

Equally the Regional Provident Fund Commissioners have also been urged to see that the arrears are recovered as well as possible and expeditious action taken. I think if the hon. Member makes inquiries in the Calcutta office itself, he will notice that there is a considerable improvement and the accounts have been cleared to a large extent. Though the outstandings in the Calcutta office are of a high order, still there is a considerable work that has been done and I must thank the employees and also the trade union leaders who have helped us in this regard.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Coal Mines Provident Fund Family Pension and Bonus Schemes Act, 1948, the Employees, Provident Funds and Family Pension Fund Act, 1952, the Wealth-tax Act, 1957 and the Income-tax Act, 1961, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now, Clause-by-Clause discussion. There are no amendments given notice of. The question is:

"That Clauses 2 to 41, Clause 1, the Enacting Formula and the Title stand part of the Bill"

*The motion was adopted.*

*Clauses 2 to 41, Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI RAGHUNATHA REDDY: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

14.31 hrs.

ESSENTIAL COMMODITIES  
(AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: Now we take up further consideration of the following motion moved by Shri A.C. George on the 24th August, 1976 namely:—

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

Mr. Bhogendra Jha was on his legs on the last occasion. He is not present just now.

SHRI C. K. CHANDRAPPAN (Tellicherry): He is just coming. You may call him again.

MR. DEPUTY-SPEAKER: There is some procedural difficulty if a member does not resume his speech. If he does not resume his speech, it is taken that he has concluded his speech. And if he is given a second chance, it will amount to a second speech on the same Bill. Therefore, that will present some procedural difficulties.—Now, Shri M. C. Daga.

श्री मूल चन्द्र डग्गा : (पाली) : उपाध्यक्ष महोदय, एसेन्शियल कमोडिटीज बिल पास करने का एक उद्देश्य है कि देश में जीवन की आवश्यक वस्तुएँ उपभोक्ताओं को सरलता से और सही दामों पर मिल सकें। मैं एक बात कहना चाहता हूँ—जब कमी भी इन सदन में में यह प्रश्न रखा जाता है तो हम को यह जवाब मिलता है कि यह राज्य का

## [श्री मुलचन्द डागा]

विषय है और जो चीजें वितरित की जाती हैं वे राज्यों पर निर्भर हैं, लेकिन आज जो कानून आप बना रहे हैं यह केन्द्रीय सरकार बनाने जा रही है और इनका इम्प्लीमेंटेशन राज्यों के द्वारा होगा, तहसील के लेवल पर या एस० डी० ग्रो०के लेवल पर इस कानून का अमल कैसे होगा—यह जरा देखने की बात है। कानून तो देश में ज्यादा से ज्यादा बनाये जा सकते हैं, लेकिन होता यह है कि इन कानूनों से छोटे-छोटे दुकानदार, छोटे-छोटे उत्पादन करने वाले लोग ज्यादा परेशानी में पड़ जाते हैं, नौकरशाही इसमें ज्यादा हावी हो जाती है। आप चाहे जितने कानून बना लें, लेकिन अगर जार्ज रोडव यह समझते हैं कि कानून बन जाने के बाद समस्या हल हो जायेगी, मेरा अनुभव इसके बारे में भिन्न है। मैं तो यह देखता हूँ कि इन कानूनों से जनता ज्यादा परेशानी में पड़ जाती है। मैं आप से यह ठीक बात कह रहा हूँ—जब चीजों का ठीक से वितरण नहीं होता है तो हम ऐसा समझते हैं कि ऐसे कानून को पारित करके हम चीजों का वितरण ठीक कर लेंगे, लेकिन मैं अर्ज करना चाहता हूँ कि इन कानूनों के जरिये छोटे-छोटे दुकानदार, छोटे-छोटे उत्पादन करने वाले, किसान और दूसरे लोग, परेशानी में पड़ जाते हैं और वे नौकरशाही के शिकार होते हैं, उन्हें बहुत ज्यादा दिक्कतें भुगतनी पड़ती हैं। मैं तो यह ठीक समझता हूँ कि या तो सरकार सारे काम को अपने हाथ में ले ले तब तो कोई दिक्कत नहीं रहेगी, वरना कई बार ऐसा हुआ है कि ऐसे कानूनों के तहत छोटे-छोटे दुकानदारों को अपनी दुकानें बन्द करनी पड़ी हैं और गांव में वे चीजें नहीं मिल पाती हैं। इसलिये मैं तो यह चाहता हूँ कि दुकानें बन्द हो जाय और सारा काम सरकार अपने हाथ में ले ले वरना उत्पादन करने वाले किसानों को बाफ़ां दिक्कत हो जायेगी।

एक एक सैक्शन को आप देखें।

A new section 6E is being inserted providing for the court concerned

from getting any order passed "with regard to the possession, delivery, disposal or distribution of such property".

कलेक्टर के अलावा आपने सब एग्जिक्यूटिव आफिसर्स को पावर्ज दे दी है।

No civil court will be in a position to pass any order.

सारी हकूमत किन के हाथ में होती है, एस० पी० के हाथ में एस० डी० ग्रो० के हाथ में होती है। कोई धान या गेहूँ अपने घर तक ले जाना चाहता है तो उसको वे सीज कर सकते हैं।

He will not be allowed to go to the court of law and get an injunction. You have debarred him from going to any court of law.

मैं मानता हूँ कि मीसा के अन्दर लोगों को रखा जाता है। इस कानून के अन्दर कोई आदमी अनाज ला रहा है, सामान ला रहा है और उसको जब्त कर लिया जाता है तो

You will debar him from going to any court of law.

सिविल प्रोसीजर कोड में यह व्यवस्था है कि अगर कोई गवर्नमेंट सर्वेंट अपनी पावर्ज से बाहर जा कर काम करता है तो उसके खिलाफ प्रासीक्यूशन हो सकता है। इसमें किसी गवर्नमेंट सर्वेंट के खिलाफ कोई प्रासीक्यूशन नहीं हो सकता है। इतनी ज्यादा पावर्ज आपने इस एमरजेंसी में गवर्नमेंट सर्वेंट को दे दी है। इनका दुरुपयोग हो सकता है। हम जो संसद् सदस्य हैं उनको तकलीफ मालूम नहीं होती है। लेकिन जो छोटे-छोटे दुकानदार हैं उनको बहुत होंगी। उनको ब्रष्ट अफसरों का शिकार बनना पड़ेगा। उनकी बहियों, एकाउन्ट्स बुक्स को जब्त किया जा सकेगा।

According to the provisions under Sec. 3 (i) of the original Act, books of accounts and documents seized un-

der the Act are to be returned to the persons from whom they had been seized. It is not proposed to retain the earlier documents and to empower the affected persons to make copies for their own use.

अगर आपको लेनी है तो आप सर्टिफाइड कॉपीज लें। आपने कह दिया है कि सब बहियां जब्त कर लो। दो हजार की पृष्ठों बहियें और एकाउंट बुक्स हैं वह उनकी नकल करें। फिर कब तक आप इनको अपने पास रखेंगे। रिलेवेंट डाकुमेंट्स की आपको सर्टिफाइड कॉपीज लेनी चाहिये न कि लेकर आप कह दें कि वह नकल करना चाहे तो कर लें।

Relevant documents seized under the Act are required to be returned to the persons. It is now proposed to retain the original documents.

सिविल कोर्ट्स में जब केस जाता था तो एकाउंट्स बुक्स और जो दूसरे डाकुमेंट्स होते थे उनकी रिलेवेंट जो एंट्रीज होती थीं उनकी कॉपीज ली जाती थी लेकिन आपने इसको भी खत्म कर दिया है।

In page 3, cl. 4, what is this first amendment? You remove the words 'if satisfied'.

जिसकी जो इच्छा हो करे।

Instead of 'if satisfied', you want to put in 'may, if he thinks it expedient to do so'.

क्या जरूरी था यह सस्टीट्यूट करना? पहले आप ने रखा कि अगर किसी कन्वेंक्टर या मूजिस्ट्रेट को सेटिस्फेक्शन हो जाय कि यह आदमी हॉर्डय कर रहा है, मुनाफाखोरी कर रहा है तो उसके खिलाफ कार्यवाही की जा सकती थी। अब आप कहते हैं कि नहीं, अगर एक्सपोजिण्ड समझे। इतने अधिक अधिकार नहीं देने चाहियें। क्या आप सोचते हैं कि सारे कानून को बदल कर के देश के अन्दर चीजें सस्ती हो जायेंगी? मैं कहता हूँ कि आप

सारी जगह फेयर प्राइस शोप्स कर लीजिये और इब तमाम एजेन्सीज को अक्वोयड कीजिये। लेकिन यह सम्भव नहीं है। फिर ऐसा कानून क्यों बनाते हैं जिससे लोगों को परेशानी हो। डेमोक्रेसी में रहने वाले आदमी को कानून से ज्यादा बांधा जायगा तो करप्शन फैलेगा।

अब उसकी कीमत क्या होगी? एक काश्तकार ने लेवी का नाज दे दिया है जिसके बारे में काश्तकार का कहना है कि उसके सस्ते दाम पर लिया जाता है, 105 रुपये के भाव से। लेकिन लेवी का देने के बाद भी अगर प्रोड्यूसर अपना माल बाजार में लायेगा तो उसकी कीमत वही होगी जो ऐग्रीकल्चर प्राइस कमीशन ने तय की है। यानी काश्तकार को अपने माल की कीमत तय करने का भी अधिकार नहीं रहा। यह उचित नहीं है। मैं जानना चाहता हूँ कि आप किस प्रकार से उसका भाव तय करना चाहते हैं? इस कानून का मंशा चाहे कुछ भी हो, आप फ्लेक्टर को हटाकर छोटे-छोटे अधिकारियों को पावर दे देंगे जिसका मिस्यूज होगा, और दुकानदार दुकानें बन्द कर देंगे, फेयर प्राइस शोप्स आप की सब जगह हैं नहीं। कैसे काम चलेगा? इस कानून के जरिये आपने सरकारी कार्म-चारियों को पूरा प्रोटेक्शन दे दिया है।

He cannot be prosecuted in any court neither can we go to any court of law.

इस प्रकार के कानून में हमें लाभ नहीं होगा। और ज्यादा सस्ती होने से छोटे काश्तकार को, छोटे व्यापारी को, सबको तकलीफ होगी।

MR. DEPUTY-SPEAKER: I would like the pleasure of the House with regard to allocation of time to speeches. When we started on this Bill, we had a balance of 2 hours 45 minutes. Shri Daga has taken almost 15 minutes. That leaves us a balance of 2 hrs. 30 minutes. I have got 14 speakers on the list. Even if I give ten minutes to

[Mr. Deputy Speaker]

each, it means 2 hrs. 20 minutes. That would leave the Minister barely ten minutes to reply. So I would request members to kindly keep that in mind.

SHRI K. C. Halder.

SHRI BHOGENDRA JHA (Jainagar): I had enquired and..

MR. DEPUTY-SPEAKER: You know the difficulty.

SHRI BHOGENDRA JHA: I know. The earlier Bill had collapsed...

MR. DEPUTY-SPEAKER: No, there is some procedural difficulty. We cannot change the rules like that.

SHRI BHOGENDRA JHA: You are here...

MR. DEPUTY-SPEAKER: No, no; the rules cannot just be changed like that.

SHRI BHOGENDRA JHA: I have no grievance. I can speak after him.

MR. DEPUTY-SPEAKER: This is the least I can do. I had explained to Mr. Chandrapan the position. When a Member was on his legs and he was called and he did not resume his speech, it is taken that he has concluded his speech. If the Member comes up subsequently and seeks an opportunity to speak on that Bill, it will be a second speech allowed to him on that Bill and it is not permitted by the rules. That is the position.

SHRI BHOGENDRA JHA: Yesterday the Minister was there; I was not speaking; the Minister simply asked me: you begin now; tomorrow you can speak. That was his trouble yesterday. Mr. George was there. It was because of his insistence the Bill was taken up.

MR. DEPUTY-SPEAKER: It is between you and Mr. George; the Chair does not come in. Shri Krishna Chandra Halder.

\*SHRI KRISHNA CHANDRA HALDER (Ausgram): Mr. Deputy-Speaker, Sir, the Essential Commodities Act was first passed in 1955. The objective of the Bill was to have a State control on production, procurement, distribution of essential commodities among the poorer sections of the people and while doing so to maintain price stability by regulating trade and commerce of these commodities. There are 61 items in this list which are essential for mass consumption like foodgrains, sugar, kerosene oil, edible oil, textiles, etc. Unfortunately, right from the very beginning of the introduction of the Bill because of Government's lack of intention to implement it rigorously the prices of all these essential commodities have been going up year after year and even corrupt practices continued unabated. In the year 1974 the Act of 1955 was amended on the recommendations of the Law Commission. The Commission had suggested penal measures and these were incorporated into the Bill to strengthen the hands of the Government to check hoarding, profiteering, black marketing and other allied malpractices. Today we are amending the Act of 1974 to introduce provisions which the Government feel will further strengthen their hands and ensure better distribution of essential commodities among the masses. On behalf of my party, the C.P.I. (M), I welcome this Bill but while doing so let me sound a word of caution to the Government that mere legislative change will not yield the desired result unless there is a fundamental change in Government's outlook and its economic policies.

