing.

In the days when those who now occupy the present Treasury Benches were in the Opposition, there was no crime regarded so evil as that of black-marketing and tax evasion, and I have the highest authority of the present Leader of the House himself who, in one of his speeches in those days, had prescribed the punishment as I am now suggesting in this Bill to these offenders against society. Today, I know the slogans which were used in those days are regarded, if not with contumely, at least with dislike and we have the eminent authority of the hon. the Finance Minister for saying that however useful those slogans may have been in the past, the circumstances having changed, those slogans may have to be revised. I am not quoting his exact words, but I trust he will not think that I am doing him an injustice in rendering the substance of his remarks in these words. He has been pleased in his reply to the Budget speeches to characterise the criticism of an eminent Member of this House as mere platitude. I am afraid, his own remarks in replying on two occasions were a series of platitudes and not a single one. Therefore, Sir, if platitudes are only to be used for dislike or contumely, I am afraid many of the noblest principles of life and activity would have to be sabotaged, as several of the slogans or ideas that the Congress party once upon a time held are, one by one, dropped, shelved or sabotaged.

It is not for me at this moment to quarrel with the attitude those in power now hold to the evils which are confessed as existing in our society today. I would content myself merely with pointing out the dimensions of the evil and the way in which we should cope with them. Unless we deal with the enemies of society in the only manner in which they understand, I am afraid the evil will spread and corrupt the entire body politic of this country.

We need not go very far in seeking authority as regards the dimensions of this evil. Something like 1,865 cases have had to be referred by Government themselves to the Tax Investigating Commission and, though that Commission has not been able to deal with more than a very small fraction, the revelations made by the report of the Commission will alone suffice to show the wide ramifications had immense dimensions of this evil in our society. Sir, I am not at all sure that the number of cases referred to the Tax Investigating Commission exhausts all cases that might have been referred. Obviously, for understandable reasons it is not possible or desirable to refer every one of those cases, nor perhaps would the results be commensurate with the expenditure involved if every one of such cases were referred. But I am sure in my mind that the cases that have been referred do not represent more than a very small fraction of the total number of those guilty in one way or another of this evil.

Sir, the devices that these tax-evaders practise are much too profound, much too widespread and much too ingenious to be always easy to detect. Therefore it is but fair to utter a word of congratulation and warm appreciation of those officers working under the Tax Investigating Commission who have already discovered quite a number of those devices which I trust will be useful in future for the ordinary staff of the Income-Tax Department. I would not like to take the time of the House in going over these various devices which we have now, on the authority of the Investigating Commission, before us. But such evils as keeping a double set of books or making false entries or deliberately defeating the purposes of taxation by *benami* transactions or by having a variety of complicated chains of all sorts of intermediaries so as to defeat the purposes of taxation are all there. These are matters perpetrated by *malice-pensee*, so to speak, deliberately, with the intention of

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defrauding the Chancellor of the Exchequer and ought not to be looked at as mere bagatelle and as such should not be glossed over as ordinary human failures. I have been told by a distinguished Member of this House that the Bill that I am suggesting would result in the elimination of the most eminent, the most intelligent, the most beneficial class of society. I for one am not inclined to agree with him not shed a tear if ever we succeed in eliminating this hostile element from our society. Personally, I regard tax-evaders and black-market perpetrators, as a sort of vermin which ought to be extinguished. They are a sort of plague which cannot do any good to society unless it is abolished in the root, so to say. Taking that view, therefore, Sir, the punishment that I am suggesting is by no means excessive nor will a symbolic punishment of the immediate perpetrator end the evil results of all the evil actions that he has been guilty of in his life so long.

The authorities on phrenology are agreed that punishment is not always curative. It may be deterrent and I hope the punishment suggested in my Bill would suffice, at any rate, to deter those malefactors who have hitherto gone scot-free, but who profess to appear or have been made to appear as benefactors of society. They are experts in hood-winking the officers of the Income-tax Department. Not only that, they are so expert in hood-winking society that they pose as guardians or pillars thereof by donating a few hundreds or thousands or lakhs in charity. I personally regard this as nothing but a wholesale or large-scale operation of bribing good men, thereby securing for themselves an honourable place in this world and trying to reserve a first-class berth for themselves in the world-to-come.

These are operations which cannot be looked upon with any light-heartedness. As such, in all seriousness, in all earnestness and with utmost gravity, I have brought forward this Bill if only to indicate the degree of indignation and sense of hostility that we ought to feel towards such elements in our midst.

I realise that it is difficult to discover all their operations, bring to light all their mischief. Therefore it may be that we might be obliged ourselves to adopt ways and means which under normal conditions and under ordinary circumstances we would not like to adopt. It has been said, Sir, that the moment the control on cloth was removed, hundreds of those engaged in cloth production and those engaged in dealing in cloth made enormous profits which have not yet been discovered. These are not all amongst the cases that have been referred to in the list presented to the Tax Investigation Commission. Whether or not they are all included, it is also true that the devices which are at our disposal are such as may not succeed, probably will not succeed in unearthing all their operations, and suggestions have been put forward whereby if rewards are offered to those who could bring information to the authorities concerned for discovering these malefactors, for laying open their objectionable operations, this might perhaps be more successful. Speaking for myself, Sir, I would not like, even against these elements in our society to encourage another evil of informers, tale bearers and spies. We have had enough of corruption in our country so far, and it is not right and proper that we should add to it by breeding a race of informers or encouraging spies. But I am constrained to add, when I look at the immunity with which these perpetrators have been working all these years, looking at almost the encouragement they seem to receive from the ordinary, rather the vocal element of society, looking also at the other unseen evil effects of their operations, in the shape of barren accumulation and unbalancing of our economy, looking at all these things, I feel if we could by encouraging or resorting to informers successfully bring to notice that which the normal process, after all, cannot reveal or cannot display, we may have even to resort to rewarding such attempts. Though not at present inclined to include this in the Bill as it stands, I am willing that

proposals of this character may be considered by the Select Committee which if agreed to will, I am sure, go into all parts of this measure. A Bill with three or four clauses is not, by itself, enough. I am aware—and none can be more so—of the complexity of a measure that would have to be adopted if this evil is to be effectively and finally dealt with. There is deliberately no time limit put on the operation of this measure by me, for I think, so long as the very foundations of society are not changed, so long as this whole evil of private property and profit motive are not abolished, so long as real economic equality in a truly democratic society is not secured, and those who have, continue to have more and more, and those who have not, continued to remain destitute, I say, so long a measure of this character will be necessary. I would, however, agree that if within a reasonable period, say three or five years, within a period that can be measured by the generation that is now alive and feels the pinch of this evil, if we can be convinced that there is real change of heart, that the appeals made time and again by the leaders of society to the owners of wealth, to use it for the benefit of the public or the country from which they derive it, and not merely for barren accumulation or for aggrandizement, if we can be persuaded that there is such a change of heart, then I would be myself willing to say such measures may be unnecessary and as such may be abolished. But so long as that state of society is not achieved, so long as profiteers continue not only to profit for themselves but to exploit and oppress others, directly or indirectly, so long as society pays a premium upon such operations of theirs, so long, I think measures of this character are necessary, and the utmost punishment that we can award to these people, I believe, would be a very mild dose to them, to learn to reform their ways.

With these words, Sir, I would commend the measure to the House, and in case there are any really serious objections or alternative suggestions I would be willing to consider them. I commend the motion to the House.

Mr. Speaker: In the list of names given to me, the hon. Member has included the name of Shrimati G. Durgabai, but when he read the motion, he did not . . .

Prof. K. T. Shah: I am sorry, I must have omitted it while reading.

Mr. Speaker: Then it is sought to be included now?

Prof. K. T. Shah: Yes, please.

Mr. Speaker: Very well. Motion moved:

“That the Bill to provide for the punishment of tax evaders and blackmarketeers, be referred to a Select Committee consisting of Shri M. Ananthasayanam Ayyangar. The Hon. Shri Rafi Ahmed Kidwai, Sardar Hukam Singh, Shri Damodar Swarup Seth, Babu Ramnarayan Singh, Shri K. Hannanthaiya, Shri Shambhu Nath Shukla, Prof. N. G. Ranga, Pandit Hirday Nath Kunzru, Shri Ramnath Goenka, Shri Banarasi Prasad Jhunjhunwala, Shri T. T. Krishnamachari, Shrimati G. Durgabai, Dr. Zakir Husain, Shri Jaipal Singh, Sardar Bhopinder Singh Mau, Shri Hari Vishnu Kamath, Shri Mahavir Tyagi, Shri Raj Bahadur, Sardar Sochet Singh, Pandit Balkrishna Sharma and the Mover, with instructions to report on the opening day of the next session of Parliament.”

An Hon. Member: What about the question of quorum?

Mr. Speaker: The quorum is now given in the rules.

The Minister of Finance (Dr. Matthal): I would like at this stage of the debate, to make a few comments on the motion which has been moved by my hon. friend Prof. Shah. I agree that he has raised an important matter for consideration of the House; and in principle I agree with him that strong, deterrent action is required in regard to anti-social conduct of the kind to which his motion relates. But, speaking on behalf of Government, I regret I am not in a position to accept the motion as it stands, neither the form in which the

[Dr. Matthai]

Bill has been formulated, nor the precise proposals which are embodied in it. I think the matter requires fuller consideration in the light of the whole context of law and administration bearing upon these problems. The House is aware that it is our intention to place before the House at a very early date, a Bill for a comprehensive amendment of the Indian Income Tax Act, based principally upon the recommendations which have been made by the Income-tax Investigation Commission. I hope it will be possible for me to introduce that Bill before the end of this session. In that Bill, this particular problem which Prof. Shah has raised is one for which proposals are to be made. The particular proposal that we have in mind which will be included in the draft Bill is that in the case of persons who make false statements in regard to their income-tax returns, their position should be exactly the same as those who fabricate evidence in a judicial proceeding.

The position at present under the Income-tax Act is that a person who makes a false statement in connection with his income-tax returns is liable to be sentenced to simple imprisonment for a maximum period of six months with fine. The provision which we are going to put into the Bill which will shortly be placed before the House is that a person who makes a false statement should be dealt with under the provisions in the Indian Penal Code which deal with fabrication of evidence in a judicial proceeding. Therefore, if that provision is accepted by the House, the penalty involved would be increased from six months simple imprisonment to 7 years imprisonment of either description. It seems to me therefore that that Bill will provide the House with ample opportunity of examining this particular question, not in isolation but as I said, in the whole context of Income-tax law and Practice and I suggest therefore respectfully to the House that it should reject this Motion at present and wait for the opportunity which this Bill would give to the House.

There are other recommendations which have been made by the Tax Investigation Commission on this question. The line that they have generally taken in regard to this matter is that it is not so much penalty in the way of imprisonment and fine which will really act as a deterrent. What is necessary is to bring social odium to bear upon people who commit anti-social offences of this kind and one of the suggestions that they have made—which of course it would be open to the House to examine on the basis of the Bill that we are going to bring before the House—is that the names of tax-evaders should be published. Another is that they should be disqualified from appointment to positions of trust which it is in Government's power to confer e.g., appointments to Port Trust, appointments as Justice of Peace. It is open to the House also to consider whether they should not be disqualified from standing for elections. These forms of social censure would probably act as a stronger deterrent.

I may say that this is a matter which has engaged the attention of the Government in recent months. A few months ago under instructions from the Prime Minister we issued directives to various Departments of Government that in the matter of giving contracts and licenses for export and import, we must insist that the applicants must produce a clean income-tax record. We have been acting on that. Of course the introduction of O. G. L. to some extent has prevented us from making the fullest use of it. So the matter is already engaging the attention of Government on lines somewhat similar to those suggested by Prof. Shah but in a manner which is more in accordance with the practical requirements of the situation.

The Bill covers not only the question of tax evasion. It involves also the question of blackmarketing. Offences of that kind are at present dealt with under the Essential Supplies (Temporary Powers) Act. The penalty provided in that

Act is that those who are guilty of offences under that Act might either be sentenced to imprisonment of either description for a period of 3 years or might be fined or the property involved might be forfeited to Government. I personally think these penalties are sufficiently severe, particularly the provision in regard to forfeiture of property.

I would like to say in connection with the operation of this Act—and that applies to some extent also to the question of evasion—that the real problem is not to make suitable legislative provision. That of course is necessary but the really important thing is to provide for satisfactory administration of such legislative enactments as you have on the subject. Because those who have had any experience of the practical administration of anti-corruption laws will realize that the real difficulty is not that legislation does not provide for sufficient penalties, the real difficulty is to establish sufficient evidence to have the guilt brought home to the party concerned. I am therefore inclined to think that if the House is going to deal seriously with this matter, it must direct its attention not so much to fresh legislation as to the question of implementing existing legislative provision in a more satisfactory and effective manner. I myself have had experience of the way in which the anti-corruption arrangements that we have set up sometimes work. I still remember three years ago when I was in charge of the Railways and we established an anti-corruption organization for dealing with offences of this kind, it was represented to me by important interests that they had now to accommodate not merely railway officials but also anti-corruption officials. So the really important point to my mind is to stiffen the administrative organization required. It is in this direction that we could find an effective solution.

My suggestion, therefore, to the House is that it should reject this Motion at present and should avail itself of the opportunity of having the whole question re-examined in the light of above facts when I bring forward a Bill before the House which I hope to do before the end of this session.

Shri M. A. Ayyangar (Madras): The need for putting down both black-marketing and tax evasion cannot be over-emphasized but as the hon. the Finance Minister has observed, there is ample provision under the existing law to deal with these.

So far as tax evasion is concerned, the Finance Minister just now said that he is contemplating to introduce a Bill where false statements given to Income-tax authorities will be punished more severely than they are at present, and brought on a line with offences set out in the Indian Penal Code. The Penal Code makes this offence punishable with imprisonment for 7 years. If imprisonment is made compulsory, even a period of 7 years is not necessary. Even a period of 3 months will be sufficient. When that measure is under contemplation, by the Government I do not think this Bill is necessary. That will be a more comprehensive Bill.

So far as blackmarketing is concerned, it is regrettable that we have not been able to catch many blackmarketeers, though there is more than ample provision made in the several Acts. Let me take only three instances. Take the Act 24 of 1946. That is an Act to provide for the continuance during a limited period of powers to control the production, supply and distribution of and trade and commerce in, certain commodities. It says:

“In this Act, unless there is anything repugnant in the subject or context,—

- (a) ‘essential commodity’ means any of the following classes of commodities:—
- (i) foodstuffs,
 - (ii) cotton and woollen textiles,
 - (iii) paper,
 - (iv) petroleum and petroleum products,

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- (v) spare parts of mechanically propelled vehicles,
- (vi) coal,
- (vii) iron and steel,
- (viii) mica, etc."

Now, with respect to each one of them, a Control Order has also been issued, wherever it was found that this general Act was not enough. Let us examine the provisions of this Act. It empowers the Government to frame rules relating to the prices at which articles should be sold, the quantity beyond which no person could have in his possession, the time within which he must dispose of his stock, etc. That is, if he sells an article beyond a particular price, he will be guilty of an offence; if he does not sell the commodities in his possession before a particular time, he will be guilty of an offence; and if holds beyond a particular quantity, he will be guilty of an offence.

Then take the investigation into these offences: Special provisions have also been made for this purpose. Part (j) of sub-section (2) of section 8 of this Act provides:

"for any incidental and supplementary matters, including in particular the entering, and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor."

It is a very comprehensive Act. If any investigating officer thinks that a contravention of the order has been, is being or is about to be committed, he can enter any premises and seize any articles with respect to which an offence is contemplated under that Act.

Now, a person apprehended by the investigating officer cannot escape by saying that some other person has committed that offence. Section 9 of this Act says:

"If the person contravening an order made under section 3 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention."

That is to say, each one of them shall be liable individually, unless he proves that he has had absolutely no knowledge of the offence committed or that he was in England or America when it was committed. Therefore nobody can escape.

Then as regards the burden of proof, under section 15 the burden has been imposed, not as in ordinary criminal cases on the prosecution, but on the man prosecuted. Under ordinary criminal law, every man is presumed to be absolutely innocent until he is proved to be guilty. Now, this procedure is reversed so far as these Control Orders are concerned. Section 15 says:

"Where any person is prosecuted for contravening any order made under section 3 which prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document, shall be on him."

Therefore, the burden has also been fixed on the man prosecuted.

Now, what are the punishments? Three years is the term of imprisonment. It may be a fine or it may be both. Later forfeiture also was included by Act No. LXIV of 1948. It provides:

- (a) where the contravention is of an Order relating to cotton textiles, the Court shall—
 - (i) sentence any person convicted of such contravention to imprisonment for a term which may extend to three years and may, in addition, impose a sentence of fine, and
 - (ii) direct that any property in respect of which the Order has been contravened or such part of it as the Court may deem fit shall be forfeited to His Majesty's."

That means that the articles with respect to which the offence has been committed may be forfeited. A fine also may be imposed. In addition, there may also be imprisonment.

Now, with regard to false statements, section 10 says:

"If any person--

- (i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both."

Now, in the case of the magistrate who has to try the case, it might be said that this power may be there, but the party concerned may cause to have one thousand witnesses to be examined and thus gain time. But under section 12, a magistrate can try the case summarily.

Therefore, I do not think that this Bill is going to improve the provisions of the already existing Draconian Act which I have just referred to and which we have already passed. It is not as though very stringent provisions are not already there on the Statute Book. The fault lies actually in the administration. I know that with respect to both the Provincial and the Central Governments, there is an Anti-Corruption Department attached to each Ministry. I know that in the Commerce Department of the Government, a retired Accountant-General who did not have anything to do with the Department was appointed as the Anti-Corruption Officer, and all complaints relating to import and export permits and licences were placed before him and he used to go from place to place. Likewise, with respect to the Communications Department. In the Posts and Telegraphs Department there was an Anti-Corruption Officer who was independent of that Department. Likewise, I am aware that in the Province of Madras, there is an Anti-Corruption Officer. What is necessary is to tighten the administration. I do not think we need another Act, because I do not think we can improve upon the existing legislation. This will be only another piece of legislation, except that instead of three years imprisonment and/or fine and also forfeiture of property, you can impose a death sentence or transportation for life. I do not know, but you may be able to terrorise people to some extent with this, but it will not work. If you want to impose the death sentence for selling salt or pepper or whatever the controlled commodity may be, at 12½ annas instead of 13 annas which is the controlled rate and thus making a profit of ½ anna, it will remain merely a paper threat. It will only mean some more bribing of the Anti-Corruption Officers. I am not against Anti-Corruption Officers. So long as human institutions exist, there will be a certain amount of corruption, but that does not displace the necessity for providing against evasions of law as far as possible. I fully agree with the object of the Bill, but there are already provisions on the Statute Book to deal with such cases and which are very rigorous, and there are also anti-corruption agencies in the various Departments.

Shri B. K. Chaudhuri (Assam): What about abetment of such offences?

Shri M. A. Ayyangar: Abetment is also an offence. I would also refer to another matter, that is the general morale of our country which should also be raised. Unfortunately we ourselves go to the black-market when we find that we are short of anything. If a guest comes suddenly, we do not tell him that he must go to a hotel. Immediately we send our servant—we do not tell him that he should go to the blackmarket—but ask him to manage the thing somehow. He pays perhaps half a rupee more and gets the thing. If there is no sugar, we are not prepared to put up with it. We think we

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were born with sugar and we will be buried with sugar. If enough sugar is not there, we do not put up with it. We try to coerce the Government and also coerce ourselves, pay something more and try to replenish our stock. Therefore, while appreciating the object of the Bill, I would respectfully say that there is absolutely no need for it. It is not going to improve the existing law. And machinery also is already there. I would request the Government to tighten up that machinery and see to it that the law is administered irrespective of consequences, irrespective of who the person involved is. The taller the man, the better it is if he is found guilty and punished. Even a day's imprisonment is enough in the case of a big merchant. Let him be caught. The whole thing lies in the process of catching. You must appoint proper officers. On the other side, also, I would say, let us not escape the responsibility of being witnesses. If I purchase an article in the black market, let me come forward and say that I purchased it, even if I should be guilty of that offence. This is an offence which could be committed both by the public and by the merchant. The merchant is certainly responsible to a larger extent. To catch him the law is there already and I do not think this new piece of legislation is necessary. It is not going to improve the present position and therefore I am not in favour of the reference to the Select Committee.

Shri Nazruddin Ahmad (West Bengal): I have listened with considerable attention to the two virtuous speeches just now made. The problem does not admit of any delay, but somehow or other, delay dogs the foot-steps of the Government in dealing with this important subject.

The hon. Minister Dr. Matthai admitted that the disease is widespread and that something must be done. But, what he has ultimately agreed to do is only to consider the matter. I think that no further time should be wasted in merely considering the matter. The fact that a Bill of a more comprehensive nature is under contemplation of Government would again postpone an urgent but an unpleasant duty. The problem is acute and should be tackled at once with the severest possible measures.

The two hon. Members who have just now spoken have very much advertised the virtues of the existing Acts. It was contended that the existing Acts were sufficiently deterrent in their provisions. I respectfully agree with them in their abstract principle; but in order to make the existing Acts really effective, strong Government action is necessary. It is admitted by both the hon. Members that this is necessary and it is also practically admitted that Government is lacking in vigorous action. In fact, the working of the existing Acts shows a lamentable want of determination on the part of the authorities to prosecute the biggest defaulters. Those who are prosecuted are petty individuals who have sold salt or match boxes or things of that sort at a higher price referred to by my hon. friend Mr. Ayyangar. The difficulty that the public have to face is that the Government is not strong enough or willing enough to tackle the biggest defaulters. If you prosecute very unimportant and frivolous cases, drag on the police enquiry indefinitely, and drag on the court proceedings for an indefinite length of time, and ultimately punish the poorest and the smallest criminal, black marketing will not be stopped. I submit the existing Acts have failed not only in their provisions, but also in their working. There are deterrent provisions, but they are not deterrent enough. I therefore submit that a more deterrent punishment, a more spectacular punishment which will catch the imagination of the public and which will strike terror into the hearts of the potential criminals, is needed. In fact, the hon. mover's suggestion that there should be death penalty or at least transportation for life, would be very spectacular. My hon. friend Mr. Ayyangar has criticised that idea and stated that it would be unsuitable for a man who sells salt or sugar at a slightly higher

price. I do not think that these punishments are really intended by the mover of the Bill to apply to petty cases.

An Hon. Member: "Shall be punished".

Shri Nasiruddin Ahmad: If the provisions are wide enough to include the poorest and smallest criminals, they may be modified in the Select Committee. I should think that with regard to the biggest criminals, those who are most fashionable and belong to the most respected classes of our society, something should be done. I would suggest that another kind of punishment should be added, and that is public flogging.

Shri R. K. Chaudhuri: After his death sentence?

Shri Nasiruddin Ahmad: It would be more spectacular if you flog a man after he is hanged. What I submit is that the punishment should strike terror into the hearts of criminals who are so persistent in their crimes. Somehow or other, that will to succeed is lacking somewhere. I submit that the Bill should be sent to the Select Committee. It should be modified and it should be made applicable to the biggest cases and not to the smallest, and the punishment should be psychologically adequate.

Sir, something has been said with regard to the attitude of the public. I submit that the public are entirely helpless, and they look on the Acts and their working with some kind of fear and wonder. Black-marketing goes on openly without anybody being answerable for it. The biggest criminals do not receive any attention at all, or if they receive any attentions, they are like the attention of affectionate friends and relations. I therefore submit that action under the proposed legislation should be swift, should be strong and should appeal to the public. The procedure under the existing Acts is of a most dilatory character, and it should be shortened. The enquiry should be swift, the court procedure should be shortened, the enquiry should be summary, punishment should be swift...

Shri Syamnandan Sahaya (Bihar): The penalty should be death.

Shri Nasiruddin Ahmad: And the penalty should be death in some cases and it should be reserved for the most important cases, the most glaring and most dangerous cases. This punishment of death has caused some amount of amusement in the House. This is not an unusual thing. In Germany they had absolutely wiped out black-marketing and corruption by this kind of punishment. I believe this punishment is prevalent in France and some other countries. I submit, Sir, that some drastic action should be taken, both legislatively and administratively. If the will to put this down is lacking on account of the fact that the sinners are the highest and the best in our society, it would be a hopeless matter to expect any redress. Under the circumstances, something more should be done. This is a matter which has attracted wide public attention and the problem is understood and well known. The remedy should not be delayed on the mere ground that this should wait for administrative convenience. I therefore fully support the provisions of the Bill and would ask Government, in all humility, to act at once to show to the world that they are not going to tolerate any such thing, that simply because of the influence and wealth of the criminals nothing is to be done. This idea should be dispelled once for all and then and then alone some relief could be given. The public cannot be held to be guilty of connivance. They are not criminals; they are not associates in crime; nor are they accomplices. They are perfectly helpless in the matter. They are really the victims of this crime than willing cooperators. They are not sure that any serious action would be taken if any information is given to the authorities. On the other hand, a man who informs the authorities of serious crimes would be boycotted by the black-marketeers or put to

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difficulties: his essential supplies may be stopped and he would be without remedy. The problem should not be shelved nor delayed. It should be met on the spot, the crime should be detected at once and brought quickly before the court and the punishment should be swift and severe so as to catch the imagination of the public and strike terror in the most influential criminals.

Shri B. Das (Orissa): I do not feel elated that the hon. Finance Minister is going to bring in another Bill to tighten income-tax collection. Though my hon. friend the Finance Minister has been a Barrister, he has fallen into the trap of the lawyers in this House and outside and has always been legislating and bringing in tribunals where the lawyer elements preponderate. They carry appeals from one court to another and my hon. friend does not collect any more income-tax than he does at present. Any further Bill that my hon. friend may bring on the floor of the House will not help. First he must abolish the Tax Evasion Investigation Commission, which, unfortunately, he told us the other day, he is not going to abolish and that it would last one more year.

If our country is suffering from black-marketeers and tax-dodgers, they are being abetted by the professional tribe of lawyers that pervade all over the country.

An Hon. Member: Bring a Bill to punish them.

Shri B. Das: It is the black-marketeers who are responsible for the present inflation. In the recent sugar muddle at least fifty crores of rupees have passed from the common man's pocket to the pockets of the black-marketeers and can my hon. friend the Finance Minister say that he would be able to touch one thousandth per cent. of that money in the shape of tax? No. That money is simply floating about and those of us who are accustomed to see "Shankar's Weekly" are familiar with the physiognomy of the black-marketeers and tax-dodgers. If inflation is to be checked the black-marketeer has to be controlled.

The hon. Finance Minister has sympathy for the objective of my friend Prof. Shah's Bill. I know Prof. Shah intimately for the last thirty years. He is a very non-violent man and he cannot wish to do harm to anybody. If he came to the conclusion that the black-marketeers should be punished with the death penalty, I am sure he has suffered terribly to come to that conclusion. I know that that proposition is not acceptable to my hon. friend the Finance Minister or even to the Deputy Speaker, Mr. Ayyangar. I am not a lawyer but when I heard arguments that the former British Government had legislated and had given sufficient powers to the Income-tax officers to collect proper taxes or to punish black-marketeers and tax-dodgers, I felt a little stunned. My friend Mr. Ayyangar thought that it was the fault of the administrative authorities that the Acts have not been implemented. A law may be passed with the best of intentions but it gets into the hands of the tribe of lawyers and some of them take Rs. 50 and some others Rs. 50,000 for the interpretation of a particular law point, and we find that all this legislation which we have enacted with all good intentions, to serve the country, to raise the social and moral consciousness as also the dignity of the people, all become failures and futile.

How is the Government going to fight this inflation, this complete demoralisation and the debacle that have come about in the country? For three years we have watched the absence of social consciousness on the part of the black-marketeers and tax-dodgers. Like the evil genius or the incarnation of the Devil they are hovering all over and today our social existence is in the grip of a vicious system. My view is let the Government examine the suggestion which Prof. Shah has brought out in this Bill.

I do hope that the Finance Minister will realise that whatever laws may be passed are not sufficient. We found that two eminent lawyers like my friend

Pandit Naziruddin Ahmad and Pandit Ayyangar putting in their interpretations on the application of the Acts. A Government must run and our Republican Government must get sufficient money to run its own administration and for that a social consciousness must be developed. I have said before and I again say that the President should promulgate an Ordinance against black-marketeers and tax-dodgers. After we go away from Delhi in April the President may issue an Ordinance that whenever a man is suspected of black-marketing and thus adding to the inflation that man should be summarily tried, and punished. I am not so violent as to suggest the death penalty but let them all be interned at Ahmadnagar...

An Hon. Member: Why Ahmadnagar?

Shri B. Das: All right, let us not spoil the sanctity of that place. Let them all be put into one jail or internment camp.

I have enquired of my hon. friend the Finance Minister and his advisers and I found that no Indian moneyed man has ever paid his dues voluntarily. I have heard it said that in England people pay cheques to the British Treasury, because they think that those taxes are due to the Government. This moral degradation of Indians who are not patriots.....

Dr. Matthai: I do not remember having made a statement of that kind.

Shri B. Das: May I enquire if my hon. friend has ever received any cheque or payment from any tax-dodger any time voluntarily?

Dr. Matthai: I think that the statement that the hon. Member made was that he gathered from the Finance Minister and his advisers that no assessee had ever voluntarily paid his taxes to the State.

