

Minister makes statements in a major way, I am sure, and she is laying it on the Table only in order that she may not take the time of the House unnecessarily. But since we generally happen to have an opportunity of discussing the Plan or the Government's peregrinations in regard to Plan policy, we must have an assurance that this matter would be discussed in the House.

MR. DEPUTY-SPEAKER : A senior Member like Shri H. N. Mukerjee knows the procedure. If the hon. Member were to approach in proper manner then it might be considered how to find time.

SHRI H. N. MUKERJEE : With great deference to you, the proper manner always is that when a statement is made, any demand in regard to a discussion of the statement is made at once. Since you have been good enough to say...

SHRIMATI INDIRA GANDHI : We have no objection to a discussion.

MR. DEPUTY-SPEAKER : In that case, it will be taken into consideration at the proper time and it will be placed before the House for discussion.

SHRI H. N. MUKERJEE : I wish to get an assurance from the Leader of the House whether we would have a discussion or not.

SHRIMATI INDIRA GANDHI : I have already said that.

श्री बेबराब पाटिल (यवतमाल) : उपाध्यक्ष महोदय, मेरा कालग अटैशन नोटिस था। मैं रिक्वेस्ट करता हूँ कि चूँकि यह बहुत महत्वपूर्ण स्टेटमेंट है इसलिए इस पर इसी सत्र में बहस होनी चाहिए।

MR. DEPUTY-SPEAKER : The Prime Minister has already consented to a discussion.

श्री एस० एम० जोशी (पूना) : आप ने कहा था कि प्रधान मंत्री जी स्टेटमेंट करेंगे लेकिन अब उसे टेबुल पर रक्खा जा रहा है...

MR. DEPUTY-SPEAKER : It is a very long statement and it will take a lot of time. To save time, I have permitted the Prime Minister to lay it on the Table of the House.

श्री हुकम चन्द कछवाय : हम प्रधान मंत्री जी से उन का वह वक्तव्य सुनना चाहते हैं भले ही उस में एक घंटा लगे या दो घंटे लगें। उन का भाषण हम सुनना चाहते हैं।

श्रीमती इन्दिरा गांधी : अब उपाध्यक्ष महोदय ने उस स्टेटमेंट को टेबुल पर ले करने के लिए कहा है ऐसी हालत में मैं माननीय सदस्य का कहना कैसे मान सकती हूँ ?

MR. DEPUTY-SPEAKER : We shall have the statement circulated.

श्री हुकम चन्द कछवाय : प्रधान मंत्री जी आप सुनाइये हम सब आप से उसे सुनना चाहते हैं।

SHRIMATI INDIRA GANDHI : What can I do? The Chair has said that it may be laid on the Table of the House.

MR. DEPUTY-SPEAKER : I have already said that the Prime Minister will lay it on the Table of the House and it will be circulated to Members.

SHRIMATI INDIRA GANDHI : I beg to lay on the Table a statement regarding the Fourth Five Year Plan and allied matters. [Placed in Library. See No. LT-1879/67]

SHRI S. M. BANERJEE (Kanpur) : The Plan is also laid on the Table of the House and it will not be implemented?

MR. DEPUTY-SPEAKER : The Third Five Year Plan is already over.

ESSENTIAL COMMODITIES (SECOND AMENDMENT) BILL—contd.

MR. DEPUTY-SPEAKER : The House will now proceed with further consideration of the following motion moved by Shri Mohd. Shafi Qureshi on the 29th November, 1967, namely:—

"That the Bill further to amend the

[Mr. Deputy-Speaker]

Essential Commodities Act, 1955, and to continue the Essential Commodities (Amendment) Act, 1964, for a further period be referred to a Select Committee consisting of 21 Members, namely Shri S. M. Banerjee, Shri Bibhuti Mishra, Shri Rup Nath Brahma, Shri C. K. Chakrapani, Shri J. K. Choudhury, Shri V. N. Jadhav, Shri Mushir Ahamad Khan, Shri D. K. Kunte, Shri Mohan Swarup, Shri Jugal Mondal, Shri A. Nesamony, Shri Nihal Singh, Shri Kashi Nath Pandey, Shri D. N. Patodia, Shri Bhola Raut, Shri N. K. Sanghi, Shri Sharda Nand, Shri Shashi Bhushan, Shri S. Supakar, Shri G. Viswanathan and Shri Mohd. Shafi Qureshi, with instructions to report within a week."

Shri Lobo Prabhu may now resume his speech.

SHRI LOBO PRABHU (Udipi) : I resume my objection to the Essential Commodities (Second Amendment) Bill. This Bill—do people realise?—establishes the raj of licence and permit, the licence-permit raj? It means the concentration of power in the hands of Government to order every detail in the economic life of the people.

One thing is not clear to me. In this House, there is objection from my friends to the left to most things which Government does in its enterprises, to most things which it does in respect of licensing. I would like to know from them : when they spend half their time here condemning the institution of licenses by Government, why are they not objecting to a Bill like this which creates and perpetuates these very evils?

SHRI S. M. BANERJEE (Kanpur) : It is going to a Select Committee.

SHRI LOBO PRABHU : May be. If you are consistent in your objection to monopolies, you must object to licences to smaller people which this Bill envisages. That is a consistency which I demand from you. In my Party, we

object to licences and monopolies in the same way as you do, but it appears that you only object to licences to bigger people and monopolies of bigger people and not to the smaller people who are ground down, who have to compete in the same way as the bigger people do. Competition is as important for you as—it is for us. Inasmuch as this Bill contains provisions to this end, I would request you to oppose this amendment most strongly. You must oppose controls even as you care for the people. I want to tell you this. A great law-giver, Solon, has declared that law is a kind of web in which the poor get caught and the rich escape. Are you in favour of such a law...

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI MOHD. SHAFI QURESHI) : Let him address the Chair.

MR. DEPUTY-SPEAKER : Yes. Also I may tell him that the Bill is going to Select Committee. At that stage, his representatives will have ample opportunity to discuss it.

SHRI LOBO PRABHU : I will take only five minutes. I would therefore suggest this to our friends. Even the Congress which is often critical of licences to rich men may consider why they should continue with this Bill which has outlined its utility. I would like to tell them that another great law-giver, Pacitus, has declared that the more the laws, the more corrupt the State. Are we seeing an end to these controls at all or is this country to have more and more controls, and more and more corruption and more and more distress? This is the simple question.

We have today an assurance that food is becoming abundant. Is this not an opportunity for us to relax controls instead of increasing them? We have today a serious problem of recession. Production is going down. Investment is declining. Where is the meaning of having controls on investment when there is none. This is the time when you must withdraw from a policy which has lost its meaning.

I would say : If the Congress Government persists in this policy, if it stands between the people and their opportunities, if it stands between the people and their right to fair competition, if it stands between the people and prosperity, it will fail more miserably than it has done before. Today much of the anger of the people is not on small things like language or borders; much of the anger of the people is with the economic policies of Government. I would therefore adjure the Congress to think carefully whether it could proceed with this Bill which intensifies controls which have lost the people their right to live in this country in happiness, in confidence and with a feeling that the Government is one with them.

MR. DEPUTY-SPEAKER : Shri D. C. Sharma. Just five minutes. Time is very limited.