Whenever we talk of distribution of essential commodities at reasonable price among the people the Government feel that the job is well done

\*The original speech was delivered in Bengali.

if they can be made effective in the metropolises of Calcutta, Delhi, Bombay, Madras, Kanpur, etc. But can we really ignore the millions of village folk and the vast multitude of the population 60 per cent of whom live under poverty line and whose need for these commodities deserve to be given priority over other sections of the society. I am afraid the Government have not done much in this direction. The Government have passed Acts one after the other but they were not implemented to fulfil their objectives. The country is passing through an emergent situation. Two emergencies are running concurrently in the country today. The MISA has given unlimited powers to the Government to deal with the hoarders, profiteers and black marketeers rightly and squarely to maintain the price level and make things available to the common people. But what do we really find? Have the Government really succeeded in living up to their professed objectives of price control? On 25th of June, with great fanfare and publicity the Government celebrated the anniversary of the introduction of emergency in our country. While the Government was jubilating over the gains of emergency, the prices of essential commodities kept soaring high much against the publicity of successful implementation of the 20-point programme. It was really an irony that prices of some of the essential commodities should rise when the Government claimed that there was a bumper crop and there was enough in store to keep the price line under check. Let us take the case of edible oil. It was the Government's claim that there was a bumper crop of ground nuts and it was estimated to be 18.9 lakhs tons. Only a couple of days ago we discussed a calling attention motion in this House during the course of which it was pointed out that the price of ground nut oil had gone up in Maharashtra and there was a scarcity of this commodity in the State. Why should it happen? Take mustard oil. It was selling for

Rs. 5 after emergency was introduced but today it is selling for Rs. 7.46 per K.G. This year we have a record production of wheat in our country and the estimate is in the neighbourhood of 114 million tons. Despite this good crop neither the producer nor the consumer has gained anything. There was a time when the cultivators of Punjab had to sell their wheat for Rs. 75 per quintal and it was truly a distress sale as there was none to lift their produce. Much later the FCI came into the picture and offered the cultivators Rs. 105 for one quintal of wheat. Today the open market price of wheat in Delhi is between Rs. 165 and 180 per quintal. Where has the profit gone and who has appropriated it? The potato growers suffered equally in the matter. When the new crop came in the market in U.P. the price offered to the cultivators was between Rs. 12 and Rs. 14 per maund. In West Bengal the cultivators got Rs. 18 per maund. But soon the whole procured potatoes were put into the cold storages and the price started rising high and today in Delhi potato is selling for Rs. 1.20 per K.G. In this way the cultivators are still being cheated and the hoarders and black marketeers are making huge profits while the Government keeps on harping about the gains of emergency. In the similar way the jute growers were also exploited. They did not get the remunerative price of their produce. Nasik is a very important centre for onions marketing. Today the cultivators have nearly one lakh quintals in their stock and they are not getting a remunerative price for their crop. The representatives of the onion growers had come to Delhi. The Deputy Leader of our party Shri Samar Mukerjee, had taken them to Mr. George, the Minister. I do not know what has happened thereafter but it is a fact that the Government was earning a good profit through export of onion at the rate of Rs. 300 per quintal. Similarly there was a bumper crop of mango but the people did not have enough to eat because most of it was

[Shri Krishna Chandra Halder]

exported to foreign countries to earn foreign exchange. Thus the Government, it seems, have embarked upon a policy which is export oriented. This is giving, no doubt, profits to the Government but the share of the profit is not percolating to the cultivators. Let us take pulses. In Delhi the price has gone up between 30 per cent to 70 per cent during the last one week. In West Bengal, there is a great scarcity of fish because of lack of imports from Bangladesh and the prices have gone up so high that it has become virtually impossible for the common man to afford it. Mr. Deputy-Speaker, Sir, you also relish fish and know what it means to us and you can well realise our plight than anybody else. Therefore, Sir, without detailing the list any further where price rise has taken place during the last one year it would be sufficient to say that the Government have not been able to hold the price line and relieve the people of their difficulties. As I have already stated Sir, we appreciate the spirit of the Bill and in pursuance of this I would urge upon the Government to ensure that after the present Bill is passed they should be able to show real achievements in regard to procurement and distribution of the essential commodities to the people at a reasonable price instead of saying that they have succeeded in holding the price line in general.

I would not like to say in detail about the various provisions of the Bill. The time is short and the hell has been rung. I would only deal with that clause of the Bill wherein power is sought to be given to the Assistant Collector and even the S.D.O. for conducting searches in place of the Collector who alone was empowered to do it earlier. Another provision has also been made in this Bill whereby the action of officers conducting raids cannot be questioned in the courts of law. I must say that this provision of the Bill is not free from being misused by an unscrupulous

officer, who may harass the small cultivators for his personal gains because he knows that he is immune from legal action. It is very necessary therefore that the Government should keep a watchful eye on such elements and see that this provision of the Bill is not misused.

In the end I must say that while the Government speaks of penal measures, mixed economy and socialistic ideologies, they by their own actions are supporting a capitalistic economy in our country. In the Socialist States of USSR, Rumania, Bulgaria and even in China there has been no price rise for the last two decades. Today the Government is thinking of bringing about a thorough change in our Constitution. The preamble of the Constitution is sought to be changed to include the words 'Socialism' and "Secularism" but I can tell the House very honestly that these verbal changes can never introduce socialism in our country unless there is a sea change in the Government's policy in regard to the economic matters. The members of the Congress party can flatter Mrs Gandhi in hyperbolic terms, they can praise the 20-point programme to please her but these cannot bring down the prices unless the economic, and the political philosophy changes and the State structure is changed all together. While supporting the spirit of the Bill I must conclude by cautioning the Government that if they really want to achieve success, they have to change their outlook and philosophy.

SHRI Y. S MAHAJAN (Buldana):  
Mr. Deputy-Speaker, Sir, I rise to support the Essential Commodities (Amendment) Bill. Certain amendments to the original Act became necessary because of the experience gained during the last one and a half years. The original Act provided for the regulation production, supply and distribution of essential commodities. The Amendment Bill proposes that the powers of the Collector may

is exercised by an Additional Collector or other officers, not below the rank of a Sub-Divisional Officer, if so authorised by the Collector. Further, it protects the officers exercising the powers under the Act from malicious and vexatious proceedings. These provisions have become necessary to intensify the drive against hoarders, blackmarketeers and profiteers.

The experience of the price rise during April, May and June this year has given us a big jolt and it has shown that the hoarders and profiteers will take advantage of any unfavourable situation. The monsoon was late this year. So, in spite of the bumper crop of foodgrains and the groundnuts, the prices were pushed up to an appreciable extent. Timely action by the Government succeeded in bringing about again the downward trend of the price level.

15 hrs.

I am glad that the Government has come forward to make the provisions more stringent than before.

Section 3 is sought to be amended to provide that a levy order issued in relation to foodgrains, edible oilseeds and oil may fix, on a graded basis, the quantity to be sold by the producers, having regard to the area held by, or under the cultivation of, the producers. This change was necessitated by the striking down of levy orders by the Orissa High Court.

Finally, the Bill provides for the procedure and criteria for fixing the price in the case of levy or foodgrains, edible oilseeds and oil.

The Bill is a major amendment of the original Act, and seeks to put on a strong and sound basis the administrative structure necessary for its smooth functioning, by increasing the powers of the Collector and other officers as regards levy and price fixation and by protecting them from malicious and vexatious proceedings.

We have been trying to build up a public distribution system over a large number of years. Recently the problem acquired great urgency as a result of the inflationary spiral during 1972-74. Not only did we suffer from acute internal shortage of essential commodities, but also from raging inflation outside in most of the countries of the world. Only as a result of very severe and even draconian measures could we succeed in containing inflation and bringing down the price level. This was a heroic task. It was as difficult as lifting oneself by one's own boot straps. Simultaneously with credit control and distribution of foodgrains, efforts were made to raise production, and the result was that we had a bumper crop last year and prices in the market remained at a reasonable level. But during the last one week prices have begun to rise again.

The object of our economic policy, namely growth with social justice cannot be achieved unless we have a proper public distribution system on a permanent basis and Government takes responsibility for making available essential commodities and articles of mass consumption at reasonable prices. The well-being of the common man cannot be left to the free operation of the forces of supply and demand. Government must develop proper techniques and instruments for making the policy effective. During the last 15 or 20 years we have often improvised a public distribution system and then dismantled it when the crops were good. This has happened three times. I hope this will not happen again. The public distribution system cannot be, as the hon. Minister once said, a fire-fighting operation. It has to be on a permanent basis. It must also cover the whole gamut of operations, viz procurement, transport, storage and distribution. Hilly and backward areas are at a disadvantage as they are relatively inaccessible and transport expenses are heavy. So, Government has to see that the prices of

[Shri Y. S. Mahajan]  
 these commodities are the same every where irrespective of the transport cost involved.

Since co-operative institutions belong to the people and are democratic, they should be the main agency for the public distribution system. It is true that there are some at the taluk and district levels which are very badly managed. The management is often corrupt and fraudulent. Severe action should be taken against them, but in general the co-operative system should be used. We should have no objection to using the panchayat authorities, local government institutions and even private agencies where necessary and convenient.

To stabilise the prices of essential commodities Government has to see that the prices of their inputs are stabilised. Since most of the essential commodities are agricultural products, we have to see that the prices of fertilisers and pesticides are stabilised. But in the last 1½ years while the prices of agricultural commodities have come down by 40 per cent the prices of fertilisers, pesticides and other inputs required by the farmer have not gone down to the same extent. The same applies to manufactured commodities. Some manufactured commodities are in demand and they are produced for mass consumption. The prices of inputs required for the manufacture of such commodities should also be stabilised. If we control the prices of all commodities then we have to have an ordered economic system under which you will have an integrated and regulated price structure which can be the only basis of stability.

The public distribution system is, after all a system of conduit pipes. No distribution system can by itself increase the supply except to the extent that it removes black-marketing and profiteering. Only to that extent, the public distribution system can improve the supply. Beyond that, it has no effect. Unless you make arrangements for feeding the public distribution system properly, unless

our economic policy emphasises production and makes sure that production increases continuously at a reasonable level, the public distribution system cannot be successful.

Lastly, I would like to say a word about the remark made by Mr. M C Daga, that in our recent legislation, we try to avoid the jurisdiction of the courts. Once you go to a court, you have to go the district court, the High Court and the Supreme Court. It becomes unmanageable. It takes years to decide a small thing. Therefore, our policy has been, in the case of economic offences to remove the power of judicial authorities. It is with this object that we have vested powers in the Collector and his officers. I hope this will be understood and appreciated by the hon. Member of the House.

SHRI DINESH CHANDRA GOSWAMI (Gauhati) Mr. Deputy-Speaker Sir, I take my stand here to support this Bill which seems to have received almost the unanimous support of the House except some comments from my hon. friend Shri M C Daga.

The amendment of the Essential Commodities Act as I see it, which has been brought forward has been necessitated because of certain decisions of the court and also because of the experiences of the last few years. It appears undoubtedly that we have been called upon to make amendments to almost all our legislations in recent times in large numbers. But probably that cannot be avoided because we are passing through a very difficult time and also at a time when far reaching changes are taking place all over the country.

We cannot but appreciate the fact that in this country the food bill constitutes the major share of the budget of an individual. The rise in prices not only hits hard an individual but it affects the social economic and political situation in the country. Therefore, it is incumbent upon the Government to take all steps to see that the prices are kept at control be-



cause if we can keep the prices of essential commodities at control, we can not only give relief to the common individual but we also bring order in the political, economic and social field. It is in this sense that any stringent measure like this will have to be appreciated even though it may cause hardship to some individuals. It is a question of the choice between the hardship to some individuals, even in some stray cases injustice to some, and the relief to a vast majority of people. In such a case, obviously, the choice will be in favour of the relief to a vast majority of people. Even though the measure may have at some time or other caused some hardship to some individuals, we cannot but help in supporting this measure.

The amendment to Section 3 has become necessary, I feel, because of the decision of the Orissa High Court, if I am correct, where the levy of foodgrains was successfully assailed by parties on the ground that Section 3 deals only with stock in hand and not in the fields. The original Act, in Section 3, says that the Government will have the authority to hold stocks. That was interpreted to mean that you cannot procure essential commodities or foodgrains which are in the fields because those are not in the stock. Obviously, to get rid of these difficulties, this amendment has been brought forward. The procurement of foodgrains must be an essential thing of the whole system if we want to control prices. In the circumstances, the Government has been called upon to bring this amendment.

In fact, this amendment, to a certain extent, takes away the strength of Mr. Daga's argument of barring the jurisdiction of the court. We feel that, in such matters, the court need not have taken such a technical view of the matter divorced from the reality. Such technicalities, I feel, put the Government and the entire country in great difficulties. It will be better if, in these matters, we can take a liberal interpretation. But unfortunately in

some courts, we have not seen that, and that has necessitated the change in section 3. I welcome the change.

So far as the other amendment to section 3 is concerned, a provision has been made that, if a party from whom books of account are seized so desires, he can make copies of the same. Mr. Daga has raised an objection to it, and I feel that Government should have another look at it. Now the position is that, if books of account are seized from me, I can make copies of them, but the point is that the books of account may be seized from me only for a particular purpose—only two or three pages may be necessary. Why can we not make it otherwise? If the books of account are seized, the officer concerned can make copies and those copies may be made admissible in evidence. Please see the difficulties of the party. A voluminous book of accounts will be seized from him, and the case involved may relate to only one to three or four pages. The entire books of account will be taken away by the officer concerned and the party has to make copies from 1 to 50 or so. The entire procedure can be simplified if a provision is made otherwise. In such a case, the relevant extracts may be made by the officer concerned and those may be certified and used in the evidence. In that case, the necessity of the party having to make copies of all the hundred pages or so will be done away with. That, I think, will also take care of the mischief which Government is trying to protect that is, that subsequently when the books of accounts are produced in courts, there is scope for interpolation and changes may take place in the books of account . . .