Shri B. Das: I did not mean that every assessee pays his tax but those who evaded taxes. Even the representatives of the black-marketeers that one meets round the street corners said that they were willing to pay ten to fifteen crores of tax which had been evaded. But where the moral sense or honesty on the part of the tax-dodgers to pay Dr. Matthai his dues is lacking, how can he maintain the social well-being of India? It is a pity, and it is a shame and humiliation to me that the monied and the rich classes should avoid taxation and that none of them have the social sense to pay up their tax dues, and yet these people try to influence our social development and our social and moral sense in our public and private spheres of life. They are moral lepers and wrecks and they should be interned somewhere. But if we legislate, the new legislation that is coming, or follow the old Act—the Control Orders Act—which my friend the Deputy-Speaker quoted, we will never be able to punish one tax-dodger or one black-marketeer. Sir, the question is let the Government think, let the Cabinet think—if we are not in a position to give proper advice to the Cabinet—let them think how this demoralisation of the society will vanish. If there are tax-dodgers on the level of crores and crores, the demoralisation descends to the lower level also, and one who has to pay ten thousand rupees to the coffers of the Government does not also pay. So there is a sort of demoralisation simply because a few top mischievous brains are scheming and they take pleasure in evading payment of all taxes, and even boasting their right to such tax-dodging. To me it is most alarming. This is not the first time that I have had to express myself on this question and I repeat my sorrow and warning on the floor of the House again that this social corruption must be rooted out. Whether it should be done with punishment of death sentence or with internment, I am not much concerned. But I think some Ordinance must be immediately enacted by which such people would be put in internment. I shall speak again at the time of consideration of the Income-tax Bill which my hon. friend will bring in. He may find me having prejudices against tax-dodgers. But let us have faith in the Income-tax Department and

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its officers. Let us give them such power as will enable them to collect such taxes without the intervention of any tribunals. The Assistant Commissioner holds an appeal court, then the Income-tax Commissioner holds another appeal court, and then there are the Tribunals with a bunch of judicial officers. And by-the-by, yesterday I read strong comments made in a bulletin that the Trade Disputes Tribunals which have been recently formed do not understand their duties, that they interpret their duties differently, that they have different verdicts about the settlement of similar trade disputes. And somehow my hon. friend Dr. Ambedkar is appointing more and more tribunals with the pitiable faith in the doings of judges and lawyers. He thinks that if a man has been a judge anywhere he can interpret things and render justice in every case—be it labour tribunal or trade disputes tribunal or any other tribunal. Sir, that is a very wrong notion. If the lawyers are 100 per cent. in India of 34 crores of people, do you mean to say that others will not have a higher moral sense and a higher sense of arbitration? Why do we bring in the lawyer element, the judicial element, in tribunals of Income-tax? (*Interruption*). It has happened that lawyers have gone away with lakhs and lakhs of rupees which is not their real earning. If my friend Sjt. R. K. Chaudhuri can unseal his lips, my friend can tell me how much money has illicitly passed to lawyers...

Mr. Speaker: Order, order. I am afraid the hon. Member is going off at a tangent. He should come to the Bill before us.

Shri B. Das: I will wind up my speech, Sir. I do hope that when the other Bill comes, my friend will see that it is a realistic Bill and not a legalistic Bill. As regards the Bill now before us, I have full sympathy with my esteemed friend Prof. Shah and I think that he has done us a signal service in introducing the Bill. But I do hope that he will leave it to my Government...

An Hon. Member: Our Government.

Shri B. Das: Our Government—I apologize—to bring an Ordinance to tackle all tax-dodgers.

Pandit M. B. Bhargava (Ajmer): The Bill that has been sponsored in this House by my hon. friend Prof. Shah aims at hanging by neck every tax-dodger or a black-marketeer. In all humility I would like to ask my hon. friend as to what punishment he prescribes for those persons who are responsible for creating conditions in which this evil of black-marketing has come into existence.

So far as this Bill is concerned, it only aims at enhancing the sentence, raising it to transportation for life or death. But it does not introduce a novel principle in the realm of law. There are laws, as has been pointed out by my hon. friend the Deputy-Speaker, which prescribe punishment by way of imprisonment for the commission of these offences. But what has been the regrettable history of the administration of these laws? You may turn the pages of history during the last three years and you will seldom find an instance in which a real black-marketeer has been brought to book. If the defect of law has been responsible for this omission, then of course we can say that the law must be tightened, must be made more rigorous. But the facts are that the administration has failed, and failed miserably, to bring to book those who have been responsible for this black-marketing. Therefore, if this House is serious, the question that we have to tackle today, tomorrow or the day after is how and in what way the conditions that prevail are to be set right.

I asked a very relevant question at the very beginning as to what punishment does the author of this Bill prescribe for persons who are responsible for

bringing these conditions into existence. This is a legacy that we have inherited from our British masters. Prior to 1943 there were no control measures existing in India. It was for the first time in June 1943 that textile control was introduced by the Government of the day. And from September 1943 the entire export and import trade in foodgrains was taken over from the normal trade channels by the Government in its own hand. It is after these control measures came into existence that we began to hear about this evil of black-marketing. Prior to that perhaps very few of us had even heard the name 'black-marketing'. Therefore, not only those who commit this offence are the offenders but the real offenders are those who are responsible for creating these conditions and, further, who are responsible for perpetuating these conditions. My conviction is that until and unless those conditions disappear from the scene, this offence cannot be set right. Whatever laws you may make, whatever decrees you may introduce, they will be no answer at all for the elimination of this evil. This evil of black-marketing has caused immense hardship to Government by depriving it of its revenues. Not only that, it has led to a very regrettable thing—a thing which is much more regrettable than any other—i.e., the degeneration and demoralisation of the nation's morale. Therefore, we have to see that it is effectively checkmated and counteracted. I for one think that every Member of this House is responsible directly or indirectly for its perpetuation, because every day we have been passing laws and introducing more and more controls without ensuring that those controls are administered on healthy lines. Therefore, in my humble opinion, the remedy lies not in the enactment of laws or making them more rigorous, but in doing away with the control measures themselves from the public life of the country. After a good deal of consideration of every aspect of the question, I have come to the conclusion that in the larger interests of the nation, controls must go lock, stock and barrel. It is they who are responsible for the evils of black-marketing, corruption and so on.

Then, Sir, my hon. friend Mr. Tyagi said the other day that the hon. the Finance Minister's Budget is coloured with an urban bias. My complaint goes further. I say that not only the Budget proposals but even these control measures and their administration are coloured with an urban bias. After all, I ask you, for whom does the control on food exist today? If you look at the administration of food controls, the inevitable conclusion to which you reach is that they are for the exclusive benefit of the urban population, who number about 10 to 15 per cent. of the total population. From the brochure circulated by the Ministry of Food, we find that the towns that are under rationing number about a 1000 and the population affected is about 129 million. Now, it is for the benefit of these 1000 towns that this elaborate machinery of control has been brought into existence at an enormous and colossal expenditure of public money, in addition to creating a general moral depravation and depravity among the people at large. The justification given for this from the Ministerial Benches is that there is a deficiency of food in the country and therefore the controls should continue. But the question is: Has anybody applied his mind to and seriously thought over this question? Has Government been able to gather reliable statistics about the total grain produced in the country? Government admits its failure to assess what is the total production of foodgrains in the country. If we are not even able to estimate that, I wonder how any control measure can be successful. How can it be successful until and unless we have information about the commodity, its source and its progress from the hands of the producer to the hands of the consumer? In fact, these controls were introduced by our British rulers on the analogy of controls in England. We have slavishly imitated what we inherited as a legacy from them, even though these controls are not suitable and proper for our country. My respectful submission is that, so far as the question of food control is concerned, it has

[Pandit M. B. Bhargava]

been absolutely ineffective and has meant not only colossal loss of public money but also it has had a very bad effect on the morals of the people. It is only the rural population that has benefited by rationing. I want to point out the anomalous position that exists in my province in regard to its administration.

Mr. Speaker: Order, order. I may point out to the hon. Member that it will not be pertinent to enter into the details of the administration of food controls. His chief point is that controls are the cause of this evil and that point, I believe, he has sufficiently made out. He need not go into the details; otherwise, this will become a debate on "controls or no controls".

Pandit M. B. Bhargava: I respectfully bow to your ruling, Sir, but I would like to close my remarks within a few minutes. I was just going to point out the anomalous position to which these controls have brought us in my own province of Ajmer-Merwara.

The other day the hon. Minister of Agriculture and Food admitted on the floor of the House that even in rural areas barley and gram of a very bad quality are being sold at 2 seers per rupee while imported wheat of a very good quality is being supplied in the urban ration shops at the rate of 3 seers and 4 chataks per rupee. This instance shows that these controls exist only for the benefit of the urban population and out of this population, at least 60 per cent. is prepared to purchase commodities at whatever inflated prices they may be available. Therefore, my respectful submission is this: Unless and until the causes responsible for breeding this black-marketing are put an end to, black-marketing cannot cease to exist. Not only in the realm of food control but in those of textiles, cement and others, if we are to raise the moral level of the people, if we are to restore normal conditions, if we are to eliminate and do away with the evil of black-marketing, the sooner all control measures are put an end to the better it will be for us. The law has so far failed to bring into its clutches persons involved in black-marketing. The history of the administration of these controls is a regrettable chapter in the accomplishments of this Government. In my own province I know who are the victims of these laws. They are not those persons who make lakhs and lakhs of rupees—these people have got resources enough to be above the clutches of law. It is rather unfortunate that our public officers are keen more on bringing to book innocent and illiterate villagers on some technical infringement of laws, while the actual culprits go scot-free. These poor villagers are dragged to the courts of law where they remain on trial for months and years. Meanwhile the food-grains and other commodities which are taken possession of by the police from these villagers rot and by the time the man is convicted not a grain is left unspoilt. This is the regrettable manner in which control regulations are being administered.

Within the past four or five years the administrative machinery has considerably deteriorated. This fact was admitted even by the hon. the Finance Minister the other day on the floor of this House, that the machinery has proved absolutely ineffective and is responsible to a certain degree for many of the evils that exist today. If that is the admission of the Government Benches and if they are not able to tone up the machinery, the only reasonable course that we could think of is to do away with these controls and restore the normal trade channel. This will naturally mean a death-blow to the black-market as such.

So far as the other offence of tax-evasion is concerned, I have full sympathy for the objects which the hon. the Mover of this piece of legislation has in view. But there even the laws do exist. The real difficulty is that while the actual culprits are beyond its clutches, the innocent suffer. The practical remedy is to improve the administrative machinery and not make the law more stringent.

Pandit Krishna Chandra Sharma (Uttar Pradesh): I appreciate the sentiments of the learned mover of this Bill, but I am sorry I have to submit that this is a very clumsy way of making laws. Tax evasion and black-marketing are offences falling in two different categories and they cannot be placed together in a small Bill like this. Further on the penalty of death and transportation for life are punishments provided for offences like murder, treason and so on. They are not punishments ordinarily to be provided for other offences, however drastic a punishment may be warranted. They are not preventive penalties; they are deterrent penalties, coupled with an element of revenge. For instance a murder takes place. There the suitable punishment is death sentence. So is the case with treason, where there is an element of revenge of the nation against the accused. So death penalty and penalty of transportation for life are not to be easily considered and provided for offences like this.

Moreover there are other Acts like the Essential Supplies Act, the Income-Tax Act and the House Control Act, where suitable punishments are provided for the offenders. The purpose of my hon. friend the Mover would be better served by bringing in suitable amendments in these Acts. That would be the right way of doing the thing. I do not think it is a proper way of bringing in offences falling under different categories and club them together in a Bill like this.

My hon. friend Mr. Das levelled some criticism against lawyers. I would respectfully submit that law-making and law-interpreting is a science by itself. The duty of the layman is to obey the Law and do his job well. It is not for him to indulge in matters which he does not understand. Otherwise society will not work properly.

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri Meeran (Madras): I rise to oppose this Bill, not because I am in disagreement with the Mover of the Bill as regards the object of it, but because I am confident that it will not achieve the purpose for which it is sought to be brought. If today there are black-marketeers, tax evaders and tax dodgers, it is because we are not able to bring home the guilt of the accused in a court of law, not because the law as it stands today is not sufficiently strong or wide enough to punish the offenders.

Sir, as pointed out by my hon. friend the Deputy Speaker, already there are a number of statutory provisions for the punishment of the offenders, but the difficulty arises because of the fact that we are not able to prove the offence. For bringing home the guilt of the accused we require proof in a court of law and that is absolutely lacking, or is not forthcoming ordinarily in a case of this kind for various reasons. Therefore, the real cause for the prevalence or existence of these crimes going undetected or unpunished is due to the fact that we are not able to bring home the guilt to the accused and to prove satisfactorily in a court of law that a man has committed an offence.

Supposing, for example, a man offends a law with regard to control of prices—he charges more than what he is entitled to and does not issue a receipt. The man who has been over-charged must be prepared to go and give evidence in a court of law. So the whole trouble with regard to the existence of these blackmarketeers is due to the fact that we are not able to prove satisfactorily in a court of law and not because the law by itself as it stands today is not sufficiently strong enough to punish the offenders.

So far as matters stand today, I do not think there is any use blaming the lawyers or anybody else for not bringing these offenders to book. The lawyers come in only at a late stage. But in most of these cases, the prosecution fails for want of evidence. So, if at all anybody is sincere in putting down black-marketing and tax evasion, he must make it easy for the prosecution to bring

[Shri Meeran]

home the guilt of the accused in a court of law. If I can make a suggestion at this stage, I would submit that, so long as the existing law makes the punishment of the man who offers a higher price than what is fixed as well as the man who takes the higher price offered alike, it is difficult to banish black-marketing. Otherwise the giver will not come forward to give evidence against the man who takes the higher price. Therefore the law must be changed and the giver of the higher price not made liable to prosecution. If this is done there will be more evidence forthcoming against the man who sells at a higher price and the prosecution will succeed in a court of law. I do not think that enhanced punishment or death sentence is going to solve the problem.

In this connection, as I said once before, the lawyer does not come into the picture at all. I think my hon. friend Shri E. Das was entirely in the wrong when he said that the lawyers are responsible for the evasion of the law by the black-marketeers and tax-dodgers. They are not responsible for that. The lawyers are there only to see that the provisions of the law are enforced properly. With all his forensic skill, even an eminent lawyer cannot deceive the court consisting of eminent judges. The lawyers only try to place before the court the relevant provisions of the law. They are a part and parcel of the judicial system.

Shri B. Das: Does my hon. friend know that there are many lawyers who pocket 50 per cent. of the remission of income-tax and that 50 per cent. of the earnings is never shown in the income-tax assessment of such lawyers?

Shri Meeran: I am sorry I am not in the know of such things. But if my friend seems to know more about this sort of thing, I would tell him that if he gets into the witness-box in a court of law, his testimony will be shattered in no time. With the materials available to him such things can be said here. Even irresponsible statements can be made here. But he will not stand cross-examination for a minute in a court of law in the witness box if he says that the lawyers share 50 per cent. or 40 per cent. It is easy to make such irresponsible and sweeping statements here. There may be people who may be sharing in the manner suggested by my hon. friend. I do not know that. But to make a general statement and a sweeping statement that all lawyers share in the profiteering is, to say the least, not fair to the profession or to the House, because we are expected to make responsible statements here. I do not want to go more into it. Why should lawyers come into the picture at all?

As I was saying, the prosecution in these cases fails because of lack of evidence. The lawyer comes into the picture only after the charge is framed. Of course the lawyer will point out that the evidence is not sufficient to convict a person. It is a thing which anybody can do. In all societies the law should be properly administered. The lawyer is there to see that the law as it stands is administered fairly, in the sense that a man is not convicted on insufficient evidence. Now, even if a lawyer tries to deceive the court, the eminent judges will not be led into his trap.

Mr. Deputy-Speaker: I think the controversy over lawyers need not be pursued.

Shri Meeran: I will come to the point, Sir. Therefore I would suggest that.....

Shrimati Durgabai (Madras): The remarks made by the hon. Member Mr. R. Das are really sweeping. I think it would be better if the hon. Member himself clears the position. If the hon. Member is so much prejudiced against the profession, why not he ban the profession of lawyers?

Mr. Deputy-Speaker: The hon. Member, Shri Meeran has already said that the remarks made by Shri B. Das are too sweeping, and irresponsible also. It is not necessary to pursue the matter. We should not be quarrelling with any profession in this House.

Shri Meeran: Therefore, as I said, the question of the punishment is not the thing that matters. We are living in times when even for murders, death penalty has been abolished in certain countries. There is agitation all over the world, and even here, that death sentence should not be given even to murderers, the blackest villains of society. And yet my friend is proposing that an ordinary man who charges a few pies more for an article should be put to death or transported for life. It is a very barbarous way of doing things. We have long passed those days when people who stole had their hands or fingers cut off and people were asked to put their hands in burning oil for telling lies. We have passed those barbarous days. Now therefore this attempt to give death sentence for ordinary tax-dodgers is barbarous if not Draconian. The root of the remedy lies elsewhere and not in increasing the punishment.

Shri R. K. Chaudhuri: I consider that the object of this Bill is very good, in that it tries to emphasise the need for taking effective measures to rid the country of black-market, corruption, etc. But I submit that the principle of it is entirely wrong. The author of the Bill imagines that by introducing death sentence he will be able to stop this kind of crime being perpetrated. That is entirely wrong. Death sentence never has a deterrent effect. In all those countries where death sentence has been abolished, it has been found by comparison that there have been fewer murders, fewer homicides than in the neighbouring countries where death sentence is still in force.

Shri Bharati (Madras): Which are the countries?

Shri R. K. Chaudhuri: If I get more time and opportunity I will be able to give the.....

Shri Bharati: But let us know the names of the countries.

Shri R. K. Chaudhuri: When I come to that particular question I will be able to show that. In Europe—Ireland and Switzerland for instance where death punishment has been abolished,—homicides have become fewer than in the countries where death punishment is still in vogue.

Dr. Deshmukh (Madhya Pradesh): Where is the guarantee that this is the only factor that has produced this effect? There might have been many other factors also.

Shri R. K. Chaudhuri: In other countries where death sentence is in vogue the proportion of murders and other offences which bring in the sentence of death has been increasing. On the other hand, where this death sentence has been abolished, murder and other offences which involve death sentence have diminished. That is a clear proof of the fact that death sentence has no deterrent effect at all. But, Sir, I must say that my hon. friend is perfectly right in complaining through this piece of legislation that the measures which have been taken by the Government so far have failed, and therefore in a spirit of desperation he has come forward with this Bill. My hon. friend Mr. Das said that the author of this Bill is an apostle of non-violence. But I would only like to point out that if this Bill had been in operation three months earlier when the sugar muddle was in its active stage, then half the population of India would have had to meet their death in gallows. There is no doubt about that fact, because there are very few persons amongst traders, who sold sugar or very few persons who used sugar did not commit blackmarketing.

Dr. Deshmukh: In that case, this House would have ceased to exist.

Shri Deshbandhu Gupta (Delhi): That would have solved the food problem.

Shri R. K. Chaudhuri: That would have solved the food problem to some extent, but that would not have increased the production of sugar either.

Sir, I do not exactly understand what my hon. friend means by "gain in buying" things. Does he, by this Bill want that those who buy sugar or any other commodity at a higher price will also be liable to the same penalty? Or does he mean that this will not come under the meaning of the word "gain" because these people are gaining nothing. They are only buying something which they need very much, and in order to save life, they buy the thing at a higher price because it is not available at a lower price. So in order to save himself or his child or his family, he buys the thing. In that case, does he gain something?

An Hon. Member: He gains his life.

Seth Govind Das (Madhya Pradesh): It is also a gain.

Shri R. K. Chaudhuri: That means that he wants everybody to die and those who do not die, they make a profit by living. Is that the meaning which is underlying this Bill?

Well, Sir, I have seen about this black-marketing business that there is not a single man in India who does not complain of black-marketing. I have also found that those who are suspected of black-marketing are more enthusiastic about this kind of thing and they say that such and such sentence is absolutely necessary in order to stop black-marketing. You may go anywhere in India but you will never find anybody who is supporting black-marketing. But I want to be an exception. I would very much support the cause of black-marketing under the present context of things, because the supply has been so poor, the supply has been so ineffective that black-marketeers, I must say, in some instances, have been found to be saviours of life.

Shri Bharati: Perfectly right.

Shri R. K. Chaudhuri: For instance, my child is suffering from fever. I have to give him rice diet because he is used to rice diet. Go to any ration shop, the rice you get is actually not rice; it is so full of husk, full of stones and it gives such a bad odour that you cannot trust to give it to the patient. In such a case, you cannot get better quality of rice from an apothecary's shop or any other place, and the doctor advises you to give him good rice as his diet. How are you going to get over the difficulty? Where will you be? Are you prepared to lose your son or daughter or any other near relative, or will you get rice from the black-market? The black-market comes very handy at that time.

Shrimati Durgabai: Is it good?

Shri R. K. Chaudhuri: In many instances you get the thing you want. The thing is, you have not got the machinery by which to make commodities available to the people, to make the necessary commodities available to each and every one, even to patients. Go to any hospital, you will find that the rice there is not good, not in ordinary instances. If you go to a Minister's table, you may get better rice, occasionally you may get it there, for the black-marketeer or shop-keeper is a very ingenious fellow. He knows what to supply and to whom. Half of our hon. Ministers would have been suffering from illness if they had been supplied the same quality of rice as everyone else. They would either not have been alive or would not be in a condition to render service to the country if the persons who sell these things had sold them impartially.

Shri Hanumanthaya (Mysore): Does this remark apply to the hon. gentleman also?

Mr. Deputy-Speaker: Is the hon. Member supposed to be ill now?

Shri R. K. Chaudhuri: As I said, I want to be an exception and I say black-marketeers are not as a rule bad men, because they have come into existence out of this control system. They would not have been there if the control system had not been there. They have come into existence out of the control system.

Shri Bharati: Perfectly correct.

Shri R. K. Chaudhuri: And even they who want to make profit, they are at times, good and give things to needy persons so that lives may be saved. To this Government have paid no attention. Government have not taken measure to see that everybody gets what he wants. If Government had done that then blackmarketeers would not have been there.

Shrimati Durgabai: Will the hon. Member guarantee good supplies at controlled prices if controls are removed?

Shri R. K. Chaudhuri: There may, of course, be for a time an increase in prices, but this will afterwards adjust itself and then we shall get things. The same quantity of food is there. If the quantity of food increases, then you get more and if there is a decrease, then you get less. If there is no control, and if ordinary trade channels are allowed to operate, the profiteer may make a higher rate of profit than he is actually making now. They are making lower rates of profit now. If controls are removed, after a short time, you will get things at better prices. Now, what is happening? They are selling at low prices to some persons, at the controlled prices to some persons and some things are kept back for which they are getting higher prices. On the whole their profit is the same or less than what it would have been if the control system had not been there.

Shrimati Durgabai: Why were you driven to the necessity of imposing controls?

Shri R. K. Chaudhuri: I cannot go into that now. In 1943 the Government wanted a set of people who would help them in war. They wanted to give rations to those who were working in the Military Department and other workers who were working in their factories. Therefore they wanted the control system in order to take away food from the ordinary people and give that to their workers during the war. Now such necessity does not exist. In fact after the war, the control should have automatically disappeared. I do not know why it is continuing. I believe Prof. Shah will agree with me and will agree to withdraw this Bill forthwith if Government can give assurance that the control will be done away with within a reasonable time.

Shri Hanmanthaiya: We ought to be really grateful to Prof. Shah for having brought this Bill. It is not that the rest of the House is not in agreement with him. Even the Finance Minister who spoke for the Government was in agreement with the principles of the Bill. The difficulty is now not so much in regard to our attitude towards blackmarketeers and tax-dodgers, as it is one of effectively booking them and stopping the evil. It is a question of our administrative machinery being equal to the task. As Prof. Shah said before we became independent, we were crying hoarse against blackmarket and corruption. Of course, those leaders who have assumed responsibility for the administration, at any rate, have stopped that cry but the rest of us are continuing that cry. For the last 2½ years we have been running the Government and we have not stopped blackmarketing and corruption. As was pointed out by my hon. friend from Assam, the reason really is the existence of these controls. As long as there are controls, there are bound to be blackmarketeers. To the removal of controls the Government does not agree and many other people also

[Shri Hanumanthaiya]

do not agree. They agree that once controls are removed, prices would go high, articles would be hoarded and consequently there will be hunger, starvation and deaths.

I would ask the Finance Minister whether he would not agree with my reasoning. There was the question of nationalization of industries. The Deputy Prime Minister once said that as Government has not got either the personnel nor machinery to nationalise industries and run them efficiently, they cannot undertake it. Let me argue likewise. For two years we have not been able to put down blackmarketing. Have we not then failed in running the system of controls? If we failed to nationalise industries because of want of machinery and personnel required, it equally follows that we have utterly failed in running this system of controls honestly and efficiently. Let us admit this guilt and remove the controls. No doubt there will be some trouble; but we have to face it. Ultimately there will come a time when things will come to normalcy. Meanwhile Government must make up its mind to deal mercilessly with those people who cause the present situation. The trouble with the present Governments—whether at the Centre or in the States—is they have not been able to look at the blackmarketeers with strict abhorrence. They are almost hobnobbing with them. Out of the 1365 cases brought before the Investigation Commission, how many are top industrialists, I would like to know from the Finance Minister. He was telling us that we must adopt measures to make them socially odious in the eyes of the society. How many of these people whose cases are pending before the Commission are high up in Government's favour? How many of them are in Commissions or Committees? How many of them are giving parties to the various Ministers and Government officials? How many of them are moving on terms of equality with the biggest of our politicians and administrators? Have we really shown the way in which we must treat them so as to make their profession a disgrace in the eyes of the public? We have not done that. On the other hand the biggest black-market-eers are the people in high favour with the Governments. It is alleged that they have their representatives even in the Cabinet. This is the psychology which the Government is not prepared to face. They, no doubt, want to deal with the smaller fry, depriving them of some memberships of small Committees, Justiceships of the Peace and things of that kind whereas they connive at bosses of the blackmarket. Take the sugar magnates. These are the people who are high up in Government favour. If we really want to stop blackmarketing, many of these people should not be allowed to be your friends. Many speakers were discussing the legal difficulties, the difficulties of proof, the delay that is involved in the trial of offenders against law. This judicial system which you have been following and which you have borrowed from England is not suited to our social conditions.

Shri B. Das: This is my point also.

Shri Hanumanthaiya: The system is making the people the best dodgers of truth. I have seen many a witness who will be prepared to say the truth outside the Court precincts, adopting, as soon as he steps into the Court, a different attitude and having no compunction to tell lies. The courts of law in India have become battlegrounds of wits. There it is not a question of justice being done or rendered. Having seen that this judicial system is encouraging this psychology of falsehood, and is not able to bring offenders to book speedily and effectively, we ought to wake up and see if we cannot reform this system so as to make people behave well. Unless we reform this judicial system in a way that will make truth triumph, we will not be able to book blackmarketeers or put down corruption.

In his Bill Prof. Shah may not have included all the provisions necessary to bring the offenders to book. But the Finance Minister who proposes to bring measures to deal with the tax-dodgers as well as blackmarketeers, must pay a good deal of thought as to how best to bring the offenders to book. The usual course of trial that we are now following does not answer the purpose.

If we depend upon it, whatever the law you frame, it will not be able to fulfil the expectations of this House. We must devise some summary methods to deal with this abnormal and unprecedented situation. Unless we are able to tighten up the procedure, even if it works hardship in some cases, we will not be able to mend matters. I would urge upon the hon. the Finance Minister to deviate somewhat from the ordinary, usual course of trial and devise means to deal with these cases effectively and speedily. Of course, there is the famous saying that it is far better to let off ten criminals than to punish one innocent man. This originated in a different set of circumstances and under different social conditions in England. In those days the King was very despotic. They used to punish people arbitrarily. Therefore this judicial principle was evolved that everybody must be presumed to be innocent unless he is proved to be guilty. But here is a situation, as my hon. friend from Assam, Mr. R. K. Chaudhuri, was elaborating, blackmarketeers have become almost half of the population. How can you apply that legal maxim here? Whenever there is a blackmarketing case, we must begin with the presumption that the man is guilty, and it is the accused who should prove his innocence.

Then, there is the question of Government machinery. Mahatma Gandhi aimed at changing the system of administration during the last quarter of a century. If the ideal of independence attracted us, it is not so much because we were enamoured of a few people at the top being replaced by our leaders, but it was because we wanted to have a change of system. In regard to this matter we must admit that we have failed woefully. We are carrying on the same old system of administration. What is more we are giving it an added prestige. We must see to it that a change of system is effected. It will be very easy to ask how to effect it. That is the question of questions. If, as Prof. Shah, wanted, a Select Committee is appointed, they can go into the question. It is not very easy to suggest alternative methods. I would even urge that the Government should appoint a Commission, if necessary, to examine this question, as also the question of devising a judicial system which will be in accord with our social conditions and which would consequently be able to put down many of these evils. We should effect a change in the system of administration which will make it more efficient and truthful, so that our people may have happier conditions to live in.

The House adjourned for Lunch till Half Past Two of the Clock.

The House re-assembled after Lunch at Half Past Two of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Dr. Deshmukh: I have no doubt that many Members of this House sympathise and would even like to support in principle the measure that has been brought forward by my hon. friend Prof. Shah. The importance of the subject has already been explained by many hon. Members of this House and there is no doubt whatever that every one here is concerned with the subject matter of the Bill. My hon. friend Mr. Rohini Kumar Chaudhuri has also stated the view that there is hardly anybody who likes blackmarketing or profiteering. Everybody condemns it and yet many indulge in it. Therefore, I think it is correct to say that the House has been given by Prof. Shah a splendid opportunity of expressing itself and bringing to the notice of Government the urgency of tackling this problem. Whether it is this Bill by means of which it will be possible to do so is a serious question that could be asked and I shall deal with it a little

[Dr. Deshmukh]

later. But the fact of the matter is that this question is not being tackled in the way it should be and with all the earnestness that the question demands. It is from that point of view that I would like to invite the attention of Government however thin the Treasury Benches may be and however inattentive the hon. Finance Minister, who is the sole representative of the Cabinet under the present circumstances here, may be. (*Hear, hear*).