15.00 HOURS

SHRI D. C. SHARMA (Gurdaspur) : In this country, whatever some parties may say, whatever some individuals may say, we have accepted the policy of control wherever it is necessary, and that policy has been adopted in order that there should be no maldistribution of commodities among the rich and the poor. I think the policy of controls that is prevalent in this country is more in the interests of those consumers who cannot hoard, who cannot pay blackmarket prices and who cannot submit to the rules of those persons who are habitually fond of profiteering. Therefore, controls have to be there till we have an economy of abundance. As long as there is an economy of scarcity or partial scarcity in this country, the economy of not having enough, I think controls are necessary. With these words, I support the Bill.

One of the good things that this Bill has done is this, that it has envisaged the summary trial of those offenders who try to violate the provisions of this law. I think some of the members sitting over there—they are my very good friends—have been saying that if

you want to put an end to all the malpractices that are there in the distribution of commodities, you must have a course to summary trials. These summary trials are essential so that the laws do not go on grinding the people slowly and slowly and in the end become ineffectual. I am sure this is going to be a very good provision of this Bill.

At the same time, I find that the offences under this Bill have been declared cognizable. Formerly they were not cognizable, therefore, the offenders got away with them. They could remove commodity from one place to another, from one city to another, from one locality to other, but now that it has been made cognizable, I think, the authorities of law and order will be able to pinpoint those places which are, I should say, the plague spots in our economy, and they will be able to deal with them effectively.

At the same time, my friend does not know, and if he knows he has forgotten it, that some of these businessmen keep three kinds of account books, one for the income-tax officers, one for their families and one for the consumption of the ordinary men in the street. It has been said that their account books can be seized, and I am glad that this offence will lead to the straightening out of the accounts that are kept by these businessmen.

There is also a provision for confiscation. It is very essential, because if you do not confiscate the commodity, and the fellow does not suffer anything, and therefore, the element of confiscation has been given in this Bill, and I think that it will lead to the effective implementation of this Bill.

Not only can you seize a thing in the shop, in the House, in the godown or some other place, you can also seize from vehicles, conveyance etc., because they are vehicles used for transportation of goods. I think this is very wholesome provision which will lead to at least the elimination of what is called

[Shri D. C. Sharma]

smuggling and other anti-social activities.

Then, the punishment has been enhanced. The maximum punishment which was imprisonment for three years till now has now been enhanced to imprisonment for five years. I am sure this will be a deterrent kind of punishment though I would ask that it should be seven years.

Only two sentences more and I will sit down; you are a very good friend of mine. A minimum punishment to habitual offenders has been prescribed in this Bill. I think that is also a very useful thing and it will lead to the cessation of some of these activities which go against the consumer.

Lastly, and I think this is the most important part of the Bill, persons who go on indulging in unlawful activities—they may be permit-holders, licence-holders and quota-holders—must be punished and they should be brought to book. This provision is something like saying to a man, “you cannot move your arms; you cannot move your legs; you cannot see with your eyes; you cannot hear with your ears.” It is something like that organic punishment and I think this Bill provides for that as well. I welcome this Bill and I welcome also the ringing of the bell.

SHRI V. KRISHNAMOORTH
(Cuddalore) : Mr. Deputy-Speaker, Sir, though we generally welcome the scope of the Bill, yet, it is my duty to point out that some of the provisions in this Bill are unconstitutional and also *ultra vires* of the Constitution. I am drawing your kind attention to the partial control and procurement of “sixty per cent or such higher percentage, as may be necessary, of the sugar production of factories” and also allowing free sale of sugar. This provision in this particular Bill is *ultra vires* of the Constitution. I will read a portion of it. I am reading from clause 3, at page 3, from line 7 onwards :

“...there shall be paid to that producer an amount therefor which shall be calculated with reference to such price of sugar as the Central Government may, by order, determine, having regard to—

- (a) the minimum price; if any, fixed for sugarcane by the Central Government under this section;
- (b) the manufacturing cost of sugar;” and so on.

In this particular clause, the Government of India gives 40 per cent as free sale and the remaining 60 per cent of the production of sugar produced by the factories will be procured, the price to be fixed according to certain principles. I would like to point out that at present the factories producing sugar are selling above Rs. 300 or Rs. 350 a bag, whereas the Government have fixed the price of sugar at Rs. 175 a bag.

I am coming to the particular aspect of the Constitution which prohibits the State from making any provision with regard to the requisitioning of a commodity. As you know, if the Government wants to procure or requisition tyres manufactured by a company, it has to pay at the market value. If the tyre is being sold at Rs. 300 a piece, the Government cannot say, “I will pay only at Rs. 100 or Rs. 150 per piece when I buy, but you sell at Rs. 300 or Rs. 350 in the open market.” So, clause 3 is unconstitutional and is *ultra vires* of the Constitution and it infringes the provisions of article 31(2) of the Constitution. I will now read article 31(2) :

“No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired or requisitioned and either fixes the amount of the compensation or specifies the principles—

I am drawing your attention to this portion—

“specifies the principles on which and the manner in which the compen-

sation is to be determined and given; and no such law can be called in question in any court on the ground that the compensation provided by that law is not adequate."

As I illustrated, the Government cannot fix its own price on its own principles. When Government requisitions or compulsorily acquires property—tyre, sugar or any other commodity—it has to pay the market value.

In support of my contention, I would like to quote from the judgment of the Supreme Court in the case *Bela Banerjee versus the State of West Bengal* reported in 1954 SCR 558. Delivering the unanimous judgment, Justice Patanjali Sastri said as follows with regard to arriving at principles for fixing the price in the case of requisitioning or compulsory acquisition of properties :

"Such principles must ensure that what is determined as payable must be compensation, that is, a just equivalent of what the owner has been deprived of. Within the limits of this basic requirement of full indemnification of the expropriated owner, the Constitution allows free play to the legislative judgment as to what principles should guide the determination of the amount payable."

As the House knows, the price of sugar in the open market is above Rs. 300 per bag, but the Government is fixing under the ordinance a price of Rs. 175. If a company delivers a thousand bags of sugar to Government and sells another 400 bags in the free market, it is open for the company to sue the Government for the recovery of the balance amount on the ground that the fundamental right of the company have been violated by the provisions of this law. This provision can be annulled by the Supreme Court on that ground.

There is also a recent judgment about payment of compensation and jurisdiction of Parliament to enact law about acquisition or requisitioning of property from a private person or a company—the Supreme Court judgment delivered

in 1965 in the case *Vajravelu Mudaliar versus the State of Madras*, of which the Agriculture Minister is fully aware. We have to bear in mind that the Government fixes the price in accordance with certain principles. Whether the principles satisfy the owner of the property or whether it is a just equivalent or not has to be decided in accordance with the decisions given by the Supreme Court. In the *Vajravelu Mudaliar case*, Justice Subba Rao has said :

"If the Legislature, though *ex-facie* purports to provide for compensation or indicates the principles for ascertaining the same, but in effect and substance takes away a property without paying compensation for it, it will be exercising power which it does not possess. If the Legislature makes a law for acquiring a property by providing for an illusory compensation or by indicating the principles for ascertaining the compensation which do not relate to the property acquired or to the value of such property at or within a reasonable proximity of the date of acquisition the principles are so designed and so arbitrary that they do not provide for compensation at all, one can easily hold that the Legislature made the law in fraud of its powers."