AN HON. MEMBER: There is no provision to take certified copies.

SHRI DINESH CHANDRA GOSWAMI: I feel an amendment of a different nature can remove the hardship or do away with lot of injustice. Otherwise, I support it. Today the position is that there is lot of scope for interpolation. That can be done away

[Shri Dinesh Chandra Goswami]

with by a different amendment, not by the amendment which has been proposed now

There has been an effort to rationalise the prices I do not know why so many types of prices have been fixed I feel that we can further rationalise because as I see, the different kinds of prices will give scope to lawyers. Why not simplify the whole procedure?

Now, the jurisdiction of the court has been barred in cases where the goods will be seized or confiscated Under the provisions of the Essential Commodities Act if goods are confiscated, a person has the right of appeal to a judicial authority appointed by the State Government One unfortunate omission in the Bill is that we have not at all prescribed the terms or conditions of the judicial authority It is left to the vagaries of the State Government as to whom they can appoint as the judicial authority Now we have taken away the powers of the court We support it But at the same time we should take care to see that persons of real integrity and independence are placed in the judicial authority Therefore, there should be some guidelines in the statute itself to see that only this type of persons will be in the judicial authority

Another thing which we have to notice is this Today if a collector seizes and confiscates a person can appeal under the provisions of section 6 to the judicial authority and the decision of the judicial authority under the amending Bill cannot be assailed in a court of law But if no order of confiscation is passed but only an order of seizure is passed, then the person has no right of appeal to the judicial authority Section 6 of the Act says

"Whenever any essential commodity is seized in pursuance of an order made under Section 3 in relation thereto, the Collector or as the case may be, the judicial authority ap-

pointed under section 6C shall have, and, notwithstanding anything to the contrary contained in any other law for the time being in force, any other court, tribunal or authority shall not have, jurisdiction . "

I can understand that when you have given a right of appeal to a judicial authority, you take away the power of the court in order to avoid multiplicity of forums provided you constitute the judicial authority with persons of integrity But what about those cases where only orders of seizures will be passed and there will be no orders of confiscation? There I have no right of appeal to the judicial authority There I am entirely at the mercy of the Collector The Collector's orders are meant as final under this amending Bill If the order of seizure is made appealable to the judicial authority I could have argued reasonably, Look here There is a forum in which you can go and challenge the order of the Collector and there is no reason why that forum will not act judicially But, here, in case of seizures the Collector has been made the final arbiter of the whole thing and I do not welcome such a provision where such vast powers are given to the Collector Therefore I feel and I do not mind your taking away the powers of the court but when you take away the powers of the court there should be an alternative forum where an aggrieved person may go It is always dangerous to place all the eggs in one basket It is always dangerous to vest every power with one administrative authority After all human beings as we are we may make *bona fide* mistakes and we may make mistakes otherwise also and it is in the fitness of things that one should be given a right of appeal You may not like to give it to the court. Even though you have given in case of confiscation the power to the judicial authority in the case of seizures also such powers should be given Otherwise I feel, knowing the situation in this country as it is giving too much power to the Collector, when you have brought in the defini-

tion of 'Collector', the Additional Collector and such other officer, not below the rank of Sub-Divisional Officers, will only create a scope for corruption and, therefore, I feel that you should take care in that direction also....

SHRI P. G. MAVALANKAR (Ahmedabad): Then, which is the other authority?

SHRI DINESH CHANDRA GOSWAMI: The provision as it is uptill now is that in the case of a confiscation of goods by Collector, one can appeal to the judicial authority which is appointed by the State Government. Now we have said that an order made by the Collector or the judicial authority is not appealable. Uptill now the courts have the power. Speaking for myself, even if you take away the powers of the court, I do not mind provided two safeguards are there: (1) You must define as to what are the terms and conditions of the judicial authority so that persons of integrity may come and one may have confidence. There is no guideline and the States may make Mr. 'A' or Mr. 'B' or Mr. 'C' as the judicial authority. (2) The second basic objection is that I can appeal to the judicial authority only in case of confiscation and not in case of seizure. In case of seizure the Collector's order, by this amendment, has been made absolutely final. I have a feeling that this is not a welcome provision. It is not in the spirit in which we have approached the subject. Even in constitutional amendments, whenever any power has been taken away from the courts, it has been given to a tribunal so that a man may reasonably feel that even though he may not be allowed to go to a court, here is a forum where he can go and lay his grievances.

Therefore, I feel that this amendment is not complete and an amendment of a different nature should also come where you should fix the terms and conditions and criteria for the judicial authority as well as some

appellate body, if not the court, for appealing against the order of the Collector.

Broadly speaking, therefore, with these observations on this particular provisions of Section 6, I give broad support to the other provisions and on the whole I welcome the Bill. I hope the Minister will look to the objections I have raised and will try to convince me. It maybe that I am mistaken.

श्रीशिव नाथ सिंह (झुंझुनू) :  
 उपाध्यक्ष महोदय जैसा कि इस बिल के उद्देश्यों के विवरण में बताया गया है, इसका सम्बन्ध आवश्यक वस्तुओं के प्रोडक्शन, सप्लाई, डिस्ट्रिब्यूशन और प्राइसिंग पालिसी से है। अभी तक हमारे यहां जो प्राइसिंग पालिसी है, वह सन्तोषजनक नहीं है और सरकार को उसकी तरफ ध्यान देना चाहिये। आवश्यक वस्तुओं की दो केटेगरीज हैं : कृषि-जन्य पदार्थ और इंडस्ट्रियल गुड्स। कृषि जन्य पदार्थों की कीमतों का ढांचा बहुत गलत है। उन का उत्पादन करने वालों किसानों को रीम्युनेरेटिव प्राइसिंग नहीं मिलती हैं। कुछ कृषि-जन्य पदार्थ इंडस्ट्रियल गुड्स में कनवर्ट होते हैं, मगर उन दोनों की प्राइसिंग में बहुत भारी अन्तर होता है। इसलिये केवल कहीं इधर-उधर माल को कन्फिस्कट करने, या इस प्रकार की दूसरी कार्यवाही करने, से सप्लाई की पोजीशन ठीक होने वाली नहीं है। हमें अपनी प्राइसिंग पालिसी की तरफ भी ध्यान देना चाहिये। इसलिये जितने भी पदार्थों में उसकी रामैटोरियल और फिनिशड गुड्स के अन्दर इतना बड़ा फर्क है उसको हमें नैरो डाउन करना पड़ेगा। आज मिडिलमैन का प्राफिट बहुत लम्बा है, सरकार जहां हैंडलिंग करती है वहां भी और प्राइवेट व्यापारी करता है वहां भी। हम प्रोड्यूसर से 105 रुपये में गेहूं लेते हैं और कन्ज्यूमर को 136-137 रु० में देते हैं। इतना बड़ा जो यह गैप है

### [श्री शिव नाथ सिंह]

इसको हमें कम करना चाहिये। इसलिये सरकार से मैं निवेदन करूंगा कि प्राइसिंग पालिसी की तरफ सरकार ध्यान दे जो इस कानून का उद्देश्य भी है।

इसी तरह से कपड़े का सवाल है। आवश्यक वस्तुओं में आपने बहुत सी चीजें रखी हैं लेकिन इस प्रकार की और बहुत सी चीजें हैं जिनको उसमें रखना चाहिये। मंत्री महोदय ने उस दिन 60-61 चीजों के नाम गिनाये थे। जैसे कपड़े को आप ले लीजिये, यह उतना ही आवश्यक है जितना अनाज। अनाज के बारे में हमने काफी प्राविजन्स रखे हैं। आज कोई भी आदमी चाहे वह अनाज को पैदा करने वाला हो या अनाज का ट्रेड करने वाला हो इन प्राविजन्स के अन्दर उस के पास कुछ बचने की गुंजाइश ही नहीं है। लेकिन जहां तक कपड़े का सवाल है, कपड़ा भी एक आवश्यक वस्तु है, उसमें कुछ कटेगरीज आपने मिलों के लिये रखी है इसलिए कि हम जनता कपड़ा और सस्ता कपड़ा बाना चाहते हैं। लेकिन उसमें कितनी मिलावट है, आप जितना काउंट देना चाहते हैं उसमें उतना वह नहीं देते है, जितना सूत देना चाहते हैं उतना सूत वह नहीं देते हैं, इसीलिये आपका जनता कपड़ा इतना पापुलर नहीं हो पाया है लेकिन इन मिल वालों के खिलाफ जो ठीक प्रकार का कपड़ा नहीं पैदा करते हैं, इन्फेरियर क्वालिटी का कपड़ा पैदा करते हैं, कोई कार्यवाही नहीं होती। इनमें से एक भी पकड़ में नहीं आते हैं। तो आप अपनी मशीनरी को इधर भी टाइटेन कीजिये ताकि जो इंडस्ट्रियल गुड्स में मिलावट है उसको वे रोकें।

पिछले दिनों में जो एसेंशियल गुड्स हैं उनमें से खेती की चीजों के अलावा दूसरी इंडस्ट्रियल गुड्स जो हैं उनकी प्राइसेज बढ़ी है और वे बहुत ही मोनोपॉलिस्टिक तरीके से बढ़ी हैं। कपड़े के ऊपर आपने कीमत छापने का प्रावधान किया। वह इतना कर दिया कि जो वास्तविक कीमत है उससे

सवाया और ड्योड़ा दाम उन्होंने छाप दिया। उसके बाद कुछ इंटरवेंशन से उस कीमत से दस परसेंट कम कर दिया। यह दिखा दिया कि जो कीमत छपी थी उस से कम में दे रहे हैं लेकिन वह भी असल कीमत से 20 परसेंट अधिक है। तो इन चीजों के ऊपर आप ध्यान दीजिये। आप की मशीनरी बिल्कुल इन-एफेक्टिव है। उसमें जब तक सुधार नहीं लायेंगे तक तक इस प्रकार के प्राविजन्स से अधिक कुछ होने वाला नहीं है।

इस बिल के सम्बन्ध में मैं निवेदन करना चाहूंगा कि इसमें आपने कलेक्टर के अधिकार ऐडीशनल कलेक्टर और एस० डी० ओज को दिये हैं। यह आवश्यक था क्योंकि कलेक्टर एक इतने बड़े जिले का इन्चार्ज होता है, उसका सबोर्डिनेट आफिसर्स एस० डी० ओ० लेवल का होता है वह भी कुछ कम नहीं होता है, वह भी स्टेट लेवल का आफिसर होता है और एक जिम्मेदार आफिसर होता है। उसको भी यह अधिकार होना चाहिये। तो यह आप का एक बेलरूम प्राविजन है। लेकिन इसके साथ साथ दूसरे जो प्राविजन्स आपने रखे हैं उनमें कई में हांडशिप्स हैं। जैसे आपने नोटिस के लिये रखा है। किसी भी चीज को कान्फिस्क्रेट या सीज करने के लिये आपने एक नोटिस देने का प्राविजन रखा है। नोटिस वह आफिसर देता है जिस ने पन्द्रह बीस साल स्कूल कालेज में अध्ययन किया है, जिसको ऐडमिनियट्रेटिव एक्सपीरियंस है, उससे हाथ से कोई गलती हो गई और उसकी वजह से किसी भी आदमी की प्रापर्टी कान्फिस्क्रेट हो गई तो उस आफिसर को आप कम्प्लीट छुट देना चाहते हैं, उस आफिसर के खिलाफ कोई ऐक्शन नहीं हो सकता और जो एक साधारण किसान है जो अनपढ़ है, जिसने कभी स्कूल कालेज का मुंह नहीं देखा, उससे थोड़ी सी भी गलती हो जाती है तो उसको जेल जाना पड़ता है, उसकी सारी सम्पत्ति को आप कुर्क और जब्त कर सकते हैं। इसलिये यह जो अधिकार आप दे रहे हैं कि कोई भी

कानूनी खामी नोटिस में रह जाती है तो उसके लिये उस आफिसर के खिलाफ कोई कार्यवाही नहीं हो सकती है, यह ठीक नहीं है। अब आप देखिये, आपका सप्लाई भूहकमा है। मैं नहीं कहता कि कलेक्टर या एस० डी० ओ० सब बेईमान हैं लेकिन आपके सप्लाई इंस्पेक्टर या सप्लाई आफिसर जो हैं उनका कैरेक्टर हम जानते हैं। जितनी बांगली सप्लाई के मुहकमे में होती है उतनी और कहीं नहीं है। अब वह आफिसर चाहे जितनी भी मनमानी करे, कोई मैलाफाइडी गलती करे तो भी उसके खिलाफ कोई सूट नहीं हो सकता, कोई कार्यवाही नहीं हो सकती, ऐसा प्राविजन आपने इसमें कर दिया। यह प्राविजन बहुत ही गलत है। इसका मिस्यूज होगा। आज जितने भी सरकारी अधिकारी एग्जीक्यूटिव साइड में हैं उन लोगों का कैरेक्टर बहुत गिर चुका है और वे पब्लिक से जितना अधिक ऐंठना चाहते हैं उतना ऐंठते हैं। इसलिये उनको तो आपको और कंट्रोल करना चाहिये था लेकिन वह करने के बजाय आपने उनको और छूट दे दी कि वे कहीं भी कब्जे में न आ सकें।