The general grievance of the people in India is that blackmarketing is not being seriously tackled, that although verbal condemnations are made and threats administered, nothing serious is even being attempted. So far as tax evasion also is concerned, the measures adopted by Government are half-hearted and the results achieved are absolutely disproportionate to the extent to which the evil is rampant. From these points of view, I think my hon. friend Prof. Shah has obliged this House and the country by bringing in this Bill before the House and giving us an opportunity of impressing upon Government the urgency of tackling the issue. Unless this question is rightly tackled, the situation is not likely to be different from what it is. Of course, there are two sides to the question and I fully realise that the black-marketer cannot be blamed alone because there are people who are prepared to go to them at the slightest possible excuse. So far as tax evasion is concerned, the evil is not necessarily confined to the so-called capitalists. It is an evil of which many professions and many other people would probably be found as guilty as the so-called capitalists. But, none-the-less, for the betterment of our nation and for the improvement of our degraded morals, it is very necessary that something should be attempted by Government. Although, in my opinion, the assurance given by the hon. Finance Minister was not so square and genuine as it should have been, I think it is very necessary that there should be no quarter given to blackmarketing, profiteering or tax evasion in any way. If Prof. Shah's Bill goes too far, if it does not properly distinguish between one case and another and if it is of a sweeping nature, if there are no definitions and criteria laid down, even so, I would like that some legislation or some other means ought to be found by which we would be able to stop these practices. I have heard that our Chief Minister from Jammu and Kashmir has had an easy remedy to stop all these things. I do not know how far effective it has actually been. The reports that I have heard might be correct or might be incorrect. I was told that by the simple process of flogging half a dozen black-marketeers, he has been able to exercise effective control over blackmarketing in his State.

Shri Tyagi (Uttar Pradesh): Do you think the process is simple?

Dr. Deshmukh: The process may be complicated; but we are tackling so many complicated problems here that I do not think an attempt in this direction is not worth making. Some hon. Members were sorry to find that we are returning to barbaric days in inflicting such heavy punishments for such offences. I personally think, Sir, if we want civilisation to survive, some kind of barbarism may have to be tolerated; because the barbarism out of which blackmarketing and tax evasion spreads is of a graver, worse and more condemnable nature than the punishment that has been suggested by Prof. Shah. From that point of view, I see no reason why there should not be a very exemplary punishment inflicted on these people who have made it their business day in and day out to indulge in these anti-social activities.

Of course, if we accept this Bill as it is, there will be grave difficulties. If we analyse the clauses in the Bill, it will have to be admitted that this Bill in the shape in which it has been put by Prof. Shah, is not worthy of being sent to the Select Committee. From that point of view, I am afraid I cannot support the proposal. Sir, I also doubt the efficacy of mere legislation. I fully agree that by merely making the law, we would not be able to remove the

evil. We have got so many laws which are honoured more in their breach than in their observance. There are so many Ordinances, Rules and Regulations and other things and because of the inefficiency of the present administration, so many evils are rampant which, ordinarily, there should not be. I for one cannot see the wisdom of merely putting some penal clauses in a Bill and passing it in this House and then leaving it absolutely unattended. Experience so far as the working of the Police Departments and the administration of law and order are concerned show that there is a sort of apathy not only on the part of the police only, but of the public also and if the signs continue what they are it will probably be our sad experience that in a short time crime in India will be much more rampant than it has been. There is no fun in merely increasing the penal laws in the land. What is wanted is more effective control and a more prudent administration. It is from that point of view that I do not find myself in agreement with Prof. Shah that this Bill need be pushed through and passed by this House. If the Bill were to be passed it would have to be completely remodelled. We will have to define, in the first instance, what blackmarketing is, what excess price is and the various other terms used. They will have to be defined with great care and caution. Prof. Shah not being a lawyer and probably not getting any legal assistance free of charge, was not able to bring before the House a more carefully thought-out and carefully worded Bill.

An Hon. Member: The Select Committee will do that.

Dr. Deshmukh: I am not prepared to blame him. Probably if he approached the Legislative Department they might be able to frame a proper Bill and give it to him. If he is obliged to that extent by the Law Ministry he would be able to substitute his drastic Bill, where the death punishment will be awarded to a man who will sell a match box for one anna as also to a man who will make lakhs of rupees by mixing white oil with something else and selling it as exorbitant prices by a better one. This is too sweeping a measure and the Bill as framed, I regret to say, is not one which can be sent to the Select Committee. But I would very much like that the House should have an opportunity of considering a more effective measure and also to decide what punishment should be awarded for what particular offence.

There has been a prolonged discussion on the subject and I do not wish to take more of the time of the House. I accept the principle that remedies must be thought out if this administration would like to have some credit for the improvement of the morals of the people and from that point of view the Cabinet ought to exercise its mind to a greater extent than it has done so far. People are getting somewhat despondent and even suspecting the motives of Government. One of the hon. Members of this House openly alleged that the Cabinet works on the advice of people who live and thrive by blackmarketing, that mostly their advisers are confined to such people, and that they have often been attending and accepting parties along with Members of this House—parties given by persons who are known for such methods of their livelihood and ways of business. If Government wishes to care for public opinion I think it is high time they really shook off their present sluggishness and came forward with some measures by which it will be possible to put an end to both these evils.

So far as tax evasion is concerned it is a common complaint that efforts are being made to arrive at some compromises. This is the worst thing that can be attempted in this sphere. Not only do I complain but people who are capitalists have said that if you suggest these compromises, giving these people certain concessions in the hope and with the object of obtaining some payments, where is the incentive for a man who honestly pays his tax. You are penalising honesty by trying to compromise with one whom you are not in a position for various reasons to catch hold of and after catching you are inclined to let

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him off with a compromise. From this point of view also I would like very strongly to urge that this Bill should be altered. If we are really serious about tax evasion being checked, we must deal severely wherever the offence is detected. There is no use trying to compromise with such people, for then it would be in Mahatmaji's words 'tainted money'. The less we get such money the better it would be.

Seth Govind Das: I beg to move.

"That the question be put."

Mr. Deputy-Speaker: The question is:

"That the question be put."

The motion was negatived.

Shri D. D. Pant (Uttar Pradesh): We are all in this House very much obliged to Prof. Shah for bringing this Bill, because it has succeeded in drawing the pointed attention of the Government to the necessity of taking measures to put down black-marketing and tax evasion. My submission is that bringing in such Bills and merely enacting penal laws will not put down these evils. We must go to the very root of the problem and I hope when the learned Finance Minister draws up his Bill he will take these things into his consideration. After all by killing a few mosquitoes that we happen to catch, when they are biting us, we cannot exterminate their brood. We have to exterminate the conditions which breed these mosquitoes. So long as dirty ponds exist the mosquitoes will breed. So long as the present conditions of our society remained there will always be black-marketeers.

The other day the Finance Minister said that he had made certain concessions in favour of industrialists, whereby he hoped that they will invest more money in industries. But does the Finance Minister seriously believe that there are any industrialists in India? If there were I would have certainly gone to support them to the farthest extent. But what we have got in India are money-grabbers and not industrialists. If there were industrialists like Ford or those people who have in foreign countries produced plenty and have even succeeded in supplying motor cars to their labourers, we would have supported them by all means. But in India capitalism is in a degenerated form. I am not against capitalism where it is genuine. For instance, in England and America capitalism has achieved a lot of wealth and many other things. But so far as we are concerned there are no capitalists in India: there are only money-grabbers and when the question of grabbing money comes, everybody wants to grab as much as he can.

The Finance Minister the other day, while referring to me, said that he did not know what I was doing when I was not legislating in this House. I may tell him that I am a lawyer and in this profession every lawyer, so far as the natural law of demand and supply freely operates, would charge as much fees as he could from his clients. That is money grabbing. Even a handsome girl would not like to marry a poor man even if he possessed good health and good looks. She will go in for the rich man's son even if he is ugly to look at. That is black-marketing in beauty. This black-marketing is on account of the conditions that make black-marketing possible. So long as you have those conditions, so long as you honour moneyed people, so long as you visit the house of moneyed people and so long as you seek the advice of moneyed people everybody would like to grab as much money as he could. The root cause of it all is the worship of money and unless this psychology is destroyed I say that it is not possible to destroy black-marketing. For that you will have to evolve a cooperative

commonwealth where every able-bodied man will have to work to produce wealth for the sake of society. When you do that there will be so much wealth that nobody would indulge in blackmarketing, for things will be available in abundance. If these capitalists are given power to control the air they will try blackmarketing even in that and even for breathing the air they will charge blackmarket rates, if they are given the contracts for the supply of air. The basic conditions should be corrected and unless we create a classless society it is not possible to stop this blackmarketing. For the time being if anybody talks of a classless society he is considered to be a Communist and it is said that he has been inspired by Russia. My submission is that we want neither Capitalism nor Communism. Let us bury both as deeply as we can. We want simple humanism as preached by Mahatma Gandhi, that man should live like man and not be exploited either in the name of society or for private well-being. That is what we want and that can only be obtained when we have this classless society, when the Government ceases to encourage capitalists, to give protection to the industrialists who in the name of manufacturing things are merely assembling parts here and raising the prices of things that can be cheaply imported from outside. We have no enmity with America or with the industrialists of any country. If they can manufacture a thing better and supply it to us cheaper, we will certainly have it from them. And we would supply to them those things that we can create better than others. India is rich in the domain of art. We can supply to the foreigners whatever we can give them at a cheap rate and they will be ready to exchange their goods with ours. But the principle is this that so long as you borrow the system of capitalism—because the British people make money or develop their industries by the institution of money you also imitate and ape them—you cannot achieve this thing. I think what Hinduism was in the field of religion, capitalism represents in economics. Hinduism was genuine in India, up till now it has lived. England lives on capitalism and Russia on Communism because they are indigenous to those countries. Let us have a form of humanism as propagated by Mahatma Gandhi in this country. So long as it is not done the result of all your ways and means and the enactment of these penal laws will only be that the poor people will be harassed and the rich people always get out of your hands. I know from my personal experience as a lawyer that many people who committed murders were let off from the gallows as they were able to engage intelligent lawyers or bribe the prosecution witnesses. So, it is not possible to catch hold of these big bugs. What we will do will be only to harass the poor people who are indulging in blackmarketing because they have no other profession. They have nothing else to do and they have to keep their body and soul together. By selling a match box for one anna, if they can sell ten match boxes and make five annas, that is just enough to keep them alive. The police will catch hold of these people and send them to jail. But where the rich people are concerned they cannot catch hold of them, because the whole thing is controlled at present by money, and money is in the hands of the rich people. They can corrupt any official. Every lock has a golden key to it. Everybody can be purchased so long as the temptation is there. They will put forward any temptation. The learned professor is trying to save humanity from the blackmarketeers. My submission is that these penal laws will only harass these poor people whom he wants to save, and the big bugs will get off freely. Who does not know that they made tons of money during and after the war? On the one hand they were subscribing to the purse of Mahatma Gandhi and on the other they were freely black-marketing. Everybody knows that. It is within the knowledge of all. Otherwise how have they grown rich within such a short time. Like the wolf that has tasted blood they want to follow the same path by provoking another war and make cheap money. They cannot be controlled in this way. I hope that the Finance Minister would try to change the structure of the

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society in such a manner that money ceases to confer any distinction and only real hard and honest work does, and that instead of visiting the rich and enjoying their parties the members of Government would visit the poor and share the simple meals of the poor but honest people. When they confer that distinction on them and when the rich know that the poor man also can exercise influence over the State, then the temptation of money will go away and in this way we will be able to control blackmarketing. The Finance Minister is a very intelligent man and if he wants he has got the power in his hands and by one stroke of pen he can change the structure of the society. If he had tried to make his Budget in a very different way, as I still believe he could, I think he could change it. He is a student of economics. So, fortunately, I have also been. I have read under a distinguished professor of economics, Prof. Jevens. I took my post-graduate degree under him. He wanted me to join the University, but in order to have freedom I took to the profession of law. Sir, if he wants he can do it and I hope he will try to root out the basic causes of blackmarketing and of evasion of Income-tax, that is, he will see that those people who pile up money by blackmarketing are treated as a disgrace to society. Nobody should respect them and they are treated as social lepers. I hope he will gradually come to believe what Proudhon said, "That property is theft and that all property owners are robbers." Then they will tremble in their shoes and they will not indulge in blackmarketing and will really respect honest labour.

श्री देशबन्धु गुप्ता : मुझे जो कुछ कहना था, उसका बहुत कुछ भाग मेरे दूसरे भाई कह चुके हैं।

अतः मैं अधिक समय न लूंगा। मैं समझता हूँ कि मर्ज का इलाज उस वक्त तक नहीं हो सकता, जब तक कि उसकी जड़ तक न पहुँचा जायें, मर्ज की तशखीस, मर्ज का निदान ठीक हो तो इलाज ठीक हो सकता है। हमारी बदकिस्मती यह है कि जब से हमारी सरकार ने हुकूमत की बागडोर सम्भाली है, तब से हम ने वास्तविकता को छोड़ कर आदर्शवाद की तरफ चलने की कोशिश की है, और इस बात को जानने की कभी कोशिश नहीं की कि बीमारी कितनी गहरी और कितनी विस्तृत है। जिस समय आज से दो साल पहले इनकमटैक्स (income-tax) की चोरी करने वालों के बारे में इस हाउस (House) में बहस हुई थी, उस समय मैंने निवेदन किया था कि यह बीमारी इतनी फैली हुई है और इस बीमारी के कारण भी ऐसे हैं कि जो बहुत से आदमियों की शक्ति से बाहर थे। इस लिये बहुत अच्छा हो अगर सरकार लोगों को यह अवसर दे कि वह एक साफ स्लेट (slate) के साथ नये राष्ट्र में नया जीवन प्रारम्भ कर सकें। उस समय इस हाउस के बहुत से माननीय सदस्य ऐसा समझते थे कि इस तरह की बात कहना टैक्स से बचने वाले लोगों की हिमायत करना और उनके साथ हमदर्दी करना है। और वह एक विरोध के योग्य बात समझी जाती थी। आज भी मैं देखता हूँ कि बहुत से सदस्य जब हाउस में आते हैं, या बाहर भाषण देते हैं तो उनका प्रयत्न यह होता है कि हम टैक्स डोजर्स (Tax dodgers) को भर पेट गालियाँ दें, और चोर बाजारी करने वालों को गालियाँ दें और समझने लगते हैं कि केवल ऐसा करने से देश का उद्धार हो जायगा। वह यह जानने की कोशिश नहीं करते कि राष्ट्र के शरीर में यह जो फोड़ा हो गया है जिसमें मवाद भरा हुआ है, जब तक यह न निकाला जायेगा, उस समय तक मरीज अच्छा नहीं हो सकता। आपको याद होगा कि जिस समय हमारे प्राइम मिनिस्टर साहब (Prime Minister) अमरीका (America) गये, उससे एक दिन पहले उन्होंने आल इण्डिया रेडियो (All India Radio) से एक भाषण ब्राडकास्ट (broadcast) किया था। उस भाषण में पहली बार एक वास्तविकता की झलक मैंने देखी। उस समय उन्होंने देश से अपील की और कहा कि जो लोग अपना रुपया छिपाये हुए बैठे हैं, टैक्स के डर से, और टैक्स नहीं दे रहे हैं, मैं उनसे अपील करता हूँ कि वह देश की वर्तमान परिस्थिति को ध्यान में रखते हुए जो रुपया छिपा हुआ पड़ा है, उसे जाहिर कर दें और उसका पता बतला दें तो गवर्नमेन्ट (government)

उनके साथ नर्मी का बर्ताव करेगी, ताकि आयन्दा वह ठीक ढंग से अपना कारोबार कर सकें। लेकिन खेद है कि आज उस अपील को लगभग छह महीने होते हैं, परन्तु आज तक फ़ाइनेन्स मिनिस्ट्री (Finance Ministry) इस बात का निश्चय नहीं कर सकी कि जो आशा उन्होंने उस भाषण में प्रकट की थी, उससे क्यों कर लाभ उठाया जाय। मिनिस्ट्री ने कोई कोशिश नहीं की, जिससे लोग सचमुच उस अपील का सन्तोषजनक रीति से जवाब दे सकते और हमारे देश में यह जो गंद फ़ैला हुआ है, यह जो बीमारी फैली हुई है, उससे देश का छुटकारा हो सकता। शायद फ़ाइनेन्स मिनिस्ट्री इस डर से कुछ नहीं कर सकी कि अगर वह कोई निश्चय करेगी, कोई रूल (rules) बनायेगी तो उस पर टीका टिप्पणी होगी और कई प्रकार की आपत्ति उठाई जायेगी। आज भी वह इन्हीं लिये डर रही है और किसी परिणाम पर नहीं पहुँचती। मैं यह समझता हूँ कि इस प्रकार विमर्श करने से काम नहीं चल सकता। अभी आपके सामने एक रिपोर्ट पेश की गई है, उसमें यह बतलाया गया कि इन्वेस्टिगेशन कमीशन (Investigation Commission) ने लगभग तीन करोड़ रुपये के छिपी हुई टैक्सेशन (taxation) के योग्य रकमों का पता लगाया। लेकिन अगर फ़ाइनेन्स मिनिस्टर साहब (Minister of Finance) से यह पूछा जाय कि कितना रुपया उन्होंने बसूल किया तो शायद पच्चीस लाख रुपये से अधिक रकम वह नहीं बता सकते बल्कि उससे भी कम और कमीशन पर जो खर्च आया वह १७, १८ लाख के करीब है जिसका अर्थ यह है कि सात आठ लाख रुपये से अधिक अभी तक बचत नहीं हुई।

बहुत शोर सुनते थे पहलू में दिल के,

जो चीरा तो एक क्रतरए खून निकला।

सोचते थे कि कमीशन बना दिया गया है शीघ्र करोड़ों रुपया बसूल हो जायगा और जनता को लाभ होगा। लेकिन परिणाम क्या हुआ। इस समय तक जितना रुपया हमने खर्च किया और इतनी उधल-पुधल देश में हुई पर मिला केवल सात या आठ लाख रुपया, यह रकम है जो इतने दिमाग मिलकर इस समय तक बसूल कर सकें। आगे के लिये आशा प्रकट की गई है कि बहुत रुपया बसूल हो जायेगा, जितने केसेज (cases) छुपे हुए हैं वह पकड़े जायेंगे, लेकिन इस समय तक का जो तजुर्बा है उसके आधार पर तो यही मानना पड़ेगा कि अगले साल भी कोई निराशाजनक रिपोर्ट ही हमारे सामने आवेगी। मैं यह समझता हूँ कि अगर हम इस बात पर वास्तविकता की दृष्टि से विचार करते और इस बात की कोशिश करते कि जिस तरह हमने उन तमाम लोगों को जो स्वतन्त्रता मिलने से पहले देश का साथ नहीं देते थे और देश के कामों में रुकावट भी डालते थे, यहां तक कि गवर्नमेन्ट का हथियार बने हुए थे, उन सबको हमने क्षमादान दिया, क्षमादान ही नहीं दिया बल्कि उन्हें हमने एक गौरव के स्थान पर बैठा दिया दूसरे शब्दों में अपनी हुकूमत की बागडोर उन लोगों के हाथ में सौंप दी तो इन लोगों को भी क्षमा कर सकते तो उससे देश को बड़ा लाभ होता। कल तक जो लोग महात्मा गांधी और वर्किंग कमेटी के मेम्बरों (Members of the Working Committee) को जेल भेजा करते थे, जिनके आर्डर्स (orders) से वर्किंग कमेटी के मेम्बरस क्रैद होते थे, जिनके आर्डर्स से लाठी चार्ज (lathi charge) होते थे वही लोग आज ऊंचे पदों पर बैठे हुए हैं, जो लोग एक विदेशी सरकार के इशारों पर चलते थे और यह कहा करते थे कि हम लायल सर्वेन्ट्स (loyal servants) हैं इस लिये हमारा काम लायल सर्वेन्ट्स की हैसियत से सरकार के हर हुकम की पाबन्दी करना है, उन लोगों को हमने, यह समझ कर कि वास्तव में यह लोग धर्मसंकट में पड़े हुए हैं, दिल तो उनके भी हमारे साथ था, उन्हें एक अवसर और दिया जाय और उन्हें यह अवसर दिया कि आज उनके हाथ में सारे राज-काज की बागडोर सौंप दी। अगर हम यह कर सकते हैं; और हमें यह भी पता है कि उसके बाद उन

[श्री देशबन्धु गुप्ता]

लोगों में वास्तव में देश के हित के लिये काम करना शुरू कर दिया, तो क्या कारण है कि हम उन लोगों को जिन्होंने लालच के बंध में आकर जंग के दिनों में जबकि इन्कम टैक्स का ढांचा इस तरीके का बना हुआ था कि बड़े बड़े आदमियों के लिये टैक्स बचाने का प्रलोभन होता था, जिन लोगों ने उस समय भूल की, गलती की, उन लोगों को हम एक नया जीवन प्रारम्भ करने के लिये अवसर न दें। मैं यह समझता हूँ कि यह एक बहुत बड़ी भूल है। ऐसे मामलों में पाकिस्तान ने वास्तविकता का सबूत दिया है। पाकिस्तान ने पिछले झगड़ों में न पड़ कर लोगों से कहा कि तुम पाकिस्तान का निर्माण करने में अपनी शक्ति लगाओ। हाँ, आगे के लिये जो कड़े नियम वह बना सकते थे वह उन्होंने बनाये। लेकिन गड़े हुए मूँद उखाड़ने की कोशिश नहीं की। इससे उन्हें कितना लाभ हुआ यह कहने की आवश्यकता नहीं। मैं समझता हूँ कि आज देश में करोड़ों रुपया हो सकता है कि अरब से भी ज्यादा रुपया हो, निकम्मा बेकार पड़ा है और हमारी गवर्नमेंट ने आज तक इस बात की कोशिश नहीं की कि हम उस रुपये को किसी प्रकार से देश की इण्डस्ट्री (Industry) में लगवा सकते हैं। इस ओर हमारा ध्यान होता और हम समय पर क्रम उठाते तो न केवल यह करोड़ों रुपया देश के काम आता अपितु इस रुपये से जो आय होती उस पर नया टैक्स भी हम वसूल कर सकते थे। खेद की बात है कि यह सब रुपया आज खाई में चला गया, और फ़िजूल खर्चियों में नष्ट हो गया। बहुत कुछ शेअर मार्केट्स (share markets) की उथल-पुथल की भेंट हो गया। इसी का परिणाम है कि आज फ़्राइनेन्स मिनिस्टर बड़े से बड़ा प्रलोभन देते हैं तो भी रुपया बाहर नहीं आता, न कारखानों में लगता है न सरकार को कर्जों में वसूल होता है। जितना रुपया पहले बेकार पड़ा था आज उतना तो नहीं है लेकिन आज भी अगर फ़्राइनेन्स मिनिस्टर साहब लोगों को विश्वास में लेकर पूछें तो उन्हें पता चलेगा कि अभी तक लोग बैंकों (Banks) में रुपया रखते हैं; ब्लैक (Black) का रुपया बैंकों में रखते हैं और उस पर कर्जों लेते हैं। उनका वह रुपया बेकार पड़ा हुआ है। उस पर कोई इन्कम टैक्स हम नहीं ले सकते। और न उस दौलत को देश के काम में लगा सकते हैं। वास्तव में यह एक ऐसा विषयस सर्किल (Vicious circle) बन गया है कि इसे तीड़े बिना कल्याण नहीं हो सकता। मैं यह चाहता हूँ कि अब समय आ गया है जब कि हम इस प्रवाह में न बहते हुए सही क्रम उठायें और लोगों से अपील करें, लोगों के अखलाक (Morals) को ऊंचा करने की कोशिश करें और एक ऊंची सतह पर उन लोगों से अपील करें कि जितना छुपा हुआ रुपया तुम्हारे पास है उस रुपये को जाहिर करो, हम कोई ऐसी तजवीज पेश करें कि रुपया निकलवाने में सफलता मिले। और सरकार को आगे चल कर उस पर इन्कम टैक्स की रकम भी वसूल हो सके। मेरा विश्वास है कि जितना रुपया हम इन्वेस्टिगेशन कमिशन द्वारा कमा सकते हैं, इस प्रकार से हम उससे कहीं अधिक वसूल कर सकते हैं। सख्त कानून बनाने का तो असर उल्टा होगा, यह ठंग गलत है। तजुबे ने इस बात को साबित कर दिया है। आज कोई बजह नहीं है कि देश का क्रोड़ों रुपया बेकार पड़ा रहे जब देश संकट में पड़ा हो। देश के सामने जितने रचनात्मक (Programmes) थे वह रुपये की कमी की वजह से बन्द हो रहे हैं, जितने लोक सेवा (welfare) के काम थे वह रुकते चले जा रहे हैं। यदि इस पर भी हम छुपा हुआ रुपया नहीं निकलवा सकें तो हमें कोई दूसरा प्रयत्न करना चाहिये। यदि दो साल के बाद तजुबा यह बताता है कि जांच कमीशन से देश को लाभ नहीं पहुंचा है तो कोई बजह नहीं है कि हम उस पर गम्भीरता से विचार न करें और यह भी न सोचें कि आज हमें अपना रकब बदलने की जरूरत है। मुझे इसमें कोई भी सन्देह नहीं है कि अगर फ़्राइनेन्स मिनिस्टर साहब ने अमरीका जाते समय जो अपील की थी, उस अपील के आशय को सामने रख कर कोई क़ानून बना दिया जाता और कोई नियम बनाये जाते और रुपया वसूल करने का प्रयत्न

किया जाता तो उससे देश को बहुत लाभ हो सकता था। जो बिल हमारे लायक बोस्त प्रोफ़ेसर शाह ने पेश किया है जैसा कि मेरे लायक बोस्त रोहिणी कुमार चौधरी ने कहा है वह वास्तव में इतना विस्तृत है कि अगर इस बात की जांच की जाय और न्यायपूर्ण जांच की जाय कि कौन लोग हैं जो ब्लैक मार्केट (Black market) की जद में नहीं आते हैं तो बिल में की गई डेफ़ीनीशन (Definition) मुताबिक लेने वाले या देने वाले दोनों दोषी हैं, तो बहुत थोड़े लोग होंगे जो इस से बच सकते हैं। इसमें मकानों को किराये पर लेने अथवा देने का भी ज़िक्र है और आमदनी की जितनी चीज़ें हैं उन सब के ख़रीदने और बेचने पर इस क़ानून को लागू करने की कोशिश की गई है। मिसाल के तौर पर दवाओं को ले लीजिये। मैं अपने बोस्त से पूछना चाहता हूँ कि मान लीजिये कि आपको एक पेनिसिलिन के इंजेक्शन (Penicillin injection) की अपने किसी अजीब के लिये जो सख्त बीमार है ज़रूरत हो और वह बग़ैर इंजेक्शन के खिन्दा नहीं रह सकता हो तो क्या आप इस बात को पचाह करेगे कि कुछ क़ीमत अधिक न दें या जिस क़ीमत पर मिले लेकर उसकी जान बचाने की कोशिश करेंगे? मुझे तो सन्देह है कि ऐसी अवस्था पैदा होने पर कितने आदमी हैं जो इस प्रलोभन से बच सकते हैं। इस लिये मुल्क में आज जो हालत पैदा हो गयी है उसका अगर हम अन्दाज़ा न करें तो उसका अर्थ यह होगा कि हम लोग हवाई बातें करते हैं।

मुझे एक बात और कहनी है और वह यह कि इन बुराइयों को पैदा करने की गवर्नमेंट पर जितनी जिम्मेदारी है उसकी तरफ़ गवर्नमेंट का ध्यान नहीं गया। हमें देखना चाहिये कि ब्लैक मार्केट कहां से चलता है, वास्तव में होता यह है कि कारख़ानों से एक चीज़ चलती है और जब तक वह छोटे दुकानदारों तक पहुंचती है वह कितने ही हाथों से गुज़रती है और कई जगह उसके ऊपर लोग थोड़ी थोड़ी ऊंची क़ीमत वसूल करते हैं। यदि कारख़ानों में ही अथवा (Source) पर उसकी क़ीमत अधिक मांगी जाय तो बेचारा छोटा दुकानदार क्यों कर उसे कंट्रोल (control) क़ीमत पर बेच सकता है। उसके लिये खुद हमारे क़ानून किस हद तक जिम्मेदार हैं इस तरफ़ भी गवर्नमेंट को ध्यान देने की ज़रूरत है। मिसाल के तौर पर वैजेटेबिल घी की इण्डस्ट्री (Vegetable Ghee Industry) को ही ले लीजिये। एक तरफ़ गवर्नमेंट की ख्वाहिश है कि ज़्यादा से ज़्यादा प्रोडक्शन (Production) हो और उसके लिये प्रयत्न किया जाता है। यह भी ख्वाहिश है कि वह कंट्रोल क़ीमत से ज़्यादा पर नहीं बिके वैजेटेबिल घी के लिये इस तरह कनट्रोल की क़ीमत मुक़र्रर की जाती है। परन्तु दूसरी तरफ़ जिस तेल से वैजेटेबिल घी बनता है, उसके लिये कोई क़ीमत मुक़र्रर नहीं की जाती। गवर्नमेंट जानती है कि जिस दिन उसने घी की क़ीमत मुक़र्रर की थी उस दिन वह इकानामिक प्राइस (Economic price) थी। उस वक़्त ग्राउन्ड-नट के तेल (Groundnut oil) का एक रेट (Rate) था। उसके बाद उसका भाव बढ़ना शुरू हुआ। परन्तु सरकार ने न तो उसकी क़ीमत मुक़र्रर की और न वैजेटेबिल घी की क़ीमत बढ़ाई। क्या गवर्नमेंट यह नहीं समझती कि इस प्रकार से जब वह रा मटेरियल (Raw material) की क़ीमत मुक़र्रर नहीं करती है और फिनिशड प्रोडक्ट (Finished products) की क़ीमत मुक़र्रर करती है तो दोनों बातें साथ नहीं चल सकती। यही हालत काटन (Cotton) की है। कपास की कोई क़ीमत मुक़र्रर नहीं है लेकिन कपड़े की क़ीमत मुक़र्रर कर दी गयी। ऐसी हालत में किसी के लिये पैदावार बढ़ाने की क्या इच्छा हो सकती है? यह जाहिर है कि कोई इण्डस्ट्रियलिस्ट (Industrialist) उसी वक़्त ज़्यादा पैदावार बढ़ा सकता है जब कि उसके लिये पैदावार बढ़ाने में लाभ हो, उसके लिये पैदावार बढ़ाना नफ़े की चीज़ हो। इस प्रकार के एक नहीं अनेकों उदाहरण दिये जा सकते हैं। वास्तव में इस समय कार्य प्लान्ड (planned) ढंग से नहीं चल रहा है। उसका परिणाम यह है कि यह बुराइयाँ

