

[श्री महावीर प्रसाद]

हे वहाँ पर एक सूती मिल या कागज बनाने की मिल बनवा करने की मिल प्राथमिकता के अन्तर्गत पर खोलने के लिए आदेश प्रसारित करें। कारण कि उक्त तीनों प्रकार के उद्योगों के लिए वहाँ पर सभी प्रकार की आवश्यक वस्तुएं उपलब्ध हैं। इससे मेरा खेद जो सदियों से आर्थिक एवं सामाजिक दृष्टिकोण से पिछड़ा हुआ है वह वास्तव में एक उन्नतशील क्षेत्र बन सकेगा और वहाँ के लोग जो गरीबी की रेखा से नीचे अपना जीवन बिता रहे हैं, उससे ऊपर उठ कर श्रेष्ठ पिछड़ेपन के आधार पर आगे बढ़ सकेंगे। यह मामला भी अगले सप्ताह मदन में विचार के लिए रखा जाए।

SHRI BAPUSAHEB PARULEKAR :
Sir, I suggest the following two items in the business for the week commencing from 2nd August, 1982.

(1) A virtual drug shortage has hit the capital. Most of the essential drugs have gone underground in the past few days. Among the drugs in short supply are some life-saving ones. Anti Leukemia (in blood cancer) drugs have vanished from the market. Thyroxin, a drug vital in the treatment of thyroid hormone deficiency has disappeared from the market. Another drug, Dristol, which is a pain killer and is believed to be the most effective in combating flu is not available in open market for the past six months. It is reported that the shortage has been created so that the manufacturers can hold the Government to ransom to grant them an industrial licence to manufacture allied products such as shampoos and also to increase the prices. It is also reported that the company manufacturing these drugs withholds the supply to wholesalers and retailers deliberately so that it can sell the drug in the blackmarket. This being an important issue and relating to non-availability of life-saving drugs, I suggest a discussion on this issue in the next week.

(2) It is reported that the Mizo National Front by its terror tactics caused 13 killings in early this month and has been able to create panic among the non-Mizos, about 1,000 of whom have already left the Union Territory. It is also reported that there were over 100 MNF activists in three major camps in a

neighbouring country. The seized documents and interrogation of MNF personnel revealed that the groups with arms were dispatched from a neighbouring country. These activities of MNF which are serious, are likely to threaten the security of the country. I, therefore, suggest that this issue be thoroughly discussed in the House and, therefore, be included in the business of the next week.

SHRI BHISHMA NARAIN SINGH :
Sir, I am grateful to the hon. members for the valuable suggestions they have made. I will go through the record and, if I think it proper, I will bring them to the notice of the Business Advisory Committee.

12.35 hrs.

PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES (AMENDMENT) BILL

MR. DEPUTY SPEAKER : We now go to the next item; for the consideration of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Bill. Time allotted was 2 hours. We have already exhausted 1 hour and 22 minutes. Shri S. Murugian was on his legs. He can continue his speech.

***SHRI S. MURUGIAN (Tiruppattur) :**
Hon. Mr. Deputy Speaker, I rise to support the amending Bill which has been brought forward to ensure fair distribution of essential commodities to the common people. None in this House can dispute the fact that the essential commodities should be made available to the common people at fair prices. Since they are not available, the necessity for this amending Bill has arisen. Though the parent Act was being enforced, yet the blackmarketees, hoarders and smugglers could escape the penal provisions of the law with impunity and that has compelled the Government to bring this amending Bill.

*The Original speech was delivered in Tamil.

[Shri S. Murugian]

I would only say that by just amending the Bill the essential commodities are going to be freely available. It has been our experience so far that laws alone do not ensure the realisation of the intentions of the Government. It primarily depends upon the organs of the Government entrusted with the duty of implementing the provisions of the law. The Government should ensure that these institutions function with responsibility in ensuring the availability of essential commodities to the people of the country. It is not just enough to enact a law; it is the responsibility of the Government to ensure its effective implementation.

The District Magistrates and the Commissioners are being empowered to apprehend those elusive people who have evaded their responsibility. But circumstances should be created in which the authority entrusted to the care of District magistrates and the Commissioners can be effectively exercised. It is the duty of the Government to ensure that the various officials concerned with the implementation of the law implement the provisions of the law with care and caution.

Besides making available the essential commodities at fair prices, the Government should see that no adulterated commodities are supplied to the people at large. The loopholes in the law encourage the adulterators to go on merrily and adulteration has become a common feature in our country. Each State has a law of its own regarding the penalties to be imposed on adulterators. The Central Government should enact a law in this regard plugging all the loopholes and see that all the States implement that law effectively and uniformly. Then only adulteration can be stopped.

Some time ago, the hon. Minister of Agriculture furnished to this house the figures of culprits apprehended. In 1979 17 blackmarketeers were arrested; in 1980 249 black-marketeers; in 1981 181 black marketeers; in 1982 upto now 42 black-marketeers. I want to know how many of them have actually been punished. For four years the cases have been going on. All such cases should not be delayed in-

ordinately. In fact, Special Courts should be constituted for trying these black-marketeers and they should be awarded deterrent punishment expeditiously. I would once again reiterate that just enactment of laws does not solve the problems; it is only their proper enforcement that solves the problems of the people. Can we believe that just by arresting 200 or 300 people indulging in blackmarketing of essential commodities we would be able to solve the problems of the people? India is a vast country and the blackmarketing in essential commodities has become a normal part of life. We used to hear about the hanging of blackmarketeers. But today even deterrent punishment is not being awarded to the blackmarketeers and the hoarders.

In Delhi last year 1082 fair price shops were raided and about 1000 irregularities were found out, out which 617 irregularities were considered to be serious. But, ultimately, only 69 fair price shops were being proceeded against in the courts of law. That is why I say there should be special courts to try these offenders against the society. The hon. Minister should look into this and do the needful. There should not be not only inordinate delay in the completion of cases but it should also be the duty of the Government to ensure that deterrent punishment is awarded to the offenders.

I have no hesitation in saying that the Civil Supplies Corporations in the States have become the source of corruption all over the country. I say this from my personal knowledge about the working of the State Civil Supplies Corporation in Tamil Nadu. The AIADMK Government in Tamil Nadu is known for its inefficiency and immoral as also illegal practices. The Central Government allots rice and grains to the State Civil Supplies Corporation for distribution. But the State Government's Civil Supplies Corporation does not lift it, according to the hon. Minister here. But the State Minister denies this. We know that the Centre allotted 25,000 tonnes of rice a month to the State Government of Tamil Nadu and the State Government did not lift the entire quantity. In such cases the Centre should hold the State responsi-

ble for its failure to meet the basic minimum needs of the people.

Last year the paddy yield was abundant. The State imposes 50% levy. Even after that the paddy stocks are not maintained properly. I know that in Tiruvannamalai, which is may place out of 20,000 bags of paddy procured, 5000 bags got spoiled. That was due to the stocking of wet paddy. Who is responsible for this? The officers just write the losses off the records, by saying that it is a transition loss. The people are ultimately the losers. The Centre should issue directives and guidelines for the effective functioning of the State Civil Supplies Corporations, particularly the Civil Supplies Corporation of Tamil Nadu which is really the nadir of inefficiency. The allotment of essential commodities like palm oil, sugar, kerosene etc. is on paper, but it does not reach the people in the rural areas. The rural fair price shops are neglected by the State Civil Supplies Corporation. The State Civil Supplies Corporation supplies in abundance the essential commodities to the fair price shops owned by AIADMK supporters and cadre people. There is this kind of poverty amongst plenty. In one area you have abundance and in the adjacent area you have scarcity. Politics have come into play even in the distribution of essential commodities. Unless you pay more than fixed price you would not get kerosene. The loopholes in the law are being exploited by the people in authority in collusion with blackmarketeers and hoarders. The fair price shops have become unfair price shops. There is no price list of essential commodities as was the practice during the days of Emergency. The Central Government should issue directives to the State Governments that all fair price shops must compulsorily exhibit price lists of essential commodities so that the consumers are not taken for a ride.

