

lawful activities of individuals and associations and for matters connected therewith, be extended up to the 20th November, 1967.*

The motion was adopted.

12.49 Hrs.

(i) TAXATION LAWS (AMENDMENT) BILL*

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI) : I beg to move for leave to introduce a Bill further to amend the Wealth-tax Act, 1957, the Gift Tax Act, 1958, and the Income-tax Act, 1961, and to amend the Finance (No. 2) Act, 1967.

श्री मधु लिमये (मुंबेर) : मैं एक बात जानना चाहता हूँ। वित्त मंत्री जी ने पिछले सत्र में भाषावासन दिया था कि टैक्स की चोरी करने वाले लोगों की जायदाद जप्त करने के बारे में वह विधेयक ला रहे हैं। मैंने इसको देखा नहीं है। कि यह विधेयक इसके बारे में है या नहीं है। अगर नहीं है तो क्या वह उस विधेयक को बाद में लायेंगे।

श्री मोरारजी देसाई : इसमें नहीं है। वह अलग बात है।

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Wealth-tax, Act, 1957, the Gift Tax Act, 1958, and the Income-tax Act, 1961, and to amend the Finance (No. 2) Act, 1967."

The motion was adopted.

SHRI MORARJI DESAI : I introduce the Bill†.

STATEMENT RE : TAXATION LAWS (AMENDMENT) ORDINANCE, 1967

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT) : I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Taxation Laws (Amendment) Ordinance, 1967, as required under rule 71(1) of the Rules of Procedure and Conduct of Busi-

ness in Lok Sabha. [Placed in Library. See No. LT-1494/67].

12.50 Hrs.

ESSENTIAL COMMODITIES (SECOND AMENDMENT) BILL*

THE MINISTER OF COMMERCE (SHRI DINESH SINGH) : I beg to move for leave to introduce a Bill further to amend the Essential Commodities Act, 1955, and to continue the Essential Commodities (Amendment) Act, 1964, for a further period.

MR. SPEAKER : Motion moved :

"That leave be granted to introduce a Bill further to amend the Essential Commodities Act, 1955 and to continue the Essential Commodities (Amendment) Act, 1964 for a further period."

SHRI RANGA (Srikakulam) : I wish to oppose the introduction of this Bill for very good reasons. This goes much too far beyond the scope of the original Act and is wants to extend it for a further period of two years. We have not had the benefit of any report from Government as to the working of this Act during the past two years. Just because some Ministers, the Chief Ministers of States and the Food Ministers of the States got together and agreed with the Government of India for its extension, Government want to introduce this Bill here.

In the present Bill, very important amendments are sought to be made. In the past, it was confined to items like food-grains, edible oilseeds or edible oils. Now, the Bill seeks to extend this Act to any essential commodity and it would be left to the arbitrary decision of Government here as well as in the States to decide which commodity is to be treated as an essential commodity. That itself is a very 'mischievous provision.

Further, so far, a person could be brought within the mischief of this Act only if he contravenes any order. The court has got to be satisfied that he has actually committed the offence and he was conscious of doing that. Now, this Bill seeks to bring everybody within its mischief, irrespective

* Published in Gazette of India Extraordinary, Part II, Section 2, dated 14-11-67.

† Introduced with the recommendation of the President.

[Shri Ranga]

of whether he has contravened it either knowingly or intentionally, so much so that the burden of proof is not placed on the police and on the administration but on the poor man himself who is brought within the mischief of this Act by the minions of this Government and we know how the police act and how their district authorities act and how arbitrarily they act and sometimes though not always, in what corrupt manner they act.

Then, the punishment also is sought to be increased from three to five years.

It seems that they have become so dead to vitality that they think that any amount of punishment that they can inflict upon the people is not enough. Therefore, from six months to one year, from one year to two years, then three years, now five years. Tomorrow or the day after they may come forward and ask for seven years' imprisonment also. It is just because the Government are not being respected by anybody. They want to live only by punishment and not by consent.

Now they want to take powers to forfeit whatever they seize from the people brought within the mischief of this power. The House was very much opposed to this proposal of forfeiture and therefore, they drooped it last time. Now Government have brought it in from underground, as it were.