[श्री देशबन्धु गुप्ता]

पैदा होती है। इसी तरह ट्रान्स्पोर्ट (Transport) पर जो पाबन्धियाँ लगाई गई हैं उनसे बुरा-इयाँ पैदा होती हैं। आज कितनी चीजें हैं जो एक ज़िले से दूसरे ज़िले नहीं जा सकतीं। उदाहरण के तौर पर दिल्ली को ले लें कि दिल्ली से छः सात मील के फ़ासले पर सात आठ रुपये मन चने का भाव होता है और दिल्ली में बारह रुपये और तेरह रुपये मन बिकता है। अब माननीय मन्त्री महोदय स्वयं बतायें कि पांच रुपये मन का फर्क अगर चन्द मील के फ़ासले पर हो सकता है, तो कितने व्योपारी प्रलोभन से बच सकते हैं और कितने दिनों तक यह हालत सहन की जा सकती है। खेद है कि इस हालत को गवर्नमेन्ट बारसों से सहन करती चली आ रही है। बिल पेश करने वाले महानुभाव ने मनुष्य का स्वभाव क्या है उसको समझने की कोशिश नहीं की है। वह समझते हैं कि सब लोग देवता हैं। और उन तमाम प्रलोभनों से बच कर चल सकते हैं। विशेषकर जब कीमतों का इतना अन्तर ज़रूरत की चीजों में हो।

एक और कारण हमारी कौमर्स मिनिस्ट्री (Commerce Ministry) की नीति है। आज ओ० जी० एल० (O.G.L.) करते हैं जिससे सारे मुल्क में विदेशी माल आकर भर जाता है। फिर एक दम ब्रेक लगाते हैं जिसका नतीजा यह होता है कि जिसके पास माल आया हुआ है वह उसकी कीमत बढ़ाना शुरू करता है। इसी प्रकार से कन्ट्रोल (control) चलाये जा रहे हैं। इन्हीं बातों का परिणाम है जिससे कि आज देश में इतनी बुराइयाँ पैदा हो रही हैं और वे बुराइयाँ उस समय तक दूर नहीं हो सकती जब तक यह हालत रहेगी। इस तरह का क़ानून बनाने का अर्थ तो यह होगा कि हम शास्त्रों को काटना चाहते हैं, जड़ को काटने की कोशिश नहीं करते। मैं समझता हूँ कि आज ऐसा समय आगया है कि सरकार देश के हर एक व्यक्ति को एक बार अवसर दे कि वह स्वतन्त्र राष्ट्र की गवर्नमेन्ट को मज़बूत करने में भाग ले सके और यह तभी हो सकता है कि इस प्रकार के क़ानून बनाने की बजाए लोगों से अपील करें, उनके अखलाक़ से अपील करें, उनके दिलों से अपील करें, और कोई ऐसा ढंग निकालें कि वह अपनी भूल स्वीकार करके आगे के लिये अपना आचरण बदलने की कोशिश करें। केवल पुलिस के डण्डे के डर से या इस तरह का क़ानून बनाने से किसी जाति का अखलाक़ ऊँचा नहीं हो सकता। वह तो बहुत मुशिकल बात है। जहाँ तक टैक्स की चोरी का प्रश्न है, हाउस में कितने ही माननीय सदस्य तथा मिनिस्टर हैं जिन्होंने सन् १९४२ में कांग्रेस आन्दोलन में हिस्सा लिया था। मैं उनसे पूछता हूँ कि वह उन्हीं लोगों के पास नहीं जाते थे और उनसे कहते थे कि हमारे इस आन्दोलन की सहायता के लिये रुपया दो, क्या कितने ही ऐसे लोगों से हमने उस समय बड़ी बड़ी आर्थिक सहायता नहीं ली जिनके खिलाफ़ आज ब्लैक मारकेटिंग और टैक्स की चोरी के आरोप हैं, और जो आज हमारी नज़रों में पापी हैं? क्या हमें यह ज्ञात नहीं है कि वह जिस समय रुपया देते थे तो वे उस समय की गवर्नमेन्ट से डरते हुए देते थे और उसको वह प्रकट नहीं करते थे प्रत्युत छुपा कर रुपया देते थे। उस समय वह रुपया हिसाब की किताबों में नहीं आता था और वह यह जानते हुए भी हम उनसे यह रुपया लेते थे। क्या हम नहीं जानते थे कि वह रुपया उनके पास आसमान से नहीं आया है? क्या यह बात नहीं माननी पड़ेगी कि उस समय हमारा अखलाक़ का पैमाना और एथिक्स (Ethics) अलग ढंग की थी। आज वह बदली हुई है। मैं यह कहना चाहता हूँ कि स्वराज्य मिलने के बाद हमें यह आशा करनी चाहिये कि देश का हर एक आदमी, राष्ट्र तथा अपनी गवर्नमेन्ट की पूरी मदद करेगा और देश के हित के खिलाफ़ कोई काम नहीं करेगा। आज हम आगे के लिये कोई भी क़ानून इस आधार पर बना सकते हैं और ऐसा करना उचित है, लेकिन अगर आज से पहले की गई भूलों की हम आज जांच करने बैठें तो हमें सब वर्ग के लोगों के साथ एक

प्रकार का व्यवहार करना चाहिये। किसी एक कम्युनिटी (Community) को इस तरह नष्क नहीं बनाना चाहिये और हम में से हर एक को गरेबान में मुंह डाल कर देखना चाहिये कि किसने क्या क्या गलती की है। मेरी राय में सही तरीका यह है कि हम लोगों से छुना हुआ टैक्स जाहिर करने और ब्लैक मारकेट छोड़ने के लिये अपील करें और हर शब्स को अबसर दें कि वह देश के काम में सहायता कर सके। और जो यह दूषित वायुमण्डल देश में पैदा हो गया है वह खत्म हो सके।

में इन शब्दों के साथ इस बिल का विरोध करता हूं। मेरी राय में इस तरह के बिल से कोई लाभ नहीं हो सकता। लाभ तभी होगा जब हम लोगों के दिलों में ब्लैक मारकेटिंग के प्रति घृणा पैदा करेंगे। उनको सख्त सजायें देने से सुचारु नहीं हो सकता बल्कि उनके दिलों में घृणा पैदा करने से यह बुराईयां बन्द हो सकती हैं, और यह तब होगा जब कि हमारी कंट्रोल की नीति बदलेगी। आज तो टैक्स की थोरी तथा ब्लैक मारकेटिंग की बीमारियां इतनी बिस्तृत ह कि चारों तरफ यह देखने में आता है कि गिने बूने व्यक्ति ही इनसे बचे होंगे, विशेष कर यदि इस बिल में दी गई कसीटी पर लोगों की जांच की जाये। इस लिये मैं प्रस्तावक महोदय से कटुंगा कि वह होकरा को देखें। इस बिल को पेश करने से उनका वह मतलब हल नहीं हो सकता जिसके लिये कि उन्होंने इसको पेश किया है।

(English translation of the above speech.)

Shri Deshbandhu Gupta: What I had to submit my hon. friends have already said quite a good deal on the point, so I will not take much of your time. I think no disease can be cured till its root cause is not determined. The disease can be cured quite easily if the diagnosis is correctly made. To our great misfortune since our Government have taken charge of the administration we, instead of facing realities, have tried to work towards idealism. We have never tried to ascertain the extent and the nature of the disease. Some two years back when we held discussions here in this House about the income-tax dodgers and evaders, I very humbly submitted that this disease was so widespread and the causes also were so abstruse as were out of the depth for many people. Therefore it would be better if the Government were to give such persons a chance so that under the new regime they may be able to begin a new life with a clean slate altogether. At that time many hon. Members of this House were under the impression that mentioning of such things was nothing short of espousing the cause of these tax dodgers and amounted to have open sympathy with them. Such a thing was supposed to be objectionable then. But today also what I see is that many hon. Members when they speak either in this House or outside always try to heap up lots of abuses on the heads of these tax dodgers and say very harsh words for the black-marketeers, and such hon. Members always sail under the impression that simply by doing so the condition of the country would be improved. But they do not try to know that till this sore ulcer, that has developed upon the body of this nation and which is full of pus, would not be operated upon the patient could not be cured. Perhaps you might remember when our Prime Minister went to America a day before his departure he broadcast a speech from the All India Radio. For the first time in that speech I heard something realistic. Through the broadcast he made an appeal to the country and asked the people, who had been concealing their wealth for fear of tax and were not paying taxes, to take the present situation of the country into consideration and declare their wealth and also said that if they would do so the Government would treat their cases leniently so that they may be able to carry on their business properly. But it is a matter of great regret to note that though some six months have elapsed still the Ministry of Finance has not been able to formulate any ways and means to take advantage of the appeal that was made by

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the Prime Minister in his broadcast speech. The Ministry of Finance did not make any efforts in this respect whereby the people may have been enabled to give a proper response to this appeal and the country may have been rid of this dire disease that has penetrated deep down into the tissues of our country. Perhaps the Ministry of Finance could not do any thing in this matter simply for the reason that the Ministry might be apprehending that if they would take any decisions or lay down certain rules and regulations then they would be criticized and a lot of objections would be raised. Today also the Ministry is feeling shy for this very reason and so does not come to any decision. I am of the opinion that no useful purpose would be served by such hesitancy. Just now a report has been presented before you which mentions that Investigation Commission has discovered taxable amounts worth nearly three crores of rupees. But if it were to be asked of the hon. Minister of Finance as to 3 P. M. what amount of money he actually realized he cannot say a sum higher than 25 lacs or a still lesser sum has been realized, and the amount of money that has been incurred on this Commission amounts to nearly 17 to 18 lacs of rupees, meaning thereby that there has been a saving of not more than seven to eight lacs of rupees as yet. This state of affairs tantamounts to the old proverb "Much bleat less wool".

It was thought that as the Commission has been set up so millions of rupees would be recovered quite soon and the public would be benefited. But what has been the result? We have spent so much money to date, so much uproar has been created but what did we get, only seven or eight lacs of rupees. This is the amount that so many brains put together have been able to recover. For the future a hope has been extended that more money would be recovered, the still undiscovered cases would be detected; but in the light of the experience gained so far it has to be acknowledged that next year also some such despairing report would be presented before us. I think that had we thought over this problem from the businesslike point of view and tried that as we have pardoned even those persons, who before independence never aided with the country and readily put obstacles in the way of freedom and in fact were hand in glove with the then Government and played into their hands, and not to say of pardoning them we have installed them on the higher-pedestals of honour or in other words have completely consigned to them the reins of the Government; in the same way if we could have pardoned these persons also then the country would have benefited a lot. The very same persons, who till yesterday used to send Mahatma Gandhi and the Members of the Working Committee to jails, on whose orders the Members of the Working Committee were put under arrest, on whose orders people were lathi charged, are holding the highest posts today also. The persons who used to dance to the tune of the British Government and used to proclaim themselves to be the most loyal servants and used to affirm that as loyal servants of the Government they were duty bound to obey the orders, we have granted pardon to them thinking that in fact these persons were really in a fix and had been caught at the horns of a dilemma and as their sympathies were really with us so they must be given one more chance, and they were given a chance so much so that we consigned the entire responsibility of running the Government to them. If we could go to such an extent and when we have also come to know that after that they have begun to work for the interest of the country, then there is no reason why we may not give those persons, who out of greed during the war days when the structure of the income-tax was of such a nature that even the highest placed persons were tempted to indulge in tax evasion, committed some mistakes at that time, a new chance altogether to begin a new chapter of their life. I think this to be a grave mistake.

In such matters the Pakistan Government have taken concrete steps. The Pakistan Government without indulging in the old squabbles asked the people to try their level best for the consolidation and regeneration of Pakistan. But at the same time whatever strict rules the Government could frame for the future were framed. The Pakistan Government did not rake up the dead and let bygones be bygones. The Pakistan Government did not try to rake up old scores. What benefit did that Government reap by doing so, it is not necessary to mention.

I think that today millions of rupees, may be a hundred millions, are lying idle and concealed but our Government has not so far made any efforts to anyhow get this idle money invested in the various industries. Had we paid any attention towards this and taken steps at the right moment then these millions of rupees would have been utilized for the benefit of the country. Besides this we could have realized tax on the income that would have been derived from this money. But it is a matter of great regret that this entire money went underground and was squandered away in extravagance and dissipation. A major portion of that money fell a victim to the ups and downs of the share market. The result of all this is that today though the hon. Minister of Finance gives the greatest possible inducements yet the money, that has gone underground, is neither being declared nor invested in the various factories or industries nor recovered by Government in form of loan. Though the amount of money lying idle today is not so much as was before, still if the hon. Minister of Finance were to take the people into confidence and ask them to declare their wealth then he would come to know that as yet the people keep their money in Banks, keep the money earned from black-market in Banks, and take loans against the security of this money. Thus their money is lying idle. We cannot charge any income tax on that money, we cannot even utilize this money for the benefit and development of the country. In fact such a vicious circle has been created that without shattering it no progress can be made. I wish to submit that the time has now come when we, instead of drifting aimlessly, should take some concrete steps, make appeals to the people, try to raise the morals of the people and make a very high level appeal to them asking them to declare their money that they have kept concealed. We should put forward some such scheme that may succeed in bringing that money out and the Government may be able to realize income tax thereupon in future. I am confident that by adopting this method we can recover more money than we can through the agency of the Investigation Commission. The enforcement of stringent laws would affect the situation adversely. This is a wrong method. We have learnt this thing from experience. There is no reason why millions of rupees of the country be lying concealed and specially when our country is in the throes of difficulties. All the constructive schemes and programmes that we had for the development of the country are being shelved for want of money and all the projects of public welfare are being impeded. Even if after all this we are not able to bring out the concealed money then we should better resort to other means. If the experience of two years tells us that the country has not gained anything from the Investigation Commission then there is no reason why we should not seriously consider over the problem and decide that now it is essential for us to change our outlook altogether. I have not the least doubt on this point that if any enactment had been made and rules and regulations framed keeping in view the intention and spirit of the appeal, that was made by the Prime Minister before his departure to America, and efforts made to recover this money, then the country could have reaped immense benefits by this. The Bill that my hon. friend Prof. K. T. Shah has moved, is, as my hon. friend Shri Rohini Kumar Chaudhuri has said, so comprehensive that if it were to be investigated, judiciously of course, as to which persons do not come within the category of black-marketing, then according to the

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definition given in the Bill, that both the giver and the receiver are equally guilty, then there would be very few people, who would escape the limitations of this Bill. This Bill also mentions the giving or taking of houses on rent and efforts have been made to enforce this Bill on all sorts of transactions and the selling and purchasing of all marketable commodities. Take for instance the case of drugs. I wish to ask my hon. friend that suppose he stands in dire need of a penicillin injection for a friend of his who cannot survive without that injection, then at that time would he think of not paying a penny more than the controlled price, or purchasing it at whatever price it may be available would try to save the life of his friend. I very much doubt if there are any persons who under such circumstances can resist this temptation. Therefore if we were not to take into consideration the conditions that have since been created in our country, then it would mean that we simply build castles in the air.

I have to submit one more thing and that being that the Government have not at all taken into consideration her part of the responsibility in giving rise to these evils. We should see from where this black-market starts. The actual thing that happens is that a certain thing comes out of the factory and before it reaches the petty retailers it passes through the hands of a number of persons, and at every stage a price slightly higher than the original one is charged. If in the factory or at the very source a higher price be demanded then how can the petty retailer sell it at the controlled price? It is also essential for the Government to ascertain as to how far our own laws and rules are responsible for this state of affairs. Take for example the case of the vegetable ghee or vanaspati industry. On the one hand the Government wishes to have maximum production and efforts are made to this effect. The Government at the same time wish that it may not sell at prices higher than the controlled ones. Thus controlled prices are fixed for vegetable ghee. But on the other hand no ceiling prices are fixed for those oils from which vegetable ghee or vanaspati is made. The Government is also well aware of the fact that the day she had fixed the price of the vegetable ghee, then at that time the prices fixed were quite economical. At that time the groundnut oil was selling at a certain rate. Then its price began to rise. But the Government did neither fix the price of oil nor increased the controlled price of vegetable ghee. Are the Government not aware of the fact that when the prices of the raw materials are not fixed but the prices of the finished products have been fixed then both these things cannot go side by side? The same is the case of cotton also. No price has been fixed for raw cotton but prices of cotton textile have been fixed. Under such circumstances can anyone have a desire to increase the production? It is quite obvious that an industrialist can make efforts to increase the production only when he were to see that by doing so he would earn something and this increase of production would prove beneficial to him. Not only one but many such instances can be given. The fact is that at present the work is not being conducted in a planned manner. The result is that a lot of evils crop up. In the same way the restrictions that have been placed upon transport have given rise to a lot of evils. There are a lot of things today that cannot be sent from one district to another. For example take the case of Delhi. At places lying at a distance of six to seven miles from Delhi the rate of gram is seven or eight rupees per maund while in Delhi it sells for twelve to thirteen rupees per maund. Now the hon. Minister may himself see that when there is a difference of five rupees per maund between the rates at places lying within a few miles then how many businessmen can forego the temptation and for how long this state of affairs can be tolerated. It is a matter of great regret that the Government have been tolerating this state of affairs for years. The hon. Mover of this Bill

has not tried to study the human psychology. He thinks that all the persons are saints and they can sail quite clear of these temptations and especially when such a difference exists in the prices of commodities of daily use in quite adjoining places.

Another reason for this state of affairs is due to the defective policy of the Ministry of Commerce. At one time it grants O. G. L. (Open General Licence) with the result that a lot of foreign goods flood the market. Then the Ministry all at once puts a brake to this and the result is that the stockists begin to raise the prices of these commodities. Controls are being run in this very manner. It is the result of these very things that so many evils are cropping up in our country, and these evils cannot be eradicated till such state of affairs exists. The meaning of passing such legislations would clearly be this that we do not want to strike at the root but only wish to chop off the subsidiary branches. I think that a time has now come when the Government should give every individual a chance so that he may be able to take part in the consolidation and strengthening of the Government of Independent India. This can happen only when you, instead of passing such Acts, make an earnest appeal to the good sense of the people and try to touch their hearts and devise such ways and means whereby they, after acknowledging their faults, may try to reform their attitude for the future. Only by brute force or by the fear of police batons or by passing such laws the morals of a nation cannot be raised. It is harder nut to crack.

As far as the question of tax evasion is concerned there are a number of hon. Members and hon. Ministers in this House who took part in Congress Movement of 1942. I ask of them did they not use to approach these very persons and request them to give monetary aid to this movement? Did we not take substantial monetary aids from many of these very persons who are today being charged on counts of black-marketing and tax evasion, and who today in our eyes are damnest sinners? Is it not within our knowledge that whenever these people used to give us money they worked under the constant dread of the Government and dared not to declare their donations openly but always preferred to remain anonymous? At that time such donations and help were not entered in the account books and in spite of our knowing this fact we used to take money from them. Did we not know that this money had not come to these persons from heaven? Do we not acknowledge that at that time our standards of morality and ethics were quite different from today? Today the standards have changed. I wish to submit that after attaining independence we should expect from every person of this country that he would try his level best to lend support and strength to his country and Government, and would not act in any way that may prove prejudicial to the interests of the country. On this basis we can frame any laws that we like for the future and such an action would be perfectly justified too. But if today we were to sit in judgement over the actions done in the past then we should treat the persons of each and every section of society on the same footing. We should not make a certain section of the society an object of scorn. Every one of us should look within himself and think what evils and faults he has committed. In my opinion the best method would be that we may make an appeal and ask the people to declare their concealed money and discard the temptation of black-marketing. We should give opportunity to each and every one of them to do service to the country so that this vicious atmosphere, that has been created in this country, may come to an end.

With these words I oppose this Bill. In my opinion no useful purpose can be served by passing such laws. Real benefit would be had only when we would create an innate hatred for black-marketing in the hearts of the people. Ther-

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cannot be reformed by giving them deterrent punishments. These evils can be eradicated by creating in their heart of hearts an intense hatred for all such things and this would be done only when our present policy of controls is changed. Today this tendency of black-marketing and tax evasion has become so widespread that one finds its sway at every place, and hardly a very few people, whose number could be counted on fingers, would escape this stigma and specially if the actions of all the persons are judged according to the criterion that has been laid down in the Bill before us. Therefore I would request the hon. Mover of this to see the real facts. His object, for which he has moved this Bill, cannot be fulfilled in this way.

Shri Karunakara Menon (Madras): I had no intention to take part in the debate on this Bill, but the speeches and arguments of some hon. Members provoked me to do so. I am going to refute only one of the arguments that has been put forward with respect to this Bill by more than one Member.

An hon. Member said that the controls are due to the legislators who pass laws here; if the controls are removed, he said, black-marketing would automatically cease. I am glad that he did not continue the argument further and say that therefore it were the legislators that ought to be hanged and not the black-marketeers.

He said that it were the laws that were passed here that were responsible for black-marketing. But, in fact, these controls are due to shortage of commodities, on account of shortage of production. Controls are not due to the legislation in the Assembly. And to say that this shortage will cease immediately the controls are lifted is something that cannot be accepted. These controls can only be removed after increase in production. Suppose we remove these controls, what will happen? Let me speak only with respect to that part of the country from which I come. Unless landlordism is changed, the removal of controls will not produce the desired effect. On the other hand the controls that are now being administered by Government will go in the hands of a few landlords who will have their own way. Now I come from a part of the country and the condition prevailing there I shall describe.

Mr. Deputy-Speaker: I do not think it is necessary to go into a detailed discussion of the controls.

Shri Syamanandan Sahaya: Or even of landlords.

Shri Karunakara Menon: The argument that immediately the controls are removed the blackmarkets will cease is not correct. Immediately the controls are removed the result will be that articles will concentrate into the hands of a few people and most mischievous results are likely to follow. What is actually required is an increase in production.

We are thankful to Prof. Shah for placing this Bill before the House. It has given an opportunity to all Members to discuss their various points of view and to place before the House information as to what takes place in the country and how bitterly people are suffering. I do not agree with the remedy suggested in the Bill; but all the same I should say that this is a very serious matter. Rich people escape and poor labourers and others who take some rice from one part of the district to another for sale or use are caught and punished. Rich people always escape by using their influence with the officers. It is the rich people who are the blackmarketees and they escape punishment. I know several cases where this has happened. Therefore, as the hon. Member Mr. Hanumanthaiya said, it is an urgent duty on the part of the Finance Minister to find out ways and means by which no person escapes the

operation of the law when he commits the serious offences dealt with in this Bill.

Mr. Deputy-Speaker: Before I call upon the next speaker to speak, I wish to draw the attention of hon. Members to the fact that a number of Members want to speak on this motion. Therefore, as very few points arise on this motion, if the speakers will limit their observations to ten minutes, most Members can participate in the discussion.

Shri Mudgal (Bombay): This Bill is a tribute to the sense of moral indignation of Prof. Shah but a pathetic attempt at curing the evils which exist. Ever since Parliaments came into being, there have been people who imagined that they can exercise an evil by passing laws. But, Sir, most countries are suffering from a plethora of laws. In fact the Statute Books of most countries are full of so many dead laws that even the legislators, the lawyers and judges do not remember all of them. Every day we all violate laws the existence of which we do not remember. If I have more time I could give you very amusing instances of laws that are on the Statute Book of the United States but are as good as dead. I will not go into this further.

Sir, the proposition, that by threatening a man with death if he resorts to black-marketing we can cure evils of black-marketing is very pathetic. You remember in Soviet Russia, the Red country which has not known anything else ever since its birth except black-markets, they have tried to hang or shoot people for such crimes, but in spite of it all there are black-marketeers and millionaires there even today. Mr. Stalin is unable to rid his country of those elements.

As so many hon. Members have already observed, if you want to cure these evils, we must attempt other remedies than legislation. We must go to the root of things. Of course we want to talk about morality. But morality has always an economic foundation. For the successful practice of virtue, one must have an income.

An Hon. Member: Not necessary.

Shri Mudgal: Very necessarily, if you study society. So, if you want to eradicate the evils arising out of controls, we must go to the root of the causes. We should abolish controls which were introduced and re-introduced by our frightened statesmen who, if they had a little more courage and patience, could have stabilised things long ago. That was not done. What are we going to do? Are we going to look backwards? No. We have to go forward and see what we can do to eliminate the evils arising out of these.

Ultimately, the only solution for the existing corruption is increased production. When there are more things produced and there are enough things to meet the demand in the country, the black-markets, even if you give them a bonus, will not be there. This is a simple truth and an economic principle. Therefore, instead of getting indignant morally, let us all concentrate on bringing about conditions in the country which will increase production. When we do that the black-marketeers will not be able to ply their trade, because there will be no profit in that.

An Hon. Member: Then there will be no controls also.

Shri Mudgal: Controls have to be eliminated as early as possible, if not immediately. So, unless we all put our full efforts in encouraging more production, this problem will take a much longer time to solve. In that direction our hon. the Finance Minister has taken several steps. Let us support him to get results out of that policy.

Now, many people have talked about black-marketeers and very little has been said about tax-dodgers. Now let me come to that important problem of

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tax evasion. Here also, we must go to the root of the problem. Merely to curse the tax-dodgers will not eliminate the evil. How did this come about? It is true that in this country, many people, even before the war, tried to pay as little taxes as possible under the impression that they were smarter than many others in the world. There is a saying abroad that you cannot escape the tax-collecting agent, even if you manage to escape death. Possibly our smart businessmen and industrialists want to show that they can dodge the tax-collector. But, during the war this evil has grown and multiplied. Why? The British administrators of ours were after getting results to wage the war successfully. They wanted the support of as many people as they could. During that period, as long as they got support from the industrialists and businessmen, they were willing to wink at certain malpractices. As the resources of the country were multiplying fast and as long as they got their share, they did not care whether they collected all the taxes or not. That was one factor. Another factor and this came about a little later, was: we told the industrialists and businessmen who earned lakhs of rupees that we must collect 15½ annas in a rupee that they earned. As long as they were permitted to evade taxes by the British, as long as they were making a lot of money, everything was all right. Even the legislators, and even we Congressmen, did not protest very loudly in those days. But when the profit making opportunities became less and less, these people who had to return 15½ annas on every rupee they earned, they began to resort to methods of evasion of taxes. Even three years ago, our very Finance Minister was on the side of what they term in America "soak the rich", but he has been progressively changing that attitude and coming over to the path of reality. Now the taxation level has been brought down from 15½ annas to 12½ annas. This he has done, and rightly too, to encourage production in the country. If we go on that path progressively, I am sure we can solve this problem of production, and get increased production in this country. For that we must always have a realistic attitude and an open mind. It will not do even today to say as our Finance Minister so bravely, but unnecessarily said,

"As far as I am concerned, so long as I have anything to do with the Finance Ministry, there will be no further reduction in the level of direct taxation except such minor adjustments as circumstances may call for from time to time. So, those who are affected by direct taxation would do well to take note of these facts, to adjust themselves to these levels of taxation....."

If I were the Finance Minister, I would not be dogmatic like that. Why not reduce taxes next year and the year after next also if the situation warrants such a reduction? Where is the need to dogmatise in matters of economic development? Instead of making such a brave, but shortsighted declaration, I would say to the industrialists and businessmen and whoever is busy earning a good income, "I have given you relief this year. You go and work and spend all you need and invest all you can spare. Work hard and expand production, and if you do that wholeheartedly during the next twelve months, I should be glad to give you further tax relief." The effect of this would be a great tonic to the productive elements in the country. If we do that, if we give hope to the people to retain a reasonable proportion of their earnings, I do not see how this tax evasion will continue for ever. Unless we tackle these problems fundamentally, by going down deep to the root of things, we are not going to put this country on a sound economic basis. Mere moral indignation will not carry us very far. Therefore I oppose the Bill that Prof. Shah has introduced.