इसी तरह से आपने इनको अदालतों के जूरिस्टिक्शन से बाहर किया है। मैं निवेदन करूंगा कि किसी न किसी रूप में जो ऐंग्रीव्ड पार्टी है उसको अदालत में जाने का प्राविजन हमको करना पड़ेगा क्योंकि जायज नाजायज किसी भी तरीके से किसी की सम्पत्ति आपने जब्त कर ली, उसका माल जब्त कर लिया तो उसको कम से कम अदालत में जाने का अधिकार तो होना चाहिये और उस लिये प्राविजन इसमें होना चाहिये। जो एस० डी० ओ० और दूसरे एग्जीक्यूटिव आफिसर्स हैं उनको कई प्रकार की हार्डाशिप्स में से गुरजना पड़ता है, उनको कई गलत काम करने पड़ते हैं तो उसके लिये उनका आप प्रोटेक्शन कर दें लेकिन अदालत में जाने का प्राविजन किसी भी ऐंग्रीव्ड पार्टी के लिये न रखें तो ससे कुछ बहुत अधिक होने वाला नहीं है। इसलिये

चाहे आप इस वक्त करें या बाद में लेकिन अदालत में जाने का किसी का जो अधिकार है उसका प्रावधान आपको इसमें रखना चाहिये। अभी जो प्रावधान आपने किया है वह ठीक नहीं है।

इसी तरह से इसमें कुछ प्राविजन्स जो आपने रखे हैं वह अच्छे भी हैं जैसे कि एक प्राविजन कागजों के सम्बन्ध में है। मैं अपने पूर्व वक्तव्यों से सहमति व्यक्त करता हूँ कि कागज अगर अरुसरों के पास रहेंगे तो उनकी नकल लेने में हार्डशिप हो सकती है। आज कोई कागज पकड़े गये उसके बाद जिस वक्त कोर्ट में केस होता है उस दिन तक उनमें बड़ा मैनियुलेशन हो जाता है जिसके कारण बहुत से एक्वीटल हो जाते हैं। इसलिये कागजों की सर्टिफाइड कापीज़ या तो आप दें या अपने पास रखें लेकिन इसके लिये कोई सेफगार्ड होनी चाहिये ताकि उनमें कोई मैनियुलेशन न हो सके। आपने जो प्राविजन रखा है वह बेलकम है लेकिन कोई हार्डशिप हो तो उसको आप दूर कर सकते हैं।

दूसरा प्राविजन सीज्ड कमाडिटी के सम्बन्ध में है। इसी प्रकार की कमाडिटीज हो सकती हैं जिनको किसी अरुसर के सामने पेश करना जरूरी नहीं होना चाहिये जब कि पहले जरूरी था। यह बेलकम प्राविजन है जिससे बहुत सी दिक्कतें दूर हो जायेंगी।

पिछले दिनों में देश में जो कीमतें बढ़ी है, उन पर नियंत्रण करने की जो आपकी मशीनरी है उस मशीनरी का नियंत्रण ठीक नहीं हो पा रहा है जिसकी वजह से कीमतें बढ़ी हैं। इस सम्बन्ध में जो कृषिजन्य पदार्थ हैं उनकी कीमतें तो गिरी हैं लेकिन दूसरे पदार्थों की कीमतें बढ़ी हैं। इस प्रकार से कीमतें घटाने का जो ट्रेन्ड है उससे इस देश के किसानों को नुकसान हो रहा है। किसानों को इसमें प्रोटेक्शन मिलना चाहिये।

इसमें आपने एक प्राविजन रखा है कि जिस साधन से कमाडिटी ले जाती हुई पकड़ी

(श्री शिवनाथ सिंह)

जाएगी, वह चाहे बैल हो या ऊंट हो उसको आप मार्केट वैल्यू पर कानफिस्क्रेट कर सकते हैं या उसको बाद में मार्केट वैल्यू पर छोड़ सकते हैं। अदालत मार्केट वैल्यू ले लेगी। मैं समझता हूँ इसके लिये कोई स्पेसिफिक प्राविजन होना चाहिये क्योंकि आज एक ऊंट की मार्केट वैल्यू क्या हो सकती है—एक के दिमाग में पांच सौ हो सकती है तो दूसरे के विभाग में 15 सौ हो सकती है। मैं समझता हूँ कि उसके लिये मैक्सिमम फाइन का प्रावधान कर देना चाहिये, कि उससे ज्यादा फाइन नहीं हो सकता है क्योंकि मार्केट वैल्यू तय हो नहीं सकती है।

इन शब्दों के साथ मैं इस बिल के जो अच्छे प्राविजन हैं उनका समर्थन करता हूँ और मंत्री जी से पुनः निवेदन करना चाहता हूँ कि जो आपकी प्राइसिंग पालिसी है, खास तौर से कच्चे आर पक्के माल के दामों में जो बहुत फर्क है उसको वे घटाने की चेष्टा करें।

SHRI B. R. SHUKLA (Baharaich):  
Mr. Deputy-Speaker, Sir, I extend my full support to every amending provision of this Bill. Mr. Daga has criticised the very fundamental policy behind this Bill. There he is miserably mistaken because he appears still to be wedded to the doctrine of *laissez faire* a policy which has been long abandoned not only in the socialistic countries but even in liberal democracies, where the welfare State has been adopted as their policy.

The object of the amending Bill is very limited. Therefore, I shall not try to take much time about the success or validity or relevance of the amending Bill. The first point is about the definition of collector which is sought to be amended. That is going to be changed. Collector being the only officer of its kind in a district has not got sufficient time to devote for the implementation of the provisions of the Essential Commodities Act.

Therefore, the definition of 'Collector' is being amplified so as to include the Additional Collector as well as any other officer not below the rank of the S. D. O. which means Taluka Magistrate or Hakim Pargana in U.P. Therefore, this amending provision is very very necessary and will go a long way to relieve the burden on the Collector.

15-30 hrs.

[SHRI C. M. STEPHEN *in the Chair*].

The second amendment is to the effect that a person engaged in the production of an essential article can be required to sell the whole or a specified quantity of the commodity to the State Government or the Central Government or to an agent of either of these two Governments or to a corporation owned or controlled by either the Central or State Government. It has also been provided that the levy can be fixed according to the basis of the area held by the producer. The necessity for amending the Act in this way arose on account of a certain pronouncement of the High Court of Orissa. The cultivators were required under the Essential Commodities Act to pay levy according to the area held by them. It was said that since they were not holding the actual quantity of grain in stock, therefore, it was not within the scope of the provision of the Act that they should be directed to pay the levy according to the area held by them under cultivation. In order to obviate this legal difficulty arising out of the judgment of the Orissa High Court, this amending provision is sought to be incorporated in this Bill. This is a very salutary provision, otherwise, procurement of levy grain would be very much jeopardised because of this legal difficulty.

Many hon. members have said that the court's power is taken away in matters of confiscation. They are mistaken. Under sec. 6A of the existing Act, the Collector is empowered

to confiscate in whole or part thereof if he is satisfied that there has been a contravention of any provision of the Essential Commodities Act. Now if any person is aggrieved by the order of the Collector confiscating the essential commodity, he has under that very section a right to go in appeal to a judicial authority prescribed by the State Government. Therefore, the amending sec. 6E only provides that notwithstanding anything to the contrary in any law, no court other than the Collector acting under 6A or the judicial authority which is the appellate authority under sec. 6C, would have any jurisdiction in respect of the possession, delivery, disposal or distribution of the essential commodity.

The Essential Commodities Act is a special Act. It has been enacted for the benefit of millions of consumers in this country. Therefore, if the civil and other courts are allowed to interfere with the order of the Collector, except as limited by the provision of appeal, the whole machinery would be jeopardised. Suppose thousands of wagons of essential commodity have been confiscated by the Collector and they need immediately to be distributed through fair price shops. Now the person aggrieved goes to the civil court and obtains an injunction or stay order of the civil court. It means that needy persons will have no commodity for use. Purposefully the jurisdiction of the court had been taken away. Otherwise the administration of this law will be paralysed and rendered ineffective.

Objection has also been raised that those persons who are engaged in the implementation of this Act are not going to be prosecuted. Already under section 15 of the Act there is provision that no suit or prosecution shall lie against any person purporting to act under the provisions of the Act provided his act has been done in good faith. 15(A) which is sought to be added says that such a person, if he has committed an offence while pur-

porting to act in the discharge of his duties shall not be prosecuted except with the sanction of the State government if he is an employee of the State government or with the sanction of the Central government if he is an employee of the Central government. The reason is obvious. An officer wants procurement of grain which has been levied against a cultivator or against a hoarder. Something happens in the implementation; and next day he is being hauled up before a court; a criminal complaint is filed against him. So this protection is very salutary and it is also incorporated in the Criminal Procedure Code with reference to certain specified officers. That benefit is now being extended to other officers.

Now, with regard to account books, they are generally voluminous and they are necessary for the day-to-day work of the shop-keeper. If the whole volume is taken by the investigating authority, businessmen will suffer a lot. Therefore, the old provision should be retained; a certified copy from the account book should be taken by the officer who is seizing the account books and the original should be returned to the businessman.

With this suggestion I extend my wholehearted support to the Bill. The Act has been implemented so effectively that we are in a position to control inflation, hoarding and black-marketing and we are proud of it. We find that hoarding, blackmarketing and the rise in prices are world phenomenon and India is no exception.

MR. CHAIRMAN: Before I call upon the next speaker, I want to draw the attention of the hon. Members to the time schedule; it has to be strictly adhered to, because there is a heavy load of legislative business to be transacted. The hon. Minister will be called at 4.45 I have got with me a list of eight more speakers. So the time has got to be adjusted and it means there cannot be any leniency about the timelimit; eight minutes per speaker is all that can be given.

श्री जगन्नाथ मिश्र (मधुबनी) : मुझे बहुत प्रसन्नता का अनुभव हो रहा है कि हमारी सरकार आम जनता और सर्वसाधारण के जीवन के लिये जो आवश्यक वस्तुएं हैं उनको उसके लिये मुहैया करने के लिये सुलभ, करने के लिये वचनबद्ध और कटिबद्ध है और इस निमित्त एसेंशियल कमोडिटीज एमेंडमेंट बिल ले कर इस सदन के सामने आई है और इस पर हम इस समय चर्चा कर रहे हैं। अनुभव के आधार पर मूल विधेयक जो 1955 में पारित किया गया था उस में जो त्रुटियां उस को मालूम पड़ी हैं उनका संशोधन वह अब करने जा रही है। मैं इस संशोधन विधेयक को लाने के लिये मंत्री महोदय को बहुत धन्यवाद देता हूँ। क्लॉज 8 के मातहत सरकार जो संशोधन लाई है वह अपने आप में बहुत महत्वपूर्ण है। लोग कहते हैं कि कलेक्टर को ही सब अधिकार क्यों दिये जाते हैं। तो क्लॉज (2) में मैं देखता हूँ कि किस तरह से पावर को डीसेन्ट्रेलाइज किया जा रहा है। जो अधिकार पहले कलेक्टर को थे वह अधिकार अब ऐडिशनल कलेक्टर और एस०डी०ओ० को मिल रहे हैं। इससे स्पष्ट है कि सरकार डीसेन्ट्रेलाइजेशन के पक्ष में है। हर संशोधन बड़ा महत्वपूर्ण है। उड़ीसा प्रोक्योरमेंट आर्डर को हाई कोर्ट ने रद्द कर दिया और मामला लटका रहा जिससे वसूली के काम में रुकावट पड़ी। इसलिये जरूरी है कि इस पर रोक लगे और कुछ कड़ाई से काम हो। इसीलिये नियम बनने जा रहा है कि जो ओरिजिनल डोक्यूमेंट्स हैं उनको सरकार रख लेगी और पार्टी उसकी नकल कर सकती है। प्राइस को निश्चित कर दिया गया है, और कनफिस्केटेड गुड्स को जन वितरण प्रणाली के आधार पर वितरित कर दिया जायेगा और गलती करने वाले गलती न कर सकें इसका ध्यान रखा गया है। और इसका निर्णय करते के लिये

कलेक्टर या जुडिशियल अथोरिटी इसकी छानबीन करेंगे।

क्लॉज (8) में यह भी कहा गया है कि अगर किसी व्यवसायी को सरकार के निर्णय के खिलाफ कोई बात पेश करनी है तो वह प्रान्तीय सरकार और केन्द्रीय सरकार की अनुमति से कर सकते हैं और इन नियमों का कड़ाई से पालन हो इसकी व्यवस्था की गई है। इसलिये मंत्री जी के संशोधन अच्छे हैं और जनहित में हैं, इसलिये मैं इनका समर्थन करता हूँ।

लेकिन प्रश्न उठता है कि क्या इन संशोधनों के बाद सारी समस्या हल हो गई? जब मैं इन संशोधनों की तह में जाता हूँ तो लगता है कि अभी भी बहुत से लूचहोल्स हैं। जैसे जो गलती करने वाले व्यवसायी या पार्टी हैं उनको कैसे सजा दी जाय इस पर इनके संशोधन चुप हैं। और इसीलिये लोग गलती करते रहेंगे। ऐसा हो गया है कि कोई कानून बनाओ और सख्ती से उसका पालन न हो तो ब्लैक मार्केटिंग्स, होर्डिंग्स और प्रीफ्रिटीयर्स सामने आयेंगे। इन तीन मगरमच्छों को कैसे काबू किया जाय, कैसे इन पर नियंत्रण पाया जाय यह एक बड़ी समस्या है सरकार के सामने। इसलिये सरकार इस पर विचार करे और इस संशोधन में इसको भी शामिल कर दे कि इस तरह की गलती करने वालों को सख्ती से सख्ती सजा दी जायगी। यह मेरा मुझाव है, और यह इसलिये भी जरूरी है कि अभी जब डी०आई० आर०, एम०आई०एस०ए० और 20 सूत्री कार्यक्रम चल रहा है, इनके रहते हुए भी जो व्यवसायी हैं वह ब्लैक मार्केटिंग, होर्डिंग और प्रीफ्रिटीयरिंग करने से बाज नहीं आ रहे हैं। इसलिये इन सब पर निगरानी की जरूरत है ताकि वह ऐसे काम न करें।