In order that malpractices are curbed, there should be District Level Committees comprising of public men belonging to all political parties. The representation on this Committee should be equal; no over-representation should be there for the ruling party. These Committees should be charged with the responsibility of equitable distri-

bution of foodgrains. There should also a State level committee for this purpose.

I demand that the entire public distribution system should be revamped. Like the Public Undertakings Committee of Parliament, there should be a Parliamentary Committee to ensure equitable distribution of essential commodities throughout the country. This Committee should frequently visit the State, find out the faults in the distribution and suggest remedies to the Government for expeditious implementation. The Centre should accept my suggestion in this regard.

Before I conclude, I demand that the Centre should take effective steps to end the atrocities being perpetrated by the AIADMK Government in Tamilnadu particularly in respect of distributing essential commodities. Merely a legislation is not going to rescue the people; its implementation will give them succour from the sacrileges being committed by the Government in Tamilnadu. I demand that the hon. Minister should look into this and do the needful.

with these words I conclude my speech.

श्री चन्द्र पाल शैलानी (हाथरस) : उपाध्यक्ष महोदय, मैं इस संशोधक विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। मैं मंत्री महोदय को बधाई देना चाहूँगा कि उन्होंने चोर बाजारी जैसे आर्थिक अपराध करने वाले व्यक्तियों के लिए कानून की पकड़ मजबूत करने के लिए इतना अच्छा संशोधक विधेयक पेश किया है।

चोर बाजारी, जमाखोरी, तस्करी, चर-चोरी और मिलावट ऐसे अपराध हैं, जो किसी भी देश की अर्थ-व्यवस्था को पंगू बना देते हैं। यह दुर्भाग्य की बात है कि हमारे देश में इस तरह के अपराध हो रहे हैं, जिसके कारण हमारे देश की अर्थ-व्यवस्था चरमरा गई है। इसमें किसी सरकार या किसी एक दल या पार्टी की बात नहीं है। मैं आपके माध्यम से सभी दलों और उनके नेताओं से निवेदन करूँगा कि इस तरह के अपराध करने वाले लोगों के खिलाफ जनमत तैयार किया जाए और ऐसे लोगों को समाज

[श्री चन्द्रपाल शैलानी]

में बुरी दृष्टि से देखा जाए, सम्मान की दृष्टि से नहीं।

यह विडम्बना है कि हमारे देश में जिसके पास पैसा है, चाहे उसने वह पैसा तस्करी, चोर बाजारी या गुंडागर्दी से पैदा किया हो, लोग उसकी सम्मान की नज़र से देखते हैं। इसकी तुलना में एक गरीब आदमी चाहे कितना भी खून पसीना बहाए, लेकिन अगर उसके पास पहनने के लिए अच्छा कपड़ा नहीं है, रहने के लिए अच्छा मकान नहीं है, अच्छा खाने के लिए नहीं है, तो उसे समाज में अच्छी नज़र से नहीं देखा जाता है। आवश्यकता इस बात की है कि इस तरह के आर्थिक अपराधियों का सामाजिक बहिष्कार किया जाए, ताकि अन्य लोग इस तरह के अपराध करने से बाज आएँ।

• चोर बाजारी और जमाखोरी करने वाले लोग ही महंगाई को बढ़ावा देते हैं। हमारे देश में इस वक्त महंगाई बढ़ रही है, जिससे गरीब मजदूर और किसान परेशान हैं। अगर यह चोर बाजारी और जमाखोरी बन्द हो जाए, तो मैं समझता हूँ कि महंगाई में कमी हो सकती है।

मैं इस बिल का स्वागत करता हूँ कि इसमें चोर बाजारी करने वालों को राष्ट्रीय सुरक्षा कानून में गिरफ्तार करने का प्रावधान है और पुलिस अधिकारियों को फ़रार चोर बाजारियों को गिरफ्तार करने का भी अधिकार है। पिछले समय में चोर बाजारी, जमाखोरी और तस्करी के खिलाफ़ प्रभावशाली कदम उठाने में हम ज्यादा सफल नहीं रहे हैं। हमारी सरकार और हमारे नेता चाहते हैं कि इस तरह के अपराध न हों। लेकिन देखने में आया है कि ये अपराध बढ़ते ही गए हैं, कम नहीं हुए हैं। इन अपराधों पर अंकुश लगाने के लिए इससे पहले भी कानून बने हैं, जैसे एसेंशल कामोडिटीज एक्ट, 1955 और मैनटेंनेंस आफ़ सप्लाइज आफ़ एसेंशल कामोडिटीज एक्ट, 1980 आदि। मैं सरकार से निवेदन करूँगा कि रोज़ इस तरह के कानून बनाए जाएँ और संशोधन किए जाएँ, लेकिन उन्हें अमली जामा न पहनाया जाए, तो कोई विशेष लाभ नहीं होगा। जो कानून पहले बन चुके

हैं, या मंत्री महोदय आज जो संशोधन लाए हैं, अगर उन्हें प्रभावी ढंग से कार्यान्वित किया जाए, तो ज्यादा फ़ायदेमंद हो सकता है।

ऐसा देखा गया है कि चोरबाजारी जो लोग करते हैं, जो तस्करी करते हैं [उनकी सरकारी कर्मचारियों और अधिकारियों से सांठ गांठ रहती है। जी लोग यह अपराध करते हैं उन के पास पैसे की कमी नहीं होती है। उन के पास काला पैसा होता है और वे अधिकारियों को रिश्वत दे कर अपना काम निकालते रहते हैं चाहे वह सेल्स टैक्स के अधिकारी हों, चाहे इनकम टैक्स के अधिकारी हों चाहे मैजिस्ट्रेट हों। मैं सरकार से निवेदन करूँगा कि खास तौर से इन बातों में जहाँ इस तरह के अपराध हों इस बात पर नज़र रखी जाय कि इस में सरकारी कर्मचारी, सरकारी मशीनरी और सरकारी अधिकारी जो हैं इन की मिली भगत तो तो नहीं है। यही वजह है कि आज हमारे देश में काले धन की बाढ़ सी आ रही है। आज वास्तव में काले धन की बाढ़ आ गई है जिस से हमारी अर्थ-व्यवस्था चरमरा रही है। काले धन का नामोनिशां मिटाने के लिए यह जरूरी है कि इस तरह का अपराध करने वाले व्यक्तियों को कड़ी से कड़ी सजा दी जाय। मेरा सुझाव है कि इस तरह के कुछ उच्च स्तरीय छापामार उड़न दस्ते और विजिलेंस कमीशन की स्थापना की जाए जो इस तरह के अपराध करने वालों को पकड़ें और उन्हें कानून के हवाले करें। उन की जमानतें न हों और उन की जमानतें तब तक न हों जब तक कि वास्तव में यह सिद्ध न हो जाय कि ये निर्दोष हैं। मैं मंत्री-महोदय से निवेदन करूँगा कि इस तरह के प्राविज़न्स वह लाएं जिस से कि इस तरह के लोग जो रिश्वत दे कर या अच्छे वकील खड़ा कर के कानून से बच जाते हैं, वह न हो सके और इन को सजा दिलायी जा सके।