श्री पी० सी० सेन : समापति जी, जो विषय आज आपके सामने है, इस विषय पर मैं समझता

हूँ कि हाउस और हाउस के बाहर जहाँ कहीं भी सुनते हैं, ज्यादा से ज्यादा बहस इस पर हुआ करती है,

और अब तो इस नतीजे पर हम पहुंचे हैं कि इस विषय पर जितनी ही कम बहस हो, उतना ही अच्छा है। यह तो सुनते-सुनते लोगों के कान बहरे हो गये हैं।

सेठ गोबिन्द बास : दिमाग खराब हो गये हैं।

श्री पी० जी० सेन : सही कहना है कि दिमाग खराब हो गये हैं। मेरा कहना है कि इस तरीके के जो भी कानून बनते हैं, कानून तो बहुत कागज में रखा करते हैं, मगर उसको जो लोग लागू करते हैं, वह लागू करने वाले आदमी भी चाहियें, जो उन कानूनों को लागू कर सकें। कानून तो डेर के डेर पड़े हुये हैं और जज लोगों को उन कानूनों के डेरों से खोजना पड़ता है कि कौनसा कानून लागू हो। जहां यह हालत हो और यह स्थिति हो, वहां ऐसे कानून पास करना, चाहे आप उनको ब्लैक मार्केटर्स (black-marketeers) या टैक्स इवोडर्स (tax-evaders) के नाम से पुकारे, चाहे जिन शब्दों में आप उनको कहें, उनसे स्थिति में तब्दीली आने की क्या सम्भावना है। असली सवाल तो यह है कि आज हम लोगों का इतना नैतिक पतन होगया है कि हम लोग इससे बाहर जा ही नहीं सकते हैं। मैं तो हैरान रह जाता हूँ जब मैं हाउस में देखता हूँ कि वही मनोवृत्ति या भावना इस हाउस में बिद्यमान है। यहां बोलने की दस मिनट की कंब लगाई जाती है बेयर की तरफ से, ताकि ज्यादा से ज्यादा मेम्बरों को बोलने का अवसर मिल सके, लेकिन होता क्या है कुछ सज्जन पन्द्रह, बीस मिनट ले लेते हैं, तो यह दूसरे पर नाचने की मनोवृत्ति, माहा आपमें भी रहता है कि एक दूसरे के ऊपर चलें। तो यह चीज हम हर जगह देखते हैं और यह भारतीय समाज में ऊपर से नीचे तक फैली हुई है।

मैं इसके बारे में आपको एक मिसाल देना चाहता हूँ। एक दिन पूरनिया कचहरी के बरामदे से होकर जा रहा था तो मैंने देखा कि एक आदमी दूसरे को निकाल कर रुपया दे रहा है, मैंने फौरन उसको जाकर पकड़ लिया, तो वह कहने लगा कि मैं उसको दे छोड़े ही रहा था, मैं तो यों ही रुपया निकाल रहा था, अब बतलाइये कि मैं क्या करता। तो यह हालत है। आप चाहे कितने ही कानून बना-इये, इनको लागू कराने के लिये आप जो आदमी मुकर्रर करेंगे, वह इससे तंग आ जायेंगे, वह कहेंगे कि बाघरे, दिन रात कहां तक इसके ऊपर रहें। इसका मुझे भी तजुर्बा है। एक मर्तबा चालीस बोरा गेहूँ आस्ट्रेलियन यहां से हमारे यहां गया था, तो वह तो राशन्ड है और वह गुलाब बाग हट में मुझे मिला, तो मैंने उसको पकड़ लिया, यह सुबह आठ बजे का वाकया है, बाक्ये पर एक एक करके इन्स्पेक्टर, मार्केटिंग अफसर और दूसरे सरकारी अफसरान जो मुखतलिफ़ पोर्टफोलियो (portfolio) लिये हुये हैं, वह आते गये और मुझे तरह-तरह के सञ्चान देने लगे, जैसे यह गेहूँ यहीं रहने दीजिये, मार्केटिंग इन्स्पेक्टर उसको आकर सीज कर लेगा, उसको यहीं रख दीजिये, तब मुझे कुछ शक हुआ कि यह गेहूँ यहीं रखवाना चाहते हैं, तब मैंने कहा कि इसका यहीं रखना ठीक नहीं होगा। मुझे शक था कि अगर वहीं उसको छोड़ दिया जाता, तो गेहूँ को बदल दिया जाता और कहीं उसकी जगह चाबल नहीं हो जाता, हम वहीं पर बैठे रहे। उसके बाद कहा गया कि यह गवर्नमेण्ट गोदाम में जायेगा। तब मैंने थाने में खबर की और चालीस बोरे गेहूँ लदवा कर हवलदार को साथ लेकर कचहरी पहुंचा, तो उस वक़्त पांच बज गये थे। मुझे चौराहे पर इतिफाक़ से डी० एस० ओ० (D. S. O.) साहब मिल गये, तो मैंने उनसे बतलाया कि साहब ऐसी-ऐसी बात है, और यह चालीस बोरे आस्ट्रेलियन गेहूँ और यह राशन्ड आर्टिकल (rationed article) है और यह कानून के खिलाफ़ काम किया गया है। उन्होंने फ़रमाया कि ठीक है, इसको जमा करवा दीजिये। जब तक गाड़ी पहुंची शाम हो गयी, मैं हैरान और परेशान हो गया कि क्या कल सारे दिन का मैं भूखा प्यासा। और जैसे-तैसे मैं गेहूँ को लेकर डी० एस० ओ० आफिस पहुंचा। वहां कहा गया कि इसको ठीक से रखना चाहिये, एक आदमी ने बन-

[श्री पी० जी० सेन]

लाया कि गेहूँ रखने से पहले उसका नमूना रख लीजियेगा और उसको सील करके रखियेगा, चुनांचे उसको सील कराया गया। यह झगड़ा चल ही रहा था कि हम बगैर सील किये हुये नहीं रखेंगे कि हमको मालूम हुआ कि कलेक्टर साहब वहाँ बैठे हुये हैं, तो हम लास्ट आवर (last hour) में कलेक्टर साहब के पास पहुंचे और जाकर वह गेहूँ उनके सामने रख दिया। तब उन्होंने कहा कि यह तो ठीक है। उन्होंने डी० एस० ओ० को चिट्ठी लिखी और रात को आये और नौ दस बजे तक गाड़ीवानों के बयान लिये गये और सारी कार्रवाई हुई। अब दो बरस तक तो मुकद्दमा चलता रहा। और फिर यहाँ हम महात्मा जी के रास्ते पर चलने वाले थे, सत्य के आग्रह के कारण झूठ बोलना पाप समझते हैं और लोग कचहरी में बुलाये जाते हैं तो सबाल यह होता है कि उसको फंसाने के लिये झूठ बोलें तो यह बात तो ठीक नहीं है। तो आपकी जो यह सारी मेशीनरी है यह तो एक अजीब तरह की है। इस को रखा गया तो कानून को जो लागू करने वाले हैं वह तो कहेंगे कि यह कौन सी नौकरी हमको मिली है कि ब्लैक मारकेटियर को बूँडते फिरें और कचहरी में दौड़ते फिरें, बस से पांच बजे तक। तो यह जो स्थिति है उसके बारे में भी हमें सोचना है और इस हाउस को भी सोचना है कि इस तरीके की जो कानूनी बातें हैं उनको सरल बनाना है और जब तक यह बुनियादी बातें ठीक नहीं होंगी तब तक आपका कोई भी कानून कभी लागू नहीं हो सकता और टैक्स इवेडस जो इतने बढ़े हुये हैं वे इसी तरह बढ़ते रहेंगे। क्योंकि अगर टैक्स इवेड नहीं किया जाता है तो पैसा उसके पास नहीं रह सकता। इसलिये टैक्स तो इवेड करते ही हैं, यह तो जानी हुई बात है। तो इस तरह यह सारी चीज आपके सामने है।

आज हमारे भारत की यह अवस्था है। हम देखते हैं कि लोग हमें गाजी देते हैं, कर्तुं हैं कि फताने को एडवाइसरी कमेटी में, किरोसीन, चीनी और राखन बांटने के लिये क्यों रज दिया है, बड़ो प्रादो तो ठीक नहीं है। तो यह चर्चा ट्रेन में आती है तो हमने कहा कि हां साहब तो नाम बताइये जिसको कमेटी में रखा जाय। तो ट्रेन स्टेशन पर आ जाती है और वह साहब उतर जाते हैं पर उनका जबाब नहीं आ सका कि किसको रखा जाय। तो हमारी अवस्था यह है कि हम एक आदमी भी अच्छा नहीं चुन सकते हैं, एक आदमी भी हमको नहीं मिलता है। और आप कहते हैं कि डीपेट्टेलाइबेशन आफ पावर हो। तो पावर तो आप छोड़ देंगे लेकिन हम कहते हैं कि हमारे सामने वह आदमी ही नहीं है जिसको कि ताकत दे सकते हैं। हमारी तो यह अवस्था हो गयी है। तो हम जो यहाँ बैठ कर कानून बनाते हैं तो उस कानून के बनाने से क्या फायदा होगा। आपने दुनिया भर के कानून बना लिये मगर हो सकता है कि कोई आदमी कुछ गफलत से कोई काम कर बैठता है तो उसको तो आप कानून से बांध देते हैं मगर वह बेचादा कांशसली (consciously) वह काम नहीं करता है पर वह फंस जाता है।

अब आप कण्ट्रोल का सबाल लीजिये। अब आप कहिये तो मैं बैठ जाता हूँ अगर समय नहीं है।

(English translation of the above speech)

Shri P. G. Sen (Bihar): Sir, today's issue formed a regular and continuous subject of discussion both in this House and outside and I have come to the conclusion now that the less we discuss it the better. People have been listening to it so long that they are just fed up.

Sath Govind Das: It gets on one's nerves.

Shri P. G. Sen. Really it gets on one's nerves. I am of the view that laws of that kind are enacted but they remain confined to the statute book, for we also need men who would enforce them. Laws are there, pile on pile, and the judges have to look up in those piles to find out which particular law

might be applicable to the case in hand. When such are the conditions how can we expect a change merely by the passing of a law relating to these people whom you may call black-marketeers or tax-evaders, anything you like. The real position is that we have fallen into such moral degeneration that it is impossible for us to come out of it. I am sometimes surprised when I notice a similar mentality permeating this House. A time-limit of ten minutes has here been imposed by the Chair on speeches so that the largest possible number of speakers might get an opportunity to speak. What happens is that some Members take as long as fifteen or twenty minutes. Thus, even we are not free from this mentality, this desire to ride roughshod over others. We find it everywhere, permeating Indian society from top to bottom.

I shall cite an example. One day I was going along a verandah of the Kutchery at Purnea when I noticed a man taking out money and handing it over to another. I immediately caught hold of him but he said, "Why, how do you say I was going to give it to him? I was just taking it out". Now, tell me what should I have done. Such are the conditions. You make any number of laws. The men whom you appoint for their enforcement would soon get fed up with them. They would say, "Oh God, how far can we go on enforcing them?" I have personal experience of this. Once forty bags of Australian wheat were sent from here to my town. Now, wheat is a rationed commodity. It was in Gulab Bagh Hat that I came across it. I seized it. This happened at eight o'clock in the morning. After the incident the Inspector, the Marketing Officer and other Government officers carrying various functions started arriving one after the other and giving me various kinds of suggestions, as for instance "Let this wheat remain here; the Marketing Officer will come and seize it", and "Leave it here". This aroused in me the suspicion that possibly they wanted me to leave the wheat as it was. So I said it was not proper leaving it there. I suspected that if the wheat were to be left there it might be replaced by something else, say rice. I stuck to my guns. Then it was suggested that it should go to the Government godown. I reported the matter at the police station, had the forty bags of wheat loaded, took a *Havildar* with me and went to the *kutchery*. It was five o'clock by then. At the cross roads I encountered the D.S.O. by chance. I narrated the whole incident to him and showing him the forty bags of Australian wheat asserted that since it was a rationed commodity an unlawful act had been committed. He said, "That's right. Have it deposited". By the time the cart arrived it was evening. I was confused and puzzled and did not know what to do. I had to be hungry and thirsty throughout the day. Anyhow, I got up to the D.S.O.'s office with the wheat as best as I could. There it was said that it must be stored properly. Someone suggested that before the wheat is deposited a sample should be taken and that it should be sealed. Accordingly this was done. While the argument was still going on and I was insisting that before the wheat was deposited a sample of it should be sealed, I came to know that the Collector was somewhere near. So, in the last hour, I went to the Collector along with the wheat. He said "That's right!" and wrote a note to the D.S.O. It was night by the time he came. The statements of the cartmen were taken at about 9 or 10 o'clock and the procedure was completed. The case dragged on for two years. Being a believer in Mahatmaji's way and his philosophy of truth I regard lying as a sin, but when people are called to attend a court they are expected to lie with a view to secure someone's conviction which is not proper. Thus, the entire machinery of yours is rather odd. If it is retained those responsible for the enforcement of the law would say, "What kind of job is this that we keep hunting for the black-marketeer and then hang about the courts from ten or five. Hence, the existing situation calls for thought on the part of this House. We should see to it that these legal formalities are simplified. Until and unless this basic reform is made no law of yours can

[Shri P. G. Sen]

be enforced effectively and the already large number of tax-evaders would keep multiplying. If they do not evade the tax how can they keep their money with them? The tax is, therefore, bound to be evaded; this is an admitted fact, a foregone conclusion. Thus, the entire situation is before you. Such are the conditions in our Bharat. We find people abusing us and complaining why a certain person has been appointed to some advisory committee, or assigned the distribution of kerosene oil, sugar or rations and saying he is not a desirable person. When the subject crops up for discussion in a train I say, "Please let us know the name of the person who should be appointed to the committee?" By that time the train arrives at some station where the grumbler gets down and I fail to receive his reply as to which person should be appointed. Thus, our position is such that we cannot select even one good man, we are unable to find a single suitable person. And, then we demand that there should be decentralization of power. Of course you are willing to relinquish power but the difficulty is we do not have anyone in view to whom that power might be transferred. To such straits we have been reduced! What, then, is the use of our just passing a legislation here? You have made multifarious laws but it does happen sometimes that a certain fellow, who happens to commit an act by oversight, is roped in by the arm of law, even though he did not do it consciously.

Now, let us take the question of controls. Since there is no time I close.

श्री बांगर : सभापति महोदय, आज हम जमींदारी और मालगुजारी का अन्त करने जा रहे हैं। मैं मानता हूँ कि मालगुजारी और जमींदारी छतरनाक होती हैं। मगर इससे क्यादा भयानक और भयावह यह मुनाफाखोरी और काला बाजारी होती है क्योंकि जमींदार और मालगुजदार तो सुस्त होते हैं और दूसरों की कमाई पर निर्भर रहते हैं। परन्तु जो काला बाजार करने वाले हैं और मुनाफाखोर हैं यह बड़े ही उद्यमी होते हैं। यह एक मिनट भी व्यर्थ गंवाना पसन्द नहीं करते। मुनाफाखोर और काले बाजार वाले इतने कठोर होते हैं कि हम उन्हें अपने कोमल नियमों से दूर नहीं कर सकते क्योंकि काला बाजार और मुनाफाखोरी करने वाले दो फ्रण्ट्स से लड़ना जानते हैं। हमारी सरकार एक फ्रण्ट से लड़ती है और काला बाजार और मुनाफाखोरी वाले दोनों फ्रण्टों से लड़ते हैं। हममें से हर कोई जानता है कि काला बाजार और मुनाफाखोरी इस देश में व्यापकता से छाई हुई है। परन्तु हम उसे पकड़ नहीं सकते क्योंकि अदालत की भाषा में उसे पकड़ना बड़ा कठिन होता है। हम आज कानून बनाते हैं तो उससे जबर्दस्त कानून वह मुनाफाखोर और काले बाजार वाले जानते हैं। वह इस तरह से चोरी करते जायेंगे और इस तरह आपके पास से निकल जायेंगे कि उन्हें पकड़ना बड़ा मुश्किल होता है। हम लोगों में नैतिक पतन इतना आ गया है कि इस नैतिक पतन के कारण ही हमारे जो ईमानदार नीकर रहते हैं, जिन्हें हम ईमानदार कहते हैं, उनका भी पतन हो जाता है और इस कारण यह मुनाफाखोरी और कालाबाजार बढ़ते जा रहे हैं।

दूसरा कारण इसका मैं यह समझता हूँ : राशनिंग और कण्ट्रोल। यह राशनिंग और कण्ट्रोल जो रखे गये हैं, खास करके नगरों और कस्बों में, यह इसकी जड़ हैं। इस जड़ के कारण ही हमारे मुनाफाखोर और काले बाजार वाले बढ़ते जा रहे हैं। आप अगर शराब सामने रख दें और लोगों से यह कहें कि शराब मत पीओ तो क्या शराब पीने वाला अपने सामने पड़ी हुई शराब को पीने से बकेगा? नहीं, वह नहीं बकेगा। इसी तरह कण्ट्रोल और राशनिंग तो सामने रखते हैं तो उनके होते हुये आवामी इस मुनाफाखोरी और काले बाजार में फंस ही जायगा, उससे वह बक नहीं सकता। राशनिंग और कण्ट्रोल में इतनी कठोरता है कि उसके सामने मनुष्य यह समझता है कि ब्लैक मारकेट से और मुनाफाखोरी से उसे चीज

आसानी से मिल सकती है। जो चीज हमें महीनों तक नहीं मिल सकती वह हमें यहां तुरन्त मिल सकती है तो फिर क्यों नहीं ब्लैक मार्केटिंग और मुनाफाखोरी बराबर बढ़ती रहे। इसी कारण यह बढ़ते जा रहे हैं।

आज यही काले बाजार वाले और मुनाफाखोर आपके चारों तरफ, आपके शहरों में, कस्बों में, गांवों में, आपके ब्योपार में, आपके कन्ट्रैक्ट (contract) में, आपके ठेके में, आपके हर एक बैंम्बर आफ कामर्स में सब जगह यह घर करे हुये हैं। इस वजह से आज हमारे भारतवर्ष में कोई ऐसा नहीं है जो इससे प्रभावित नहीं है। जब इस तरह की हमारे देश में हालत है तो हम इससे कैसे बच सकते हैं। आज हम कानून बनाते हैं तो कानून बनाते हुये भी हम उन्हें पकड़ नहीं पाते हैं। यह मैं मानता हूँ कि अगर कानून बनता है तो मुनाफाखोर और काले बाजार वाले हमारे पास पकड़ कर नहीं आते हैं। परन्तु यह मैं उन्हें विश्वास दिलाना चाहता हूँ कि समय की मांग ऐसी है कि उन्हें आना ही पड़ेगा। आज वह कोमल रीति से पकड़े जायेंगे लेकिन यदि वे नहीं मानते हैं तो उन पर कल कठोर शासन होगा। कठोरता का उन्हें सामना करना पड़ेगा और जिस तरह आज वह जनता में शोषण कर रहे हैं और बूस रहे हैं तो ऐसा जमाना आने वाला है कि उन्हें इसका फल भोगना ही पड़ेगा। क्योंकि जनता का विचार कोई रोकने वाला नहीं होता। आप हज़ारों रोकने की कोशिश करें लेकिन जनता में आज जो विचार का प्रवाह है वह रुक नहीं सकता। आज जनता मुनाफाखोरी और कालेबाजार से तबाह हो चुकी है और इस लिए वह इसे कब तक रोक सकेंगे।

मैं समझता हूँ कि यह काला बाजार और मुनाफाखोरी युद्ध के जमाने की चीज है। युद्ध के जमाने में अक्सर यह होता है कि कन्ट्रोल और राशनिंग की व्यवस्था करनी पड़ती है क्योंकि बहुत सी चीजें बरबाद होती हैं और हमारे सिपाहियों के पास जरूरी चीजें भेजनी पड़ती हैं। तो उनको सङ्कलित करने के लिये यह चीजें पङ्चानी पड़ती हैं। ऐसी हालत में कन्ट्रोल और राशनिंग हो जाता है। परन्तु आज मैं समझता हूँ कि भारतवर्ष में और छुनिया में युद्ध का जमाना नहीं है। मैं मानता हूँ कि युद्ध की पूँछ फँसी हुई है। उस पूँछ को हमें काटने की जरूरत है। युद्ध की इस चीज राशनिंग और कन्ट्रोल को उड़ाने की जरूरत है। यह जब तक नहीं उड़ेगी तब तक आपका करप्शन भी दूर नहीं हो सकता। इस लिये कन्ट्रोल और राशनिंग को उड़ाने की आवश्यकता है। यह मैं मानता हूँ कि कन्ट्रोल और राशनिंग को उड़ाने से हमें कुछ महीनों के लिये तक्रलीफ़ का सामना करना पड़ेगा परन्तु बाद में ऐसी हालत हो जायगी कि जिसमें गरीब और अमीर सबको सुख हो जायगा।

(English translation of the above speech)

Shri Zangre (Madhya Pradesh): Sir, today we are going to put an end to *samindari* and *malgusari*. I concede that *malgusari* and *samindari* are pernicious institutions. But, still more pernicious and terrible are profiteering and black-marketing. This is so because whereas the *samindar* and the *malgusar* are lazy people and are content to be mere parasites, the black-marketeers and profiteers are very resourceful people. They would not waste a single minute. They are such a tough lot that our milk and water measures would not serve to eliminate them. These people know the art of fighting on two fronts whereas our Government fights on a single front only. Everyone of us knows that black market and profiteering are rampant in this country. We are, however, unable to bring them to book as it is very difficult for the arm of law to catch them, the procedure in courts being a cumbersome one. We make a law only to discover that the profiteers and black-marketeers happen to know something even superior. They go on plying their nefarious trade and

[Shri Zangre]

manage to escape detection. It is extremely difficult to get at them. We have been reduced to such a state of moral degradation that even our otherwise honest employees get infected by the pervading demoralisation with the result that profiteering and black-marketing are on the increase.

Rationing and control are, to my mind, another cause of all that. Rationing and control, particularly in the cities and towns are, I think, the root-cause of the evil. It is because of this root-cause that the profiteers and black-marketeers are growing in number. It is like putting wine in front of a person addicted to its use and then forbidding him to drink. Do you think he will desist? No, he will not. In the same way, so long as control and rationing are there a man is bound to be involved in profiteering and black-marketing; the temptation will be irresistible. Rationing and control are rigorous measures and when confronted with the difficulty caused by these one has the tendency to think that one is likely to get the commodity required more easily from the black-market. We can obtain there immediately what we may otherwise fail to get in months. This naturally serves as a constant fillip to black-marketing and profiteering which are consequently on the increase.

Today, these black-marketeers and profiteers are surrounding you on all sides and infesting your cities, towns and villages, monopolizing your trade and contract and entrenched in every chamber of commerce. Hence, there is nobody at this time who is immune from its influence. How can we avoid it when such are the conditions in our country? We make laws about them and yet we fail to catch them. I admit we have failed to apprehend the profiteers and the black-marketeers with the help of our laws, but let me assure them that the call of the times is such that they shall have to appear and answer for their doings. Today we are out to apprehend them by gentle methods but if they do not come round they are going to be dealt with drastically. They shall have to face the music one day and the time is coming when they shall be visited with retribution for the exploitation of the masses and the blood-sucking they are indulging in at present. For, nothing can hold up the tide of public opinion. We may try our utmost but it is impossible to check it. Profiteering and black-marketing have ruined the people: how long are they going to be kept in check?

I think the origin of black-marketing and profiteering is traceable to the war-time. It often happens in war-time that control and rationing have to be resorted to because lots of things are destroyed and the soldiers have to be supplied essential commodities. They must be provided with all sorts of comforts. Under such circumstances control and rationing come to be introduced. But, then, it is no longer war-time, either for India or for the rest of the world. Its trail is there no doubt but it has got to be cleared up. These legacies of the War in the form of rationing and control have got to be got rid of. Until and unless we abolish them corruption will not disappear. Hence, they require to be scrapped. I concede that after the abolition of control and rationing it may go hard with us for the first few months but ultimately it is bound to bring general relief to the rich and the poor alike.

Mr. Deputy-Speaker: Shaikh Mohiuddin.

Some Hon. Members: The question may now be put.

Mr. Deputy-Speaker: I have already called upon Shaikh Mohiuddin.

श्री मोहिउद्दीन: यह सच है कि देश की उन्नति केवल नैतिक उन्नति के नहीं हो सकती। जब देश में नैतिक अवनति होती है उस वक़्त क़ानून लगा करके देशवासियों को राहें रास्त पर जाने की कोशिश

की जाती है। यह सच है कि हमारे देश में खास कर हमारे व्यापारियों में नैतिक पतन इस तरह हो गया है कि बगैर क़ानून लगाये हुये उन लोगों को सही रास्ते पर नहीं लाया जा सकता है। यह सच है परन्तु इसके साथ और भी ऐसे जरिये हैं जिसके कारण हमें ज़िज पर सहमत न होकर विरोध करना पड़ता है। वह यह है कि देश में यह जो अवस्था है, व्यापारियों में यह जो तरीका ब्लैक मार्केट का फैला है वह आज से नहीं बल्कि डेढ़ दो सौ साल की गुलामी के जरिये से हुई है। खास कर लड़ाई के जमाने में अंग्रेजों की चालाकी से देशवासियों के हाथ से पैसा निकालने का यह तरीका बना कर के अंग्रेजों ने ब्लैक मार्केट को प्रोत्साहन दिया है और इतनी दूर बढ़ाया है। साथ साथ सिर्फ़ यही नहीं बल्कि ब्लैक मार्केटियर लोगों को यह भी सिखाया गया है कि किस तरह मशीनरी को धोखा दिया जाता है और आज परिणाम यह है कि हमारे देश में तरह तरह के क़ानूनों के होते हुये भी, गवर्नमेण्ट की इतनी कोशिश होते हुये भी ब्लैक मार्केट्स को पकड़ा नहीं जा सकता है और उन्हें सजा नहीं दी जा सकती है। सिर्फ़ इतना ही है कि इसके साथ साथ मशीनरी भी क़ाफ़ी होती है। मैं बिहार का रहने वाला हूँ और अच्छी तरह से यह जानता हूँ कि किस तरीके से ब्लैक मार्केट्स और पुर्लिस और साथ ही साथ रेलवे का मेल हुआ करता है और किस प्रकार सिर्फ़ नाम के लिये पसंटेज दिखलाने के लिये कुछ केसेज को पकड़ कर कोर्ट में भेजा जाता है जिन्हें यह कह कर कि गवाह नहीं है और गवाह हैं तो सपोर्टर (supporter) नहीं हैं, छोड़ दिया जाता है। समापति जी यह भेद की बात नहीं है। शायद हाउस को यह बात मालूम होगी कि जितने केसेज दायर किये गये हैं उनका फर्स्टेज लिया जाय तो ज्यादातर देखा जायगा कि बहुत से केसेज गवाह की कमी से या उन तमाम गवाहों के ठीक समय से न पहुंचने के कारण स्ट्राइक आफ़ (strike off) किये जाते हैं और साथ साथ देहात के जो गवाह होते हैं वह चले चलते इतने परेशान हो जाते हैं वह धोखा दे जाते हैं इसलिये केसेज छूट जाते हैं। यह तरीका नहीं है, यह तो इन्डाइरेक्ट (indirect) तरीके से ब्लैक मार्केटिंग को बढ़ाना है। यह सच है कि ब्लैक मार्केट से सहर के आदमी जितनी तकलीफ़ पाते हैं उससे बहुत ज्यादा गांव और देहातों के आदमी पाते हैं क्योंकि सहर में राशनिंग है वहां सही तरीके से सप्लाई (supply) होती है, देहात में ऐसी चीज़ कम है वहां जितनी जरूरत है उसका चौकार भी नहीं सम्पन्न होता है। ब्लैक मार्केट से अगर पैसा आता है तो देहात से आता है। देहात के आदमी जी जान लगा कर देश की उन्नति के लिये सुबह से शाम तक बूय में, पानी में, कोबड़ में काम करते हैं मगर उनको ज़क़्त की चीज़ सप्लाई नहीं होती है, इसलिये उन्हें बहुत चीज़ें ब्लैक मार्केट से खरीदनी होती हैं। रूरल एरियाज (rural areas) बाकों के लिये यह सबसे ज़रम की बात है कि उनको सप्लाई क़ाफ़ी नहीं मिलती है और ब्लैक मार्केट का पैसा ज्यादातर उन्हीं से व्यापारियों को जाता है। परन्तु मेरा विचार यह है कि अगर सप्लाई सही तरीके से देहातों में दी जाय जिस तरीके से सहरों में दी जाती है उसी तरीके से देहातों के घरों में मर्चण्डायरी के तरीके से सप्लाई हो तो ब्लैक मार्केट कम हो जायगी, यह इतनी मुश्किल चीज़ नहीं है। सप्लाई इतनी हो जायगी तो काम चल जायगा। उसकी उपज कम है, यह सच है और उसकी उपज बढ़ाने के लिये कोशिश की जाय। मगर इसके लिये अभी तक गवर्नमेण्ट की ऐसी कोई स्कीम नहीं हुई है जिससे उपज बढ़े। वह सही है 'ग्रो मोर फूड कम्पेन' (Grow More Food Campaign) करके एक कम्पेन आपने निकाली है लेकिन वहां के आदमी जितने हैं वह समझते हैं कि 'ग्रो मोर फूड कम्पेन' यही है कि जो परती जमीन है उसे बोना शुरू कर दो यह नहीं जानते कि जहां पांच मव उपजती है वहां पच्चीस मन उपजाओ। स्टैटिस्टिक्स (statistics) को निकाली है उनमें भी वह नहीं आया है कि फलां जिले में इतनी तरक़ी की गई है और फलां में इतनी। खास कर मेरे बिहार में तो जो पैसावार होती है उस पर क़ाफ़ी ध्यान न देने के कारण से पैसावार उतनी नहीं हुई जितनी हो सकती है।

[शेख मोहीउद्दीन]

मैं तो ज्यादा कुछ नहीं कहना चाहता हूँ। इतना सिर्फ़ कहूँगा कि जो भी हालत हो, कच्चे लोहे की तरिके से और सफ़ाई ठीक तरीके से करने के बाद इस क़ानून की ज़रूरत नहीं होगी। जो कुछ है वही काफ़ी है। और मैं समझता हूँ कि नये ढंग से नये क़ानून निकालने का मतलब यह होगा कि जैसे दुबई मरीच को ज़हरीली दवा देना है।

(English translation of the above speech)

Saikh Mohiuddin (Bihar): It is true there cannot be any material progress in the country in the absence of moral progress. When moral degradation takes place in a country efforts are made to bring the people round to the path of rectitude by means of legislation. It is true there is so much demoralization in this country, especially among our business community, that it is not possible to effect a reform without resorting to legislation. All that is true but, then, there are other factors which prevent us from agreeing over this Bill and we are obliged to oppose it. The reason is that the existing conditions and this practice of black-marketing are not a phenomenon of today but owe their origin to our slavery extending over a period of a hundred and fifty to two hundred years. It was especially during the war-time that the British ingeniously invented this device for drawing out money from the people's purses. They encouraged the black-market and developed it to its present degree. Not only that, the black-marketeers have also been taught how to foil the Government machinery with the result that today in spite of there being all sorts of punitive measures in force in the country, in spite of all the efforts on the part of the Government, it is not possible to get at the black-marketeers and to have them punished. That is not all, for this practice thrives through the collusion of that very machinery. I belong to Bihar and know fully well how the black-marketeers, the police and the railway staff act in concert. It is only nominally, for the sake of showing percentages, that some cases are apprehended and sent to court. Even these people are let off on the plea either that there are no witnesses, or that the witnesses are there but there is no corroboration of their evidence. Sir, there is nothing mysterious about it. Probably it is within the knowledge of this House that if percentages are taken it will be found that most of the cases that are ever instituted are struck off for want of evidence or by reason of the witnesses not having appeared in proper time. Another factor leading to the failure of these cases is that witnesses belonging to the rural community get so badly non-plussed in the course of their depositions that they give away the case for the prosecution. Now, this is not the right course; on the other hand this kind of thing is an indirect encouragement to the black-market. It is true, however, that the black-market causes much greater hardship to the village people than to the townfolk. This is so because rationing is in force in the towns and they have their supplies of things in the proper manner. This is not the case with villages. The supplies there do not meet even one-fourth of the demand. The black-market profits come mostly from the villages. The villagers toil hard for the country's progress from morning till evening. They work in the sun, rain and mud but they fail to obtain the necessaries of life. Consequently they have to resort to the black-market for a large number of things. The greatest hardship in the case of the rural areas is that they do not get their supplies in sufficient quantities and hence it is mostly they who fill the coffers of the black-marketeers. I am, however, of the opinion that if the supply of commodities in the villages is made on a rational basis as is done in the case of the towns, that is on the basis of a census, this would discourage the black-market. It is not such a difficult thing after all. If there is enough supply things would be all right. Our production is insufficient, no doubt, and efforts should be made to increase

it. The Government has not, however, brought forth any scheme which might help to increase production. It is true you have initiated that so-called grow-more-food campaign but all our people take it to mean that vacant land should be brought under cultivation. They do not take it to mean that the land which previously produced only five maunds should now be made to yield twenty-five maunds. The statistics that are issued also do not reveal what progress in that direction has been made by particular Provinces. Especially in the case of Bihar the present rate of production is not what it could have been and this is so simply for lack of proper attention being devoted in that behalf.