देखा जाय पिछले साल बम्पर क्रीप हुई, अन्न का अभाव नहीं है। लेकिन व्यवसायी इस बात की ताक में रहते हैं कि कब माँक



खपे और डाम बढ़ा दें और जनता को तकलीफ में डाल दें। जैसे शमी मई और जून में जीवन की आवश्यक वस्तुओं के दाम बढ़ गये और जब पूछा गया तो सरकार ने कहा कि चूँकि मानसून देर से आया इसलिये कीमत बढ़ गई। यह बात मेरी समझ में नहीं आती क्योंकि मूल्य बृद्धि अप्रैल और मई में हुई और मानसून आता है जून में। इसलिये इन दोनों बातों में मेल नहीं खाता है। अगर हम चाहते हैं कि ग्राम जनता को जीवन की आवश्यक वस्तुएं मुहैया करे तो आवश्यक है कि फूड ग्रैन्स और आवश्यक वस्तुओं में 61 चीजें आनी हैं जिनको स्पष्ट किये बिना, मैं तीन चार, चीजों के बारे में कहूँगा कि फूड ग्रैन्स, शूगर, इंधन और टैक्सटाइल्स को ग्राम अपने नियंत्रण में ले लें तभी जनता का कल्याण होगा, अन्यथा नहीं।

सरकार को यह भी देखना चाहिए कि क्या इस कानून और इन नियमों की रोगनी हमारे ग्रामीणों तक भी पहुंचती है या नहीं। मैं समझता हूँ कि इस सम्बन्ध में ग्रामीणों का भाव्य सब से बुरा है। पहले तो उनको चीजें मिलती नहीं हैं, और अगर मिलती भी है, तो वे शहरों की अपेक्षा अधिक मूल्य पर मिलती हैं। इसलिए सरकार को यह व्यवस्था करनी चाहिए कि शहरों और ग्रामों, दोनों जगहों में, चीजें एक ही मूल्य पर उलबध हों। ग्रामीणों का चीजें मुहैया करने के लिए मोबाइल शाप्स, घूमनी-फिरनी दुकानों, की व्यवस्था करनी चाहिए।

गवर्नमेंट जो स्टॉक करनी है, उसको सुरक्षित ढंग से रखने के लिए स्टोरेज का इन्तजाम सक्षम और संतोषजनक होना चाहिए, वना सामान गल-सड़ जायेगा, नष्ट हो जायेगा, जिससे राष्ट्रीय क्षति होगी।

इम्पॉर्टिड गुड्स के वितरण की समुचित व्यवस्था करनी चाहिए, ताकि वे उचित मूल्य पर ग्रामों और शहरों में मुहैया हो सकें।

मेरे क्षेत्र में एक शूगर फैक्टरी गत वर्ष से बन्द है। यह बात समझ में नहीं आती है कि जब देश में 20-मूली कार्यक्रम को कार्यान्वित किया जा रहा है, तो यह फैक्टरी क्यों बन्द है। उससे कर्मचारी बेकार हो गये हैं और अपनी रोजी-रोटी से वंचित कर दिये गये हैं। यह बहुत आवश्यक है कि कम से कम जब तक देश में वातावरण सुधर नहीं जाता है, तब तक किसी फैक्टरी या मिल में हड़ताल, धरना और छंटनी न हो और न ही कोई फैक्टरी बन्द हो। मुझे आशा है कि मंत्री महोदय इस मामले की तरफ ध्यान देंगे।

मैं इस विधेयक का समर्थन करता हूँ।

SHRI JAGANNATH RAO (Chhatrapur): Mr. Chairman, while supporting this Bill, I am constrained to say that the implementation of this Act during the last 21 years has been very tardy, with the result that we have not been able to achieve the objectives embodied in this Act. The Bill says:

"In the interests of the general public, the Act provides for the control of the production, supply and distribution of, and trade and commerce in, certain commodities."

The essential commodities have been enumerated; the power is also given to the Government by official notification to include any other article as an essential commodity.

But, what have we done? We have not been able to build up any public distribution system. We are not able to control production in the sense we are not asking the agriculturists to produce certain commodities which are essential. We leave it to the free will of the agriculturists to produce any crop which, according to them, will give them more profit. I am glad that the Government is thinking of a national plan for production of food-grains. It is very good.

[Shri Jagannath Rao]

Coming to prices, there is no uniformity in prices. The prices go up during the days of plenty as well as during the days of scarcity. There is no control on prices and there no price tag is fixed to any article. This is the time for the Government to think of a built-in machinery, a public distribution system. When we talk of the public distribution system, the Government applies its mind only to the urban and industrial areas. Naturally, it is necessary there, but what about the other areas, the sub-divisional, district, taluk or block headquarters level, where also there are poor people who require some protection? Therefore, this built-in machinery should extend up to the block level. The essential commodities should be procured either by the Government or the co-operative societies and supplied at the reasonable prices to the people who are in need of them.

There is a crisis of character in the country. The traders are not interested in the well-being of the people. They are avaricious. They indulge in hoarding, blackmarketing and profiteering. The other day the prices shot up only because of the delayed monsoon. But when the Government took firm action and some traders were detained under the MISA, the traders released the stocks and the prices came down. It this is going to be the pattern of our society, I do not think we can progress as a nation. Therefore, it is highly necessary that the Government should keep a watch not only on production but also supply, distribution and prices. I hope Government will now seriously think in this regard and, God willing, this new system will come into being very soon.

The amendments sought to be made now are mostly procedural, which are also necessary, except for section 3(1)(f) which is a substantive provision which is necessitated by the decision of the Orissa High Court.

The Orissa High court was right in striking down the levy order, I know it, I come from that State, because a certain quantity of paddy was levied on a particular person without reference to the crop. He was asked to give certain number of quintals of paddy though the land does not given him so much. Has he to go to the market and purchase and give it to the officer? So, on the ground that it had no relation to the land in his possession and the crop yield from that land, it was struck down. That defect has now been remedied, and this amendment is highly necessary.

My friends were complaining that there is no appeal against seizures. I am afraid they are wrong. If they read the proposed Clause 6E it says:

"Whenever any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, the Collector or, as the case may be, the judicial authority appointed under section 6C shall have, notwithstanding anything contained in any other law, jurisdiction. etc. etc."

Therefore, the jurisdiction rests with the Collector to review the order or the judicial authority constituted. Therefore, the authority is there, and the right to complain against seizures is given to the aggrieved persons. So also, there is the right of appeal against confiscation. Therefore, the objections raised are not valid according to me.

I would also say that the Act should be a self-contained code. Code by itself, and no one should take recourse to other laws. This Bill seeks to restrict the rights of citizens to go to a court under article 226, but there is provision for an aggrieved person to complain against an order. So, if you view this Act in this particular context, there is no room for complaint from any quarter.

Therefore, while I welcome the Bill, I suggest that the punishment

should be more stringent. Let us not be forced to take recourse to MISA, DIR etc., against the offenders. We had made some provisions for summary trials in 1974, but what is the sentence? One year. Why don't you make the punishment more stringent, make this Act a Code in itself, so that you do not have to go to any other law except the Criminal Procedure Code for purposes of procedure, for trial of cases, because these cases have to be disposed of summarily. The luxury of litigation should not be allowed to an aggrieved person. He may have a grievance, it does not matter. On the ground of natural justice there should be some provision in law to an aggrieved person to complain to higher authorities. That is there. Beyond that, he should not be allowed to go to the High Court and the Supreme Court.

Therefore, I would request the Government to review this Act and bring a comprehensive legislation to achieve the objects mentioned in the original Act and see that a control production, that there is a national plan for production, a national plan for procurement, supply and distribution up to the block level.

What is the provision we have made for the poor people? How are we ensuring the availability of essential commodities at reasonable prices to them? This Bill is no improvement in that regard. You have curtailed some rights of the individuals to go to courts, that is all right, but the desired result cannot be achieved by this amendment. So, while supporting the Bill I would appeal to the Government to think seriously and bring forward a comprehensive legislation whereby we can have a permanent built-in public distribution system in the country to achieve the objective for which the original Act was enacted.

सरदार स्वर्ण सिंह सोखी (जमशेदपुर) :  
चेयरमैन साहब, यह जो एसेंशियल कमा-

डिटीज (अमेंडमेंट) बिल यहां पर लाया गया है वह बहुत अच्छा बिल है। 1955 में जो ऐक्ट बनाया गया था उसमें बहुत सारी ऐसी बातें थीं जिनको इस वक्त अमेंड करने की जरूरत थी। मुझ से पहले बहुत सारे दोस्तों ने यहां पर अफ़रों के बारे में और एकाउन्ट बुक्स के बारे में कहा है, मैं भी अपने कुछ सुझाव रखना चाहता हूँ।

पहली बात तो यह है कि एफ०डी०ओ० और कलक्टर वगैरह जो होते हैं उनको आपने यहां से तो पावर वे दी लेकिन वे लोग क्या करते हैं कि अपनी पावर्स को आगे अपने सर्वाइनिट्स को डेलिगेट कर देते हैं। वे खुद तो किसी टूर पर चले गये और पावर्स किसी दूसरे मैजिस्ट्रेट को डेलिगेट कर दीं। इसमें कई किसम की बातें होती हैं। इसलिए मैं चाहता हूँ इसमें स्ट्रिक्ट प्राविजन होना चाहिए कि जो पावर्स दी गई हैं उनको आगे डेलिगेट नहीं करना है।

अफ़रों में जहां तक करप्शन का सवाल है, उसके बारे में कई दफ्ता यहां पर बातें हुई हैं। खास तौर से हमारी स्टेट बिहार में तो बहुत ही करप्शन है। वहां पर ग़ैर पैसा दिये कोई चीज़ आगे नहीं चलती है। बिना पैसा दिये कोई कागज़ आगे अफ़र के पास नहीं जायेगा। जहां तक एसेंशियल कमाडिटीज का सवाल है उसको भी आप स्टेट्स पर ही छोड़ देते हैं। होर्डिंग तो आज भी एग्जिस्ट करती है। हम देखते हैं कि बीच बीच में चीजें मिलनी बन्द हो जाती हैं। अभी कुछ दिन पहले बाज़ार में बेड़ी फ़ूड मिलना बन्द हो गया था। सप्लाई मोहकमे की यह जिम्मेदारी होती है कि जो एसेंशियल कमाडिटीज हैं, कम से कम जो बच्चों के लिए जरूरी चीजें हैं वह तो मिलनी बन्द नहीं होनी चाहिए। अभी तेल के दाम कितने बढ़ गये। कम से कम कुछ दिनों तक तो एक दाम चलने चाहिए। एसेंशियल कमाडिटीज पर दूकानदार ने कीमत लगा दी कि इसकी इतनी कीमत है

[ सरदार स्वर्ण सिंह सोबी ]

लेकिन कोई तो होना चाहिए उससे पूछने वाला कि इतनी कीमत कैसे है? दुकानदार ने प्राइस लिस्ट लमा दी और हम लोग उसको खरीद लेते हैं। जो सुपर बाजार है वहां पर कई चीजें बाजार से भी मंडगी मिलती हैं। इन चीजों को भी आपको देखना चाहिए। जहां तक चीनी का मामला है, लेवी चीनी के बाद आपने फ़ैक्टरीज को छूट दे दी है ताकि वे घाटे को पूरा कर सकें। चीनी का दाम 5 पये 70 पैसे किलो हो गया है। जब चीनी का दाम 4 रुपये किलो था तभी हम लोग कहते थे चीनी बहुत मंडगी है और अब तो पांच रुपये से बहुत ऊपर चली गई है। तो चीनी के लिए आप कोई एक तरह का कानून बनायें ताकि उसको अच्छी तरह से चला सकें।

यहां पर सर्टिफ़ाइड बुक्स के बारे में हमारे बहुत से साथियों ने कहा है, मैं भी एक सुझाव देना चाहता हूँ। बुक्स आफ़ एकाउन्ट जो हैं, जिस तरह से कार्बन कापी रखी जाती हैं उसी तरह से उनको वह रख लें। जब कभी सीज करना हुआ तो उसकी एक कापी ले जायें करना होता यह है कि बाद में बुक्स बदल जाते हैं। तो ऐसे रजिस्टर बनाये जायें जिनकी कार्बन कपीज भी हो जायें। इस तरह से किसी को कोई शिकायत नहीं रहेगी। आप देखिये—किसानों से सरकार सामान खरीदेगी, इस काम के लिये आपके अधिकारी जायेंगे, मिनिस्टर साहब तो जाकर वहां नहीं खरीदेंगे। नतीजा क्या होगा, जो सीधा किसान होगा, उसके सामान के बारे में कह दिया जायगा कि ठीक नहीं है, लेकिन जो चलता-गुर्जा होगा, उसके सामान के लिये कह देंगे कि ठीक है—इस तरह की मनमानी को रोकना चाहिए, इस तरह की बहुत सी शिकायतें सुनने में आई हैं।

इस बिल के पैरा 3 पर लिखा है—

“the need for making such grade or variety of foodgrains, edible

oilseeds or edible oils available at reasonable prices to the consumers, particularly the vulnerable sections of the consumers.”