हमारी सरकार ने पहले कई नियम बनाए थे जैसे प्राइस डिस्के आर्डर्स हैं उन को सख्ती से लागू किया जाय। आज यह एक तमाशा सा बन गया है, जब सरकार सख्ती करती है तब तो प्राइस लिस्ट दुकानदार लोग अपनी दुकानों में टांग देते हैं लेकिन जब जरा नम्रता बरती जाती है तो पता नहीं वह लिस्टें कहां चली जाती हैं और

मनमानी कीमतों पर लोगों को चीजें बेचते हैं जिससे जनता को तकलीफ होती है। मेरा अनुरोध है कि इस चीज पर ज्यादा जोर दें कि व्यापारी और दुकानदार लोग प्राइस लिस्ट और स्टॉक लिस्ट अपनी-अपनी दुकानों पर टांगें।

सार्वजनिक वितरण प्रणाली के सम्बन्ध में मैं कुछ कहना चाहूंगा। इस प्रणाली को ज्यादा से ज्यादा मजबूत और सुदृढ़ बनाया जाय। जितनी भी ये सस्ते गल्ले की दुकानें या फेयर प्राइस शाप्स हैं उनकी संख्या ग्रामीण क्षेत्रों में बढ़ायी जाय। खासतौर से ऐसे क्षेत्रों में जहां कि निर्धन और कमजोर वर्ग के लोग रहते हैं, पहाड़ी क्षेत्रों में और दूर दराज के क्षेत्रों में जहां कि आदिवासी लोग रहते हैं वहां इन दुकानों की संख्या बढ़ायी जाय जिससे गरीब तबके के लोगों को आसानी से राशन और अन्य आवश्यक चीजें मिल सकें। जिस तरह से बहुत से इंडस्ट्रियल टाउन होते हैं जहां मजदूरों की बस्तियां होती हैं, या जैसे ईट के मट्टों पर काम करने वाले लोग होते हैं जो अपना घर बार छोड़ कर दूर-दूर तक जाते हैं, हमारे उत्तर प्रदेश के कितने ही लोग दिल्ली, हरियाणा, पंजाब और अन्य स्थानों पर जाकर यह काम करते हैं इनके पास कोई वहां का राशन कार्ड नहीं होता है, तो ऐसे लोगों के लिए चलती फरती फेयर प्राइस शाप्स मुहैया की जाएं ताकि उनको आसानी से जीवन की आवश्यक चीजें उपलब्ध हो सकें क्योंकि ये लोग बहुत मेहनत करते हैं। इन्हें पैसा बहुत कम मिलता है और जब ये ओपन मार्केट में जाते हैं तो हर चीज इन्हें महंगी मिलती है।

एक बात यहां आई है कि बहुत से लोगों ने जाली राशन कार्ड बनवा रखे हैं। मुझसे पहले भी कुछ लोगों ने यह कहा था और यह बात सही है कि जितने भी फेयर प्राइस शाप्स के डीलर्स हैं उनकी मिली भगत से और सप्लाय ऑफिस की मिली भगत से जाली राशन कार्ड बनाए जाते हैं और ये दुकानदारों के पास रहते हैं। इस तरह के जो फर्जी राशन कार्ड होते हैं उन की चीनी और गेहूं वगैरह वह ब्लैक मार्केट में बेच देते हैं। पैर या हाथ के अंगूठे उल्टे-सीधे लगा कर रजिस्टर पर वह खानापूरी कर लेते हैं। इसको चेक करने की बहुत आवश्यकता है। इस सम्बन्ध में मेरा आपसे निवेदन है कि सरकार जारी राशन-कार्डों की छानबीन करने के लिए एक विशेष अभियान चलाए। माननीय कृषि मंत्री जी ने मार्च, 1982 में इसी सदन में एक ध्यानाकर्षण प्रस्ताव का उत्तर देते हुए बताया था कि दिल्ली की आबादी 62 लाख है लेकिन यहां पर 72 लाख लोगों के लिये राशन कार्ड बने हुए

हैं। कितने आश्चर्य की बात है कि जितनी आबादी है उससे भी अधिक लोगों के लिये राशन-कार्ड बने हुए हैं। मेरा निवेदन है कि इस सम्बन्ध में छान-बीन करके जो इसका कोई न कोई हल निकाला जाना चाहिए ताकि फर्जी राशन-कार्ड बने हुए हैं उनको समाप्त किया जा सके।

मैं माननीय मंत्री जी से यह भी निवेदन करना चाहता हूं कि चोर-बाजारी, जमाखोरी, तस्करी या अन्य आर्थिक अपराध करने वाले लोग यदि गिरफ्तार किए जायें और यह साबित हो जाए कि वे दोषी हैं तो उनका सोशल बाईकाट भी किया जाना चाहिए। सरकार ने इन अपराधों को रोकने की बड़ी कोशिश की है लेकिन इसके बावजूद यह अपराध समाप्त नहीं हो रहे हैं। इसलिये ऐसे अपराधियों का सोशल बाईकाट किया जाना आवश्यक है। उनसे चुनाव में खड़े होने का अधिकार भी छिन लिया जाना चाहिए। साथ ही किसी सार्वजनिक स्थान पर उनके प्रति सम्मान का प्रदर्शन नहीं होना चाहिए। ताकि जनता के मन में यह भाव आ सके कि ये लोग तस्कर या चोर-बाजारी है इसलिये इन का सामाजिक रूप से सम्मान नहीं किया जा रहा है।

अन्त में मैं यह आशा करता हूं कि मैंने जो कुछ भी सुझाव यहां सरकार के सामने पेश किये हैं, उन पर माननीय मन्त्री जी सहानुभूतिपूर्वक विचार करेंगे और उनको क्रियान्वित करने के लिए कोई ठोस कदम उठायेंगे। आज इस प्रकार के गम्भीर अपराध करने वाले लोग हमारे समाज में कोड़ हैं, वे इस देश की आर्थिक व्यवस्था को पंगु बना रहे हैं। ये अपराधी ऐसे कीड़े हैं, ऐसे घुन हैं, जो इस देश की अर्थ-व्यवस्था को धीरे-धीरे कमजोर कर रहे हैं। इसलिये सरकार से मेरा निवेदन है कि इन कीड़ों को, इन घुनों को नेस्त-नाबूद करने के लिए यदि सरकार इससे भी अधिक कठोर कोई कानून बनाती है तो मेरे जैसे लोग उसका हार्दिक समर्थन करेंगे, सरकार की तारीफ करेंगे और बधाई देंगे।

इन शब्दों के साथ मैं अपनी बात समाप्त करते हुए आपको धन्यवाद देता हूं कि आपने मुझे यहां पर बोलने का मौका दिया।

DR. SUBRAMANIAM SWAMY : Sir, it is almost lunch time....

MR. DEPUTY-SPEAKER : Shri Parulekar will be followed by Shri Pilot.

DR. SUBRAMANIAM SWAMY : Why not have it after lunch ?

MR. DEPUTY-SPEAKER : Let him continue.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri) : Mr. Deputy-Speaker, Sir, I stand to oppose this measure, especially, this notorious measure which has been brought to amend the black Act which was passed in midnight, in 1980.

Sir, the hon. Minister, in his opening speech, said :

"The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 was enacted to provide for preventive detention against the hoarders, blackmarketeers etc. so as to check the rising prices and to curb the activities of such anti-social elements."

I would like to ask the Hon. Minister to tell this august House as to whether, since the passing of the Act in 1980 and to what extent, the prices have come down, whether the prices of the essential commodities have risen up and whether any of these persons who indulged in these activities have been detained under this Act. If the answer is 'no', am I to take it that this piece of legislation or act which we passed in the year 1980, is of no use and of no consequence in checking the activities of the black-marketeers, profiteers, etc. ?