Taking into consideration article 31(2) and the principles laid down in the above-mentioned two cases by the Supreme Court, I submit that clause 3 of this Bill which gives the Government of India the power to fix its own price is arbitrary. The Government is given the power. If the Government wants to fix the price it can fix for the entire thing, but if it gives power to the mill-owners to sell 40 per cent in free market and if it says that it will fix the price of sugar only for the remaining 60 per cent it is open to the millowners to sue the Government saying that they are entitled to recover compensation because they have sold sugar in the market at Rs. 350 a bag. It affects the provisions of the Constitution.

I am submitting, Sir, that this aspect may be gone into by the Select Committee. The Select Committee as well as

[Shri V. Krishnamoorthy]

the Government may ponder over this and modify it accordingly. The Government has got all the powers to fix the price, but it has to fix for the entire commodity and not only for 60 or 70 per cent of it and allow the millowners to sell the remaining 40 or 30 per cent at their own prices. That will be *ultra vires* of the Constitution.

With these words, Sir, I once again request that the Bill may be considered by the Select Committee in relation to the provisions of the Constitution.

MR. DEPUTY SPEAKER : As you have rightly said, it is for the Select Committee to see whether it contravenes any provision of the Constitution or not in which case it is likely to be struck down by the Supreme Court.

SHRI VIKRAMCHAND MAHAJAN (Chamba) : Mr. Deputy Speaker, Sir, the object of the Bill is to regulate the distribution and supply of commodities which are in short supply in the market. The present economy of the country is such that there are shortages of various essential commodities. Therefore, it is necessary that certain controls are put on the supply, production and also price. The businessmen cannot be left free to make excessive profits on the commodities which are in short supply. The Act has been enacted for that purpose, the purpose being to see that the people who cannot afford to pay higher prices get the commodities which are essential for their very existence at reasonable prices. The Act has been enacted to control the supply of such commodities.

The hon. Member has raised an objection that it infringes article 31(2) of the Constitution. My learned friend has forgotten another article of the Constitution which gives the right to Government to regulate the prices of commodities which are in short supply. That article is article 369 of the Constitution. Article 369 gives the power to the Government to regulate production and distribution of commodities.

SHRI V. KRISHNAMOORTHY : Other articles cannot override the fundamental rights.

SHRI VIKRAMCHAND MAHAJAN : My hon. friend picks up an article from the Constitution and bases all his argument on that forgetting other articles of the Constitution which must be read in a harmonious manner with the fundamental rights. As I said, article 369 of the Constitution gives power to the Government to regulate supply, distribution and price of articles which are in short supply. Further, the article gives power to enact laws and also control the prices. If the article of the Constitution itself gives power, then how can an Act be held to be unconstitutional. You cannot strike down one article of the Constitution on the ground that it infringes another article of the Constitution. Both articles must be read in a harmonious way. Not only that, even article 31(2) is not infringed by this Bill, because clause 3 of the Bill says that a fair price has to be given for the sugar which is acquired by the government. The Bill itself fixes a fair price by saying that government should take into account the minimum price fixed for sugarcane, manufacturing cost, duty or tax and a return on the capital employed on the business or manufacture. Therefore, it cannot be said that government will acquire an essential commodity like sugar at a price which is much below the cost price because the section itself contemplates that all the costs which are incurred in the production of sugar, or any other essential commodity, should be taken into account while fixing the price.

Therefore, firstly, there is no unconstitutionality and the Bill is in consonance with the provisions of article 31(2) of the Constitution. I support the Bill and I submit that it should be sent to the Select Committee, because there are certain provisions which need a little amendment. There are certain minor details which should be looked into. It is wrong to say that the Bill is a handle in the hands of people who have licences and so forth. In

fact, the Bill controls the profits, which hits the business community or people who want to make excessive profits. Therefore, I support the Bill in its entirety.

SHRI P. GOPALAN (Tellicherry) : Mr. Deputy Speaker, the Statement of Objects and Reasons attached to the Bill makes a reference to the decision of the Chief Ministers' Conference held in July 1967. The Chief Ministers' Conference had suggested that the implementation of the Essential Commodities Act should be made more effective. This itself is a clear indication or manifestation or clear admission of the fact that up to this time the Essential Commodities Act has not been utilized in the proper way, that it has not been used against the real culprits. That is a clear admission on the part of the Chief Ministers.

Now the Government is trying to create an impression that it is going to make the Act more drastic and thereby take more drastic steps against black-marketeers, hoarders and profiteers. I tried to find out from the annual reports of both the Home Ministry and Commerce Ministry how many traders, profiteers or blackmarketeers have been punished under this Act during the last one year. I could not get even a reference to this fact from these two reports. What does it show? It shows clearly that the government has thoroughly failed to deal with such people who are parasites in our social life, who are living upon the blood and sweat of the common people and thereby the government has thrown the lives of millions of our people at the mercy of a handful of black-marketeers and profiteers.

The amendment seeks to increase the maximum punishment from three years to five years. I submit to the government that if the punishment is increased even to life term imprisonment, if the Act is not implemented effectively and in the proper way, it will not create any impact upon the black-marketeers and profiteers. The question of the hour is whether the government is prepared to implement the Act as it is,

There is a reference in the Bill to 'habitual offenders'. Who are the habitual offenders? Under this clause, government often punish those people who are petty shopkeepers for selling a bottle of kerosene for 20 or 25 paise more. But, at the same time, the wholesalers as well as big millowners are escaping. The real target of attack of the government seems to be petty shopkeepers and retailers. The wholesalers as well as millowners often charge higher prices for their products while selling to the retailers. The retailers are forced to give a higher price but the target of attack of the Government is the retailers. That has often been the policy of Government. So, the question is whether the Government is going to apply this Act against the wholesalers as well as the millowners.

The Government has been claiming that they had tried their best to bring down the prices, but I can show by giving an example that the Government themselves have been increasing the prices. During the last two years they have increased the price of rice supplied to the deficit States considerably. For example, during the last two years the price of coarse rice supplied to Kerala has been increased by about 87 per cent by the Central Government itself. This clearly shows that the Government itself is responsible for the increase of prices of all the essential commodities.

The bogus nature of Government's claim that they are trying to bring down the prices is very clear from the partial decontrol of sugar. What was the fixed price of sugar before partial decontrol? It was Rs. 1/75 a kilo. What was the black-market price of sugar at that time? It was Rs. 2/50 a kilo. What is the open market price of sugar now? It is Rs. 5/- a kilo. Against the fixed price of sugar of Rs. 1/75 a kilo, which was Rs. 2/50 in the black-market, the price has gone up to about Rs. 5 a kilo. This is the result of the policy which has been adopted by the Government.

[Shri P. Gopalan]

So, the Government is itself responsible for increasing the prices of essential commodities. The question, therefore, is whether the Government is sincere, whether it is trying earnestly to implement the provisions of this Act against the wholesalers as well as the millowners. Then alone they can solve the problem.

In conclusion I would like to warn the Government that if they do not solve the problem and allow the lives of the millions of our people to be at the mercy of a handful of profiteers and black-marketeers, a revolution of the hungry people will take place in our country and you will have to face that revolution if you are not prepared to be earnest and sincere in solving the urgent problem of society.

SHRI S. M. BANERJEE rose—

MR. DEPUTY SPEAKER : Shri Banerjee is a Member of the Select Committee. He will get enough opportunity there. Our practice usually is..

SHRI S. M. BANERJEE : I am the lone Member of my party and, therefore, I wish to speak.

MR. DEPUTY SPEAKER : All right; I will give you two minutes. Shri Sharma.