Then they want to put a ban on these poor tradesmen. They want to be arbitrary with them. They want to punish

them. They are not satisfied with that. They want to prevent them from carrying on their legitimate trade for a period of six months. What is worse, it is too arbitrary. We have been asking for the abolition of this Act; we have been asking for the removal of these controls. Not to speak of removing these controls, they do not even want to resile from their position and relax these controls; they want to make them worse and worse.

Therefore, we take very strong objection to this Act because we are opposed to these controls. The working of this Act has not helped the community; on the other hand, it has only helped the corrupt and arbitrary officials and their arbitrary administration. Hence we oppose it.

SHRI DINESH SINGH : I appreciate the hon. Member's concern about this Bill because it goes against his personal philosophy and the philosophy of his Party. But this is a question that will be gone into when the Bill is discussed in the House. At this stage, Government are only seeking to introduce amendments to an Act that already exists. All these matters can be considered when the Bill is before the House.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Essential Commodities Act, 1955, and to continue the Essential Commodities (Amendment) Act, 1964, for a further period".

The Lok Sabha divided.

ayes

Division No. 1

12.56 hrs.

Abraham, Shri K. M.
Achal Singh, Shri
Ahirwar, Shri Nathu Ram
Aga, Shri Ahmad
Ahmed, Shri F. A.
Ahmad, Shri J.
Anirudhan, Shri K.
Aashar Husain, Shri
Awadesh Chandra Singh, Shri
Ayarwal, Shri Ram Singh
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Badrudduja, Shri
Bajpai, Shri Vidya Dhar

Bansh Narain Singh, Shri
Barua, Shri Bedabrata
Basu, Shri Jyotirmoy
Basu, Dr. Maitreyee
Baswant, Shri
Behera, Shri Baidhar
Besra, Shri S. C.
Bhagaban Das, Shri
Bhagat, Shri B. R.
Bhagavali, Shri
Bhanu Prakash Singh, Shri
Bharat Singh, Shri
Bhargava, Shri B. N.
Bhattacharyya, Shri C. K.

- Bohra, Shri Onkarlal
 Brahm Prakash, Shri
 Brahma, Shri Rupnath
 Bramhanandji, Shri
 Brij Bhushan Lal, Shri
 Buta Singh, Shri
 Chakrapani, Shri C. K.
 Chanda, Shri Anil K.
 Chanda, Shrimati Jyotsna
 Chatterji, Shri Krishna Kumar
 Chaturvedi, Shri R. L.
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chavan, Shri Y. B.
 Choudhary, Shri Valmiki
 Choudhury, Shri J. K.
 Damani, Shri S. R.
 Dasappa, Shri Tulsidas
 Dass, Shri C.
 Deoghare, Shri N. R.
 Desai, Shri Morarji
 Deshmukh, Shri B. D.
 Deshmukh, Shri Shivajirao S.
 Dhillon, Shri G. S.
 Dhuleshwar Meena, Shri
 Dinesh Singh, Shri
 Dwivedi, Shri Nageshwar
 Dwivedy, Shri Surendranath
 Ering, Shri D.
 Esthose, Shri P. P.
 Gandhi, Shrimati Indira
 Ghosh, Shri Ganesh
 Goel, Shri Shri Chand
 Gopalan, Shri A. K.
 Gopalan, Shri P.
 Gopalan, Shrimati Suseela
 Gupta, Shri Kanwar Lal
 Gupta, Shri Lakhnan Lal
 Hari Krishna, Shri
 Hazarika, Shri J. N.
 Heerji Bhai, Shri
 Hem Raj, Shri
 Himatsingka, Shri
 Iqbal Singh, Shri
 Jadhav, Shri V. N.
 Jagjivan Ram, Shri
 Joshi, Shri Jagannath Rao
 Kachwai, Shri Hukam Chand
 Kahandole, Shri Z. M.
 Kamble, Shri
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kavade, Shri B. R.
 Kedaria, Shri C. M.
 Kesri, Shri Sitaram
 Khadilkar, Shri
 Khanna, Shri P. K.
 Kinder Lal, Shri
 Kothari, Shri S. S.
 Kotoki, Shri Liladhar
 Krishna, Shri M. R.
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Lakkappa, Shri K.
 Lakshmikanthamma, Shrimati
 Lalit Sen, Shri
 Mahida, Shri Narendra Singh
 Malhotra, Shri Inder J.
 Malimariyappa, Shri
 Mandal, Shri Yamuna Prasad
 Marandi, Shri
 Masuria Din, Shri
 Mehta, Shri Asoka
 Mehta, Shri P. M.
 Menon, Shri Govinda
 Menon, Shri Vishwanatha
 Minimata Agam Dass Guru, Shrimati
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Modak, Shri B. K.
 Mohammad Yusuf, Shri
 Mohsin, Shri
 Mohinder Kaur, Shrimati
 Mondal, Shri J. K.
 Mrityunjay Prasad, Shri
 Mukerjee, Shrimati Sharda
 Murti, Shri M. S.
 Nambiar, Shri
 Nayanar, Shri E. K.
 Nayar, Dr. Sushila
 Oraon, Shri Kartik
 Pahadia, Shri Jagannath
 Pandey, Shri K. N.
 Pant, Shri K. C.
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Patel, Shri Manubhai
 Patel, Shri N. N.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri Deorao
 Patil, Shri S. D.
 Poonacha, Shri C. M.
 Pramanik, Shri J. N.
 Qureshi, Shri Shafi
 Raghu Ramaiah, Shri
 Raj Deo Singh, Shri
 Rajani Gandha, Kumari
 Raju, Dr. D. S.
 Ram, Shri T.
 Ram Sewak, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri

Ramamurti, Shri P.
 Ramani, Shri K.
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rane, Shri
 Rao, Shri Jaganath
 Rao, Shri K. Narayana
 Rao, Shri Muthyal
 Rao, Shri J. Ramapathi
 Rao, Shri Rameshwar
 Rao, Shri Thirumala
 Rao, Dr. V. K. R. V.
 Raut, Shri Bhola
 Reddi, Shri G. S.
 Reddy, Shri P. Antony
 Reddy, Shri R. D.
 Reddy, Shri Surendar
 Roy, Shri Bishwanath
 Roy, Shrimati Uma
 Saboo, Shri Shri Gopal
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Saleem, Shri M. Y.
 Sanji Rupji, Shri
 Sankata Prasad, Dr.
 Sapre, Shrimati Tara
 Satya Narain Singh, Shri
 Savitri Shyam, Shrimati
 Sayyad Ali, Shri
 Sen, Shri Dwaipayan
 Sen, Shri P. G.
 Sethi, Shri P. C.
 Set'huramae, Shri N.

Shah, Shrimati Jayaben
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharda Nand, Shri
 Sharma, Shri N. S.
 Sharma, Shri Yajna Datt
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Sheo Narain, Shri
 Sher Singh, Shri
 Shinde, Shri Annasahib
 Shiv Chandika Prasad, Shri
 Shukla, Shri Vidya Charan
 Siddayya, Shri
 Singh, Shri D. N.
 Singh, Shri J. B.
 Sinha, Shrimati Tarkeshwari
 Sivasankaran, Shri
 Sonar, Dr. A. G.
 Sonavane, Shri
 Sudarsanam, Shri M.
 Supakar, Shri Sradhakar
 Suraj Bhan, Shri
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Uikey, Shri M. G.
 Umanath, Shri
 Vajpayee, Shri Atal Bihari
 Venkatasubbaiah, Shri P.
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Verma, Shri Prem Chand
 Vidyarthi, Shri R. S.
 Virbhadra Singh, Shri

Noes

Amat, Shri D.
 Amin, Shri R. K.
 Atam Das, Shri
 Basi, Shri S. S.
 Birua, Shri Kolai
 Dandekar, Shri N.
 Daschowdhury, Shri B. K.
 Deo, Shri K. P. Singh
 Digvijai Nath, Shri Mahant
 Durairasu, Shri
 Gayatri Devi, Shrimati
 Girraj Saran Singh, Shri
 Gowd, Shri Gadilingana
 Gowder, Shri Nanja
 Kisku, Shri A. K.
 Kaushik, Shri K. M.
 Kunte, Shri Dattatraya
 Kushwah, Shri Y. S.
 Lobo Prabhu, Shri
 Maiti, Shri S. N.
 Majhi, Shri M.