MR. DEPUTY-SPEAKER : You can continue after lunch.

SHRI BAPUSAHEB PARULEKAR : Thank you, Sir.

MR. DEPUTY-SPEAKER : The House stands adjourned to meet again at 2 O'Clock.

13 hrs.

The Lok Sabha adjourned, for lunch, till Fourteen of the Clock

The Lok Sabha re-assembled after Lunch at Ten Minutes past Fourteen of the clock. (Shri Chintamani Panigrahi in the chair)

PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES (AMENDMENT) BILL

MR. CHAIRMAN : Shri Parulekar to continue his speech.

SHRI BAPUSAHEB PARULEKAR : Mr. Chairman, Sir, when I was speaking before lunch, I said that I oppose this Bill and I oppose this amendment also, because we are not, for one, for detention without any trial. There are many laws which are available to the Government to deal with all types of persons who indulge in criminal activities. Only yesterday, the hon. Minister of State for Home Affairs has gone on record, while replying to the debate on the Special Court (Repeal) Bill, and I quote :

"I say that the existing laws and the procedures are adequate enough to cope with any situation in the country."

When this is the position, I do not understand as to why, the hon. Minister who is piloting this Bill feels the necessity of not only to continue the detention, but add some more teeth to the existing law of detention. Under the Special Court Act, at least an opportunity was provided to the accused to defend, to cross-examine, but here you are detaining a person without giving him a fair opportunity to have his say or giving him a right to challenge the statement which would be made against him. Moreover, if we read the statement of the hon. Minister who is piloting the Bill, he said that this amendment is necessary because the Government was not in a position to arrest 45 persons in the country. It is surprising that as the Government was not in a position to find out 45 persons in this vast country, Government seeks to amend this law. We do not know, what steps the Government had taken.

I am not sure whether the Government is really serious about this question of punishing the blackmarketeers. One of my esteemed colleague who opened the debate invited hon. Minister's attention to the words of late Panditji who had said that when we come to power, we would hang these black-marketeers to the nearest lamp-post. I do not know how many have been hanged.

Sir, I do not find that they were very serious in dealing with the question of black-marketeers. Apart from that question, the amendment that is sought is that the powers of the State Government or the appropriate Government are

being delegated to the District Magistrate and the Commissioner of Police, who are, in my opinion, very junior executive officers. They can be pressurised and whatever is required to be done by the high-ups in offices or in the Government, they will fall victims to the pressures of these officers. In this context, I would like to mention one instance to show as to how these officers apply their mind in executing such orders, and now you are giving powers to them not only to detain, but to confiscate their property. In 1977 when emergency was on and I was in the Nasik jail, warrants for detention were issued against one Advocate from Nasik and the District Superintendent of Police went with the warrants to detain him. That Advocate was known to all the people there. When his door was knocked at mid-night, instead of the person to be detained, his son opened the door. The Superintendent of Police told him that he had got detention warrants against him; the District Magistrate was satisfied that his activities were detrimental to the interest of the country and he had come to detain him. The son said, "I am sorry, my father had died about a month back and if you want to detain him, you will have to take a long journey." It is how in 1977, a District Magistrate acted; he was satisfied and had reasons to believe that his activities were detrimental to the interest of the nation. As far as Delhi is concerned, we had instances where so many blank detention orders were found signed by the officers. Therefore, I have strong objection to giving powers and delegating powers to these small officers.

MR. CHAIRMAN : Kindly be brief.

SHRI BAPUSAHEB PARULEKAR : I have just started, Sir.

SHRI RAM GOPAL REDDY : What is this small? Why should he say small?

SHRI BAPUSAHEB PARULEKAR : It is not defamatory. Therefore, it cannot be expunged.

Mr. Chairman, now coming to the question of blackmarketing, I would like to know as to what exactly does the Government mean by the words 'blackmarketeers and profiteers'? Sir, are we really punish-

ing all those who indulge in blackmarketing? When the prices are fixed and somebody sells the commodities for a higher price, we take it that it is blackmarketing. If artificial scarcity is made and somebody takes the price higher than the price fixed, we say he is a profiteer. But, I would like to invite the attention of the Hon. Minister to a case of a middle-man. They squeeze the blood of the agriculturists; they squeeze the blood of the customers, but no law can lay hands on them. From the part where I come, where Alfanso mangoes are grown in plenty, a basket containing 75 mangoes is purchased by Bombay middlemen for Rs. 50/-. And from Bombay, when they take a journey of say 240 kilometres, they are sold at Rs. 250/- a basket. When they go to the Persian Gulf, they are sold at Rs. 550/- a basket. Is it not blackmarketing? I would, therefore, like to know from the Hon. Minister as to what steps do Government propose to take in this connection?

Apart from this, we have case of 1980 from Tamil Nadu, which was brought to the notice of the Hon. Agriculture Minister. He had promised to look into it. In 1980, the entire onion that was exported by Tamil Nadu was supplied by the NAFED to the Government and it was given to one person for being exported to Singapore and Malaysia. The NAFED had sold it at Rs. 3,000/- a tonne, while he sold it for Rs. 12,000/- a tonne. When this was brought to the notice of the Agriculture Minister, he said, "I will take steps and look into it." Orders were issued. But in spite of this, next year again this very thing happened. So, I would like to know what steps have been taken against those Officers? Are those officers not guilty of blackmarketing? So, we have to widen the scope of the word 'blackmarketing' and not to go after the blood of those small and petty shopkeepers, who sell things for four or five paise more. The real profiteers escape the clutches of this law. By these laws of detention, I don't think blackmarketing can be checked. This blackmarketing creates black-money; black-money creates the question of evasion of taxes and that is how the black-money is generated. So, my respectful submission to

[Shri Bapusaheb Purulekar]

the Hon. Minister would be that all this cannot be checked by this type of a legislation. All my other colleagues have said that so long as you have a controlled economy and so long as you do not get hold of the physical possession of the essential commodities and sell them through the distribution system or through a proper channel with a fixed price along with other things, I submit to you, Sir, I don't think the question of blackmarketing can be solved.

I am aware the scope of the Bill is very small, but taking the opportunity of this discussion on the Bill, I have made these submissions about the blackmarketing and I will request the Hon. Minister to consider whether the scope of the Bill can be enlarged so as to bring in those middlemen who are black-marketeers of the country.

With these words, I oppose the law of Preventive Detention and I say none should be kept behind the bars without being given an opportunity to be heard.

Therefore, I oppose the parent Act and, therefore, I oppose the amendment, which, with my respectful submission, is notorious amendment because it enlarges the scope of detention.

SHRI RAJESH PILOT (Bharatpur) : Mr. Chairman, Sir, at the beginning I congratulate the Hon. Deputy Minister Shri Usman Arif, who has piloted this Bill. Although I love piloting everything, but this particular piloting is most appreciated and I congratulate him for piloting this Bill.

But, Sir, I ask him a very odd question also. Why is this Bill now? Sir, we came in power in 1980. This Bill should have been introduced in 1980 itself. What is the main cause for the delay?

SHRI BAPUSAHEB PARULEKAR : The parent Bill is of 1980.

SHRI RAJESH PILOT : The amendment which you are bringing now could have been done in 1980 itself. It has been delayed. Why this delay on the part of the Government?

Secondly, I have been listening to the speeches from both the sides. I have reached the conclusion that tomorrow if you put a discussion on God in this Parliament, we will find various definitions of God. Even Gita, Ramayana and Quran give one definition of God; but if you put a discussion on God tomorrow in this Parliament, you will find various views and definitions of God.