श्री वेणी शंकर शर्मा (बांका) : माननीय उपाध्यक्ष महोदय, मैं इस विधेयक का आमूल विरोध करता हूँ, क्योंकि जिस अधिनियम में संशोधन करने के लिए यह विधेयक पेश किया जा रहा है यह वह अधिनियम है जिस की वजह से देश में बाहि बाहि मची हुई है। यह वह अधिनियम है जिस की वजह से देश में भ्रष्टाचार, भूसखोरी और अनाचार का बोलबाला हो रहा है। यह वह अधिनियम है जिसने अमीरो को और अमीर और गरीबों को और गरीब बना दिया है। यह वह अधिनियम है जिस ने रामराज्य के बदले देश में लाइसेंस और परमित राज्य स्थापित कर दिया है और यह वह अधिनियम है जिस के कारण जो कल 3 कौड़ी

के आदमी थे वह आज 3 करोड़ के नहीं, 30 करोड़ के नहीं सौ सौ करोड़ के आसामी हो हो रहे हैं। अन्त में मैं यह कहूँगा कि यह वह अधिनियम है जिस की वजह से हमारे राम रतन गुप्ता का भूत भाई एस० एम० बनर्जी के सिर पर बराबर सवार रहता है और मधु लिमये जी पर अमी चन्द प्यारे लाल का। यदि इस अधिनियम को हम रद्द कर दें तो मैं नहीं समझता कि हमारे इस सदन में आये दिन राम रतन गुप्ता या अमी चन्द प्यारे लाल पर चर्चा कर सदन का अमूल्य समय नष्ट करने की आवश्यकता होगी।

उपाध्यक्ष महोदय, सिद्धांत में यह अधिनियम और विधेयक बहुत अच्छे हैं। लेकिन हम जानते हैं कि जो सिद्धांत अच्छे होते हैं यदि उन को कार्यरूप में कड़ाई के साथ परिणित नहीं किया जाता है तो उस से और भी अधिक अनाचार बढ़ने की सम्भावना रहती है। जिस समय 1955 में यह अधिनियम पेश किया गया था उस समय के डिप्टी मिनिस्टर ने 21-3-55 को इसी सदन में कहा था

"This Bill is not designed to regulate the industry; this Bill is not designed to regulate the economy of the country. This Bill is designed merely to regulate distribution and prices in a given emergency."

जो 28-3-55 को उन्हीं मन्त्री महाशय ने राज्य सभा में कहा था—

"This Bill is a reserve power in the armoury of the Government to be used in case of emergency and that too, only to regulate the supplies of such goods and such materials as are essential to the community."

उपाध्यक्ष महोदय, मैं अपने भाई रणधीर सिंह जी की हरियाणवी भाषा में कहूँगा—कि क्या तो सटक सुहागण या फटक रांड।

सरकार को चाहिए कि अगर वह कम्युनिस्टिक विचारों में विश्वास करती है तो हमारे भाई एस० एम० बनर्जी का साथ दें और सब

चीजों में स्टेट ट्रेडिंग करे। फिर अगर वह उस में विश्वास नहीं करती तो हमारे प्रो० रंगा जी का साथ दें और सम्पूर्ण व्यापार को मुक्त करे। लेकिन इस तरह से न हम तीतर रहते हैं और न बटेर। कन्ट्रोलों के जरिये जो कुछ किया जाता है। उसमें न लोगों को कम्प्यूनिस्ट सिद्धांतों की परीक्षा करने का अवसर दिया जाता है और न रंगा जी के सिद्धान्तों का। इसलिए जैसा जोशी जी ने फरमाया—यह एक शंकर जाति जैसी चीज पैदा हो रही है और इसमें बुराई के सिवा अच्छाई नहीं हो सकती।

मैं केवल इतना ही कहूंगा कि मैं और मेरी पार्टी कन्ट्रोलों के विरुद्ध है। इस अधिनियम के अन्तर्गत आज सैंकड़ों तरह के कन्ट्रोलर हमारे देश में पैदा हो गए हैं। उन कन्ट्रोलरों की ताकत—मैं समझता हूँ किसी मुगल बादशाह से कम नहीं है। शुगर कन्ट्रोलर, टैक्सटाइल कन्ट्रोलर, सीमेंट कन्ट्रोलर, स्टील कन्ट्रोलर और न जाने कौन कौन कन्ट्रोलर उत्पन्न हो गए हैं। आज अगर इन कन्ट्रोलरों की कृपापूर्ण निगाह किसी पर पड़ जाय तो वह प्यादे से वजीर बन जाता है, भिखारी से करोड़पति बन जाता है। उसी तरह से यदि गरीब पर उनकी तोखी नजर पड़ती है तो उस गरीब को जो दुर्दशा हो रही है, वह वर्णन से बाहर है। इस एसेन्शियल कमोडिटीज एक्ट के अन्तर्गत जो छोटे छोटे व्यापारी हैं, उन के कन्ट्रोल आर्डर के अन्तर्गत कई प्रकार के बही-खाते रखने पड़ते हैं, कैशमीमो काटने पड़ते हैं और अगर उस में कुछ गड़बड़ी होती है तो उन को जेल को हवा खानी पड़ती है।

मैं अभी हाल में देवघर गया था। वहां के पेड़े बहुत प्रसिद्ध हैं और वहां पेड़ों की बहुत सी छोटी छोटी दुकानें हैं। उन दुकानदारों को कहा गया था कि तुम को पेड़े बेचने के लिए एक-एक, दो-दो पेड़ों के भी कैशमीमो काटने होंगे। आप बताइये यह कहां तक सम्भव है, यह किस तरह से प्रैक्टिकल है।

इसलिए मैं इस विधेयक का विरोध करता हूँ।

MR. DEPUTY-SPEAKER : Mr. Randhir Singh. He will take only a couple of minutes. I have to call the Minister.

श्री रणधीर सिंह (रोहतक) : जब मेरा नम्बर आता है, तो कपल-आफ़-मिनिट्स हो जाता है।

MR. DEPUTY-SPEAKER : It is not that question. He will not get more than two minutes.

श्री रणधीर सिंह : मैं जनाब आपका बड़ा मशकूर हूँ कि आप ने मुझे टाइम दिया। पहली बात तो मुझे यह कहनी है कि मेरे दोस्त कृष्णमूर्ति साहब बड़े वकील हैं...

SHRI V. KRISHNAMOORTHY : He may speak in English, so that I can follow.

SHRI RANDHIR SINGH : I have a great respect for my hon. friend, Mr. Krishnamoorthi. He is a very able and seasoned lawyer, but he has misquoted the law. It is most unfortunate that he has talked about the law of acquisition and requisition on the floor of the House. The law of acquisition does not apply in this case because there is a special Act. Any commodity which is involved in the commission or which is in the abetment of an offence, cannot be safeguarded by the application of article 31 of the Constitution, whether the article—it may be a vehicle or package or drum or sugar—violates the provisions of this special Act is our concern. You are a lawyer, Sir, and as you know, in the Indian Criminal Procedure Code, section 517 is there. There are the Indian Excise Act, the Indian Arms Act, the Indian Food Adulteration of Food Act, etc. So also there is the Essential Commodities Act, which is as old as 1946. I must submit that the rulings he has quoted have absolutely no bearing on this case and I would submit that whatever is given there under this Act is absolutely con-

[Shri Randhir Singh]

stitutional. The rulings of the Supreme Court he has cited are absolutely not to the point.