I do not wish to say anything further. But I will say that if the controls are worked efficiently and the supplies are regulated properly the legislation proposed would no longer be necessary. Whatever laws we already have would suffice. I think the passing of any new legislation of a novel kind would be like administering a poisonous medicine to an already weak patient.

Seth Govind Das: I move:

"That the question be now put."

Mr. Deputy-Speaker: The question is:

"That the question be now put."

The motion was adopted.

Prof. K. T. Shah: I have followed with very close attention and interest the debate that took place on my motion to refer the Bill for the punishment of tax-evaders and black-marketeers to a Select Committee, and I am happy to find that by far the large majority of this House has cordially supported my proposal, that is to say, the principle underlying it, even though there may be doubts and differences as regards the actual wording or the chances of its implementation. Hardly two or three people have in anyway opposed the principle underlying the Bill, for they seemed to be doubtful whether by such a measure we can abolish the evil. I frankly recognise that law by itself is not competent to correct human nature. It is my faith in human nature rather than my doubt about it that has prompted me to bring forward a measure of this kind, whose defects and deficiencies nobody is more aware of than myself. Law is only a guide post, something that guides you, a rule of conduct, and it is up to you to see that that rule of conduct is followed. An hon. friend spoke of the vast piles of statutes which consist of dead laws, laws made inoperative by the defects of the human agencies administering those laws. I would like to remind him and also this House that a law is nothing but an expression, particularly, in a democratic society, of the predominant sentiment towards an evil, towards a hardship, which a society, through its true representatives, wants to correct, and if that correction is not sufficient, if that correction is not enough, is not adequate to root out the evil, the fault lies not in the desire of the mind which tries to seek a remedy, but in the limitation of the human agency which is going to effect that remedy. Time and again reference has been made to the inadequacy or perhaps inefficiency of the administrative agencies which are going to carry out the law. I for one believe that while a charge like this is true, it is also possible to urge that once a law of this kind is made, once legislative sanction is given to the maximum punishment to offenders of this character, the administrators themselves will take the warning, and it is of course the duty of the responsible Ministers to see that these administrators no longer neglect a positive Act, a pronouncement of the Legislature such as we are attempting here today. Sir, we are living in an age of parliamentary responsibility, and I think Ministers themselves ought to be the first to repudiate any suggestion that, after a clear indication of the mind of the Parliament is given, they

[Prof. K. T. Shah]

would still tolerate administrative inefficiency and incompetence in carrying it out. I am aware, Sir, that there is slackness, there is a certain degree of inefficiency or even corruption in the public services of which complaints are being heard time and again and evils of the nature which this Bill seeks to remedy have flourished perhaps because of this factor among others, but I would like to point out that before you lay the fault at the door of the services, you must make sure that you are not doing an injustice to a body of men, hard-working men, who according to their light are trying to do their best to the extent that the weapons which you have given them will enable them to do. I am by no means an unqualified admirer of the ways and methods of

our public services. But, I am bound to say that before charges of corruption, inefficiency, and incompetence are laid at their door, those of us who do so must also search our hearts and see whether we ourselves do not contribute to bring that about, and whether our social system as such does not contribute a great deal to bring about that very inefficiency of which we complain. Therefore, I think that legislation of positive direction of this kind is necessary to enable the services to carry out the intent and purpose of such legislation and expression of the mind of the legislators in this behalf. While, therefore, recognising the prevalence of this sentiment, while therefore admitting that there may be something to be said about the administration being unable always to carry out to the full the spirit and the letter of such legislation, I would like the House to realise that once this Bill is accepted, a legislation of this kind is properly enacted—I am not suggesting that the Bill before the House is the best that could have been framed—I for one am sure that the loyal services of the State, under the headship of responsible Ministers, will not fail to serve your cause properly.

The next point that I would like to deal with is that the punishment suggested is perhaps excessive in the opinion of some people. I must thank my hon. friend Mr. B. Das for reminding us or telling the House that I am by nature a very non-violent person. I was born a Jain and a profound believer also in the doctrine of Non-violence. As such, if I am driven to suggest a punishment of this character, if I am driven to such drastic methods as this, may I assure the House that it is the result of a profound conviction that shorter measures, more liberal or more indulgent measures will not succeed? It is after all a balancing of evils. It is after all seeing whether methods of this character would succeed in proportion to the evil that these methods have to deal with. I do not wish to engage in any metaphysical discussion regarding the scope and effect of criminology and penology; nor would I like to go into a disquisition about the possibility of correcting mankind by punitive measures of this character. Left to myself, or speaking only of abstract philosophy, I would also agree that death sentence as such is only a confession of the weakness of society in not being able to deal with habitual criminals or even occasional criminals in the manner in which they should be dealt with. Crime, in my opinion, is a symptom of the general malaise which attacks individuals as perhaps a prevailing epidemic may attack. But, I will not be able to agree with that hon. Member who would like us to go into the origin, the root cause of all this. He is content, no doubt, by ascribing all the blame to the system of controls. He says, because these controls are there, these evils have come about and so long as these controls remain, these evils will also persist. I am afraid an enquiry of this nature will only lead us much too far out of the way to make us ever effective. If one is to ask why were these controls necessary, who imposed the controls, how did they operate, why have we inherited them, why do we continue them, why do we still persist in them. I am afraid, eventually, we will be forced to come to the conclusion that the first cause, the ultimate cause and the final source of every evil is God, that combination of *Hari* and *Vishnu*, which is my hon.

friend Mr. Kamath, who so believes in God that he will condemn himself to perpetual silence or this day at least by the mere suggestion that God is the source of all evil. This, I suggest, is a futile investigation to lead yourself into an enquiry of the first cause. Whatever be the cause, whatever be the ultimate origin and source of all evil, let us realise that the evil persists. I am glad to see that none of the speakers who have taken part in this debate will deny the existence of the evil. Even those who have tried to soft-pedal the existence of the evil have tried to bring in extenuating circumstances like their, in the past, having contributed to the struggle for independence in the shape of funds. Such contributions, known to be from concealed money, may have had, if not a justification, at least an explanation in those days when the foreigner ruled in the land, when the entire nation was opposed to the presence of the foreign ruler and was determined to do everything to see that the administration of the foreigner could not be carried on smoothly if it was against the declared wishes of the people. I do not think it is right and fair to compare even by analogy the situation which existed in 1942 and the situation in which we are today. If these people have contributed to our struggle, would they insist upon this as consideration for continuing immunity to them even today? I hope the hon. Member who put forward this analogy will not accept this inevitable conclusion, if his principle is to be put to its logical conclusion, that we should show, continue to show immunity and indulgence to these people, who, simply because, some years ago, they contributed to our struggle for *swaraj*, they are now persisting in their evil ways, which may have had their explanation in the days when foreigners ruled in the land; but which no longer can be regarded as social or beneficial or less than criminal acts today. I feel certain, Sir, that the mind of the House is clear on this subject that the evil exists and that it is up to us to deal with the evil. In that connection, I must express my gratitude to the hon. Finance Minister who, at the very outset of this debate, made clear the mind of the Government on this subject. He has declared that the Government themselves contemplate bringing forward a measure which will deal, according to his light, at any rate, very severely with the tax-evader by raising the punishment from six months to seven years. But, Sir, seven years might pass just as much as six months. There is only one punishment from which there is no recall, the punishment that I am proposing here, if awarded.

[SHRIMATI DURGABAI *in the Chair.*]

While recognising that this is the attitude of Government in this respect, I am constrained to add that very often assurances have been given in this House or outside, which have not always been lived up to in the spirit if not in the letter also of assurances of that kind. I would, therefore, urge on the hon. Finance Minister and his colleagues in the Cabinet that the problem is so complicated and ramified all throughout society that they should not allow any delay, any excuse or any pretext whatsoever in the way of dealing with it strictly. We must deal with it strictly; we must deal with it without any mercy; we must deal with it in such a manner that to the best of our ability we may eradicate the evil from amongst ourselves. I would have therefore asked that instead of opposing this Bill, instead of suggesting the rejection of the measure, he ought himself to be the first to support the principle of it. Because, after all, at this stage, when the Bill is being referred to a Select Committee, the House is committed and every Member of the House is committed to nothing more than the principle underlying the Bill, namely, that those who are guilty of such practices deserve to be very drastically punished and the extent of the punishment, the nature of the evidence, the method of trial, are all to be determined later. While I recognise the criticism of my hon. friend Dr. Deshmukh regarding the imperfections in the wording of this Bill, I am sure the Select Committee must correct all these defects.

[Prof. K. T. Shah]

Even if the Select Committee succeeds in almost radically transforming the Bill, it could be re-published and brought back to the House in a completely new form. I would however not press this point too far, if only because I recognise that the whip having gone though the verdict is in my favour the vote will be against me. Therefore, recognising that discretion is the better part of valour, I would, in view of the assurance that the hon. Finance Minister has given, in view of the spirit of the House which I have come to know from the speeches made, in view also of the inherent defects in wording at least of this measure, if the House would permit me I would beg leave to withdraw this measure.

The Bill was, by leave, withdrawn.

PROHIBITION OF MANUFACTURE AND IMPORT OF HYDROGENATED VEGETABLE OILS BILL

श्रीमान् ठाकुर दास भार्गव : I beg to move :

"That the Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils, be taken into consideration."

इस बिल के पेश करने का जो मेरा मक़सद है, वह बड़े साफ़ तौर से इस बिल में दिया हुआ है। असली दफ़ा जो ४ है, उसमें दिया हुआ है कि जो व्हास्स वेजीटेबुल्स आयल (vegetable oil) को इण्डियन यूनियन (Indian Union) में हाइड्रोजेनेट (hydrogenate) करेगा, या उसको बाहर से इम्पोर्ट (import) करेगा, उसका वह फ़ैल ज़ुर्म करार दिया जायेगा और उसको एक साल तक की सज़ा हो सकती है। उसके अन्दर वेजीटेबुल आयल (vegetable oil) की तारीफ़ की गई है, वह इस मामले को और भी साफ़ कर देता है "ऐसे तेल जोकि वेजीटेबुल घी (vegetable ghee) बनास्पति घी के बनाने में इस्तेमाल होते हैं—कोकोनट आयल वगैरह"। इसके अलावा अगर किसी और चीज़ को हाइड्रोजेनेट (hydrogenate) किया जाय, किसी ऐसे तेल को किया जाये जो बनास्पति घी के बनाने में इस्तेमाल नहीं होता है, वह इस बिल की ज़द में नहीं आता। हाइड्रोजेनेशन (hydrogenation) की जो तारीफ़ है, वह भी यही है कि वेजीटेबुल आइल में से हाइड्रोजेन पास कर देते हैं। ऐसे तेल जिनसे कि बनास्पति घी नहीं बनता, उनके मुताल्लिक़ यह बिल नहीं है। इस बिल की मन्था सिर्फ़ एक ही है जो कि साफ़ तौर पर इसके स्टेटमेण्ट आफ़ औबजेक्ट्स एण्ड रीज़न्स (statement of objects and reasons) में दी हुई है। बनास्पति घी जिसको कि आज बनास्पति घी की शकल दी जाती है वह न बनास्पति है न घी है। आखिर तक धोखा ही धोखा है और जिसके अन्दर न बनास्पति का निशान है न घी का निशान है। मेरी इस बिल से मुराद यह है कि आयन्दा यह जो धोखा दिया जा रहा है कि लोग तेल को घी का नाम लेकर बेचते हैं, उनके उस फ़ैल को ज़ुर्म करार दिया जाये और वह इस तरह से घी को हिन्दुस्तान से नापैद न कर दें। औबजेक्ट एण्ड रीज़न्स (Object and Reasons) में जो बातें दर्ज की गई हैं, वह बिल्कुल साफ़ हैं। मेरा ख़्याल यह है कि जहाँ तक इस बनास्पति घी का ताल्लुक़ है, यह सेहत के वास्ते अच्छी चीज़ नहीं है। मुझे मालूम है कि अभी कुछ रिपोर्ट साइन्टिस्ट्स (scientists) की इस व्यू (view) के मुताल्लिक़ आयी हैं, मैं उनके बारे में मीक्रे पर इज़हार राय करूंगा। लेकिन मेरा केस (case) हरगिज़ इस बात पर मूनहसर नहीं है कि यह बनास्पति घी तन्दुरुस्ती के वास्ते मुब़ि़र है, मेरा केस (case) ससे ज़्यादा गहरे उमूल पर, स से ज़्यादा मज़बूत बटान पर मेरे केस का इनहि सार है और वह य

ह कि जहाँ तक हिन्दुस्तान का सबाल है, हिन्दुस्तान एक उदायती मुलक है, उसके अन्दर पांच लाख वर्षाव हैं और उसके अन्दर जो इकोनोमी (economy) है, वह इस क्रिस्म की इकोनोमी है जिसके अन्दर किसान खेती बाड़ी करते हैं, जहाँ वह मवेशियों से खेती करते हैं, उनसे धो को रीदावार करते हैं और मवेशियों का दूध बेच कर गुजरान करते हैं। इस लिये इस बिल की असली मन्शा उस इकोनोमी को कायम रखना है, उस एग्रीकलचरल इकोनोमी (agricultural economy) को कायम रखना है जो परम्परा से इस देश में चली आयी है। यह भी स्थल जाहिर किया गया है कि अगर बनास्पति धी उड़ गया तो जो लोग अभी असली धी न मिलने की वजह से इस धी पर गुजारा करने लगे हैं, और जिन्होंने मजबूर होकर यह तय कर लिया है कि चूकि असली धी मिल नहीं सकता हम बनास्पति धी खायें, उनकी क्या हालत होगी। बहुत सी मिडिल क्लास फैमिलीज (middle class families) जो कि मजबूर होकर बनास्पति पर गुजार करती हैं, उनका क्या बनेगा, जब बनास्पति बन्द हो जायगा। मजबूर होकर उन्हें बनास्पति का इस्तेमाल करना पड़ता है, क्योंकि असली धो उनको मिल नहीं सकता और जो असली धी करके बाजार में बेचा जाता है, उसके अन्दर भी बनास्पति मिला हुआ होता है। अब कूदरती तौर पर यह सबाल होता है कि वह क्या करेंगे और इस बिल के मुक़ाबिले में उनका इनट्रेस्ट (interest) क्लैश (clash) होता है, इसी स्थल से यह तजवीजात दी गई है कि इस मेरे बिल को पब्लिक ओपीनियन (public opinion) के लिये सर्कुलेट (circulate) करा जाये। मैं जानता हूँ कि गवर्नमेण्ट आफ इण्डिया तथा हमारे सारे देश के लीडरान इस बात के बास्ते कमिटेड (committed) हैं कि इस चीज को जैसा कि बिल है, इसको कौरन पास कर दें। मैं यह दावे के साथ कह सकता हूँ कि जहाँ तक इस देश की रुरल इकोनोमी (rural economy) का सबाल है, वह इस बनास्पति धी के कायम रहने से शैटर (shatter) होती है, और अपनी उस एग्रीकलचरल इकोनोमी (agricultural economy) को कायम रखना और किसानों और जमींदारों को काम देना गवर्नमेण्ट का पहला काम है। हमारे पूज्य महात्मा जी ने जो कि देश की तरफ़की की पूरी जमानत थे, जो इस देश की हर एक चीज की समझते थे, तो उन्होंने बहुत दफ़ा अपनी तरफ़रीर से और तहरीरों से इस चीज को वाजै कर दिया है कि इस देश के अन्दर जो शकस इस बनास्पति धी को बचाना चाहता है, इस फ़ाड (fraud) को कायम रखना चाहता है, वह इस देश का दुश्मन है। मैं आप लोगों के रूबरू वह लेख पढ़ कर सुनाना चाहता हूँ जिसमें उन्होंने स्थल फ़रमाया था। उन्होंने ६ अक्टूबर सन् ४६ में इस तरह कहा था:

"It ought not really to be called *vanaspati ghee*, although it generally goes by that name. No one can have any quarrel with *vanaspati* which means the leaves of flowers, fruits, and vegetables. But when it presumes to pass as something else it becomes poison. *Vanaspati* is not and can never be *ghee*. *Ghee* or butter is the fat contents of milk drawn from an animal. To sell vegetable oil or butter in the form and name of *ghee* is to deceive the Indian public. No Government should countenance such sale. No wonder that mortality figures are on the increase and there is lack of energy in the people. Anyone who deceives in this regard or countenances the fraud is an enemy of India."

इसी तरीके से १४ अप्रैल सन् ४६ को बापू जी ने यह स्थल जाहिर किया था:

"It is clear that the mischief arises principally from the greed of the very persons who worship the cow."

और मुझे यह कहते हुये शर्म आती है कि इन चालीस फ़ैक्टिरियों के मालकान में बहुत सारे ऐसे लोग हैं जो गाय की हर एक मौके पर पूजा करते हैं। उन्होंने कहा:

"*Vanaspati* is wholly superfluous. Oils may be refined of injurious property, but they should not be solidified, nor need they be made to look like *ghee*. An honest manufacturer will not stoop to counterfeits. The market is flooded with them. Counterfeit coins are

[पण्डित ठाकुर दास भागंव]

happily punishable. Why not counterfeit *ghlee*, since the genuine article is much more precious than coin? But the sovereign remedy lies in all round honesty among dealers, who are in a hurry to become rich even at the cost of the health of the nation."

अभी थोड़ी देर हुई कि हाउस एक दूसरे बिल पर विचार कर रहा था जिसमें सिर्फ़ ब्लैक मार्केटियर (black marketer) को सजा देने के वास्ते बिल पेश किया गया था। लेकिन मैं उस शास्त्र की बाबत क्या कहूँ, ब्लैक मार्केटिंग तो इसके सामने एक छोटी सी चीज़ है। आखिर वह तो थोड़ी प्यादा कीमत ले लेता है। टैक्स इवैडर (tax-evader) थोड़ा सा टैक्स बचा ले जाता है। लेकिन इसके द्वारा जो नुकसान होते हैं उसके लिहाज़ से मैं नहीं समझता कि क्या सजा मुक़रर की जायगी।

अब जहाँ तक इस वनस्पति के उसूल का सवाल है मैं अब से अर्ज करना चाहता हूँ कि दर असल इसके देखने के दो तरीक़े हैं। एक तो यह है कि आप यह कहें कि वनस्पति में क्या खराबियाँ हैं और दूसरे यह कि इसके इस्तेमाल करने से जो असर पैदा होते हैं उनमें क्या खराबियाँ हैं। अगर आप घी का वनस्पति से मूक़ाबला करें तो आपको यकीन हो जायगा कि आज की दुनिया में भी, तमाम डाक्टरों की राय तमाम एक्सपर्ट्स (experts) की राय एक ही है। एक्सपर्ट्स का कहना है कि दरअसल घी के मुक़ाबले में वनस्पति एक मिनट भी नहीं ठहर सकता। मैं यहाँ एक राय नहीं अगर आप हुक़म दें तो इन रायों का एक पुलन्दा पेश कर सकता हूँ जिसमें एक्सपर्ट्स की यही राय है कि वनस्पति घी के मुक़ाबले में कहीं नहीं ठहर सकता। अब यह किताब है। यह किताब गवर्नमेण्ट आफ इण्डिया की मिकाली हुई है। यहाँ इस रिपोर्ट में तज़ुर्बा करके लिखा गया है। चूहों पर तज़ुर्बा किया गया था। उनको घी और वनस्पति पर अलग अलग रखा गया और यह साबित हुआ कि जहाँ तक घी और वनस्पति का सवाल है घी पर जो बूहे रखे गये वे तन्दुरुस्त भी रहे और ठीक भी रहे। इसके बरखिलाफ़ जो वनस्पति पर दूसरे बूहे रखे गये वह तन्दुरुस्त नहीं रहे और तीसरे जनरेशन में मर गये और उनको तरह तरह की बीमारियाँ भी हो गयीं।

एक माननीय सदस्य : कालाबाज़ार सीखने की प्रथम सीढ़ी यही वनस्पति घी है।

पण्डित ठाकुर दास भागंव : सैर, तो मैं यह अर्ज कर रहा था कि यह घी और वनस्पति का मुक़ाबला है। अब आप उन इलाक़ों का ख्याल फ़रमाइये कि जो घी के खाने वाले इलाक़े हैं, उन इलाक़ों का ख्याल फ़रमाइये जहाँ हर एक शस्त्र घी का खाने वाला है। मैं यहाँ उस इलाक़े का जिक़र करता हूँ जहाँ से कि मैं आया हूँ, ईस्ट पंजाब से, अम्बाला डिवीजन से जहाँ कि हर शस्त्र घी खाता है। वह ज़िला मवे-घियों के वास्ते, घी के वास्ते निहायत मशहूर जगह है। हमारे हिसार ब रोहतक जिलों में कोई घर ऐसा नहीं है, किसी ज़मींदार का घर ऐसा नहीं है कि जिसके अन्दर उसके पुज़ारे के लिये गाय, घी, और जानवर न होते हों। अगर एक शस्त्र घर में गाय भैंस रख लेता है तो उसके लिये यह क्रहत के बक्त भी काम में आती है और यह एक तरह से क्रहत का जबाब है। और हमारे जिले में गायें कैसी होती हैं कि दो सेर चार सेर नहीं बल्कि दस, बारह, चौदह और पन्द्रह सेर दूध देती हैं। आज उस अंप्रेज़ों को चालीस पचास वर्ष की यूनीफ़ॉर्म पालिसी (uniform policy) से ज़िला हिसार और हरियाना की गायों का जो दस-बारह सेर दूध बेती थीं वह अब आठ सेर पर आ गयी हैं। वह एक नैशनल कैलेमिटी (National Calamity) है जिसकी अहमियत को हर एक इन्सान नहीं समझ सकता कि गायों के दूध का क्या हुआ है? यह अंप्रेज़ों की नीति से हुआ। लेकिन आज हमारी जो नैशनल गवर्नमेण्ट है उसको जो पालिसी बनानी है वह वह होनी चाहिये कि उतना ही दूध देने वाली गायें फिर हो जायें

जितना कि वह पहले देती थीं। और साथ ही यह भी हो कि जो बैल हों वह मजबूत हों। हमारे यहां जो नस्ल होती है वह ऐसी होती है कि दूध भी काफी देती है और बैल भी उसके मजबूत होते हैं। आप यह सुन कर शायद ताज्जुब करेंगे कि बकरी भी हमारे यहां तीन सेर से पांच सेर तक दूध देती है जो शायद हिन्दुस्तान में कुछ इलाकों में गायें भी नहीं देती हैं।

बाबू रामनारायणसिंह : अंग्रेजों ने यह कैसे बरबाद किया ?

पण्डित ठाकुर दास भार्गव : मेरे लायक दोस्त पूछते हैं कि यह कैसे हुआ ? यह एक लम्बा सिल-सिला है और जहां तक इस बिल का सवाल है इससे उसका कोई ताल्लुक नहीं है। लेकिन उनकी इतिला के बास्ते में यह अर्ज कर देना चाहता हूं कि उनकी यह कंसिस्टेंट पालिसी (consistent policy) थी कि हमारे जिले में ऐसे मजबूत बैल निकलें जो कि उनकी आर्टिलरी (artillery) को खींच सकें। यह सन् ५७ के बाद की बात है। हमारे यहां एक नस्ल होती थी जिसके बैल बहुत मजबूत होते थे और अंग्रेज चाहते थे कि उनकी आर्टिलरी के बास्ते वह बैल पैदा किये जायें। हमारे यह बैल सबसे मजबूत होते थे और एक-एक दिन में अस्सी मील तक जाते थे। तो उनकी यह पालिसी रही कि ऐसे बैल मिलें। तो हमारे यहां उस नस्ल की तरफकी हुई जिसमें यह बस्कर था कि बैल मजबूत हों। और यह लाजिमी बात है कि जब इस पर ध्यादा ध्यान दिया गया तो दूसरी नस्ल बरबाद हो गयी और दूध गायों का कम हो गया।

अब हमारे यहां एक नस्ल ऐसी भी है जिसमें यह दोनों बस्कर मौजूद हैं। लेकिन लोगों ने उसकी पर-बरिशा नहीं की और इसके बजाय उसकी परवाह की जो बैल अच्छे देती थी। अब जाहिर है कि इस तरह के तरीकों के इस्तेमाल से उनकी तादाद कम हो गई जो दूध प्यादा देती थीं।

तो मैं यह अर्ज कर रहा था कि हमारे इलाके में यह हालत है कि अगर जरूरत पड़े तो कुछ महीनों तक क्रहत का भी सामना किया जा सकता है। और हमारे इलाके में क्रहत बहुत होते हैं। इस क्रहत को गाय भैंस के जरिये से एक घास आसानी से गुजार सकता है। मैं आपकी इजाजत से एक एक्सट्रेक्ट (extract) पढ़ कर सुनाना चाहता हूं कि जब सन् १९००-१९०१ में जो भयानक क्रहत हमारे इलाके में पड़ा था उसका मुक्ताबला पंजाब के लोगों ने किस तरह किया और उसका डाइरेक्ट (direct) ताल्लुक इस सवाल से है जो आपके रूबरू है। इसके मुताल्लिक सरदार दातारसिंह ने अपनी किताब में बनस्पति और धी के बारे में एक नोट लिखा है। मैं आपकी तबज्जह इसकी तरफ दिलाना चाहता हूं।

श्री त्यागी : यह सरदार साहब कौन हैं ?