They say it is good for the nation. Everyone talks about it, and says: "Yes; it is required." And everyone feels about it. When he comes back to his house, he feels it. But when the question comes up for discussion, he says: "I oppose this". Somebody says he does not believe in it. People should not be put to injustice without trial. Then they defend things on legal grounds and give their own views.

I fail to understand why there is no one opinion on this, when we approve it and support the Government, and we want action on it. We want to stop it. I say this after listening to various colleagues of mine.

I divide my discussion into two parts: first, what are the causes which create black-marketing and profiteering, which are illegal. And second, what suggestions I have for the Government to consider. First is about control and de-control.

The same cement, which was not available for Rs. 100/-, suddenly is available for Rs. 50/-. They put restrictions. Government puts restrictions which are not required. They put restrictions and say wheat cannot go from one district to another. These are things which are very simple. I don't think there is any complication in them. Complications are the creation of Government itself, when they stop wheat going from one district to another. People start feeling that there is scarcity, and they feel that the rates are going higher; Government is short of stocks. So, these are the minor things which Government must take into consideration. They should control those items which really Government wants to control effectively, and not put control everywhere and create scarcity in the country.

So, my first request is that Government should consider things before giving such instructions in respect of essential commodities. Secondly, I am not one who criticises the Press every time. They are very responsible people. So, they come up for discussion. Another cause of this situation is the Press. Without thinking about it, the Press comes out with news that there is scarcity of oil, scarcity of wheat and that sugar is not available, i.e. without realizing its repercussions.

I hope you will recollect one incident : roughly eight years ago, I had come on a trip to Delhi. I had read in the newspapers—sometime in 1973 or 1974—that Dalda was not available in Delhi. So, one day one gentleman brought a truck to a place near North and South Blocks here. In between these blocks he parked the truck. The truck was full of Dalda tins. There must have been one thousand tins in it. As the offices had closed at 5-15 p.m., he parked the truck there. The tins were full of mud and water. There was no ghee in them. In the morning newspapers, the news had come that Dalda would not be available in Delhi for many days. So, he brought the truck and parked it in front of North and South Blocks. He said : 'You can get Dalda here for Rs. 5/- less than the normal market price'. Even the officials of the Food and Civil Supplies Ministry brought the tins. He sold up the contents of the whole truck within 15 minutes, for Rs. 50,000/- or Rs. 60,000/- and ran away. And when these officials reached home and opened the tins, they were full of mud and water.

So, my point is that the Press should act very responsibly and should give such news when they feel that there is a genuine scarcity. It is not that they should give news without knowing the factual position of stocks. Otherwise, it creates a psychological feeling amongst citizens; and thus it makes them feel that they should stock their requirements. So, I request that the Press also must act responsibly.

The third point is about strictness on the part of the Government. Government makes rules. Government makes laws. But when the question of implementation

comes, I do not know why Government is slack. Why can't we be strict, when we make the rules? Before making a rule, we must find out whether it is feasible or not, and whether we can follow it or not. But once the law is made, when the rule is framed by the respective State or Central Government, it is our duty to see that it is followed 100%—not even 99.9%.

Why do people always speak of Emergency days? Can't we do those things again, without putting in Emergency? Emergency has become a psychological phobia—I am not saying that we should put Emergency and become strick—but we can take actions without declaring those actions or without declaring Emergency. We can again become strict in our actions. I remember that during Emergency, everything was available. And people talk to us when we go to our areas, when we go to our constituencies. They say that the time during Emergency was the best time. I hope I am not wrong in saying that they voted for Mrs Gandhi for her actions, and for strictness, because she took the decision. Why can't the Government be strict?

MR. CHAIRMAN : There is no provision of emergency in this Bill.

SHRI RAJESH PILOT : I am not saying that there should be an emergency. I am talking about the strictness when the rules are followed, when the action is taken. Without emergency, we must adopt some method, we must act. All the political parties should decide that we should not allow any anti-social elements to take undue advantage; they should not be helped. I find that if one party is against a particular person the other party is against that party and supports him by saying that he is a genuine chap. All the political parties must play that role. When the political parties do not categorise the anti-social elements how can the country run? If we do not categorise them if we do not put them aside, then all laws and rules will not be applicable. I remember last time, somebody came to me and asked for sugar bags. I asked him about the profit. He said, "There is no saving in this except the empty bag". I said, "Why are you then asking for it; ask for something better?" He said, "Please help me. I will get along

[Shri Rajesh Pilot]

with it." What is the point in it? They take dealership; they take stock and sell it in black and distribute very little of it in the public. Every M. P. knows about it; every politician knows about it when they go to that area. This system is not very beneficial, not very accurate. Why can't we encourage the cooperative system? Suppose it involves 20 people. If 10 people go wrong, at least 10 people will be there to look after it. When we know the facts, why can't we take action on those lines?

As far as quota system is concerned, people take quota who have no factories anywhere; they have no system anywhere. They take it and then sell it there itself. On paper they are earning money. When they earn money, they live well, they dress well, they speak well; they get confidence. When they go in a car to meet an officer, the officer feels that they are big people. There is a difference between a poor man walking into the Collector's office and a gentleman. But the officer does not know where this money has come from. So on this quota system, there should be some check. Who takes a quota? What does he do with it? Last time, I remember, I received a complaint. Somebody took quota. I do not know where he has gone; I am not aware of it still. He took quota and sold it off there itself. He does not have any factory, no institute, no manufacturing units, but he gets it. Once in a while, when I told some of the people, they said, "We must have some arrangement for our livelihood if politics fails or we must have some source of income." So many people advised me to take this quota. I still fail to understand this system. I request the Government that they must be determined to take action against these people and stop issuing quota here and there. Last time, we discussed it in Parliament—coal quota, this quota and that quota. This quota system should be stopped and it should be given to genuine people. Farmers, villagers, who require it do not get it. People who live in Delhi or State Capitals get this quota. So, this is another cause of it.

Now I come to suggestions which I have got to place before the House. You should have price lists at each shop. Earlier you

had price lists and stock lists. Recently, I was on a foreign tour. I was dreaming about it. You go to a Super Bazar, pick up all your items, go to the counter and make the payment and walk out. Why can't we follow this system? So, we should have price lists, stock lists and a spot check system. It is not that you put up a price list and a stock list and there is no check on that. Government must ensure that on all essential commodities they should have price tags and stock lists; a special squad should be formed in each district, in each State to go and check them once in a while, once in a week, once in 15 days. I suggest that ex-servicemen can be given this task who will perform it in a better way than somebody else. Either you can take them on a voluntary basis or you can give them jobs, if you want. It will help you in two ways: (1) they will be resettled and they will do a national service.

And thirdly, this co-operative system. I have already spoken that you should increase the super bazaar system. There are super bazaars in all big cities. Why cannot we follow it up at the district levels also. All the essential commodities we are having through the fair price shops; but more things can be given to the district headquarters, where villagers can go. They can go up to the district headquarters, buy their requirements and go back. I request that the super bazaar system should be extended to the district headquarters, if not at the village level.

The last point I have is about political interference. Unless you stop that there will not be justice. Somebody fights for justice and another man says it is injustice. For justice there can be only one definition. But we find that when one person is suffering another is enjoying. There are some people who are anti-social. Their dinners, lunches, receptions are all with the Ministers. Responsible people go about searching where they are going to have their lunch or dinner, every day. If a man is seen with a politician, the officials are impressed that he has links there, and hope that by approaching him they can get convenient postings. Every human being has got a psychological scare. Therefore, some code

of conduct should be observed for these politicians, because we politicians are the people who are interfering with the system. We are the people who are creating the problems. This should be stopped.

