

14.29 hrs.

**ANNOUNCEMENT RE. STATEMENTS  
BY THE PRIME MINISTER AND  
THE DEFENCE MINISTER**

**MR. SPEAKER :** Before taking up the next item I have to inform the House that the Prime Minister will make a statement at 2.45 P.M. and the Defence Minister at 3.30 P.M.

**AN HON. MEMBER :** Likely to make a statement ?

**MR. SPEAKER :** It is not 'likely', but she will make a statement. She had been out but she has definitely reached back.

**SHRI S. M. BANERJEE (Kanpur) :** I hope you will give us also an opportunity to make a statement on the international situation. We also want to make some statement some day. We have been demanding this from you.

**MR. SPEAKER :** Let him not raise it every day.

14.30 hrs.

**ESSENTIAL COMMODITIES (AMEND-  
MENT) BILL**

**THE MINISTER OF STATE IN THE  
MINISTRY OF INDUSTRIAL DEVELOP-  
MENT (SHRI GHANSHYAM) OZA) :** I  
beg to move :\*

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by Rajya Sabha, be taken into consideration".

The main purpose of bringing forward this amending Bill is to make the provisions of section 12A of the Essential Commodities Act permanent. As the House is perhaps aware, the provisions of section 12A will cease to have effect on the 31st December, 1971. When the Bill was last amended, some hon. Members had expressed the desire that this amendment should be for a longer period or should be put on a permanent basis. But at

that time Government thought that first they could have it for a period of two years and then they could review the position. We have also taken this opportunity to remove certain anomalies that are existing in the Act and to make the provisions of some of the sections more purposeful and more effective.

As hon. Members are aware, section 12A deals with orders which are called special orders. When Government notify that a certain order is to be treated as a special order, the trials under those provisions are to be held summarily. We have found that this has had a very salutary effect. We have been able to deal with the situation more effectively thereby and it is the experience of the State Government and the Union territories that these provisions have been salutary and they have desired that they should be maintained on the statute-book. Therefore, we have brought forward this amending Bill to make section 12A which is expiring on the 31st December, this year, a permanent provision. It is, however, an enabling thing, and it is only when Government notify that a particular order is to be treated as a special order that the trial will be summary. But we know that the provision of the law are a bit stringent, and, therefore, we have also provided that these notifications are to endure only for a period of two years and thereafter they would cease to operate and shall have to be reviewed. We have made this provision because of the stringency of the provisions relating to special order.

As I have said, we also want to utilise this opportunity to plug certain loopholes that we have found in the implementation of the Act.

For example, under section 2 (1) (J) Government are authorised to issue orders so as to make search, seizure etc. legally. Under that provision, the officers who is doing the search can seize the articles in respect of which the law has been violated, but he cannot seize the receptacles, the coverings and the vehicles. This was a bit irksome in the implementation of the law, and, therefore, to make things clear, we have said that the officer who is searching the vessels, vehicles or aircraft or any other mode of conveyance cannot be empowered only to seize the articles but

\*Moved with the recommendation of the President.

13 *Essential Comm. (Amdt.) Bill*      AGRAHAYANA 27, 1893 (SAKA) *Re. disabled Servicemen and war widows (St.)* 14

also can seize the conveyance or the receipts or the coverings or whatever else he finds it necessary to seize. Therefore, by this amendment, we are covering that loophole.

We have also amended section 3. Government are authorised to issue a notification in the larger interests to take possession of stocks of commodities.

When Government procure stocks of certain commodities, they have to decide on the price to be paid to them. As the law stands, what is specified to be paid is the controlled price and the the post-harvest price. Wherever there is a controlled price fixed, it is not necessary to take into account the post-harvest price. This is an apparent anomaly. So we are making it clear that wherever there is a controlled price of a commodity, Government should be authorised to procure it at that price. There is no meaning in taking into account some other factor when the controlled price of a commodity is fixed. Therefore, the word 'and' appearing in the clause is being substituted by 'or'.

We have also sought to amend sec. 5. It authorises the Central Government to delegate powers. The Central Government can issue orders delegating power to the State Governments and the officers concerned. But the section is not clear whether the Government can delegate the power of issuing orders and notifications also. In certain cases, Government have to issue notifications. So by another amendment, we are including notifications also within this because without it it is a bit anomalous and it does not allow us to implement the Act effectively, and in the spirit in which we want it.

These are the few amendments proposed and I commend my motion to the House.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by Rajya Sabha, be taken into consideration".

SHRI GADADHAR SAHA (Birmah) : Mr. Speaker, Sir, this Bill intends to control the price, production and distribution of essential commodities. Therefore, on the good intention behind the Bill, there can be no two

opinions. There can be no dispute on the point that the prices of essential commodities should be controlled and the consumers' interest should be protected. I want to make some points in this connection.

My first point is that people now find a situation in which smuggling, hoarding, profiteering black-marketing and adulteration go on unchecked and uncontrolled. This gives rise to rise in prices. Government have not been successful in checking all these offences. Prices are deliberately raised by the capitalists and monopolists to rob the common people. They take advantage of shortage of commodities or create artificial scarcity to fleece the common people. The ruling Congress Government instead of punishing them, aid them. Therefore, the Act must be impartially, strictly, quickly and efficiently enforced to curb these activities.

My second point is that traders and businessmen who smuggle goods in vehicles and carriers should be stopped from doing so and be punished severely.

My third point is about adulteration of foodstuffs and medicines. The traders and big monopolists are very successful in fooling the Government and indulging in this offence and in adulterating foods and medicines. Rice, pulses and kerosene are all being adulterated and sold at a high rate and this sort of adulteration is going on in the field of medicines and all essential commodities and ultimately benefits go to the traders. There is no question of controversy here. The question is one of finding out concrete steps to set up a machinery which will prevent and check the monopolists from robbing the common people.

14.43 hrs.

STATEMENT *RE.* FACILITIES FOR  
DISABLED SERVICEMEN AND  
WAR WIDOWS

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI MATI INDIRA GANDHI) : During the last few difficult days, the thoughts of the nation have been with the gallant officers and men of our Army, Navy, Air Force and the Border