पण्डित ठाकुर दास भार्गव : त्यागी साहब फ़रमा रहे हैं कि यह दातारसिंह साहब कौन हैं ? वह साहब यहां की मिनिस्ट्री में सेक्रेटरी हैं और मैं यह कह सकता हूं कि जहां तक उनकी ज्ञात का सवाल है उन्होंने हमारे इलाके पर बड़ा अहसान किया है। मैं यह जरूर कहूंगा कि उन्होंने बड़े नुमायां काम किये हैं और वह इस चीज में खास दिलचस्पी लेते रहे हैं यहां तक कि महात्मा जी ने जब इस किताब पर नोट लिखा तो उन्होंने भी इनकी चर्चा की है।

तो मैं अभी वह एक्सट्रेक्ट पढ़ कर सुनाता हूं। उन्होंने इस किताब में लिखा है कि जो जमींदार हिसार जिले में एक गाय रखता था उसने उस क्रहत में अपना गुजार किया और उसे हिसार से भागने की

[पण्डित ठाकुर दास भार्गव]

जबरत नहीं पड़ी। मगर सन् ३९ में यह सूरत नहीं रही। १९३९ में भी इसी तरह का कहत पड़ा लेकिन जो लोग गाय रखते थे उनको यह मजबूरी हुई कि उन दिनों में वे लोग अपनी गायों को वहीं छोड़ कर भाग गये। वे लोग तहत-जवा थे। उन्होंने यह किया कि गोशाला में गाय दे दी। अपनी गाय को तिलांजलि दे कर चले गये। इतनी सस्ती गायें बिकती थीं। गवर्नमेण्ट ने एक करोड़ के क़रीब रुपया खर्च किया लेकिन ताहम उस कहत में लोग वहां रह नहीं सके। उस ज़माने में जो हमारे छः लाख मवेशी थे उनमें से सिर्फ़ दो लाख रह गये और चार लाख जाया हो गये।

जब तक कि वनस्पति नहीं बिकता था उस वक़्त तक चूँकि घी की कीमत पूरी थी, दूध की कीमत पूरी थी, इस बास्ते उस घी और उस दूध को बेच कर लोगों ने अपना गुज़ारा किया और अपने बाल-बच्चों को पाला। यह उन्होंने, तादारसिंह साहब ने, तमीज दिखलाई है जिसका कि मैंने अभी जिक्र किया है। इस वक़्त वह कोटेशन (quotation) नहीं मिल रहा है। मैं आयन्दा अपनी बहस में उसे अर्ज करूँगा।

दूसरी बात जा मैं अर्ज कर रहा था वह यह थी कि जहाँ तक गवर्नमेण्ट आफ़ इण्डिया का ताल्लुक है मैं इसी पर निर्भर नहीं करता हूँ कि दातार सिंह साहब ने एक किताब लिख दी या कि महात्मा जी ने यह बात कह दी। इसके अलावा मैं अर्ज करना चाहता हूँ कि आज तक गवर्नमेण्ट आफ़ इण्डिया की जो पालिसी है वह भी इस किस्म की रही है कि जिससे गवर्नमेण्ट आफ़ इण्डिया ने यह रिक्कनाइज (recognize) किया है कि यह जो वनस्पति है वह फ़िलवाक़्त इस देश के जानवरों का, इस देश की घी इण्डस्ट्री और कैटल इण्डस्ट्री का दुश्मन है। चूनांचे गवर्नमेण्ट ने कमेटी मुकरर की थी जिसका नाम कैटल प्रोटेक्शन कमेटी (Cattle Protection Committee) था, सेठ गोबिन्द दास भी जिसके एक इम्पोर्टेंट मेम्बर (important member) थे, उन्होंने भी अपनी रिपोर्ट के अन्दर इस बात की ताईद की थी कि दरअसल यह वनस्पति कैटल इण्डस्ट्री (cattle industry) के बास्ते निहायत मुज़िब चीज़ है, और उन्होंने सिफ़ारिश की कि इस तरीक़े पर इस वनस्पति को रोका जाय या कम से कम ऐसा इन्तज़ाम किया जाय वह घी के मुकोबले में नकली घी के नाम से न आ सके। इसी तरीक़े से हमारे पूज्य डाक्टर राजेन्द्र प्रसाद, हमारे प्रेजिडेण्ट साहब, ने भी जब वह फूड और एग्रीकल्चर के मेम्बर थे उस वक़्त उन्होंने खुद भाषण दिया, अमृतसर में भाषण दिया जिसमें उन्होंने इस तरह के ज़यालात का इज़हार फ़र्माया। मैं उनकी स्पीच का एक टुकड़ा पेश करना हूँ। जो राय मैं डाक्टर साहब की पढ़ कर सुनाना चाहता हूँ वह इस तरह पर है। मैं सारी चीज़ नहीं पढ़ता हूँ वह तो बहुत लम्बी है, सिर्फ़ इतना हिस्सा पढ़ कर सुनाना चाहता हूँ :

“इस लिये इस चीज़ के नाम के साथ ‘घी’ शब्द का जोड़ना बन्द कर देना चाहिये क्योंकि यह एक प्रकार से धोखा देना है। घी के लिये पशु पालने की आवश्यकता है और अगर पशुपालन नहीं हुआ तो एक ओर हल जोतने और गाड़ी खींचने के लिये बैल और भैंसे भी नहीं मिलेंगे और दूसरी ओर दूध भी नहीं मिलेगा। इस लिये इस नकली घी के प्रचार से केवल खानेवालों के स्वास्थ्य को ही हानि नहीं पहुँचती बल्कि सारे देश की कृषि व्यवस्था पर भी आघात पहुँचता है और दूध देने वाले पशुओं के पालन में भी बाधा पड़ती है। सरकार को इस प्रकार के धोखे से लोगों को बचाना चाहिये। अगर नाम में ‘घी’ जोड़ना बन्द न किया जा सके तो कम से कम उस वस्तु का रंग ऐसा कर देना चाहिये कि कोई गल्ती से उसे घी न समझ बैठे।”

इसी प्रकार से राजकुमारी अमृतकोर ने भी एक बयान में अपनी राय जाहिर की। चूंकि वह हेल्थ मिनिस्टर हैं इस लिये मैं उस बोज को आपके सामने पढ़ कर सुनाता हूँ :

“वनस्पति के बाजार में आने से हिन्दुस्तान के किसानों को बहुत नुकसान पहुंचा है। शुद्ध घी जनता के लिये आवश्यक है। वनस्पति को उत्पत्ति से शुद्ध घी मिलना और मुश्किल हो गया है। इस बारे में सरकार को किसानों की सहायता के पूरे उपाय करने चाहिये।”

उनकी यह राय सन् १९४१ में है। सन् १९४१ में ग्रामसेवक अखबार का एक खास नम्बर निकाला गया जिसमें बुजुर्गों की राय छान दी गई थी। मैं उसी में से पढ़ रहा हूँ। इसी कनेक्शन (connection) में महात्मा जी की जो राय थी मैं उसकी भी पढ़ कर सुनाये देता हूँ वह खास तौर पर दी गई है :

“असली घी बाजार से जाता रहा ता गाड़ो और हल चलाने के लिये पशुओं की नस्ल सुधारे और दूध घी का काम किये बगैर खेतों का धन्धा असम्भव हो जायगा। फिर तो पशु पालन कमाई के धन्धे के बजाय एक दिल बहलाने की बोज रह जायगी। इस लिये मिलावट को रोकने के लिये कठोर उपाय सोचने चाहिये। मैं इस प्रस्ताव का दिल से समर्थन करता हूँ कि मिलावट के खिलाफ जनता की तरफ से नियमित आन्दोलन होना चाहिये और जरूरत हो तो इसे रोकने के लिये कानून बनाना चाहिये। इस मिलावट का आर्थिक पहलू तो ही है, स्वास्थ्य सम्बन्धी पहलू भी है और वह आर्थिक से कम महत्व का नहीं है। यह हमें अच्छी तरह मालूम है कि वनस्पति घी म असली घी से शरीर रक्षा करने वाले तत्व बहुत थोड़े हैं। सेहत की दृष्टि से डाक्टरों का कहना है कि वनस्पति घी असली घी का बदल कभी नहीं हो सकता।”

आज भी राय इसके बरखिलाफ नहीं है। मैं जैसा आपसे अर्ज कर रहा था सरदार दातारसिंह ने जो लिखा है वह सफ़ा ७ पर है और इस तरह पर है :

“There was a very severe famine in Hissar in 1900 and 1901. At that time *ghee* industry was flourishing in that tract and it had not to compete with any other cheap substitute like *Vanaspati*. The result was that the cultivators by sale of *ghee* at a reasonable price, could afford to save four lakhs of their cattle out of the total of 6-23 lakhs. But what happened in the famine of 1939 and 1940, when out of a total population of 6-5 lakhs of cattle in that very District, only two lakhs could be saved. This was in spite of the Punjab Government spending over a crore of rupees while nothing was spent in 1900-01 and a few lakhs more by Congress, Humanitarian League and other philanthropic associations.”

मैंने जिस भाषण का जिक्र किया जो कि हमारे माननीय डाक्टर राजेन्द्रप्रसाद ने बहैसियत मंत्री कृषि और खाद्य विभाग के अमृतसर में दिया था वह इस प्रकार है :

“हिस्सा लगाया गया है कि १९४७ में करीब पचहत्तर-अस्सी करोड़ का वनस्पति घी बनने लग जायगा। इसका असर दूध से बने घी पर क्या पड़ेगा यह आसानी से समझा जा सकता है। वनस्पति घी न तो घी है और न तेल ही है। अगर तेल ही खाना है तो कोई बजह नहीं है कि उसे तेल के रूप में ही क्यों नहीं ख़ाया जाय और उसे घी समझ कर क्यों अपने को धोखा दिया जाय और वह धोखा भी तेल के मुकाबले ज्यादा कीमत देकर। दूध से जो आमदनी होती है उसका बहुत बड़ा हिस्सा घी हमको देता है। इस लिये अगर वनस्पति के कारण घी को नुकसान पहुंचा तो उसका नतीजा यह होगा कि मवेशी पालने से जो आमदनी मिलती है वह घट जायगी और मवेशी पालना ज्यादा मुश्किल हो जायगा। उसका असर खेतों पर जा पड़ेगा और इस तरीक

[पण्डित ठाकुर दास भार्गव]

से अन्त में हमारे देश के करोड़ों किसानों को बहुत नुकसान पहुंचेगा। मैंने इस तरफ आपका ध्यान इस लिये दिलाया है कि आप इस पर गौर करें।”

यह हमारे फूड मिनिस्टर साहब ने उस वक़्त फ़रमाया था। मैं जानता हूँ कि जहाँ तक गवर्नमेण्ट आफ इण्डिया का ताल्लुक है, पुरानी गवर्नमेण्ट हमारे इस क्लेम (claim) को और हमारी इस विक्रत को पूरी तरह महसूस नहीं करती थी। लेकिन आज कल जब से नेशनल गवर्नमेण्ट बनी है, मुझे कहने में ज़रा भी ताम्बूल नहीं है कि हमारे देश के किसानों की तरफ उनकी तबज़्जह पहले के मुकाबले में कई गुना ब्यादा है। सन् १९४८ में एक कान्फ़रेन्स एग्रीकल्चर डिपार्टमेण्ट ने एक्सपर्ट्स (experts) की बुलाई जिसमें गो सेवा संघ, वारणा के मेम्बर थे, साथ ही वनस्पति के रिप्रेजेन्टेटिव्स (representatives) थे उनको भी बुलाया गया और उनका आपस में मुकाबला किया गया। उन दोनों की बहस सुनी गई। बहस सुनने के बाद यह सोचा गया कि इस वनस्पति के काम को आगे बढ़ाने का मौका न दिया जाय। कुछ रोज़ के लिये फ़ैक्टरीज़ में वनस्पति का बनना बन्द हो गया। लेकिन आखिर वेस्टेड इन्टरेस्ट (vested interests) से बड़ा झगड़ा हुआ। इतना झगड़ा हुआ कि मैं समझता हूँ कि बावजूद उन सारी कार्रवाइयों के मुझे डर लगता है हमको पूरी मदद बह हासिल नहीं होने देंगे। मैं अर्ज करना चाहता हूँ कि जहाँ तक इन इन्टरेस्ट्स (interests) का ताल्लुक है मैं उन्हें इज़र (injure) नहीं करना चाहता जैसा कि उन इण्डस्ट्री को मालूम होत¹ है। जहाँ तक हाइड्रोजनेशन (hydrogenation) का संबंध है वह अपनी इण्डस्ट्रीज़ को बड़ी अच्छी तरह बनाये और कायम रखें। मैं उनके साथ हूँ। लेकिन मेहरबानी करके इस ची को, इस तेल को ऐसा न बनायें कि वह किसी से टक्कर ले सके। हमारी जिानो लड़ाई है और, जितने इस उसूल के मानने वालों की लड़ाई है, और मैं जानता हूँ कि ब्यादा नहीं तो ९५ फ़ीसदी लोग इस देश के अन्दर हमारे साथ शामिल हैं, क्योंकि आखिर इस मुल्क के मेजर सेक्शन (major Section) की सेहत का भार उनके कंधों पर है। मैं अर्ज करना चाहता हूँ कि हम सिर्फ़ इतना चाहते हैं कि आप किसी तरह से इन्तज़ाम कर दें कि जहाँ तक ची का ताल्लुक है, वह नक़ली ची असली ची का मुकाबला न कर सके। और हम कुछ नहीं चाहते। सन् १९२४-२५ में वनस्पति ची बाहर से आता था तो लोग शिकायत करते थे और यह लाजिमी था। चुनांचे जहाँ यह वनस्पति हमारे देश के अन्दर सन् १९२८ में २२,००० टन बाहर से आता था, होते होते सन् १९४० में सिर्फ़ बीस टन आया। लेकिन इस लिये नहीं कि वनस्पति को हटाने की कोशिश की गई बल्कि इस लिये कि यहाँ कारखाने खोल दिये गये। सन् १९३९ में सिर्फ़ १०,००० टन पैदा होता था, १९४६ में एक लाख पैंतीस हजार टन पैदा होने लगा। क्याल कीजिये कि इतना नक़ली ची आजाय तो असली तो सिर्फ़ बंदों के नुस्खों में ही आ सकता है और कहाँ रह सकता है? जिस देश के अन्दर दो रुपये सेर ची बिका करता था, वहाँ हिसार में आप अगर एक सेर ची लेने जायें तो आपको तसल्लीबख़्शा ची नहीं मिलेगा।

Shri B. Das : Because during the war the English soldiers ate all our cows and calves.

पण्डित ठाकुर दास भार्गव : मिस्टर दास ने जो इस वक़्त इंटर्प्शन (interruption) किया उसका जवाब देने की मुझे ज़रूरत नहीं है लेकिन उन्होंने ऐसा करके एक और चीज़ की तरफ़ मेरी तबज़्जह दिलाई है। जो देश कि बेजीटेरियन (vegetarian) देश हो, जहाँ लोग यह जानते हीन हों कि गोश्त क्या चीज़ है। यह नहीं कि लोग नेसिसिटी (necessity) से भी बेजीटेरियन

ये, मगर जो नान-वैजिटेरियन (non-vegetarian) भी थे उनको भी गोश्त खाने को नहीं मिलता था, उस देश में लोग दूध घी के सिवाय किस चीज से अपनी तन्दुरुस्ती कायम रख सकते हैं। दूध एक परफैक्ट फूड (perfect food) है यह दुनिया मानती है। लेकिन वैजिटेरियन लोग तो दूध घी ही खाकर अपनी तन्दुरुस्ती कायम रख सकते हैं। मैं अर्ज करता हूँ और यह बड़े गौरव से कहता हूँ कि हिंसा और रोहतक के जिले के हमारे गांवों के लोगों ने जितनी बहादुरी से काम किया है उतना धायव ही कोई दूसरे लोगों ने किया होगा। पिछली वार (war) में उन्होंने बड़ी बहादुरी से काम किया है, और आप यह सुन कर हैरान होंगे कि दूसरे मुल्कों में जा कर उन लोगों ने किस क्रूर बहादुरी का सबूत दिया। यह लोग उस इलाके के थे जो कि वार (war) से पहले गोश्त को नहीं जानते थे। कुछ वार (war) की वजह से और कुछ पारटीशन (partition) की वजह से हमारे यहां भी कुछ गोश्त और शराब का सिलसिला जारी हो गया है। यह वह इलाका था कि जिसको कृष्ण महाराज की गोचर भूमि कहा जाता था। वहां कोई गोश्त नहीं खाता था और कोई शराब नहीं पीता था, लेकिन अब यह चीजें शुरू हो गई हैं। अगर दूध और घी की कमी हो गई और अगर यही हालत रही और इससे घी बनना नामुमकिन हो गया तो मैं जानता हूँ कि जहाँ तक इस इलाके का ताल्लुक है तो यह इलाका तबाह हो जायगा। यह इलाका उसी तरह का है जैसा कि यू० पी० का नार्थ वेस्टर्न इलाका। इनमें और हममें कोई फर्क नहीं है और इन सारे गांवों की इकानामी यहां के जानवरों पर है जिनको यह अपने बच्चों से भी अजीब रखते हैं। जिनकी इकानामी इस तरह की नहीं है वह नहीं समझ सकते कि एक जमींदार अपने गाय, बैल और भैंसों को किस तरह रखता है, क्योंकि उसका गुजारा ही उन पर है। अगर इस इकानामी को कायम रखना है तो इसका एक ही तरीका है कि आप वनस्पति को, अगर बनाते ही हैं, तो इस तरह बनायें कि उसका नाम घी न रहे और उसकी शकल घी की तरह न रहे। अगर ऐसा हो जाय तो मुझे इस बिना पर कोई शिकायत न रहेगी !

सन् २७ में जब वनस्पति घी ने अपने कदम बहुत जोरों से जमाये तो पंजाब लेजिस्लेटिव असेम्बली ने एक रिजोल्यूशन (resolution) पास किया कि वनस्पति को रंग दिया जाय। चुनावों के एक दरखास्त गवर्नमेण्ट आफ इण्डिया के पास भेजी गई। इसमें लिखा था कि पंजाब की इकानामी (economy) को यह घी खराब कर रहा है। पर गवर्नमेण्ट आफ इण्डिया ने क्या इन्तिजाम किया। पंजाब गवर्नमेण्ट के सामने जब यह सवाल पेश हुआ था उसके थोड़े ही अर्से के बाद एक्सपर्ट्स (experts) ने यह कहना शुरू कर दिया कि हमारे पास कोई ऐसा रंग नहीं है। एक दो रंग मंगाये गये पर उनके बारे में यह कहा गया कि यह उड़ जायेंगे। आज २३ बरस गुजर जाने के बाद तक एक्सपर्ट्स वनस्पति को रंगने के लिये कोई रंग न निकाल सके कि जिससे वनस्पति को रंग दिया जा सके और उसे कोई घी न कह सके। आज भी यह बातें कही जाती हैं कि इसको रंग दिया जाय लेकिन कोई आज तक ऐसा रंग नहीं बतलाया गया जो उड़ न सके। इसका एक तरीका यह बताया जाता है कि इसमें पांच परसेण्ट सीसामम आयल (sesamum oil) मिला दिया जाय पर वेस्टेड इंटरेस्ट (vested interests) ऐसा करने नहीं देते। दूसरे मुल्कों में जहां मारगरीन (margarine) में १० परसेण्ट सीसामम आयल (sesamum oil) मिलाया जाता है वहां इस मुल्क में पांच परसेण्ट की सिफारिश की जाती है। एक तेल है जिसे सल्फानील (sulphaniil) कहते हैं उसके मिलाने से वनस्पति की शकल में फर्क पड़ जाता है लेकिन आग से उसका असर जाया हो जाता है। इस वास्ते कोई ऐसी तरकीब बाकी नहीं रह जाती कि जिससे हम इसके असरात से बच सकें और जिसके मिलाने से वनस्पति को खाने में भी कोई मुक़दाम न हो। अगर कोई ऐसी तरकीब होती तो मुझे इस बिना पर कोई ऐतराज न रहता और यह चीज

[पण्डित शंकर दास भार्गव]

हमारे बास्ते काफ़ी हो जाती। लेकिन जब हमने देखा कि कोई तरकीब नहीं है जिसकी वजह से जो इस वनस्पति की, जिसको कि घी की शकल दे दी जाती है, हम उसकी तमीज़ कर सकें तो मजबूर होकर आखिर यह हथियार हमको उठाना पड़ा और यह बिल लाया गया। नहीं तो इसके लाने में मुझे कोई खुशी नहीं है। अगर फ़ैक्टरी ओनर्स (factory owners) या गवर्नमेण्ट या कोई और एजेन्सी कोई ऐसी चीज़ ईजाद कर सके जिसकी रू से यह धोखेबाजी ख़त्म हो जाय कि वनास्पति घी न कहा जा सके और उसको घी की शकल और फ्लेवर (flavour) और ग्रेन (grain) वगैरह न दिया जा सके तो मुझे इस बिना पर कोई लम्बा चौड़ा ऐतराज़ हरगिज़ नहीं होगा और न मैं चाहूंगा कि इसका मैन्युफ़ैक्चर बन्द कर दिया जाय।

आप ज़रा ब्याल फ़रमाइये और उन इलाकों के नुक़्तेनिगाह से इसको देखिये कि जहां के लोग तेल खाते हैं। यह जो ग्राउण्डनट (groundnut) है यह बहुत ज़्यादा मद्रास में पैदा होती है। ५० पी० में भी होती है, मगर मद्रास में बहुत ज़्यादा होती है और वहां के लोग इसका तेल खाते हैं। मुझे इस चीज़ से हरगिज़ कोई शिकायत नहीं है। मैं जानता हूँ कि हिन्दुस्तान में इतना घी नहीं पैदा होता कि सब लोग खा सकें। मैं निहायत खुश होता अगर इतना घी यहां पैदा हो सकता कि सब लोग खा सकते। लेकिन यह चीज़ हमारे इख्तियार में नहीं है और न गवर्नमेण्ट के ही इख्तियार में है। लेकिन मैं अदब से पूछता हूँ कि अगर गरीबों की ख़ुराक की एक चीज़ आठ आने सेर बिकती है तो क्या गवर्नमेण्ट का यह फ़र्ज़ नहीं है कि उसको एक रुपये सेर बिकने से रोके। आखिर तेल में हाइड्रोजन पास करने से भी वह वही चीज़ रहती है। हाइड्रोजन (hydrogen) पास (pass) करने से उसमें कोई इम्प्रूवमेण्ट (improvement) नहीं होता। लेकिन अगर वनस्पति का भाव देखा जाय तो आप हैरान हो जायेंगे कि इससे लोगों को कितना नुक़सान उठाना पड़ता है। अक्टूबर सन् १९४८ में ग्राउण्डनट आइल का भाव ५८ रुपये मन था और वनस्पति का ९७ रुपये मन। यह कितना बड़ा फ़र्क़ है। तकरीबन दुगना फ़र्क़ है। जो हमारे देश के गरीब आदमी तेल खाना चाहें वे खायें और वह उनको काफ़ी मिलना चाहिये। इस वनस्पति में हाइड्रोजन पास करके और उसकी शकल तबदील करके अधिक कीमत लेना मुनासिब नहीं है। मैं जानता हूँ कि आज जहां तक वनस्पति का ताल्लुक है इस पर कण्ट्रोल है। मुझे यह भी मालूम है कि इसके भाव में इतना ज़्यादा फ़र्क़ नहीं है। लेकिन ताहम मैं अदब से अर्ज़ करता हूँ कि जैसा कि डाक्टर राजेन्द्रप्रसाद ने लिखा है इसमें क्या हर्ज़ है कि लोग असली तेल खायें। रिफ़ाइण्ड तेल (refined oil) खायें। इसमें उनके लिये किसी किस्म की बुराई नहीं है। लोग कहते हैं कि अगर वनस्पति बन्द हो गया तो मिडिल क्लासेज़ को दिक्कत पड़ जायगी। वह अब भी तेल खाते हैं तब भी तेल खायेंगे, कोई फ़र्क़ नहीं पड़ेगा। सिर्फ़ धोखे से बच जायेंगे। अब तो बहुत से लोग जानते भी हैं पर यह समझ कर कि कुछ घी की तरह की चीज़ वह खा रहे हैं वह सैल्फ़ डिल्यूज़न (self-delusion) में पड़े हैं। तो लोगों की ख़ुराक की कीमत बढ़ने की बिना पर भी वनस्पति को बनाना और इसको जायज़ करार देना देश के लिये फ़ायदे की चीज़ नहीं है।

यह कहा जाता है कि वनस्पति में हमारे देश का बहुत रुपया लग चुका है और इसको बन्द करने से बहुत नुक़सान पहुंचेगा। इसके बारे में मैं साफ़ तौर से कह देना चाहता हूँ कि जहां तक फ़ैक्टरियों का ताल्लुक है उनको बहुत नुक़सान नहीं होगा। सिर्फ़ हाइड्रोजन मिलाने का हिस्सा ज़ाया जा सकता है। मैंने अन्दाज़ा लगाया है कि एक १५ लाख की फ़ैक्टरी में हाइड्रोजन वाला हिस्सा डेढ़ लाख का होगा और बाकी रुपया रिफ़ाइन करने वाली और दूसरी मशीनों पर खर्च होता है। इस तरह फ़ैक्टरियों को

कोई लम्बा नुकसान नहीं पहुंचेगा। इसके अलावा मैं यह भी नहीं चाहता कि जो नान एडिबिल आइल (non edible oils) हैं उनमें भी हाइड्रोजन न पास किया जाय। तो हाइड्रोजन के हिस्से के अलावा और दूसरी चीजें देश के काम आ सकती हैं। और उनका कोई नुकसान न होगा। इसके अलावा आप देखें कि इन फैक्ट्रियों ने कितना मुनाफ़ा उठाया है। मैं जानता हूँ कि इनमें कुछ फैक्ट्रियों ने एक-एक साल में फैक्ट्री की कीमत बसूल कर ली है।

अगर सारे सबालों को छोड़कर मेरे सामने दो सबाल हों तो मैं कैटिल इण्डस्ट्री (cattle industry) की तरफ़ अपना ध्यान दूंगा, खेतों पर ख्याल करूंगा जिस पर हमारे देश की इकोनोमी निर्भर करती है। हमारे देश की घी की बहुत बड़ी इण्डस्ट्री है, आप सुन कर हैरान होंगे कि सन् ३७ की फ़िगर्स के मुताबिक़ एक करोड़ ग्यारह लाख मन यहाँ पर घी तैयार होता है, आज तो पचास परसेण्ट घी का प्रोडक्शन कम हो चला है और अगर आप उसका हिसाब लगा कर देखें, तो पता चलेगा कि आज के दिन किसानों और जमींदारों का इस बनस्पति से कितना नुकसान हुआ है। मैं उस डा० राइट की राय आपके रूबरू पेश करना चाहता हूँ जिसको गवर्नमेण्ट आफ इण्डिया ने मुकर्रर किया था और जिसने उस वक़्त अपनी राय पेश की थी, उसने यह लिखा था :

“Figures for the production of other Indian vegetable oils available for the adulteration of ghee cannot be gauged with any accuracy. At a very rough estimate one might perhaps place this quantity at 15,000 tons. This would bring the total amount of available adulterants to just under 50,000 tons, or 1,400,000 maunds. The amount of adulterant available would thus work out at just over 6 per cent. of the total out-put of ghee. At a retail price of Rs. 32 per maund, the amount of genuine ghee replaced by adulterant would represent over 3 crores of rupees. It is probable, in view of the results of analyses already referred to, that this greatly underestimates the loss to the dairy industry as a result of the adulteration of ghee. If adulteration could be checked this additional income could be added to the wealth of the country side, with consequent advantage to the rural population.”

यह तो सन् ३७ का तीन करोड़ रुपये का नुकसान बताया है। अगर आप हिसाब लगायें तो यह हिसाब ४३ करोड़ रुपये सालाना का होगा और जिससे कि सारी कण्ट्री साईड (Country side) का नुकसान होगा और सिर्फ़ चन्द आदमियों को फ़ायदा होगा। अगर मेरे सामने दो सबाल होते इसने आदमियों का नुकसान होता, तथा रूरल इकोनोमी (rural economy) का नुकसान होता और सिर्फ़ चन्द बड़े बड़े फैक्ट्री ओनर्स (factory owners) का फ़ायदा होता, तो मैं बड़े अदब से अर्ज़ करता हूँ कि मेरा जवाब होता कि मेरी नेशनल गवर्नमेण्ट का फ़र्ज़ है कि वह इस मामले को ठीक प्रकार से देखें। इस देश के अन्दर कौटेज इण्डस्ट्री (Cottage industry) कैटिल इण्डस्ट्री (Cattle industry) यह सब हमें चलाना है और जहाँ तक घी की इण्डस्ट्री का सबाल है, वह नेक्स्ट टू कैटिल इण्डस्ट्री (next to Cattle industry) है जो परम्परा से यहाँ चली आयी है। इनको किसी किसिम का नुकसान पहुंचाने देना न पोलिटिकली (politically) जायज़ है और न किसी प्रकार जायज़ है। अगर आप चाहते हैं कि आपका मुस्क तरक़्को करे, तो आपका फ़र्ज़ हो जाता है कि यह देखें कि आज हमारे लाखों लोगों को पीने को छाछ नहीं मिलती है और न असली घी मिलता है और न दूध। आज मैं सारे हाउस के रूबरू अर्ज़ करना चाहता हूँ कि जो चीज मेरे दिमाग़ में है और जिसको मैं समझता हूँ सबसे जरूरी चीज है, वह यह है कि जब तक हमारे वेग-बासियों को पीने को छाछ नहीं मिलती, तो उनकी जिन्दगी नामसकिन हो जायगी, आपको बहादुर सिपाही नहीं मिलेंगे और आपके काम करने वाले मशक़क़त करने वाले जवान नहीं मिलेंगे और उन्हें बजह है कि कहा जाता है कि हन्दुस्तान के आदमी उतना भारी बोझ नहीं उठा सकते जितना भारी दुनिया के दूसरे लोग उठा सकते हैं। हमें दूध, घी न मिलने से कमजोरी आ जाती है, बाईटैलिटी

[पण्डित ठाकुर दास भार्गव]

(vitality) नहीं रहती। यह हमारे सामने लाइफ और डेथ (life and death) का सवाल है। वनस्पति हमारे देश की फिजिकल स्ट्रेंथ (physical strength) की कम करता है, वह हमारे लिये विष के बराबर है, इसमें कोई शक नहीं है कि यह वनस्पति भी एक तरह से हमारे अन्दर जो काम करने का इनसेन्टिव (incentive) होता है, वह इससे खत्म हो जाता है।

Shri Sondhi (Punjab): On a point of order, Madam. Is there any country in the world where *ghee* is taken as part of food except in India and Pakistan?

Mr. Chairman: I do not think there is any point in the point of order. The Hon. Member may proceed.