The second thing I would like to submit is : so far as the offence under this Act is cognizable, I agree with you. But, unfortunately, it is made bailable. It should be non-bailable.

My third suggestion is : the punishment awarded is only 6 months. I mean, an opportunity is given to the delinquent or the accused to show good character and furnishing of bond for 6 months is not necessary. I think the punishment is very small. The duration should be made at least 2 years just as we have got in another such Act.

My fourth point is about the summary procedure. They say that the summary procedure would be there only for 2 years. Sir, this Act which leads to the regulation and distribution of essential commodities is of national interest which warrants that the procedure ...

SHRI S. XAVIER (Tirunelveli) : The punishment enunciated in the Act, the hon'ble Member has said, is six months.

SHRI RANDHIR SINGH : 6 months for good behaviour.

SHRI S. XAVIER : The punishment enunciated in the Bill is 5 years.

SHRI RANDHIR SINGH : You have not understood me. Let the hon'ble Member read this Bill. On page 7 kindly see clause (v).

SHRI S. XAVIER : The punishment has been attempted to be increased from 3 to 5 years.

SHRI RANDHIR SINGH : It is most unfortunate that the hon. Member has not followed me. The summary procedure, as contemplated, is for 2 years. It is very small. It should be at least 5 years.

I appreciate very much that the *mens rea*, motive, is a necessary ingredient of an offence and it is not made here. Unless and until that is done, there will be multiplicity in crimes, and I very much appreciate that the learned Minister has put this suggestion here.

With these few words, I conclude. Sir, I thank you very much for having given me time.

MR. DEPUTY-SPEAKER : Mr. Banerjee.

SHRI V. KRISHNAMOORTHY : I expected that he would differ from Shri Sheo Narain. He has proved that he is equal to Shri Sheo Narain.

SHRI RANJIT SINGH (Khali-labad) : You are proud of it. Sir, he must uphold the dignity of a member of his Party.

SHRI V. KRISHNAMOORTHY : Shri Sheo Narain is also great; he is also great.

श्री स० मो० बनर्जी (कानपुर) : उपाध्यक्ष महोदय, यह विधेयक जो सदन के सामने प्रस्तुत किया गया है, मैं समझता हूँ कि जब हमारे वित्त मन्त्री जी ने हम लोगों को आश्वासन दिया था, जब हमारा उनका महंगाई भत्ते के बारे में बात हो रही थी—कि वह कोशिश करेंगे कि जो चीजों के दाम बढ़ाते हैं चोरबाजारी करते हैं, जमाखोरी करते हैं, उन को सजा दी जाय। जहाँ तक इस विधेयक को इस भावना का सवाल है, मैं इस की तान्द करता हूँ, लेकिन जब सिलेक्ट कमेटी के सामने यह बिल जायगा तो मैं निवेदन करूँगा कि आज इस चीज को भाँ सोचें कि यह कानून पहले भी था और इस के होते हुए क्या जिन्होंने चोर-बाजारी की, जखीरे-बाजी की, उन को सजा दी गई या नहीं दी गई।

उपाध्यक्ष महोदय, यहाँ पर अजय मुखर्जी के बारे में और बंगाल सरकार के बारे में बहुत कुछ बातें हैं। उन का जो डिस्मिसल

हुआ है, वह सही हुआ या नहीं हुआ है, मैं इस की चर्चा में जाना नहीं चाहता, लेकिन यह सही बात है कि उन्होंने कम से कम ऐसे जखीरेबाजों को प्रिवेन्टिव डिटेन्शन एक्ट में गिरफ्तार किया था

SHRI C. K. BHATTACHARYYA (Raiganj) : Aggarwal was arrested but was released within a week.

श्री रवि राय (पुरी) : पी० सी० घोष ने उन को छोड़ा है, अजय मुखर्जी ने तो उन को बन्द किया था ।

श्री चपलाकांत भट्टाचार्य : ऐसा मत बोलिए, दोनों का क्रेडिट अपनी पार्टी को दीजिए ।

श्री स० मो० बनर्जी : उपाध्यक्ष महोदय, अभी चपला बाबू ने जैसा कहा—अग्रवाल साहब को पी० सी० घोष ने छोड़ा है और जब वह शपथ ग्रहण कर रहे थे, तब वह राजभवन में मौजूद थे, जब ऐसे जखीरेबाज लोग माला पहनायेंगे तो उसके बाद क्या होगा यही मैं चपला बाबू को कहना चाहता हूँ ।

MR. DEPUTY-SPEAKER : You can speak without any reference to other controversial issues. You can place your points before the Select Committee. Please conclude now.

श्री स० मो० बनर्जी : इस बिल को लागू करने से पहले या सिलेक्ट कमेटी से जब यह बिल आए तो एक चीज मैं सरकार से साफ तौर से कहना चाहता हूँ कि जो भी सजा दी जाए, वह इतनी ज्यादा दी जाए ताकि ऐसी चीज फिर न हो ।

शुगर के बारे में, चीनी के बारे में बहुत कुछ कहा गया है । खाद्य मन्त्री ने कहा कि हम चीनी के दामों को घटाने की कोशिश कर रहे हैं । उपाध्यक्ष महोदय, मैं आप को सही कहता हूँ कि आज आप देश के किसी भी कोने में चले

जाइये शक्कर के दाम जो खुले मार्केट में हैं वह पहले राशन में मिलने के अलावा ब्लैकमार्केट में जो चीनी मिलती थी उस से भी वह ज्यादा हैं । पहले लोगों को चीनी स्टैंचुटरी राशनिंग के तहत कंट्रोल्ड प्राइस पर मिलती थी और ब्लैक मार्केट में ऊंचे दामों पर चीनी लोग खरोदा करते थे । अब वह सारी ब्लैक मार्केट में बिकने वाली चीनी फ्री मार्केट में, ओपेन मार्केट में जनता को मुलभ है । उस चीनी के सारे ब्लैकमार्केट को अब फ्री मार्केट कर दिया है और फ्री मार्केट में चीनी मिल सकती है । आज मैं कहने पर मजबूर हूँ कि जेल कौन जाते हैं, प्रिजन इन श्रोल्ली फोर वी अनसर्सेसफुल क्रिमिनल्स, हकीकत यह है कि सर्वसर्सेसफुल क्रिमिनल्स घूमते रहते हैं । और जो अनसर्वसर्सेसफुल क्रिमिनल्स होते हैं वही लोग जेल में जाते हैं । मन्त्री महोदय यह जो अत्यावश्यक वस्तु (दूसरा संशोधन) विधेयक लाये हैं और मुजरिमों को सख्त सजा देने का जो इसका उद्देश्य है उस का हम समर्थन करते हैं और मैं चाहूंगा कि मन्त्री महोदय सदन को इस बात का विश्वास दिलायें कि सही ढंग से और कारगर ढंग से इस कानून को अमल में लाया जाएगा ताकि इस कानून को लाने का जो उद्देश्य है वह पूरा हो सके और वाकई मैं खतावारों को माकूल सजा दी जा सके । बस इतना ही मुझे इस पर इस समय कहना है ।