मैं पूछना चाहता हूँ कि इसको कौन करेगा, इसको अवेलेबिल करने के लिये आप के पास कौन सी मशीनरी है जो इसको ईमानदारी से लागू कर सके। इस काम के लिये जब तक आप ईमानदार आदमियों को नहीं लगायेंगे काम नहीं चलेगा, क्योंकि ये कितने कारोबारी लोग हैं जिनको हम ने बीच में से हटाया है, ये ही बदमाशी करते हैं, ये नहीं चाहते हैं कि सरकार की स्कीम कामयाब हो।

16.00 hrs.

आप फ़ेयर प्राइस शाप्स से हमें राशन का गेड देते हैं, लेकिन पता नहीं क्या बात है, अभी भी इन दुकानों से जो गेड मिलता है वह बाहर के मंगाये हुए गेड से भी घटिया होता है और उसका पैसा भी ज्यादा लगता है। यह ठीक है कि फ़ेयर-प्राइस शाप्स का मामला स्टेट-मैटर है, लेकिन आप स्टेट को कह सकते हैं कि वह इसको ठीक करे, आप उन पर निगरानी रख सकते हैं।

आप ने कहा है—

“a report of such seizure shall, without unreasonable delay, be made....”

जो गुडन सीज हो जाता है उसके डिस्पोज का क्या इन्तजाम है। इसके लिये आप ने कहा है कि उसको बेच कर उसका पैसा मालिक को दे देंगे, लेकिन मैं आपसे अर्ज करना चाहता हूँ कि चोर कभी नहीं पकड़ा जाता, जो सीधा आदमी होता है वही पकड़ा जाता है। आप ने किसी का माल सीज कर लिया और उसके पचास हजार के माल को नमरू के भाव दस हजार में बेच दिया और बाद में देखा गया कि यह काम गलत हो गया है, तब इसका कौन जिम्मेदार होगा, वह गरीब आदमी तो मारा गया। इसलिये मैं चाहता हूँ कि सीजर का काम बहुत देखभाल से किया

जाये। मैं आप के सामने एक मिसाल रखता हूँ—कल ही एक सवाल के जवाब में बताया गया कि महाराष्ट्र के बार्डर पर एक आयल टैंकर पड़ा हुआ है जिसका कोई क्लेमेन्ट नहीं है, अगर इस किस्म की चीज को सीज करते हैं तो फिर उसका क्या करेंगे, क्या वह वहीं पड़ा-पड़ा सड़ जायगा। या उसको फौरन डिस्पोज किया जायगा। मेरी आपसे यही दरखवास्त है कि जो चीज सीज की जाय उसके फौरन डिस्पोजल का इन्तजाम किया जाय।

प्राइसेज फ्रलक्चुएट करती हैं, हमेशा एक से दाम नहीं रख सकते हैं। इस फ्रलक्चुएशन के दौरान अगर सरकार कोई कदम उठाती है तो उसका पता पब्लिक को भी लगना चाहिए। जैसे स्पार्टन्यूज का बोर्ड होता है, ऐसा ही कोई इन्तजाम प्राइसेज के बारे में होना चाहिए ताकि जनता को उसकी खबर मिल सके।

जो आफिसर्ज करण्ट होंगे उनके लिए आपने लिखा है कि उनको पनिश किया जायगा। मैं चाहता हूँ कि उनको फौरन डिस्मिस किया जाय, उसके बाद उनके खिलाफ प्रोसीडिंज स्टार्ट की जाय।

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

**श्री हरी सिंह (खुर्जा) :** जो बिल पेश किया गया है इसका मन्तव्य यह है कि बाजार का रेग्युलेशन हो सके, दैनिक उपयोग की जो वस्तुएँ हैं वे आसानी से और ठीक दामों पर मिल सकें, उसमें भ्रष्टाचार, धांधली आदि न हो सके। यह मोटे तौर पर इस बिल का उद्देश्य है। जो गड़बड़ी करेंगे वे आसानी से इसकी गिरफ्त में अब आ सकेंगे। पिछले कानून में जो कमियाँ थीं, जो विरोधाभास था, व्यापारी वर्ग रोजाना की चीजों में जो गड़बड़ी करता था और उसको पकड़ने में जो दिक्कत होती थी वह अब नहीं हो सकेगी। बहुत सी चीजों की इसमें सफाई कर दी गई है।

सरकार को क्या करना है, व्यापारी किस तरह से काम करे ताकि वह पकड़ में न आये यह सब इसमें साफ कर दिया गया है। इसका मैं समझता हूँ बहुत ही लाभप्रद फल निकलेगा।

आपको तो मालूम ही है कि पिछले दिनों में देश में रोजाना के इस्तेमाल की चीजें, नागरिकों के भरण पोषण की चीजें मिलती नहीं थीं। मंत्रालय ने उन चीजों का उत्पादन भी बढ़ाया और उनको आसानी से मुलभ भी करवाया और इसके लिए वह बधाई का पात्र है। तब एक छोर से दूसरे छोर तक आप चले जाते थे तो बहुत ही वस्तुएँ आपको नजर नहीं आती थीं। साबुन खरीदने आते जाते थे तो मनमाने दामों पर मिलता है, दूकानदार फटकारता था, चीजें दूकान में छिपा कर रख छोड़ता था, देता नहीं था। मंत्रालय ने अपनी सूझबूझ और मुस्तैदी से काम किया और रोजाना के इस्तेमाल की चीजें गाँवों और शहरों में मिलने लग गई। यह इस मंत्रालय की बड़ी उपलब्धि है।

यह प्रसन्नता की बात है कि इ.प्लेनशन पर काबू पाया गया है और जबकि यूरोप के कई देशों में रोजाना इस्तेमाल की चीजें उपलब्ध नहीं हैं यहाँ पर उनको उपलब्ध कराया है। वहाँ पर इसका अकाल पड़ा हुआ है। इंग्लैंड में मक्खन और टिमाटर तक नहीं मिल रहे हैं। फ्रांस तथा यूरोप के कई देशों में दैनिक उपयोग की चीजें मिलने में बड़ी कठिनाई हो रही है। भारत में भी यह संकट आया था। विदेशी ताकतों ने इसको पैदा किया था और कुछ व्यापारी वर्ग, सरभायेदार वर्ग ने भी इसको उत्पन्न किया था लेकिन सरकार ने सूझबूझ और दूरदर्शी का परिचय दिया और इस संकट से पार पाया और आज ये वस्तुएँ आसानी से और उचित कीमतों पर सारे देश में उपलब्ध हैं और इसके लिए मंत्रालय बधाई का पात्र है।

### [श्री हरी सिंह]

यह खुशी की बात है कि इस सम्बन्ध में एक राष्ट्रीय नीति बनने जा रही है। इससे चीजों के दामों में जो बहुत उतार-चढ़ाव होता रहता है वह मिट जायेगा। आदमी को खरीदते वक्त मालूम पड़ता था कि पता नहीं दूकानदार क्या कामत उसकी मांग बैठे। बारगेनिंग की जो बीमारी सदियों से चली आ रही थी, जो एक ला-इलाज बीमारी मालूम पड़ती थी उसकी भी सरकार खत्म करने जा रही है, उसको भी सरकार रोकने जा रही है और इस काम में यह कानून सरकार के हाथ मजबूत करेगा।

चीनी की बात भी हो रही है। इसके दो भाव चल रहे हैं। एक कंट्रोल भाव और दूसरा बूले बाजार का भाव। इन दोनों में कोई बैरिटी नहीं दिखाई देती है। इन दो भागों के पीछे कोई तर्क या दलील मालूम नहीं पड़ती है। इन दोनों भावों में इतना ज्यादा फर्क नहीं होना चाहिए। गांवों में जो चीनी का कोटा बांटने के लिए दिया जाता है गांव का प्रधान या जो दूकानदार होता है वह चीनी को बांटता नहीं है, एक दो आदमियों को दे दी और बाकी को ब्लक में बेच दिया। अगर भाव में इतना ज्यादा फर्क न हो तो यह जो ब्लैकमार्केट होती है यह खत्म हो सकती है।

शहरों में जो लोग रहते हैं उनको चीजें मिलने में कोई दिक्कत नहीं है। फेयर प्राइस शाप पर उनको ये सब मिल जाती हैं। समस्या गांवों की है। वहां पर न तो कोई फेयर प्राइस शाप है और न कोओपरेटिव्स हैं जिनमें रोजाना के इस्तेमाल की चीजें मिल सकें। किसानों के रोजाना के इस्तेमाल की जो चीजें हैं उनके दाम वहां बहुत बढ़े-चढ़े हैं। उनको कंट्रोल करने में सरकार की नीति सामने नहीं आ रही है। जैसे बीज का इसमें जिक्र आया है। आप देखें कि किसानों को अच्छा बीज नहीं मिलता है, बल्कि जो घपला करने

वाले होते हैं वह घटिया बीज देकर बढ़िया बीज के दाम किसानों से दसूल करते हैं जिससे किसानों को तकलीफ होती है।

भारत की अनेक गन्ना मिलों पर किसानों के गन्ने का दाम करोड़ों २० की तादाद में बकाया पड़ा हुआ है। किसान इस बात से परेशान है कि उसे मिलों से पैसा नहीं मिल रहा है। इललिये सरकार को अगर चीनी बनानी है तो सरकार को चीनी मिलों का राष्ट्रीयकरण करना होगा। मैं बराबर कह रहा हूं कि सरकार को डिटरमिन्ड हो कर तय करना है कि जो हैवी इंडस्ट्री हैं जिनका राष्ट्रीय महत्व है, जिनका सारे देश की जनता से ताल्लुक है, उन सारे उद्योगों का राष्ट्रीयकरण करना होगा, इसके अलावा और कोई चारा नहीं है। सरकार को बाकायदा पॉलिसी इस बारे में निर्धारित करनी चाहिए और जितनी जल्दी हम चेत जायेंगे उतना ही अच्छा है।

किसान को भी आप फेयर प्राइस शाप पर चीजें दिलाने का प्रबन्ध करें। गांवों की जो समस्या है उसका एहसास आपको यहां बैठ कर नहीं हो सकता है। अगर आप को सही दामों पर चीजें मिलानी हैं तो गांवों में जा करके मारकेटिंग पॉलिसी को इम्प्लीमेंट करना चाहिए।

आजकल होर्डिग बहुत व्यापारी कर रहे हैं इसके लिये हम को बाकायदा दस्ते बना कर रोजाना की ड्यूटी की तरह चीजों के लिये कस्बों और शहरों में जाना चाहिए।

एक बात और कहना चाहता हूं। बहुत सारी चीजें हम विदेशों में भेजते हैं जैसे प्याज। तो यह देखें कि अगर कोई ऐसा आइटम है जिसको बाहर भेज कर विदेशी मुद्रा पैदा कर सकते हैं, ऐसी चीज की देश में खपत को कंट्रोल करके, उसे विदेशों में भेजना चाहिए ताकि फॉरेन एक्सचेंज मिले। वह चाहे कृषि अन्य

पर्याप्त हो या कारखानों से उत्पादित भस्तु हो। उसको बाहर भेजना चाहिए ऐसी सरकार को पालिसी बनानी चाहिए।

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

SHRI K. MAYATHEVAR (Dindigul): I welcome this Bill. I would like to offer a few points. We are amending certain provisions of the law specifically connected with oil and foodgrains. Distribution system and price stabilisation are the two major points here. We should implement these schemes vigorously under the present emergency.

Regarding poor man's consumption items like coconut oil, sugar, jingili oil, groundnut oil, and all these things, Government should set up public sector distribution centre for distribution of these essential commodities. It is not enough caring for urban people alone. The rural people should get more benefit out of Governmental activities and protection.

At present the rural population are unable to get these essential commodities through government agencies. They supply to only towns and urban areas and not to remote rural areas. They are really more poor than the urban population. There should be sufficient number of fair-price shops set up by Government agencies. There must be one cooperative centre set up by the Government where thousand families or more reside in one place. We must set up one such cooperative centre to distribute all these essential commodities.

Then, Sir, we hear government's saying that we are self-sufficient in foodgrains. For some years in the past as also in this year and recently the prices of essential commodities have considerably come down. But, in the last one or two months, we find that the price of cloth has gone up. This is not treated as an essential

commodity by Government. Government should be vigilant to arrest the rising trends in the prices of essential commodities. Kerosene, mlo, rice etc. should be supplied in every nook and corner of India including the rural areas in order to avoid or put an end to the blackmarketing in these commodities. I suggest that Government should take immediate steps to see that they abolish the middlemen—the commission agents—as this affects the sales of essential commodities at the controlled price. For example, in the rural areas, it is these middlemen, the commission agents, who create artificial scarcity of essential commodities and push up their prices. In this process, those who purchase from the producers, the dealers, also raise the prices. As a result of this the farmer in the field are unable to get a fair price for their produce. Therefore, I plead with the Government for the abolition of the middlemen or commission agency system. Necessary steps should be taken by Government in that direction.