And then another point is about public opinion. Unless we create that, any amount of law or any number of acts will not be sufficient. Some peace centres should be created at the district levels, or some system should be evolved to eliminate these anti-social elements. As on today on the one side there is Government and on the other is the public. In between there is a buffer zone of anti-social elements. They do not let the Government function. Unless we remove this buffer zone we will not be able to achieve the results which we are planning for.

The last point is about monitoring your action. Whatever action the Government is taking should be monitored, Black-marketing will go on for another three years. A black-marketeer makes so much money that he can continue for another three years. These are suggestions and feelings of the people when I visited the country. Serious consideration should be given to them.

SHRI BHOGEN德拉 JHA (Madhubani) : Mr. Chairman, Sir, when we consider the present amending Bill one is bound to think of the necessity of this amending Bill. As the Minister himself stated while introducing the Bill, in the whole country including all the States and Union Territories there are only 45 persons who have been absconding and have not been arrested. So, for the sake of those 45 persons, who have not been arrested during the last more than two years, this Bill has become necessary. Very pertinently, the preceding speaker, Shri Pilot has asked why this amendment had not been brought up earlier. In the earlier Bill—which is now an Act—this power was not given to the lower officers; it was given only to the State Governments, because this power is for the attachment of property. The power for detention was given to the Commissioners and District Magistrates. But the power for attaching the

property was given only to the State Governments.

The State Governments will act on the basis of the reports of the big officers. But there is an opportunity of giving second thought to it. That is why, that power had been given. In such a situation, one is bound to ask whether this Bill is against hoarding and black-marketing as such. The Minister while introducing the Bill has said :

“The Prevention of Blackmarketing and Maintenance of supplies of Essential Commodities Act, 1980 was enacted to provide for preventive detention against hoarders, black-marketeers etc. so as to check the rising prices and to curb the activities of such anti-social elements.”

He has mentioned : “against hoarders, blackmarketeers, etc.”. In the parent Act, under Section 3 there is an Explanation which says :

“For the purposes of this sub-section, the expression “acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community” means (a) committing or instigating any person to commit any offence punishable under the Essential Commodities Act, 1955 or under any other law for the time being in force relating to the control of the production, supply or distribution of, or trade and commerce in, any commodity essential to the community...”

So, instigating any person for hindering the production, distribution and supply, the whole gamut of the activities of the trade unions, is included in this definition. In relation to any trade union if a speech is given by any trade union leader instigating the workers for strike, which may, in the opinion of the authorities, hinder production, distribution or supply, such person can be detained without any trial. The parent Act means that also. That is why, I apprehend, the Minister has included the term ‘etc.’ so that the people may think that it is meant only against black-marketeers and hoarders. I, through you, like the Government to state whether this

[Shri Bhogendra Jha]

Bill empowers the officers concerned i.e. District Magistrates and Police Commissioners, to attach the properties of the persons only for hoarding and black-marketing and whether the trade union activities including strike will be excluded from its purview. In that case, one amendment can be moved by the Government itself 'excluding legitimate trade union activities or labour disputes'. Unless that is excluded, the clear definition is there. Not only definition but the Government has got the power of arrest and power of detention. This is the power of attachment of property under Cr. P.C. . . .

MR. CHAIRMAN : The scope of the Bill is limited.

SHRI BHOGENDRA JHA : That is why, I emphasise that when these powers are given to the Judicial Magistrates, in the normal course they can exercise these powers on the initiative of the State Government. But, here if this amending Bill is passed without reference to the State Governments, the District Magistrates and the Police Commissioners can directly move in the matter. So, let the Government satisfy us that in no case shall this be made applicable to legitimate trade union activities.

Finally, I would say that in our country hoarding and black-marketing originate from the policies pursued by the Government. As a matter of fact, the policies of the Government encourage black-market, turns black-market into open market or white market. We are seeing it in the case of cement. Earlier we have seen it in the case of sugar. All this was done by the Congress Government, then the Janata Government and again by the Congress (I) Government. If black-marketing or hoarding takes place, power already vests with the Government under section 110 of the Cr. P.C. to proceed against it. I would like to know how many persons have been proceeded against under the existing power. Perhaps, not even a single person has been proceeded against during the last eight years, even though this provision is in force in the Code of Criminal Procedure.

So, the fault lies with the policy of the Government, and not with the provision in the Act. My apprehension is that hoarding will continue as long as wholesale trade is in the hands of the private sector. So, the remedy lies in the nationalisation of the wholesale trade. This must vest in the State. With the help of an All-Party Committee they can evolve a composite pricing policy which, while giving a remunerative price to the producers, ensures the supply of goods to the consumers at a reasonable price, reducing the margin to the minimum. It is only such a policy which can prevent hoarding and black-marketing.

I will conclude by saying that this Bill can be supported only if the Government gives the assurance that it will not be used against trade union activities.

MR. CHAIRMAN : We have already exceeded the time allotted for this Bill by 20 minutes.

SOME HON. MEMBERS : The time may be extended.

MR. CHAIRMAN : There are four more members who want to speak. So, if it is the sense of the House, we will extend it by another 20 minutes. Each member will take 2 or 3 minutes.

श्री वृन्दि चन्द्र जैन (बाड़मेर) : सभापति महोदय, दि प्रिवेशन आफ दि ब्लैक मार्केटिंग एंड मैनटेनेन्स ऑफ सप्लाइज आफ एसेंशियल कामोडिटीज (एमेंडमेंट) बिल, 1982 का मैं स्वागत करता हूँ।

जब 1980 में यह कानून पास किया गया था, तो विरोधी दलों ने इसका बहुत जोरदार विरोध किया था। अगर गवर्नमेंट उस वक्त थोड़ा ध्यान रखती, तो वह डिस्ट्रिक्ट मैजिस्ट्रेट, और पुलिस कमिश्नर के बारे में प्राविजन कर सकती थी। अब उनका अनुभव यह है कि बिना डिस्ट्रिक्ट मैजिस्ट्रेट और पुलिस कमिश्नर के सहयोग के अपराधियों को डीटेन करने में बहुत कठिनाई होती है, क्योंकि वे लोग एबस्कांड हो जाते हैं, अपने आप को कनसील कर लेते हैं। बताया गया है कि इस प्रकार के 45 कैसिज सरकार के सामने हैं। कैसिज कम हों या ज्यादा हों, लेकिन डिस्ट्रिक्ट मैजिस्ट्रेट और पुलिस कमिश्नर को पाबन्ध दी जानी चाहिए क्योंकि डिस्ट्रिक्ट हेडक्वार्टरों पर [एथारिटीज अपराधियों के विरुद्ध स्ट्रांग एक्शन ले सकते हैं।

उनकी प्रापर्टी कान्फिस्केट करने के लिए वह कार्य-वाही कर सकत हैं। तो इस सम्बन्ध में जो कार्यवाही की गई है और जो कदम उठाया है गवर्नमेंट ने मैं उसकी सहायता करता हूँ और समर्थन करता हूँ। मैं यह बतलाना चाहता हूँ कि चोरबाजारी, जमाखोरी, तस्करी एवं कर-चोरी पर अगर हमने विजय प्राप्त नहीं की तो हमारी अर्थ-व्यवस्था कभी भी सुधर नहीं सकती। और हम कभी भी कीमतों पर काबू नहीं पा सकते। इस सम्बन्ध में जितने भी कानून हमने पास किये हैं उनका परिपालन नहीं होता है और उनका परिपालन न होने के कारण यह स्थिति हो रही है। मैं केन्द्र सरकार से निवेदन करना चाहता हूँ कि जो राज्य सरकारें इन कानूनों का पालन नहीं करती हैं उनके लिये भी आप डायरेक्शंस और इंस्ट्रक्शंस भेजें। मैं तो यह भी समझता हूँ कि इस सम्बन्ध में चीफ मिनिस्टर्स की एक बैठक बुलायी जाए (व्यवधान) मैं यह चाहता हूँ कि इस सम्बन्ध में सेंट्रल गवर्नमेंट और कंसर्न्ड मिनिस्टर्स, चीफ मिनिस्टर्स की बैठक बुलाएं और इस मसले को हल करें क्योंकि यह जो रोग है, यह जो मान्स्टर या भूत है, राक्षस है, इसका मुकाबला करने के लिये हमें स्ट्रांग स्टेप्स लेने पड़ेंगे। इसलिये मैं चाहता हूँ कि केन्द्र सरकार इस सम्बन्ध में चीफ मिनिस्टर्स की एक बैठक बुलाए और बोल्ट स्टेप्स उठाएं।