श्री रामसेवक यादव (बाराबंकी) : उपाध्यक्ष महोदय, यह जो संशोधन विधेयक है इस की दो, तीन मंशा हैं । पहली मंशा तो यह है कि जो खाने पीने की चीजें हैं उन में होने वाली मिलावट को रोका जाय । अभी जो मौजूदा कानून है उस कानून के तहत सरकार को पूरे तौर से मिलावट को रोकने के लिये जरूरी अधिकार प्राप्त नहीं है क्योंकि कुछ चीजें इस से छुटी हुई हैं और इसलिए उस दिशा में इस में प्रबन्ध किया जाय और आवश्यक प्राविजन किया जाय ।

[श्री रामसेवक यादव]

दूसरे अभी अगर कोई चाहे कि ऐसे लोगों के खिलाफ कानूनी कार्यवाही करे तो उनको अधिकार नहीं है और इसलिए इस बात की आवश्यकता महसूस की गई कि ऐसे जुर्मों को काबिले दस्तअंदाज़ी वाले जुर्म बनाया जाय और कुछ सज़ा भी ज्यादा बढ़ा दी जाय। इस के अलावा जिन लोगों को लगातार इस मिलावट के जुर्म के तहत पकड़ा जाय उन्हें उस काम से, घंघे से वंचित कर दिया जाय अर्थात् आगे को वह घंघा न कर पायें।

इस संशोधन विधेयक के पीछे जो भावना है सब उस का स्वागत करते हैं और वह एक अच्छी ब स्वागत योग्य भावना है, एक साधु भावना है और कोई भी व्यक्ति ऐसी भावना रखने वाले विधेयक का विरोध नहीं करेगा। लेकिन इस सिलसिले में मैं एक प्रश्न उठाना चाहता हूँ और वह यह है कि हमारा ज़ाबता फौजदारी कानून है, ताजीरात हिन्द है और उस ताजीरात हिन्द और ज़ाबता फौजदारी कानून में जो जुर्म दिये हुए हैं उन के मुताबिक अगर कोई शब्स जुर्म करता है तो उसे कानून के मुताबिक सज़ा दी जाती है लेकिन आज हम क्या देखते हैं? देश में जुर्म बढ़ रहे हैं और उन पर कोई रोकथाम नहीं हो पा रही है। इसलिए जो मूल चीज़ है, बुनियादी बात है उस को पकड़ने की ज़रूरत है। अगर सिर्फ यही हो कि हम कुछ सज़ा बढ़ा दें, हम कुछ और चीज़ों को शामिल कर दें और अधिक अधिकार इस के लिए सरकार को दे दें और महज़ ऐसा करने से ही यह जुर्म रुक जायेंगे तो ऐसी बात नहीं होने वाली है।

मैं मिसाल के तौर पर यह कहना चाहता हूँ कि आज आवश्यक चीज़ों के बढ़े हुए और दिन प्रतिदिन और भी अधिक बढ़ते जा रहे दामों को आप ले लें। जब तक जीवनोपयोगी वस्तुओं के दाम सरकार निश्चित नहीं करती, कोई एक ठोस दाम नीति सरकार नहीं अपनाती तब तक इस तरीके का कानून बनाने से मिलावट खत्म नहीं होगी और यह सारा मामला बिगड़ता

ही चला जायगा। लेकिन अफसोस के साथ मुझे कहना पड़ता है कि यह सरकार कोई एक निश्चित दाम नीति अपनाने से भागती रही है। इतना ही नहीं खुद भी वह लूटती है और ओरों को भी लूटने देती है। सरकार यहां तक लूटती है कि जैसे अभी चीनी का मामला उठता है तो क्या सरकार यह नहीं जानती कि जो 40 प्रतिशत: चीनी ओपेन मार्केट के लिए छोड़ी गई है वह साढ़े चार सौ से साढ़े पांच सौ रुपये फ्री बोरे के भाव से बजार में बिक रही है? उस से कितना मुनाफ़ा होगा? क्या चीनी की पैदावार के हिसाब से मुनासिब कीमत किसानों को जा रही है? जो गन्ना पैदा करते हैं उन को कितनी देनी पड़ेगी और चीनी के उपभोक्ताओं को कितनी चीनी की कीमत देनी पड़ रही है, इन सब तथ्यों का आपस में मुकाबला न करते हुए इस तरीके का एक कानून बनाया जा रहा है।

दूसरी मसाल में अफ्रीम के बारे में देना चाहता हूँ। अफ्रीम की खेती में क्या हो रहा है? उस में यह होता है कि किसानों को 30-35 रुपया फ्री क्लिग़्राम अफ्रीम के दाम मिलते हैं जबकि कालेबाज़ार में वही अफ्रीम 200, 300, 400 और 500 रुपये किलो तक बिकती है। सरकार कितने ही कानून इसके तस्करी व्यापार को रोकने के लिये क्यों न बनाये लेकिन जब दामों में इतना फर्क होगा, इतना जबरदस्त फर्क कायम रहेगा और यह लूट चलेगी तो मैं आप से कहना चाहता हूँ कि आप उस तस्करी को रोक नहीं पायेंगे लेकिन होगा यह कि जो उस की रोकथाम करते हैं और जो इस तरह का अफ्रीम का तस्करी व्यापार करते हैं उन में एक रिश्ता कायम हो जायगा भ्रष्टाचार का और यह चीज़ चलती जायगी और उधर आप इस तरह से अपने कानून बढ़ाते चले जायेंगे। इसलिए उपाध्यक्ष महोदय, मैं कहना चाहता हूँ कि सरकार जिदगी की ज़रूरी चीज़ों में जो मिलावट होती है उस को रोकने के लिए कानून बनाने से पहले यह भी कोशिश करे कि जीवनोप-

योगी वस्तुओं के निश्चित दाम क्या हों, फुटकर दाम क्या हों। कोई एक निश्चित नीति सामने लाये तब ही यह सम्भव होगा।

मैं एक चीज और कह कर खत्म कर रहा हूँ। यहां पर कुछ ऐसी जगहें हैं जहां लोग सलाह देते हैं कि कौन-कौन चीज में किस-किस की मिलावट खप सकेगी। ऐक्सपोर्ट्स ओपीनियन जिसको कहते हैं यह देना कुछ लोगों का पैसा कमाने का घंघा हो गया है। क्या मंत्रां महोदय ने उसके बारे में भी कुछ सोचा है? इन सब चीजों पर मंत्री महोदय द्वारा अगर व्यापक तरीके से गौर किया जाकर कोई एक निश्चित नीति अपनायी जायगी तो कुछ हो पायेगा वरना नहीं। मैं चाहूंगा कि जब यह संशोधन विधेयक प्रवर समिति के पास जाय तो वहां पर विस्तार में इन सभी मुद्दों पर विचार हो।

SHRI BEDABRATA BARUA (Kaliabor) : One point that has been lost sight of in the discussion is that this legislation authorises the Deputy Commissioners, and thereby the State Governments, in regard to enforcement. In that way, it is not that the Central Government take the responsibility for the enforcement of the Act. It has also been made clear that this was done in consultation with the Chief Ministers and that at the Chief Ministers' conference this suggestion was made and accepted. Therefore, it is a question of implementation not only here but by every State Government.

In this matter, I am very sorry to say that whatever allegations have been made about the Congress Party or this Government being responsible for the rise in prices, certain other factors are ignored. I have had some occasion to see in West Bengal what the situation in this respect has been. I do not want to go into all the aspects concerning West Bengal. But people there have come and asked me if six months was not a sufficient long period to deter hoarders from selling rice at Rs. 5 per kg. This did happen in West Bengal.