Masani, Shri M. R.
 Meena, Shri Meetha Lal
 Mody, Shri Pилоo
 Mohamed Imam, Shri J.
 Muhammed Sheriff, Shri
 Muthusami, Shri C.
 Naik, Shri G. C.
 Naik, Shri R. V.
 Nirlep Kaur, Shrimati
 Patodia, Shri D. N.
 Ram Gopal, Shri
 Ramamoorthy, Shri S. P.
 Ranga, Shri
 Samanta, Shri S. C.
 Sequeira, Shri
 Sharma, Shri Ram Avtar
 Shastri, Shri Prakash Vir
 Shatri, Shri Raghvir Singh
 Shastri, Shri Shiv Kumar
 Shivappa, Shri N.
 Viswanatham, Shri Tenneti

SHRI K. LAKKAPPA (Tumkur) : The machine was not working; now it is wrong.

SHRI K. K. NAYAR (Bhraich) : Mine also.

MR. SPEAKER : Noted.** The result of the division is : Ayes 193; Noes 39.

If one or two mistakes are there they would be recorded later on. They can make a note of it.

SHRI SRINIBAS MISRA (Cuttack) : Has this ever worked properly?

MR. SPEAKER : If there are one or two mistakes, we are prepared to take note of them.

SHRI NAMBIAR (Tiruchirappalli) : Voting in the Lok Sabha should not be approximate; it must be accurate.

MR. SPEAKER : It is not approximate. It is correct. The 'ayes have it; the 'ayes' have it.

The motion was adopted.

SHRI DINESH : SINGH : I introduce the Bill.

13 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

STATEMENTS REG. ORDINANCES

(i) THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1967

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI MOHD. SHAFI QURESHI) : On behalf of Shri Dinesh Singh, I beg to lay on the

**The following Members were permitted to record their votes later :—

AYES : Sarvashri J. Ahmed, K. Anirudhan, Bansh Narain Singh, Valmiki Chowdhary, P. P. Esthose, Ganesh Ghosh, Hukam Chand Kachwai, Sitaram Kesri, B. K. Modak, Shrimati Padmavati, Sarvashri T. Ram, K. Ramani, R. D. Reddy, Shri Gopal Saboo, Sayyad Ali, N. S. Sharma, J. B. Singh and R. S. Vidyarthi.

NOES : Sarvashri Ramchandra J. Amin, S. N. Maitri, Shrimati Nirlep Kaur and Shri Ram Gopal Shalwale.

L77LSS(CP.)/67—13

Table a copy of the explanatory statement giving reasons for immediate legislation by the Essential Commodities (Amendment) Ordinance, 1967, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library, See No. LT—1495/67.]

SHRI RANGA (Srikulam) : I am surprised that this statement should be placed now, after the Bill has been introduced. The statement relates to the Bill. It should have come first, instead of the Bill being introduced first.

Secondly, how is it that this Government has become so public spirited that it must rush with this ordinance—was it on the 16th September or 21st October—when they knew that this House was going to meet on 13th November? Could they not have waited for these four or six weeks instead of foreclosing the whole thing by promulgating an ordinance and making it difficult even for their own members to exercise their judgment before the Bill comes to be introduced here, only to authorise that ordinance?

MR. DEPUTY SPEAKER : May I point out that under rule 71(1) it is not necessary to place the statement before the introduction of the Bill?

SHRI RANGA : It may not be necessary, but is it not advisable that the statement should first of all be made, so that the House will know for what reasons they have thought it fit to pass an ordinance instead of waiting until the house came to sit and gave its proper consideration to pass the Bill?

MR. DEPUTY SPEAKER : But you can raise these issues when the Bill is taken up.

SHRI RANGA : I have raised it. It is for them to reply.

SHRI MOHD. SHAFI QURESHI : The statement was laid, along with the Bill, under rule 71. It is for the Secretariat to arrange the laying of papers and business.

SHRI RANGA : Not for the Secretariat but for you to justify why you have passed this ordinance at all.