एक बात मैं यह कहूंगा कि पब्लिक डिस्ट्रीब्यूशन सिस्टम जब तक स्ट्रेन्थेन नहीं होता है, सार्वजनिक वितरण प्रणाली मजबूत नहीं होती है तब तक हालत में सुधार नहीं हो सकता और यह मजबूत तभी होगी जब कि हमारे स्टॉक में अनाज हो और कम से कम 2 करोड़ टन अनाज स्टॉक में होना चाहिए। एफ० सी० आई० उन अनाज को डिस्ट्रीब्यूट करे। उन क्षेत्रों में जहां कि भयंकर अकाल पड़ा है दो-दो, तीन-तीन, चार-चार साल से। उन क्षेत्रों में और ग्रामीण क्षेत्रों में खास कर अनाज नहीं पहुंचता है। मैं बाडमेर, जैसलमेर क्षेत्र के बारे में कहना चाहता हूँ जो कि केरल से डबल एरिया है, उस क्षेत्र में चार पांच साल से भयंकर अकाल है परन्तु वहां के ग्रामीण क्षेत्रों में दस किलो प्रति व्यक्ति के हिसाब से भी अनाज कभी नहीं मिला। अगर कभी मिला तो कभी दो किलो, कभी तीन किलो प्रति व्यक्ति के हिसाब से मिला है। अगर आप के पास अनाज की कमी है तो यह कोशिश करनी चाहिए कि जहां भयंकर अकाल की स्थिति है उन क्षेत्रों में अधिक अनाज भेजा जाय। हमारे राजस्थान में 65 हजार टन अनाज भेजा गया है। वह वहां की जन संख्या के लिए काफी नहीं है। यह अनाज केवल नगरीय क्षेत्र के लोगों के काम

आता है। जो गरीब सेक्शन है उसके काम नहीं आता। जो डिस्ट्रेड परसन्स हैं, उनके काम वह नहीं आता। मैं चाहता हूँ कि पब्लिक डिस्ट्रीब्यूशन सिस्टम को स्ट्रेन्थेन किया जाय।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

MR. CHAIRMAN : Now, Mr. Harikesh Bahadur may speak. Please be brief. Members should cooperate.

SHRI HARIKESH BAHADUR (Gorakhpur) : Sir, instructions should have been given earlier. I cannot help now. There are 12 Members in my Party.

मैं ज्यादा समय नहीं लूंगा। बहुत थोड़ी बात कहूंगा लेकिन बहुत महत्वपूर्ण बात कहूंगा जिसे सत्ता दल के लोगों को सुनना चाहिए।

मुझे शक है कि जो बिल लाया गया है उसका सदुपयोग किया जायगा। यह अपने राजनैतिक विरोधियों के खिलाफ जो दमन चक्र सरकार ने चलाया है उसकी प्रक्रिया में एक और कदम है। सरकार की नीयत ठीक नहीं है, सरकार की नीयत पर हमें शक क्यों है इस बात को मैं कुछ उदाहरणों से पुष्ट करना चाहता हूँ।

हमारे प्रदेश के सुल्तानपुर जिले में 16,000 लीटर डीजल की ब्लैक-मार्केटिंग करते हुए एक व्यक्ति पकड़ा गया था लेकिन शाम तक उसे छोड़ दिया गया और जिन अफसरान ने उनको पकड़ा था उनके तबादले कर दिए गये क्योंकि सत्ताधारी दल के कुछ लोग उसको बचाने में लगे हुए थे। अगर इसी प्रकार से काम किया जायेगा तो इस बिल को बनाने का क्या लाभ होगा। इसी प्रकार से महाराष्ट्र के भूतपूर्व मुख्य मंत्री का सीमेंट का मामला इस सदन में भी आया था।

MR. CHAIRMAN : It has no relation.

श्री हरिकेश बहादुर : मैं इसलिये यह कहना चाहता हूँ कि इसका सही इस्तेमाल होगा, इसमें मुझे शक है। सरकार ने, यहां सारे मामले पर बहस होने के बाद भी मुख्य मंत्री से इस्तीफे की बात नहीं कही। यदि अदालत ने फैसला न दिया होता तो शायद वे हटते भी नहीं। इसलिये ऐसा लगता है कि सरकार की यह नीयत नहीं है कि चोरबाजारी करने वालों के खिलाफ कोई कार्यवाही करे।

आचार्य भगवान देव (अजमेर) : कार्यवाही हो रही है, ये ** बोलते हैं।

MR. CHAIRMAN : The word is un-parliamentary.

श्री हरिकेश बहादुर : दूसरी बात में यह कहना चाहता हूँ कि अभी एक गम्भीर मामला अब्बार में प्रकाशित हुआ है, उसमें किसी का नाम नहीं है, लेकिन केन्द्रीय सरकार के एक मन्त्री के विशेष सहायक दो वीडियो सेट्स विदेश से लाए ...

आचार्य भगवान देव : यह बात सही नहीं है। सबसे बड़ा ** यह है जो पजे के निशान पर यहां चुनकर आया और उधर चला गया।

SHRI HARIKESH BAHADUR : I want to make my point. (Interruptions) Allow me to speak. Such type of legislation which is being enacted, will not be used against such people who are culprits. The person who brought video sets was caught by the Customs people. The matter is already there with them. After passing this legislation is the Minister going to take action against this person? But we know that ultimately it is going to be misused. The actual culprits, the actual criminals will not be punished. Such type of legislation or act will be used against the political opponents. We are having doubt about the intention of the Government. (Interruptions). I may be allowed to have my say.

आचार्य भगवान देव : **

MR. CHAIRMAN : This allegation will not be there on record.

(Interruptions)

MR. CHAIRMAN : Shri Harikesh is out of his track.

SHRI HARIKESH BAHADUR : I am not.

The entire country or the opposition of this country is having doubt about the intention of the Government. I have quoted an example. Such type of things are happening and the people who are involved, no action is being taken nor will be taken

against them. Therefore, I am telling that —after its enactment by the Government, that will not be properly used. If Government properly uses it, it is all right. I know it is not being used properly and it will not be used properly.

मैंने वीडियो सेट की बात कही थी जिसका सवाल उठाने नहीं दिया गया। मैं यह कहना चाहता हूँ कि अगर सरकार की नियत ठीक है तो इस प्रकार का जो ला वह बना रही है वह उसको इन लोगों के खिलाफ लागू करके कार्यवाही करे।

दूसरी बात मैं यह कहना चाहता हूँ कि इस सदन में कुआँ आयल डील के बारे में जो डिस्कशन हुआ उसमें भी चोर-बाजारी का मामला हुआ है लेकिन जो लोग उसमें इन्वाल्ड हैं, उनके खिलाफ कोई कार्यवाही होगी, इसमें मुझे शक है, मैं समझता हूँ कोई कार्यवाही नहीं होगी। आज जो बड़े-बड़े लोग चोरबाजारी में लगे हुए हैं उनके खिलाफ आपने कोई कार्यवाही नहीं की, तब ऐसी हालत में हम कैसे मानें कि सरकार यहां पर जो विधेयक लाई है, उसके सम्बन्ध में सरकार की नीयत ठीक है और मचमुच में वह चोरबाजारी को रोकना चाहती है ?