I am not saying this as a criticism of the State Government; I mention it only to bring home the real complexity of the problem. Recently we have seen that nearly half the State Governments in India are run by non-Congress parties. So in that way, it will be an oversimplification to say that the rise in prices and all these other things have been due to certain errors of omission and commission on the part of the Central Government alone. We should better say that now that we have many State Governments of different hues and colours, this phenomenon is due to certain basic failings in our way of life which we need to correct and where a lot of co-operation is necessary.

I do concede that some small people may get caught and big people escape. That requires implementation of the law at the strictest level with the maximum co-operation of this Government as well as the State Governments. The Bill, as it is, wants to give certain powers. They may be misused by the State Governments or district authorities. But there are certain lacunae which have to be filled in.

As regards making the offences cognisable, it is very proper to do so and if that has to be done, more powers would be required.

There is only one other essential point I would like to mention. It has to be borne in mind that a man who enters the foodgrains business is essentially taking on himself a big national responsibility. If he errs, the officers should be able to catch him; if he errs constantly, he should be prevented from doing the business not for six months but for such a pretty long time as to be a sufficiently deterrent punishment.

I support the Motion.

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHIB SHINDE) : I would only confine myself to certain

[Shri Annasahib Shinde]

observations made by Shri Krishnamoorthi. He raised certain technical objections and also challenged the legality of clause 3(c) of section 3. This clause 3(c) pertains to fixation of sugar price.

Though the hon. Member has raised a very fundamental point, may I say to him that if his contention is accepted, it will not be possible for the Government to acquire any commodity for meeting the requirements of the community as such. Take the case of levy of foodgrains.

SHRI V. KRISHNAMOORTHI :

The Government is competent to acquire any amount, but it has no power to acquire only 60 per cent and leave 40 per cent to traders, so that there is difference in prices. You can fix the price for all the sugar produced not for only a part.

SHRI ANNASAHIB SHINDE :

I was trying to meet the same point. Take the case of foodgrains. Unless there is the monopoly procurement system or the monopoly purchase system, part of the foodgrains are acquired through the levy system. If his contention is accepted that whatever foodgrain is to be acquired should be acquired at the market price, then I think it would be disastrous and Government will not be in a position to maintain the price line at all.

And, under section 3(b) of the Essential Commodities Act, the powers are inherent. In fact, such cases, even on previous occasions have gone to the Supreme Court. Especially, the sugar case also had gone to the Supreme Court once. In *Diwan Sugar and General Mills Private Limited and others vs. the Union of India*,...

SHRI RANDHIR SINGH : What was the year of the case ?

SHRI ANNASAHIB SHINDE : A.I.R. 59 Supreme Court, 626. The same point was challenged in the Sup-

reme Court whether the Government has a right to fix the price of sugar, and it was challenged that the price fixed by the Government was not reasonable. In that case the Supreme Court has given a very clear ruling that Government has such power, and that it does not contravene article 31 of the Constitution. In fact, article 31 of the Constitution itself clearly says that some principles have to be specified in order to fix the price. This section has been incorporated in this Act after examining this very objection which has been raised by the hon. Member. In fact, the present Act itself has the power to have a levy on any commodity, but when the partial decontrol system of sugar was introduced, the point was raised that unless there is some provision in regard to the fixation of sugar price, Government will not be competent to do that, and on that basis this clause has been incorporated in the Act. Therefore, I do not see any reasonable ground on which this clause can be objected to. I think the point raised by the hon. Member is not at all valid. It is upheld by the Supreme Court, and it is according to the law of the land.

SHRI V. KRISHNAMOORTHI: The hon. Minister says that during 1959 Government had the entire power to fix the price, but at present the Government fixes Rs. 175 per bag of sugar, whereas in the open market the sugar is being sold at Rs. 350 by the sugar factory. So, any law, whether it is under the Essential Commodities Act or any other Act, must strictly conform to article 31(2). Under article 31(2), when the producer sells at Rs. 400 and the Government requisitions the property at Rs. 175—if there is a rate contract between the Government and the factories, that is a different matter—the law will be nullified, and it is open to the factories to sue the Government for all the damages, saying that they have sold at such and such a price in the open market. So, the law is bad. The hon. Minister is right that during 1959 they had the power, but now they are leaving 40 per cent with the factories to sell at any price. Either the market price has to be paid by the Government,

or the Government has to fix the price for all the sugar produced, not for 60 per cent only.

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI MOHD. SHAFI QURESHI) : Mr. Deputy Speaker, Sir, I think the hon. Members have heard the hon. Minister of State in the Ministry of Food who was replying to the debate. I need hardly say that it was in July, 1967, when the Chief Ministers met that they wanted to see the working of the Essential Commodities Act and they suggested that we should see that the punishments provided in the Essential Commodities Act are in our hands and the working of this Act is made more effective. As hon. Members are aware, the country has passed through two severe droughts and now we are having a better prospect of a good crop. So, in the manner of distribution, it becomes all the more essential that we should see that all sections of the population are benefited. It is in order to see that a proper distribution of essential commodities is done in the country that we have brought this Bill before Parliament.

As regards the point raised by Shri Krishnamoorthi, my friend has already replied to him. But I wish he had taken some little pain to go to the principal Act also. There is a criterion laid down for the confiscation of the goods and the Act is very clear. It is not that arbitrarily the goods can be confiscated and which would cause unnecessary harassment to the person from whom the goods are confiscated. The Act provides that:

"no order confiscating any food-grains, edible oils . . .

grains, edible oils . . .

"shall be made under section 6A unless the owner of such articles or the person from whom they are seized is given a notice in writing informing him of the grounds on which it is proposed to confiscate the articles, is given an opportunity of making representation in writing, within such reasonable

time as may be specified in the notice against the grounds of confiscation and is given a reasonable opportunity of being heard in the matter."

So, that amply shows that whenever the Government intends to confiscate any commodity, this procedure has to be followed and this procedure is in accordance with the law. That is the concept of property. Property which has been acquired by illegal means, property over which the person has no claim, is not property. No protection can be given by law to him. It is the property of the people and the Government has every right to confiscate the property for proper distribution among the people.

What have we done in this Act? We have changed the procedure that from now on, we shall follow the procedure of summary trial, because that has given us benefits. We have seen that when cases were sent to court for trial under the ordinary law, it took a longer time and a lesser number of persons were convicted, and in cases of summary procedure there were a greater number of convictions and lesser time was taken by the courts.

About the other point; for instance, Shri Lobo Prabhu called it as draconian law. We have in this law provided that the first offender will get a minimum punishment of one month. If a habitual offender goes on continuing to commit the offence against the very morals of society, does it not become the duty of the Government to see that this man is punished, if not in a big way, at least to see that he gets a deterrent punishment? So, what we have done is that if a person who has already been convicted under the Act is found guilty of committing the offence over again, then the law provides that he should be given a minimum punishment of one month, and the commodity in which he indulges in, blackmarketing, or profiteering or hoarding should be confiscated and he should be stopped from indulging in trading in that particular commodity. So, all these things will be taken up when the Bill goes to the Select Committee.

[Shri Mohd. Shafi Qureshi]

Then, I would like to reply to my friend Shri Ram Sewak Yadav.

हमने जाब्ता फौजदारी और जो हमारे दूसरे जाबते हैं उनके तहत.....

MR. DEPUTY-SPEAKER : He follows English all right.

SHRI MOHD. SHAFI QURESHI : I am not translating anything which I have already stated. I am replying to those friends who have spoken in Hindi. It is my way of replying.