पण्डित ठाकुर दास भार्गव: तो जनाब एक अरसा हुआ, इस हाउस की तरफ से मैं बतौर रिप्रेजेंटेटिव के बाहर के मुल्कों में गया। मेरे वास्ते वह पहला ही मौका था। मेरी शर्म का कोई ठिकाना नहीं रहा जब मैंने स्वीटशरलैण्ड में ऐसी तगड़ी और स्वस्थ गायें और सांड पायों, उसके बरअक्स हम लोग जो कहने को तो गायों के बड़े भक्त हैं और हम कृष्ण के भक्त हैं जिनको गायों से बड़ा प्रेम था और हम गऊमाता की पूजा भी करते हैं, वहाँ मैंने पाया कि हमारे देशवासी किस रसातल पर पहुंच चुके हैं। धी क्या चीज़ है, बटर क्या चीज़ है, मैं समझता हूँ कि सब लोग इसका फ़र्क जानते होंगे और जैसा कि सौंधी साहब ने फ़रमाया शायद उनके दिमाग में धी और बटर में कोई फ़र्क नहीं होता। मैं उनका शुक्राञ्जार हूँ कि उन्होंने मुझे इसके बारे में कहने का मौका दिया। जिन मुल्कों के अन्दर मारगरीन पैदा होती है और जिनका कि हाइड्रोजेनेशन से ताल्लुक है, अगर आप उसकी सारी हिस्ट्री को देखें, तो मैं जानता हूँ कि हमारे मुल्क को एक ही काम करना है और वह है वनस्पति धी को फ़ौरन बन्द कर देना। यह उन मुल्कों में भले ही उतना नुकसानदेह साबित न हो जहां लोगों का जीवन निर्वाह चरबी, गोश्त और अण्डों पर होता है। इटली की हिस्ट्री का मुलाहिजा फ़रमायें, कैनाडा की हिस्ट्री (history) का मुलाहिजा फ़रमायें, साउथ अफ़्रीका की हिस्ट्री (history) की तरफ़ नज़र डालें, तो आपको पता चलेगा कि वहां इसका मैनफ़ैक्चर (manufacture) बन्द कर दिया गया, बिलायत के अन्दर भी इसको इसी तरह से बन्द किया गया। मेरे पास किताबें मौजूद हैं, और मैं उनकी तसल्ली करा सकता हूँ कि कोई भी मुल्क ऐसा नहीं है जिसने कि अपनी ख़ुराक की परवाह नहीं की हो और हिन्दुस्तान के हालात तो और भी मुस्तलिफ़ हैं और मैं बड़े जोर से अर्ज करता हूँ कि यह हमारे लिये जीवन मरण का सवाल है और हमें एक ही बात करनी चाहिये कि जितनी जल्द हो, इसको बन्द किया जाये।

मैं अब एक और नुक़्ते स्थाल हाउस के सामने रखना चाहता हूँ और वह यह है कि जहां त ग्राउन्डनट (groundnuts) या मूंगफली का सवाल है, यह खुद मुकम्मिल ख़ुराक है। ५४ फीसदी आज भी मुल्क में बतौर ख़ुराक के मूंगफली खायी जाती है। और ग्यारह परसेन्ट के करीब इस का बनावस्पति बनता है बनावस्पति बनाने का तेल इस में से निकलता है जो आधे के करीब होता है बाकी जो खल रह जाती है, वह इंसान के ख़ुराक के काम में नहीं आती। मैं अब से पूछना चाहता हूँ कि जिस मुल्क के अन्दर बाहर से इतना ज्यादा इम्पोर्ट किया जाता हो और करीब १३० करोड़ रुपया गर्बनमेन्ट आफ इंडिया बाहर से ख़ुराक मंगाने पर खर्च करती हो, क्या यह जायज है कि ऐसी ख़ुराक वाली चीज़ में से तेल निकाला जाये और इसको बतौर ख़ुराक के इस्तेमाल न किया जाये, क्यों न मूंगफली का जाटा गेंहूँ के साथ मिलाकर दीजिये, ताकि बाहर से जितनी ख़ुराक मंगाई जाती है, उसके अन्दर इससे कमी हो। आपकी ख़ुराक की कमी को परा करने का यह साधन है। यह वनस्पति धी जहर है।

(English translation of the above speech.)

Pandit Thakur Das Bhargava (Punjab): I beg to move:

"That the Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils, be taken into consideration."

My object in moving this Bill has been clearly set forth in the Statement of Objects and Reasons appended to it. The main clause 4 lays down that any person who manufactures or imports hydrogenated oils into the Indian Union shall be committing an offence and is liable to be punished for a term which may extend to one year. The definition of "vegetable oils" given therein further elucidates the matter, *vis.*, oils which are used in the manufacture of vegetable *ghee*, such as, coconut oil, *etc.* Apart from this if any other article is hydrogenated or if any such oil is hydrogenated which is not used for the manufacture of *vanaspati ghee*, that does not fall within the scope of this Bill. The definition of hydrogenation is: **passing of hydrogen through vegetable oils.** This Bill does not, however, cover such oils as are not used for the manufacture of *vanaspati*. There is only one object of this Bill which has been explicitly explained in its Statement of Objects and Reasons. The stuff which is at present given the shape of *vanaspati ghee* is in fact neither *vanaspati* nor *ghee*. It is a sheer fraud from beginning to end and it does not contain any semblance either of *vanaspati* or *ghee*. My object in moving the Bill is that this fraud which is being practised by the people who are selling oil by giving it a look of *ghee* should be treated as an offence so that they may not obliterate the name of *ghee* from India. The Statement of Objects and Reasons is quite self explanatory. My own feeling is that as far as this *vanaspati ghee* is concerned, it is not a good thing for health. I know that recently some reports received from the scientists are opposed to this view and I shall express my opinion thereon at the opportune moment. But my case does not alone rest on the grounds that this *vanaspati ghee* produces baneful effects in health. It is based on a more sound principle and stands on a more solid foundation than this and it is a principle that India is an agricultural country and it has got five lakhs of villages. The nature of the economy prevalent in these villages is that the agriculturists cultivate the land, they till the land with the help of cattle, they produce *ghee* out of them and live on the sale proceeds of their milk. Therefore the real object of this Bill is to maintain that economy, to preserve that agricultural economy which has been in existence in this country since ages. Another view has also been expressed that if the manufacture of *vanaspati ghee* is prohibited, what will happen to those who have taken to this *ghee*, those who have been compelled to decide that since pure *ghee* is not available they shall use *vanaspati ghee*? What will become of the large number of those middle class families who have been compelled to live on *vanaspati* when its manufacture is prohibited. They are forced to use *vanaspati* because they cannot get pure *ghee* and the *ghee* that is sold in the market as 'pure' is adulterated with *vanaspati*. Now, naturally this question arises as to what shall they do since this Bill clashes with their interests and it is on account of this reason alone that a suggestion has been made that my Bill should be circulated for eliciting public opinion. I know that the Government of India and all the leaders in our country are committed to this thing that this Bill should soon be passed in its present form. I can say it on authority that so far as the question affecting the rural economy of this country is concerned, that is shattered by the existence of this *vanaspati ghee* and it is the primary duty of the Government to safeguard that agricultural economy and to provide work to the *kisans* and *samindars*. Our revered Mahatmaji who stood as a complete surety for the country's advancement and who understood each and every problem affecting this country had frequently explained this thing both through his speeches and

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writings that a person who wants to save the *vanaspati* industry in this country—who wants to perpetuate this fraud—is an enemy of the country. I would like to read an excerpt from that article wherein he had stated this thing. He wrote on the 6th October, 1946 as follows:

"It ought not really to be called *vanaspati ghee* although it generally goes by that name. No one can have any quarrel with *vanaspati* which means the leaves of flowers, fruits, and vegetables. But when it presumes to pass as something else it becomes poison. *Vanaspati* is not and can never be *ghee*. *Ghee* or butter is the fat contents of milk drawn from an animal. To sell vegetable oil or butter in the form and name of *ghee* is to deceive the Indian public. No Government should countenance such sale. No wonder that mortality figures are on the increase and there is lack of energy in the people. Any one who deceives in this regard or countenances the fraud is an enemy of India".

Similarly, Bapu expressed the following views on the 14th April, 1946:

"It is clear that the mischief arises principally from the greed of the very persons who worship the cow".

And I am ashamed to say this that most of the owners of these forty factories are those persons who worship the cow at every occasion. He said:

"*Vanaspati* is wholly superfluous. Oils may be refined of injurious property, but they should not be solidified, nor need they be made to look like *ghee*. An honest manufacturer will not stoop to counterfeits. The market is flooded with them. Counterfeit coins are heavily punishable. Why not counterfeit *ghee*, since the genuine article is much more precious than coin? But the sovereign remedy lies in all round honesty among dealers, who are in a hurry to become rich even at the cost of the health of the nation."

Only a short while ago the House was discussing another Bill which sought to provide penalty only for the black-marketing. But what shall I say in respect of that person? Black-marketing is an ordinary thing as compared to this. After all he charges a little more price; the tax evader evades a little tax. But I do not understand what punishment should be prescribed for this in view of the ill effects it produces.

Now, so far as the principle underlying the manufacture of this *vanaspati* is concerned, I should like to submit with all due respects that in reality these are two aspects. Firstly, you may say what are the defects in *vanaspati* and secondly, what are the ill-effects that are entailed by its use. If you compare *ghee* with *vanaspati*, you be convinced that even in the modern world all the doctors and experts are unanimous in their opinion. It is the opinion of the experts that in reality *vanaspati* does not stand comparison to pure *ghee*. Not one, if you permit me, I can produce a bundle of such opinions wherein the experts have held the view that *vanaspati* cannot compete with pure *ghee* in any manner. Now, this book has been published by the Government of India. It has been stated in this Report that it was written after experiments had been conducted on rats. Rats were fed on *ghee* and *vanaspati* separately and the results obtained revealed that so far as *ghee* and *vanaspati* are concerned, rats were kept on *ghee* remained quite healthy. On the contrary, rats that were fed on *vanaspati* did not remain healthy, died in the third generation and suffered from various ailments.

An Hon. Member: This *vanaspati ghee* alone is the first step towards the learning of black-marketing.

Pandit Thakur Das Bhargava: So, I was saying that this is the comparison between *ghee* and *vanaspati*. You may just think of those areas where *ghee* is used where everybody takes *ghee*. I would like to mention here the area from where I come, *vis.*, the Ambala Division of East Punjab, where everybody takes *ghee*. That district is quite well-known for cattle and for *ghee*. There is not a single house of a *samindar* in our Rohtak and Hissar districts where no *ghee* is produced and no cattle are maintained for the sustenance of the family. If anybody keeps a cow or a buffalo in his house, it even proves useful to

him in times of famine and in a way it serves as a preventive measure against it. As regards the breed of cows in our district, I may say that the cows there do not yield two, three or four seers of milk but ten, twelve, fourteen or even fifteen seers. Today on account of the uniform policy pursued by the British during the last fifty years, the quantity of milk yielded by the cows in the Hissar and Hariana districts which ranged between ten to twelve seers has come down to eight seers. This is a national calamity the gravity of which everybody cannot realize to what has happened to the yield of cows' milk. This is the outcome of the British policy. But our present national Government should formulate a policy to this effect that the yield of the cows' milk should be brought on the same level as it existed before. Along with this, there should also be a sturdy breed of the bulls. The breed in my district is such that not only the output of milk is quite adequate but its bulls too are strong. You will perhaps be surprised to hear this that even a goat yield four to five seers of milk in my district while the cows in certain parts of India do not yield as much quantity of milk.

Babu Ramnarayan Singh: How did the British ruin this?

Pandit Thakur Das Bhargava: My hon. friend wants to know how did this happen? This is a long tale and so far as this Bill is concerned, it has got nothing to do with it. But I should like to submit for his information that it was the consistent policy of the British that such sturdy bulls should be bred in our district as could be used for pulling their heavy artillery. This happened after the year 1857. There was a breed in our district which produced very sturdy bulls and the British wanted that those bulls should be brought up for the use of their artillery. This breed of bulls was the sturdiest of all and they used to cover a distant of about eighty miles in a day. They followed this policy so that they may get such bulls. Thus the breed that possessed this quality flourished in my district. Necessarily, when more attention was paid in this direction, the other breed was ruined, and milk-yield of cows decreased.

Even at present, there exists a breed in my district which has got both these qualities. But the people have not properly looked after it and instead of this they cared more for that which produced strong bulls. Obviously that the number of those yielding more milk reduced in this manner. So, I was just telling that such is the condition prevailing in my district that in case any necessity arises, we can even face the famine for some months. Moreover, famines frequently occur in my district. A person can easily save himself in times of famine by keeping a cow or buffalo. With your permission, Madam, I should like to read out an extract to show as to how bravely, when during the year 1900-01, my district was in the grip of a terrible famine, the people of Punjab faced that calamity, and it has got direct bearing on the question that is before you. In this connection I should like to draw your attention to a note that has been written by Sardar Datar Singh, in his book with regard to *vanaspati* and *ghes*.

Shri Tyagi: Who is this gentleman?

Pandit Thakur Das Bhargava: My hon. friend Mr. Tyagi wants to know who this gentleman, Sardar Datar Singh is. This gentleman is working as a Secretary in the Agricultural Ministry and so far as his personality is concerned, I can say that he has rendered very useful help to our district. I must say that he has accomplished many outstanding deeds and he has been taking very keen interest in this matter so much so that even when Mahatmaji wrote a note on this book, he too made a mention about him.

So, I would just read out that extract now. He has stated in this book that the *samindar* who kept a cow in Hissar district saved himself during the times

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of that famine and did not feel the necessity of running away from Hissar. But this was not the case during the year 1939 when a similar famine occurred, and those people who kept the cows were compelled to flee away from that place after leaving their cattle. Those people were famine-stricken. They sent their cows to *goshalas* and went away leaving their cows behind. This is how the cows were sold so cheap. Government spent about one crore of rupees but in spite of that the people could not stick to their homes. During that time, we were able to save only two lakhs out of six lakhs of cattle and the rest perished. So long as *vanaspati* was not sold, the *ghee* industry flourished as both *ghee* and milk fetched handsome price and the people used to maintain their families by selling these commodities. Such are the observations made by Sardar Datar Singh about whom I have just referred. I am unable to lay my hand on the quotation at the moment. I shall quote this later during the debate.

The second thing to which I was referring to was that so far as the Government of India are concerned, I do not solely depend upon this that Sardar Datar Singh has written a book or Mahatmaji stated this. Apart from this I would like to say that Government of India have till this day followed such a policy through which they have recognized this *vanaspati* is in fact the enemy of the *ghee* industry as well as the cattle industry of this country. So Government had appointed a Committee named Cattle Protection Committee. Seth Govind Das was also one of the important members of that Committee. He had also in his report supported this view that this *vanaspati* had hit hard the cattle industry and he too made a recommendation to the effect that the manufacture of *vanaspati* in this manner should be stopped or at least some such arrangements should be made whereby it may not be sold as artificial *ghee* and compete with pure *ghee*. Similarly, our President, the reverend Dr. Rajendra Prasad, had also expressed this view in the course of his speech delivered at Amritsar when he was Food and Agriculture Minister. I should like to quote an extract from his speech. The relevant extract containing the views expressed by Dr. Prasad is as follows. I do not want to read out the whole speech and would like to quote only the following portion:—

"Therefore, the word *ghee* should not be tagged along with the name of this thing, because it tantamounts to a fraud. Cattle-breeding is essential for the production of *ghee* and if the cattle are not bred, it will on the one hand result in the non-availability of the bulls and buffaloes for the ploughing of land and pulling the carts and milk will also disappear. Therefore, the promotion of use of artificial *ghee* not only affects the health of the consumers but it also injures the agricultural system of the whole country and further hampers the breeding of milch cattle. Government should protect the people from being defrauded in this manner. If the appendage of the word *ghee* with its name cannot be banned, it should at least be coloured so that anybody may not be mistaken and take it as *ghee*".

Similarly, the hon. Rajkumari Amrit Kaur also expressed her views in one of her statements. Since she is the Health Minister, I should like to read that out to you:

"The sale of *vanaspati* in the market has hit hard the agriculturists in India. Pure *ghee* is very essential for the people. The manufacture of *vanaspati* has further impeded the production and availability of pure *ghee*. Government should in this connection render all possible help to the agriculturists".

This view was expressed by her in the year 1941. In this very year, a special issue of the news paper *Gram Sevak* was published which contained the views expressed by the veterans. I am quoting from the same paper. I shall read out the opinion held by Mahatma Gandhi in this connection which has been particularly mentioned:

"If pure *ghee* disappears from the market, without improving the breed of the cattle for the plough and pulling the carts and without producing milk and *ghee*, farming would become an impracticable proposition. Cattle breeding would then no longer be a vocation;

it would become merely a means of recreation. Stringent measures should, therefore, be adopted to prevent this adulteration. I heartily support this suggestion that a planned and organized efforts should be made by the public against adulteration and, if need be some legislation should be enacted to prohibit this. This process of adulteration has undoubtedly got an economic aspect—it has also got bearing on the question of health and it does not carry lesser weight than the economic issue. We know this quite well that the comparative nutritive value of *vanaspati* is far less than that of pure *ghee*. It is the considered opinion of the physicians that *vanaspati* can never serve as the substitute of pure *ghee*."

Even today the verdict is not against it. Just as I was telling you, Sardar Datar Singh has, at page 7 of his book, stated as follows:

"There was a very severe famine in Hissar in 1900 and 1901. At that time *ghee* industry was flourishing in that tract and it had not to compete with any other cheap substitute like *vanaspati*. The result was that the cultivators by sale of *ghee* at a reasonable price, could afford to save four lakhs of their cattle out of the total of 6-23 lakhs. But what happened during the famine of 1939 and 1940, when out of a total population of 6.5 lakhs of cattle in that very District, only two lakhs could be saved? This was in spite of the Punjab Government spending over a crore of rupees while nothing was spent in 1900-01 and a few lakhs more by Congress, Humanitarian League and other philanthropic associations."

The speech delivered by the Honourable Dr. Rajendra Prasad at Amritsar when he was the Agricultural and Food Minister, to which I referred to, runs as follows:

"It has been estimated that in 1947 *vanaspati ghee* worth about seventy five or eighty crores of rupees will begin to be manufactured. It can be easily understood what effect it shall have on the production of *ghee* from milk. *Vanaspati* is neither *ghee* nor oil. If at all you have to use oil, there is no reason why pure oil should not be taken and why you should deceive yourself by taking it as *ghee* and that too at the cost of paying a comparatively higher price than the oil. *Ghee* constitutes the major portion of the income which we derive from milk. Therefore, if *vanaspati* affects the *ghee* industry, its consequences would be that the income which accrues by cattle-breeding would be reduced, and cattle-breeding would become well nigh impossible. It will further affect the crop and ultimately this would considerably harm several crores of agriculturists in our country. My object in drawing your attention towards this direction is that you should consider this aspect."

These were the observations made by the then Food Minister at that time. I know that so far as the Government of India are concerned, the former Government could not fully recognize our claim and appreciate our difficulties. But I have not the least hesitation in saying that since this present National Government came into office, they are devoting far greater attention towards the agriculturists than before. In 1948, the Ministry of Agriculture convened a conference of Experts which was attended by members of Gau Seva Sangh, Wardha, and the representatives of the *vanaspati* industry were also invited and an opportunity afforded to them to exchange their views. After hearing their discussion, it was thought that this *vanaspati* business should not be allowed to flourish further. For some days the manufacture of *vanaspati* was stopped in the factories. But ultimately there was a severe clash of vested interests. The severity of the clash has been heightened to such an extent that I apprehend that in spite of all these efforts we shall be precluded from getting the full assistance. I would like to submit that so far as the interest are concerned, I do not want to injure them and that industry is very well aware of this. So far as the question of hydrogenation is concerned, they should develop their industries and firmly establish these. I am one with them. But I would request them not to give such a form to this *ghee* or oil as may clash with another thing. This is the crux of our dispute and that of all those persons in this country who accept this principle. Moreover, I know that at least 95 per cent., if not more, of the people in this country see eye to eye with us, because after all the burden for the upkeep of the health of the major section of the people in this country rests on their shoulders. I would like to submit that we only want this much that you should arrange somehow or the other that so far as *ghee* is concerned, artificial *ghee* should not be allowed to compete with pure *ghee*. We do not want anything more. During the year

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1924-25 when *vanaspati* was being imported from abroad, the people complained against this and it was but natural. Thus in 1927, India imported 22,000 tons of *vanaspati* while in 1940 only 22 tons were imported. But this is not due to the reason that efforts were made to check the import of *vanaspati*. The reason for this is that factories were set up in the country itself. In 1939 only 10,000 tons were manufactured but in 1946 the quantity rose to 1,45,000 tons. You may just imagine that when such a huge quantity of artificial *ghee* is produced, pure *ghee* can only find a place in the prescription of Vaidyas; where else can it be found? Although in this country *ghee* was sold at the rate of Rs. 2/- per seer, if you now go to Hissar to purchase even one seer of *ghee* you will not be able to get this up to your satisfaction.

Shri B. Das (Orissa): Because during the war the English soldiers ate all our cows and calves.

Pandit Thakur Das Bhargava: I would not reply to the interruption made by hon. friend Shri Das but by doing so he has drawn my attention to another thing. In a vegetarian country, people do not even know what is meat. It is not that the people were vegetarians on account of sheer necessity but even those who were non-vegetarian did not get meat to eat. How can the people in such a country maintain their health without the use of *ghee* and milk. *Ghee* is a perfect food and it is an admitted fact. The vegetarians can only maintain their health by taking milk and *ghee*. I would submit and I say it with great pride that our village people in the districts of Rohtak and Hissar performed such acts of bravery which cannot perhaps be matched by the people in other areas. During the last war they rendered meritorious services and you will be surprised to hear that they displayed remarkable valour while serving in foreign countries. These people hailed from those areas where meat was not known before the war. Partly on account of war and partly on account of partition, the people on our side have started taking meat and drinking wine. This is the very place that was called the "cow grazing land of Lord Krishna". There nobody used to take meat and drink. But these evils have now found their way there. If the yield of milk and *ghee* falls down and if this state of affairs continues and the production of *ghee* is rendered impossible, I know that so far as this area is concerned it would be ruined. This area is also similar to the north western districts of U.P. There is no difference between these districts and ours and the economy of all these villages depends upon the cattle whom the people there love more than their children even. Those whose economy stands on a different footing cannot understand how a *zamindar* keeps his cows, bulls and buffaloes because his very existence is dependent upon them alone. If such an economy is to be maintained, there is only one way to do this and that is that if you have at all to manufacture *vanaspati* you should neither give it the appearance of *ghee* nor call it *ghee*. If this is done, I shall not have to make any complaint on this score.

In the year 1927 when *vanaspati* industry firmly established itself, the Punjab Legislative Assembly passed a Resolution that *vanaspati* should be coloured. So, a representation was submitted to the Government of India wherein it was stated that this *ghee* was disturbing the economy of the Punjab. But what arrangements did the Government of India make? A little after this question was mooted out by the Punjab Government, the experts began to say that they were not in the know of any such colour. One or two colours were imported but it was pointed out with regard to these that these will fade out. Today, even after a lapse of 23 years, the experts could not discover any colour for colouring *vanaspati* so that nobody may be able to call it *ghee*. Even today it is said that it should be coloured but uptill now no such colour has been found which would not fade out. One method which has been suggested in this connection is that five per cent. of sesamum oil should be

mixed with it—but the vested interests try their best to see that the proposed measure does not take effect. Whereas in other countries 10 per cent. of Sesamum oil is mixed with margarine, here in this country only five per cent. is recommended. There is an oil named Sulphanil by mixing which the appearance of *vanaspati* is changed, but when it is heated its effect is lost. Therefore, no means are left by which one can protect himself from its ill-effects and by mixing which *vanaspati* may not become harmful. Had there been any such means, I would not have had the least objection on this account and this would have sufficed. But when I saw that there are no means by which we can distinguish *vanaspati* which is given the appearance of *ghee*, I was compelled to bring forth this Bill. Otherwise, I do not feel any pleasure in presenting this. If the factory-owners or the Government or any other agency can find out a way so that this fraud can be checked and *vanaspati* cannot be given the appearance, flavour and grains etc. of *ghee*, neither will I raise any substantial objection against this nor would I like its manufacture to be stopped. You may just imagine and look at it from the point of view of those areas where people take oil. Groundnut is known in Madras in large quantity. It is produced in U.P. also, but it is grown in Madras in abundance and the people there take groundnut oil. I have not got the least complaint against this. I know that India cannot produce so much quantity of *ghee* as may cater to the needs of the entire populace. It would have given me a great pleasure if sufficient quantity of *ghee* could be produced so that everybody is able to take it. But this thing does not lie neither within our power nor that of the Government. But with all due respects, I would like to know that if an article intended for consumption by the poor is sold at annas -/8/- per seer, is it not the duty of the Government to check it from being sold at the rate of Rs. 1/- per seer. Even by passing hydrogen through oil, it remains the same. No improvement is effected by passing hydrogen. But if you look at the price of *vanaspati*, you will be astonished to see how much loss the people have suffered on this account. In October, 1948, groundnut oil was being sold at Rs. 58/- per maund and the rate of *vanaspati* was Rs. 97/- per maund. How vast is this difference: it is almost twice. Those of the poor people in our country who would like to take oil, they are at liberty to do so and they should get this in sufficient quantity. It is not proper to charge more price for this *vanaspati* by passing hydrogen through vegetable oil and imparting it the appearance of *ghee*. I know that so far as *vanaspati* is concerned, its price is controlled at present. I also know this that its price does not vary much. But even then I would respectfully submit that just as Dr. Rajendra Prasad had stated, there was no harm if people took pure oil. They may take refined oil. This does not in any way harm them. People say that the middle-classes would be hit hard if the manufacture of *vanaspati* is stopped. They take oil at present and shall take it even then. It will not make them any difference. They will only be saved from being deceived. Now most of the people are even aware of this but thinking that they are taking some thing resembling *ghee* they are rather deluded. So, to manufacture *vanaspati* simply for the reason that there has been a rise in the price of articles of food intended for the use of people and to consider it as justified does not appear to be beneficial for the country.

It is said that huge capital has been invested in our country in the *vanaspati* industry and its prohibition will entail serious losses. In this connection I should like it to make it quite clear that so far as factories are concerned they will not suffer a heavy loss. Only that part of the machinery which is used in hydrogenation would become useless. I estimate that in a factory costing about Rs. 15 lakhs, the portion of the machinery used for hydrogenation would cost only one and a half lakhs and the rest is spent on the machinery intended for refining and other processes. Thus the factories are not likely to suffer a heavy loss. Apart from this, I do not also want that hydrogen should not be

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passed through the non-edible oils. So, apart from the parts of the machinery intended for hydrogenation, other parts can be utilized for the benefit of the country and it will not result in any loss. Besides this, you may see how much profit have these factories made. I know that some of these factories have even made good during one year the capital they invested on these undertakings. Barring all other considerations, if I am faced with two problems, I will divert my attention towards the cattle industry and farming on which depends the economy of our country. *Ghee* industry is one of the biggest industries in our country. You will be astonished to hear that according to the figures of 1937, the quantity of *ghee* produced in this country was 1,11,00,000 maunds. Today the production of *ghee* is likely to be reduced by 50 per cent. and if you make a rough estimate, you will know the magnitude of the loss which the agriculturists had to suffer on account of this *vanaspati*. I would like to quote the opinion of that expert who was appointed by the Government of India and who had expressed his views at that time. He stated as follows:—

"Figures for the production of other Indian vegetable oils available for the adulteration of *ghee* cannot be gauged with any accuracy. At a very rough estimate one might perhaps place this quantity at 15,000 tons. This would bring the total amount of available adulterants to just under 50,000 tons, or 1,400,000 maunds. The amount of adulterant available would thus work out at just over 6 per cent. of the total out-put of *ghee*. At a retail price of Rs. 82 per maund, the amount of genuine *ghee* replaced by adulterant would represent over 3 crores of rupees. It is probable, in view of the results of analyses already referred to, that this greatly underestimates the loss to the dairy industry as a result of the adulteration of *ghee*. If adulteration could be checked this additional income could be added to the wealth of the country side, with consequent advantage to the rural population."

This refers to the loss of 3 crores of rupees undergone during the year 1937. If you estimate, this figure would come to Rs. 43 crores per annum and it affects the whole of the country side and benefits only a few individuals. If I were faced with two questions, *viz.*, the one that it affects so many persons and disturbs the rural economy and the second that it benefits only a few big factory-owners. I would respectfully submit, my reply would have been that it was the duty of my National Government to consider this matter properly. We have to run both the cottage and cattle industries in this country and so far as the question of *ghee* industry is concerned it occupies a place next to the cattle industry which had been in existence in this country ever since. It is neither politically nor otherwise proper to harm this industry. If you want that your country should progress, it becomes your duty to consider that today lakhs of our people neither get *lassi* nor pure *ghee* and nor milk. Today I would like to submit before the House that the thing which I have got in view and which I consider most important is that so long as our countrymen do not get *lassi* it would be quite impossible for them to live and you will not find brave soldiers and sturdy labourers. And this is the reason why it is generally said that the people in India cannot carry so much weight as people in other parts of the world can. We grow weak for lack of milk and *ghee* and lose our vitality. It is a question of life and death for us. *Vanaspati* reduces the physical strength of our countrymen and it is poisonous for us. There is no doubt in it that this *vanaspati* *ghee* kills our incentive to work.

Shri Sondhi (Punjab): On a point of order, Madam. Is there any country in the world where *ghee* is taken as part of food except India and Pakistan?

Mr. Chairman: I do not think there is any point in the point of order. The hon. Member may proceed.

Pandit Thakur Das Bhargava: Quite a long ago. I went abroad as a representative of this House; it was my first chance. I felt very much ashamed when I found in Switzerland very healthy and stout cows and bulls while we, who profess to be devotees of cows, devotees of Krishna who loved cows so much—

and we in fact worship the cows—have fallen so much. I think we all know what is butter and what is *ghee*. I think everyone knows it. But, perhaps, as Mr. Sondhi has said, to him there is no difference between *ghee* and butter. I am thankful to him that he has afforded me an opportunity to say something about it. If you look at the histories of the countries where margarine is produced, those countries that are concerned with hydrogenation, the only conclusion you would arrive at is that this country must stop manufacture of *vanaspati ghee*. It may not be as much harmful in countries where people live on animal fats, meat and eggs. Look at the histories of Italy, Canada and South Africa; you will find that its manufacture has been stopped there. Likewise it has been stopped in England also. I have with me certain books and I can convince that no country has ever ceased to worry about its food problem. The position of India is all the more peculiar and I submit it is a matter of life and death for us. The only thing that we ought to do is to stop it as soon as we can.

Now, I want to place before the House another point, that is, as far as groundnut (*Mungphali*) is concerned it is a complete food in itself. Fifty-four per cent. of groundnut produced in this country is used as food and eleven per cent. for the manufacture of *vanaspati*. The output of oil is merely half; the groundnut oil cake left (after extracting oil) is not used as human food. May I ask if it is proper not to use this article of food as such and to extract oil out of it when we have to import so much and to spend nearly 180 crores of rupees on the import of food. Why not mix groundnut flour with wheat flour so that the imports of food may be cut down. And this is one way how we can tackle food shortage. *Vanaspati ghee* is poison.

Mr. Chairman: May I know whether the hon. Member would like to resume his speech on the next day allotted for non-official Bills?

Pandit Thakur Das Bhargava: Yes, Madam.

Mr. Chairman: Then the House may adjourn now.

The House then adjourned till a Quarter to Eleven of the Clock on Monday, the 27th March, 1950.