I am sorry to state that cloth and medicines are not at all considered by Government of India or the State Governments as falling under the essential commodities. I am however happy to note that the prices of essential commodities are coming down. But, what about the cloth and medicines? Even in emergency—not only in emergency but even from 1950 till to-day the prices are going up and up. These could have come down like the other essential commodities. What action has been taken by Government?

Poor people cannot afford to purchase the costly medicines. These are common and essential and inevitable commodities used by both rural and urban people. Therefore, I would request the Government to look into this matter and see that during emergency the prices are not allowed to go up. It is reported in the paper that in Madras, the prices of medicines are going up and the poor people are un-

[Shri K. Mayathevar:]

able to purchase the medicines for the treatment of the diseases and, as a result of that, they are not rid of the disease from which they are suffering. Government should do something in the matter.

I welcome the provisions made in this Bill in regard to the seizures of essential commodities. Stocks are seized from the business people, the black-marketeers by the government officials. Government should not pay any compensation to these unscrupulous business people when stocks are seized from them. We will have to pay the compensation for the essential commodities when they are seized from the farmers who are keeping them as their surplus, by the dishonest officials. You have to make a distinction between these two when you seize the essential commodities, namely the poor farmers and the blackmarketeers—businessmen.

The Bill is silent with regard to awarding punishment to the blackmarketeers—offenders—on the official side as well as on the business side. Regarding the officials, if the Government thinks that a particular official is corrupt and is supporting the hoarders and blackmarketeers, they should not only be dismissed, by the departmental action, from service, but they should also be severely punished by taking action under the relevant provisions of the Indian Penal Code and other laws of the land.

Now in Tamil Nadu, I am told by the District Collectors and Divisional Revenue Officers that the subordinate officers like revenue inspectors, tahsildars and district officers are supporting the hoarders. They are not implementing the twenty-point programme as ordered by the Revenue Board members and District Collectors. These officers should be dealt with very severely by the Government.

Regarding the malpractices of hoarders and blackmarketeers, our

Government should come forward to punish them with death sentence. Why are you hesitating to take stringent action against people who are playing with the lives of 65 crores of people? Not only MISA should be used, but this punishment should also be given to them. I read in the papers that in Tamil Nadu MISA has been applied only against 15 blackmarketeers. This is not sufficient. There are hundreds of blackmarketeers there. If you arrest all of them, prices will naturally come down.

I would only make this request to the hon. Minister who is an able, young and efficient Minister. He should look into the matter very seriously and take action in an honest and straightforward manner which will safeguard the interest of the poor masses and the middle classes. With these words I conclude and also thank the Chairman.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) I rise to welcome this amending Bill which has been brought forward by the hon. Minister after our experience with the original Act. Recently when the prices of some of the essential commodities were showing signs of rising, the hon. Minister himself said that 'the profiteers who were reconciled to the emergency were waiting on their wings to exploit the situation when the opportunity arose'. That opportunity came because of the monsoon being delayed by 15-20 days. Therefore, they could try to raise the prices of certain essential commodities. This is the real analysis of the problem.

This means that we have a market economy in this country and it is really a Herculean effort to control it. In the last one year we have succeeded in controlling the market economy where so many forces are acting and where Government's control is limited. On production, on supply, on the wholesale system,



Government has no control; it is only in distribution, and that too through fair price shops that there is some control. Ultimately, this is the present limited responsibility of the Government and Government are carrying on with 2½ lakh fair price shops. This is the limitation which the hon. Minister has pointed out.

In the limited time at my disposal, I would like to make three or four suggestions for the consideration of the hon. Minister. In view of our past experience, as we have pressed in this House many times, in so far as essential consumer items are concerned, why not Government step in and take over their production in the public sector—I mean production of all those essential commodities which are needed by the poorer sections, the weaker sections? I could see from this Bill and from the situation in the country that perhaps for many years to come, if we want to deal with the market economy, we have to be more stringent in our drive against profiteers, hoarders, and blackmarketeers, which of course Government are, and are sincerely doing it. Perhaps it is a unique effort on our part that we have been able to control and bring down the prices during the last one year. Thanks to the Minister, the Ministry and the Government of India.

Essential commodities constitute the first point of the twenty-point economic programme. Here I would like to submit one thing. An impression is gaining ground in the countryside, or in the villages, that there is a disparity between the prices of industrial products which the villagers are getting and the prices of the agricultural commodities which they are producing, which have been slashed down. I do not know why this impression should be there. The rural people are getting the products or essential commodities which are produced by the industrial sector, and their prices are not coming down.

The prices of agricultural commodities, things such as coconut oil, rice, wheat, etc. are going down and the government has to come out with support prices. I think there ought to be stringent control on industrial products also which are sold in the rural areas.

In regard to collection and levy, I want to mention this. I have my personal experience in Orissa. The levy was made on the basis of land records of very old times; the records were in the names of fore fathers, three generations ago. First generation has gone; second generation has gone; the third and fourth generations are there in 1975 and 1976 but the basis of levy was those very old records. Naturally the High Court struck it down. It is good that it was done and you brought in this amendment. I know how much the small producers and small farmers were harassed. One point in the 20 point economic programme is that the land records should be corrected. In the absence of this thing, the tehsildar and the revenue inspector go and say to a small farmer; you shall have to pay forty bags. The poor farmer, how can he do that? He says: Can I pay you something so that it could be reduced and they will say: yes; and it will be reduced to ten bags. Is this the way it should be done? How can people have faith in government or administrative machinery? When a levy is made on a farmer, one has to look into relevant factors such as whether it is dry land or irrigated land, wet land or dry land, whether it is capable of production of so much and so on. Suppose you want to collect thirty lakhs of tonnes in one state, you can have a fair idea of how to collect that quantity; it should be a rational method and it should leave no scope for the whims and fancies of particular officials being brought into play which will lead to a lot of harassment of the poor and illiterate peasants.

[Shri Chintamani Panigrahi]

I now come to the public distribution system. We cannot solve the problem unless we build self-reliant village economics; take a group of 50 or 100 villages and plan accordingly so that you can produce many of those things needed in the villages; that will also be in keeping with the Gandhian ideal, so that they may not have to depend upon Bombay or Ahmedabad and if Mr. George cannot get two wagons to send clothes the price of cloth in some far corner of the country will shoot up. We shall have to build up an efficient public distribution system. I know there are 2.31 lakh fair price shops to give essential items and three thousand hostels are being supplied with things for the benefit of students. In spite of those good things which the government has done, the public distribution system is not adequate and it is not going to meet all the rising demands of consumption of our people in the countryside. Therefore, every place must have a consumer store where you can store some of those items; then you will be able to control the market economy. We are going towards socialist ideals; let us try to give up the kind of market economy which is also difficult to control fully.

SHRI SHYAM SUNDER MOHAPATRA (Balasore): Mr. Chairman, I support the Bill with all my heart because I say that there is a realistic appraisal of the whole situation. The Prime Minister has stated times without number that "Special care should be taken to ensure that there is no shortage of essential commodities." There is no denying the fact that the hoarders, blackmarketeers and racketeers and those who want to undermine the economic progress of our country are our worst enemies and if there is any section of the people who are trying to subvert our economic progress by taking advantage of the situation of flood or drought or short-

age of commodities, it is only the economic offenders who are doing it.

16.29 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I am sure this Bill will strengthen the hands of the Collectors, Additional Collectors, S.D.Os. etc. to tackle the situation within the ambit of law. But I have a note of caution for the government. Sometimes bureaucrats act with high-handedness, regardless of the fact that the opinion is something different. They will be very much strengthened by the powers entrusted to them by the minister. In my constituency of Balasore, there is a place called Soro. Last year, the Collector, Mr. R. N. Senapati, arrested about 15 people, as they were found to be acting in a manner prejudicial to the interest of the community. They were trading in essential commodities and involved in smuggling across the border to West Bengal. It so happened that within a month, there was so much pressure on him from various sections of the secretariat at Bhuvaneswar and he had no alternative but to release those 15 people. This is hyperbolic non-sense. On the one side we say we must strengthen the hands of the Collector, but if there is a good Collector trying to do some good to the community by brining to book economic offenders, you put pressure on him and compel him to release the culprits. Simultaneously, there are police officers who will take advantage of the situation. In my State, there are Police Superintendents who will take advantage of the situation and put people behind the bar under DIR, MISA or some other Act. The minister should be very cautious to see that this is implemented in a way so that the people are happy. After all, what is the *summum bonum*? The people should be happy, the country should progress and all sections of the society must proceed to a stage of egalitarianism. But the worst enemies today are the economic offenders who are hand in glove with the officer class

and the minister should be cautious about them.

Inflation is going down in the country. In 1973-74, according to Mr. George, inflation was riding at a speed of 2 per cent per month and it continued for several months. By the end of 1975, it came to almost minimum inflation. Today the country is making good progress. Mr. George said two months ago that there was a rise in the prices of commodities between April and June to the extent of 4.7 per cent. Why was it so? In July, Mr. Om Mehta, the Minister of State in the Ministry of Home Affairs, had to advise all the State Governments to use MISA and other measures drastically against economic offenders, because even during the emergency, the economic offenders, racketeers, hoarders and blackmarketeers somehow or other think that the emergency has become normalised and they can take advantage of the situation. In every section of the people, we find today a climate of normalisation. So, the government should be still more vigilant to see that MISA, DIR and other provisions are used ruthlessly against economic offenders and anti-national elements.

Production is going up and there is no recession today, as Mr. Pai, the Minister of Industry, said. I must congratulate Mr. Pai on this. The industrialists have been giving a false conception to the people that there is not much of production, that there is recession, that there is no scope for export of our goods to foreign countries, etc. They create such a climate through the newspapers owned by them. It is very good that the Minister has come forward strongly, saying that there is no recession, India is not an under-developed country. Mr. Pai said on the floor of the House that India is a developed country and we are able to export industrial goods and technical know-how to foreign countries. As Mr. Panigrahi rightly said, the government must be vigilant about the prices of not only consumer items but also industrial goods. An

hon. member on the other side said that the prices of medicines are increasing. I read an article where found that Vitamine C, B Complex and elixirs are available in foreign countries, UK and Europe at a price which is 10 per cent less than what we are paying in India. It appeared in the newspapers only a week back. It was written by a correspondent who was based at London. I want to know whether this is a fact. If so, Shri George should be more vigilant and see that the medicines come under the essential commodities.

It is true that this Bill will not only strengthen the hands of the Collector but will also deprive the economic offenders the right to go to the court as often as they like. But it will all depend upon the attitude of the bureaucracy of the Government. We should see to it that people are not unnecessarily harassed. If we take away from the person concerned the original and ask him to have recourse to a photostat copy, how is it possible to function? It is not possible; it is difficult. He cannot go to a court. So, these things should not be lost sight of. Everything depends upon the attitude of the Government and the way you want to deliver the goods.

If you strengthen the hands of the Collector, ADM, SDO and police in a proper way, things will run well. But if they try to take advantage of the situation, it will be autocracy; sometimes it will tend to become even mobocracy. When we are striving to build an egalitarian society, let us not strengthen the hands of the bureaucracy. Let us function in the interests of the common man and let us accelerate the 20-Point Programme, which is the *summum bonum* of our economic progress, as outlined by our Prime Minister.

SHRI B. V. NAIK (Kanara): Mr. Deputy-Speaker, Sir, I think everything that is worthwhile that has to be said about this Bill has already been mentioned.

[Shri B. V. Naik]

One of the provisions of the Bill says:

"to sell the whole or a specified part of the quantity held in stock, or produced or received by him."

Suppose a farmer has one or two acres of land and produces 10 or 15 quintals of a crop, is he expected to sell the whole of it, if it is found necessary in the eyes of the ordering authority to take over the whole produce? In other words, what has been evolved as a system of levy, can it be made applicable to the entire gross produce, on the holding of a farmer? According to this law, which ought to reflect the intention of the legislator as to how he intends to administer this law, a farmer can be asked to part with the whole of it. Why is it that you want to have such overall or such sweeping powers in the hands of the levying authority? I think it is time that the Government itself modifies this when it comes to the agricultural produce. Suppose I produce cloth, or edible oils, or if I am a factory owner, Government should have the right to requisition the entire quantity. But when the producer consumes as of necessity some of his produce, it has got to be delinked. I think this sort of power should not be there, either from the point of view of the farmer, or from the point of view of even the Government.

I think today in our country the Food Corporation of India, the State Food Corporations which have been started by the various State Governments and all the public storage systems put together are holding nearly 10 million tonnes of foodgrains. I had put the figure at 16 million, it could be more. So, we have got the highest amount of stock of foodgrains, but has the Government, through the State Governments and the Food Corporation of India, tried to evaluate the storage of these foodgrains obtained from the cultivator at the levy price which is considered to be a fair price

from all other points of view, but which is not necessarily the market price? On the basis of the limited personal intimate knowledge which I have, I can say that one-fourth of the foodgrains stored by the Karnataka State Food Corporation is not in a good condition. The hon. Minister can send a study team.

Therefore, you have on the one side deprived the farmer of a fair price which he could have got by making his own arrangements even with the usurious man in between, or at least used it to feed some people or cattle, but you have held it under the system of control, and you are not able to sell it. This, that and the other orders are to come, I understand the handicaps of the system under which Government functions, but then you have deprived the farmer for the explicit purpose of helping the consumer, and actually you are destroying it in your storage. Will the hon. Minister kindly depute a study team, at least to those areas where specific recorded complaints have emerged, to see the condition of the foodgrains stored there? Considering the nature of the distributing apparatus, I feel that there are a number of issues involved in this. So, I hope the necessary exercise will be undertaken by Government.