जहां तक जाबता फौजदारी का ताल्लुक है, मैं कहना चाहता हूँ कि 1966 में 11,488 लोगों के खिलाफ केस चलाये गये और इनमें से 8,067 का कनविकशन हुआ समरी ट्रायल के मुताबिक। इसी असें मैं जाब्ता फौजदारी के तहत और जो हमारा पीनल कोड है उसके तहत 65,299 केस अदालत में भेजे गये जिनमें से 28,000 के करीब केसिस में कनविकशन हुआ। आप देखगे कि समरी केसिस में कनविकशनज ज्यादा हुए हैं।

16.00 Hrs

श्री रामसेबक यादव: उपाध्यक्ष महोदय, मंत्री महोदय मेरी बात को अच्छी तरह समझ नहीं पाए। मैंने यह सब कुछ नहीं कहा था। मैंने यह कहा था कि केवल सजा दे कर इन अपराधों को खत्म नहीं किया जा सकता है। ताज़ीराते हिन्द के अधीन हमें जुर्मों के खिलाफ कार्यवाही करने का हक है। मुकदमे बढ़ते रहे हैं, लेकिन जरायम कम नहीं हुए हैं। इस लिए जरायम को केवल सजा से रोकने के बजाये उनकी बुनियाद में जा कर उनकी वजूहात का पता लगा कर उसको खत्म करने की तरफ ध्यान दिया जाये।

श्री मुहम्मद शफी कुरेशी: यह बिल्कुल ठीक है। लेकिन जहां तक सजा का ताल्लुक है, अगर सजा आम कायदे के तहत जल्दी से न मिले, तो ज्यादा अच्छा होगा कि वह तरीका

इस्तेमाल किया जाये, जो कानून हमें दिया गया है, जिससे मुजरिमों को जल्दी सजा दी जाये। कानून पर अमल करवाने का यह भी एक तरीका है। 1 जनवरी से सितम्बर के आखिर तक ऐसेंशल कामोडिटीज एक्ट के तहत 10,072 केस हुए और समरी ट्रायल में 6,625 केसिज में कनविकशन हुआ। लेकिन इसी अरसे में आम कानून के तहत 57,702 मुकदमे चलाए गए, लेकिन उनमें कुल 20,978 आदमियों का कनविकशन हुआ। इससे जाहिर होता है कि हम जिस प्रोसीजर को एडाप्ट कर रहे हैं, उसका मकसद यह है कि इस कानून पर ज्यादा अच्छी तरह से अमल हो।

श्री शर्मा ने कहा है कि हम राम राज्य कायम करना चाहते हैं लेकिन हम कानून बनाते हैं परमिटदारों और लाइसेंसदारों के लिए। मैं उनको यकीन दिलाना चाहता हूँ कि यह कानून उन रावणों और कुम्भकरणों के लिए है, जो सोसायटी को खाए जा रहे हैं। वह इत्मीनान रखें कि इसमें अमीरी और गरीबी का कोई फ़र्क नहीं है। यह कानून बनाया गया है उन लोगों के लिए, जो समाज के विरुद्ध काम करते हैं, जो समाज के दुश्मन हैं। अगर वह समझते हैं कि यह कानून किसी खास तबके के लिए बनाया गया है, तो वह गलती पर हैं।

मुझे खुशी होती, अगर वह अपनी पालिसी पर गामज्जन रह कर, यह भी कहते कि यह कानून काश्मीर पर भी लागू होना चाहिए। अभी यह कानून काश्मीर पर लागू नहीं है, लेकिन वह वहां पर लागू होगा। वह कांस्टीट्यूशन के आर्टिकल 370 को उड़ाने की बात तो करते हैं। लेकिन अगर वह आज यह भी कहते कि इस कानून को भी काश्मीर पर लागू किया जाये, तो मैं समझता कि वह सियासी तिकड़मबाजी नहीं करते, बल्कि उनकी हमदर्दी हकीकी तौर पर हमारे साथ है। मैं उनकी तसल्ली के लिए कह दूँ कि यह कानून वहां पर भी लागू होगा।

श्री लोबो प्रभु कहते हैं कि यह कानून बहुत सख्त है और श्री बनर्जी कहते हैं कि इसमें रखी गई सजा बहुत कम है। लेकिन हमने न उनकी बात को माना है और न इनकी बात को तसलीम किया है, बल्कि हमने बीच का रास्ता अख्यार कर के, एक वाया-मीडिया निकाल कर, एक ऐसी सजा रखी है, जिस पर अमल किया जा सकता है। हमारा मकसद यह है कि जहां कानून के तहत सजा दी जाये, वहां कानून यह भी देखे कि जुर्म करने वालों का आहिस्ता-आहिस्ता समाजी तरीके से सुधार भी हो।

With these words, I move that the Bill be referred to a Select Committee.

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Essential Commodities Act, 1955, and to continue the Essential Commodities (Amendment) Act, 1964, for a further period be referred to a Select Committee consisting 21 members, namely :—

Shri S. M. Banerjee, Shri Bibhuti Mishra, Shri Rup Nath Brahma, Shri C. K. Chakrapani, Shri J. K. Choudhury, Shri V. N. Jadhav, Shri Mushir Ahmad Khan, Shri D. K. Kunte, Shri Mohan Swarup, Shri Jugal Mondal, Shri A. Nesamony, Shri Nihal Singh, Shri Kashi Nath Pandey, Shri D. N. Patodia, Shri Bhola Raut, Shri N. K. Sanghi, Shri Sharda Nand, Shri Shashi Bhushan, Shri S. Supakar, Shri G. Viswanathan; and Shri Mohd. Shafi Qureshi

with instructions to report within a week."

The motion was adopted.

16.03 HRS.

MOTION RE : REPORT OF EDUCATION COMMISSION AND REPORT OF COMMITTEE OF MEMBERS OF PARLIAMENT ON EDUCATION—*Contd.*

MR. DEPUTY SPEAKER : The House will now resume further discus-

sion on the motion regarding the Report of the Education Commission and the Report of the Committee of Members of Parliament on education. Shri Madhok.

SHRI BAL RAJ MADHOK (South Delhi) : Mr. Deputy-Speaker, Sir, I am glad that after all, education has come back after the lapse of many weeks.

AN HON. MEMBER : Speak in Hindi.

SHRI BAL RAJ MADHOK : I would like to speak in English for the benefit of my friends who do not know Hindi.

DR. MAITREYEE BASU (Darjeeling) : I had not concluded my speech on that day, Sir.

MR. DEPUTY-SPEAKER : I am sorry. She may continue her speech.

DR. MAITREYEE BASU : Sir, it was such a long time ago that you do not even remember that I was speaking. So, I may be forgiven if I forget what I said on that day and there is some repetition.

16.04 HRS.

[SHRI C. K. BHATTACHARYYA *in the Chair.*]

First of all, I would like to say that the purpose of education is not to quarrel over the language issue, but it is to give the child the knowledge of life—how life functions, what life is, the mysteries of life, the facts of life, etc. In that case, life-centric education is needed for the children. Basic education as enunciated by Mahatma Gandhi has been given a sort of lipservice by our present educators. Actually speaking, I do not feel that basic education has been really studied by our educationists nowadays. It is not something which is static. It changes from time to time. It has to be re-interpreted, and the main thing is that it is a life-centric education. Unless education is