जहां तक आवश्यक वस्तुओं के वितरण का सवाल है, पब्लिक डिस्ट्रीब्यूशन सिस्टम के जरिए से इसका वितरण अगर किया जाए तो लोगों को लाभ मिल सकता है लेकिन दुर्भाग्य यह है कि इस वितरण प्रणाली में भी दोष आ गए हैं और इसमें भी चोर बाजारी हो रही है। क्या इसको भी रोकने के लिए सरकार कोई कानून बनाने को जा रही है या नहीं—यह मैं जानना चाहता हूँ।

मैं यह कहना चाहता हूँ कि यदि कानून बनाने के बाद इसका इस्तेमाल करना चाहते हैं, जिला और राज्य स्तर पर, तो आपको एक समिति बनानी चाहिए, जिसमें कि सभी राजनीतिक दल के लोग हों और किसी भी व्यक्ति को डिटेन करने के पहले उस समिति के सामने उस व्यक्ति का नाम आना चाहिए और वहां पर डिसकशन होना चाहिए। फंसला होने के बाद, उस समिति के द्वारा निर्णय लेने के बाद ही डिटेन होना चाहिए। अगर ऐसा नहीं किया गया तो इसका दुरुपयोग निश्चित तौर पर होगा। कल ही यहां स्पेशल कोर्ट रिपील बिल पर बहस हुई है उसका मकसद यह था कि केवल निरअपराध लोगों को बन्द करके अधिक दिनों तक जेल के अन्दर रखेंगे, क्योंकि यदि निरअपराध बन्द रहेंगे और स्पेशल कोर्ट बनाकर उनका ट्रायल करेंगे, तो हो

सकता है कि आदमी जल्दी छूट जाए। संसद द्वारा बनाए गए पहले विधेयक को खत्म कर दिया गया है। हमेशा ये लोग चाहते हैं कि...

14.56 hrs.

(Mr. DEPUTY SPEAKER IN THE CHAIR.)

(Interruptions)

SHRI HARIKESH BAHADUR : I have taken hardly 5 or 6 minutes. I am speaking something very harsh which is being disliked by them. That is why they are saying like that.

मैं यह चाहता हूँ कि अगर इनकी नीयत ठीक है और इस बिल को बना रहे हैं तो सबसे पहले उन अपराधियों को, जिनके ऊपर पहले से अभियोग लग चुके हैं और जिनके बारे में समाज और दुनिया चाहती है कि पहले उनके खिलाफ कार्यवाही की जाए उन पर कार्यवाही होनी चाहिए। लेकिन लगता है कि सरकार का इरादा सही इस्तेमाल करने का नहीं है।

मैं आपको एक और उदाहरण देना चाहता हूँ। जयपुर शुगर्स की आंध्र और उड़ीसा में दो मिलें हैं इन मिलों के लोगों ने 14 हजार टन लेवी शुगर बेच दी, ब्लैक-मार्केटिंग में, यह सारा मामला सरकार के सामने लाया गया था, यहां तक कि यह मामला केन्द्रीय सरकार के पास पड़ा हुआ है। इसके पीछे कोई विशेष कारण है, जिनकी वजह से यह मामला अभी तक हल नहीं हुआ है, क्योंकि सत्ताधारी दल के लोग इसमें लगे हुए हैं। इसलिए सरकार उन लोगों के खिलाफ कोई कार्यवाही नहीं कर रही है। मैं यह चाहता हूँ कि ब्लैक-मार्केटिंग को रोकने के लिए यह विधेयक जो सदन में लाया गया है... (व्यवधान)... मैंने यह कहा कि जितने भी इस प्रकार के उदाहरण आए हैं, जिसमें कि सत्ताधारी दल के लोग लगे हैं और जिनके बारे में अभियोग लग चुके हैं और शायद ही यह सरकार इस विधेयक के बनने के बाद उन लोगों के विरुद्ध कार्यवाही करेगी और इस बात का पता लगाएगी। जो मामले मैंने उठाए हैं, जैसे जयपुर शुगर का मामला है, आन्ध्र प्रदेश और उड़ीसा का मामला है, जिसमें कि चीनी बेच दी गई, मुल्तानपुर में डीजल का मामला है और मैंने जो यह वीडियो सैट का मामला उठाया है इन तमाम मामलों में जो लोग लगे हुए हैं, क्या उनके खिलाफ सरकार कोई कार्यवाही करने जा रही है? मैं यह बात स्पष्ट रूप से सरकार

से और माननीय मंत्री जी से जानना चाहता हूँ। मेरे ख्याल से मंत्री जी ध्यान नहीं देना चाहते हैं, क्योंकि शासन के पास इस संबंध में कोई जवाब नहीं है। इसलिए मैं इस विधेयक का जो कि केवल विरोधियों के दमन के लिए बनाया जा रहा है, विरोध करता हूँ। मैं चाहता हूँ कि सरकार समय अभी भी है, उसको विवेक और सद्बुद्धि आए और इस विधेयक को वापिस ले ले।

श्री डी० पी० यादव (मृगेर) : उपाध्यक्ष महोदय, इस सदन में चोर-बाजारी विरोधी विधेयक मंत्री महोदय द्वारा विचार करने के लिए प्रस्तुत किया गया है। सदन के दोनों पक्ष यह जरूर चाहते हैं कि चोर-बाजारी रुके, जैसा कि अभी श्री हरिकेश जी और श्री पायलेट जी ने अपने विचार सदन में प्रस्तुत किए और कहा कि हमें इस बात को संजीदगी से सोचना होगा कि आखिर यह चोर-बाजारी कहां से हो रही है।

मैं समझता हूँ कि आजकल चोर-बाजारी का सबसे बड़ा फंड, जिसको रिसोर्स कहते हैं, वह है प्लान फंड। जो कुछ भी पैसा इस देश के गरीब लोगों ने जमा किया है, राष्ट्रीय कोष से उसका योजना मद में बंटवारा किया जाता है। मैं ऐसा अनुभव करता हूँ कि इस फंड का दुरुपयोग किया जाता है इससे चोर-बाजारी करने वाले लोगों को प्रोत्साहन मिलता है। उदाहरण के लिए, अभी एक रोड रिसर्च इंस्टीचूट की रिपोर्ट आई है कि साल में इस देश में कितनी बर्बादी हो रही है। बंद रोड सिस्टम के कारण 1500 करोड़ रुपए की सलाना बर्बादी देश की हो रही है।

15 Hrs.

बैंड-रोड्स बनी क्यों। आप हिन्दुस्तान के किसी भी भाग में चले जाइये, आप देखेंगे हर जगह रोड्स की हालत खराब है। लेकिन खराब क्यों है, इस पर कोई नहीं जा रहा है। स्पष्ट बात है जो मैटीरियल उनमें लगना चाहिए था, वह नहीं लगा। मैटीरियल न लगने के कारण योजना की राशि से जो पैसा गया वह इंजीनियरों के पेट में, अधिकारियों के पेट में गया और इस तरह से वह मनी एकमुलेट होकर ब्लैक मनी बनी। ब्लैक-मनी एकमुलेट होने से ब्लैक-मार्केट शुरू हुई, ब्लैक-मार्केट ब्लैक-मनी से शुरू होती है।

Mr. DEPUTY SPEAKER : Mr. Yadav, you can continue on Monday.