श्री अमरनाथ विद्वालंकार (चंडीगढ़):  
उपाध्यक्ष महोदय, थोड़े समय में बहुत कुछ कहना है। जो विधेयक हमारे सामने रखा गया है उस का तो मैं समर्थन करता हूँ और जो मकसद है उस से भी हम लोग सहमत हैं। लेकिन असली बात इम्प्लीमेंटेशन की है कि किस तरह से इम्प्लीमेंटेशन हो रहा है और व्यवहार में हम क्या देखते हैं। इस के ऊपर विचार करने की आवश्यकता है। यह बहुत महत्वपूर्ण विषय है और जो 20 सूत्री प्रोग्राम है उस के अन्दर भी इस को काफ़ी महत्व दिया गया है। लेकिन नीचे जा कर, प्रास रूट सेविल पर जा कर आप देखें, जहाँ गाँवों में गरीब रहते हैं चाया उन्हें इंसिधियन

बुद्ध और तमाम अकारणें जिनकी की चीजें आसानी से मिल रही हैं या नहीं, इस पर अग्रर विचार करें और जा कर देखें तो आप को मालूम होगा कि हम लोगों को वह संतोष नहीं दे पाये जो कि हम देना चाहते हैं और जिस के लिये सरकार प्रयत्न भी कर रही है ।

जैसे आप ने पावर्स अपने हाथ में लीं और उस को नीचे डेलीगेट करते हैं, और जैसा एक साथी ने कहा कि कलेक्टर के पास जो पावर जाती है उस को कलेक्टर इस्तेमाल नहीं करते हैं, बल्कि इंस्पेक्टर के लेबिल पर अधिकारी लोग उन पावर्स का इस्तेमाल करते हैं और वही तमाम आप को रिपोर्ट्स भी भेजते हैं । उस लेबिल पर जा कर देखते हैं तो पाते हैं कि चाहे देहात हो, चाहे गरीब मजदूर के पास जायें, चाहे भूखे नंगे के पास जायें, सब एक ही शिकायत करते हैं कि आप की नीति ठीक है, इन्दिरा जी बहुत कुछ कर रही हैं, लेकिन हमारे हाथ में कुछ नहीं आता है, हमें कुछ मिलता नहीं है ।

हमें यह समझ लेना चाहिए कि जनता को भलाई के लिए हम जो काम करना चाहते हैं, वे व्यूरोक्रेसी की मार्फत नहीं होंगे, क्योंकि हम ने उस को इस तरह ट्रेन नहीं किया है, उस में ऐसी तब्दीली नहीं की है कि वह जनता की सेवा का एक मही और एफिशेंट इन्स्ट्रूमेंट बन सके । हमारी व्यूरोक्रेटिक मशीनरी पुराने ढर्रे पर चल रही है । मैं ऊपर के अफसरों की बात नहीं करता हूँ । वे शिक्षित लोग हैं और वे ठीक भावना से काम करते हैं । लेकिन सरकारी कर्मचारियों के निचले तबके में करप्शन चलती है ।

एसेंशल सप्लाय के महकमे में बहुत करप्शन है । मैंने कुछ इंस्पेक्टरों को यह कहते सुना है कि अब बड़े बड़े अफसर सीधे करप्शन नहीं करते हैं, वे हमें कहते हैं कि पैसा लाओ । अगर हम उन की बात नहीं मानते हैं, तो वे हमें कई तरह से परेशान करते हैं ।

वे लोग हमारी मार्फत करप्शन करते हैं । वे अपने हाथ तो साफ रखते हैं और जब कभी कोई मुसीबत आती है, तो हम पर आती है ।

इन कामों के लिए सेंट्रल गवर्नमेंट तमाम जिम्मेदारी स्टेट गवर्नमेंट्स पर डाल देती है और स्टेट गवर्नमेंट यह जिम्मेदारी इन्स्पेक्टर आदि छोटे सरकारी कर्मचारियों पर डाल देती है । इस हालत में हमें कोई रास्ता निकालना है कि हमारा डिस्ट्रिब्यूशन सिस्टम ठीक तरह से कुछ काम करे । या तो कुछ विषयों का कान्ट्रोल सबजेक्ट बना कर सेंट्रल गवर्नमेंट अपने हाथ में पावर ले, या वह स्टेट गवर्नमेंट्स को मजबूर करे कि वे इस बारे में ज्यादा ध्यान रखें ।

आज हालत यह है कि हम देहात के आदिमियों से एग्रीकल्चरल प्रोड्यूस तो ले लेते हैं, लेकिन उन्हें इंडस्ट्रियल प्रोड्यूस मुहैया नहीं होती है । गावों के लोग हम से यह शिकायत करते हैं कि आप हम से सब कुछ ले लेते हैं, हम देश की सेवा करना चाहते हैं, लेकिन आप हमें इंडस्ट्रियल प्रोड्यूस दिलाने का कोई साधन कीजिए ।

जहा तक कीमतों का सम्बन्ध है, दिल्ली शहर में हालत यह है कि दुकानदार पहले तो कीमतें बहुत ऊंची रखते हैं, और फिर लिख देते हैं कि प्रधान मंत्री के हुक्म पर, 20 नुकाती प्रोग्राम पर अमल करने के लिए, हम ने अपनी कीमतों में 15 या 20 परसेंट कमी कर दी है । अफसरों से मिल-जुल कर उन्होंने यह हवा बना दी है कि यहां सब ने कीमतें कम कर दी हैं । यह जो घोखेबाजी चल रही है, उस से हमें सावधान रहना है । यह काम हमारे इंस्पेक्टरों और अन्य नीके के कर्मचारियों के जरिये होता है ।

सरकार कानून बनाये, लेकिन कानून तभी काम करेगा, जब वह इस बात का ध्यान रखेगी कि उस की मशीनरी नीचे

(श्री मनमोहन बिहारीका)

के लेवल पर, जहाँ उस का ताल्लूक आम जनता के साथ, मैन इन दि स्ट्रीट के साथ है, कीसे काम कर रही है। अगर सरकार ऐसा नहीं करेगी, तो ये सारे कानून रखे रह जायेंगे।

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES AND COOPERATION (SHRI A. C. GEORGE) Mr Deputy Speaker, Sir, during the long debate on this vital amendment to an important Act, I must confess that the hon Members were extremely cooperative and I am thankful for the unanimous support which was offered by this august House to this amending Bill

The general tenor of the debate was that even when all the hon Members unanimously appreciated the intention behind this move, quite a few of them cautioned the Government that the implementation has to be careful. There were apprehensions that it may be misused there was a feeling that perhaps the entire success depends not only on the wording of the Act or the amendment but on the spirit in which it is implemented specially as many of my learned friends pointed out we are handing over powers from Parliament to State Governments and State Governments to district authorities. Government do take note of this word of caution, it is a well-intentioned warning, and we do take note of the various other suggestions also given by the hon Members

About the different provisions of this legislation, some genuine doubts have been expressed by some hon friends. I will start with Mr Naik, who spoke towards the end of the debate. He has expressed his own fears as to how it affects the farmer, he was talking about 'the whole or part of it'. I may bring it to his notice that this is only an enabling provision. In the case of a rice mill, say, in Punjab the extent of levy is as high as 80 per cent, but in the case of small cultivators—I am sure the hon

Member is aware of this—they are normally exempted from the levy. That is why, we use the term 'graded system of levy' because, after a particular ceiling, graded levy operates. All the same, we do take note of what was mentioned by Mr Naik. As I have said, this is only an enabling clause—'where the whole or part.' Being an enabling clause—and we take note of all the fears and apprehensions expressed by him—it will be implemented and executed as per the provisions of the other clauses. Our intention is not to harass the farmers, especially the smallest amongst them, it is our intention that the levy is taken from the big farmer. Even in implementation, I can assure the House, we will be considerate when we tackle matters connected with poor farmers who may not be aware of every legislation and all other rules and regulations.

As has been pointed out, we do want to handle the trade and industry when they show signs of going in the wrong way. We take pride—and even the worst critics concede this—that in this country we have been able to contain the inflation and bring down prices and stabilise them at a reasonable level. In October, 1974 when we were having an inflationary rate of nearly 30 per cent and the whole sale price index was nearly 332, we had certain very rigid enforcement measures taken by the Home Ministry and the Finance Ministry, and some positive measures were taken for streamlining the public distribution system. On 26th June, Emergency was declared, and on that day the wholesale price index was 312. During the past one year, we have been able to bring down the prices to a reasonable level. In this House, on more than two or three occasions, I have expressed the view that it is not the intention of the Government, especially when we deal with agricultural commodities, to bring about a crash in prices. I do not want to tell the House every day that yesterday the price was 20, to-

day it is 19 and tomorrow it will be 18 and all that. That is not our intention. Our intention is not to bring down the prices every day; we do not want to bring about a crash in prices. Our intention is to bring down prices to a reasonable level and see that prices are stabilised at that level. The basic purpose is to see that the consumer gets at a reasonable price and the farmer gets a remunerative and encouraging price; it should be remunerative so that he may go in for the next cultivation. Otherwise, we may be happy with low prices this year, but the farmers will not have the incentive for producing more, and next year we may have to pay for it..... (Interruptions)

AN HON. MEMBER: Only the consumers are being looted.

SHRI A. C. GEORGE: I thought the hon. Members would appreciate our basic intentions which I was mentioning.

SHRI SAMAR MUKHERJEE (Howrah): Intentions are good.

SHRI A. C. GEORGE: That is precisely why I said that we take note of the caution given by the members in respect of implementation. I was explaining the intention and I was accepting the warning given by the Members that implementation is the most important thing.

Up to March and April we were able to bring down the prices rather steadily and bring it down to a particular level when the wholesale price index which was 332 in September 1974, 312 on the eve of the Emergency, was brought down to 283 which was the price level existing exactly 24 months prior to that. This is a unique record. But there was some feeling that in some items the farmer was not getting a remunerative price. I might bring it to the notice of this august House that at that time there was a criticism and a hue and cry was raised that in some of the farming and producing areas like Gujarat, Tamil Nadu and even

1646 LS—9.

Maharashtra in one item, that is groundnut, since the prices came down to a level of Rs. 3.75 per kg. for the groundnut oil, the groundnut price was not remunerative, that we must give a support price, we must export, we must take remedial measures and that we must remove the glut. Well-intentioned suggestions. Then certain remedial measures had to be taken. Even to-day in the basic items of wheat, rice and other foodgrains, I am sure hon. Members will agree with me that it is almost on a plateau, rather steady and stable. There may be a small fluctuation this side and that side, but, by and large, the reports from all over the country are that at least in foodgrains the prices are rather stable. Mr Naik was pointing out that we have a super burper crop. We have a comfortable situation and if there is any particular pocket of scarcity or difficult area, if it is brought to the notice of the government, I am sure—some members are saying that there may be a few pockets or areas where there may be some difficulties—we are in a very comfortable position and we need not be apologetic and we need not take any alibi. If there is any pocket of scarcity, the government is in a position to remedy the situation....

DR. RANEN SEN (Barasat): Why then the prices are rising when there is no scarcity?

SHRI A. C. GEORGE: If you could specifically point out one item—I am not saying that in this vast country everywhere it is a paradise, there may be, due to transportation difficulties or flood situation or some other bottlenecks some areas where there may be difficulties. But if it is brought to the notice of the government, we have a very comfortable stock position and naturally we can take remedial measures.

During the past two months, there was some difficulty felt about edible oils. As I explained in the House yesterday and on quite a few occa-

[Shri A. C. George]

sions, we are taking some measures to see that for the next two weeks when we expect the new crop to come in, the supply position is kept at an even level and even *ad hoc* measures are taken to see that till the new crop arrives, till the 15th September or so, we are quite alert and alive to this problem.

There was a point expressed by my friend, Mr. Goswami, that in this amendment, the provision regarding original and copying the documents will cause hardship. Sir, there are quite a few instances when our trade—some of these people when they are caught, are very clever—were tampering with the records. In a meeting of the different States, the Civil Supply Commissioners, Food Department officials and the Ministers were very emphatic and there was a unanimous request from all the States that some changes were necessary and that there were quite a few cases when even guilty people went scotfree. So, in this context and because, according to the Indian Evidence Act, the original has to be given the weightage, and only in that context we have made a provision that the original may be retained by the prosecution and copies be given. I had said that there might be some difficulties but in the matter of implementation we will see that this type of hardship does not occur and the cases are disposed of as quickly as possible. If the person is innocent, we will see to it that his case is proved but, till that time, since various instances are there where the originals were tampered with, we may be constrained to retain the originals. But, as I said, in the implementation, not only this point but every other point mentioned by the hon. Members have been taken note of and we will see that the hardship is minimised to people who are genuinely by some chance innocent.

16.59 hrs.

[SHRI P. PARTHASARATHY *in the Chair*]

Just because the monsoon happens to be delayed or a bit late, some of the traders were just waiting on the wings to get hold of the earliest opportunity when they could exploit the situation. If there is slight delay in the monsoon, they think, this is the best time to do hoarding and cause artificial scarcity. On this occasion, when we are passing an important legislation, I request trade and industry to reconcile themselves to the spirit of democracy instead of trying to indulge in guerilla warfare or skirmishes thinking that opportunities will come when they can exploit the situation.

17.00 hrs.

Certain points were made about prices of articles going up. I am not trying to impress this House with statistics. But what I say is that let us not be panicky. I will give figures of the latest wholesale price index. The latest figure of 14th August is 309. At this time last year this was 311. While saying this I am not saying that we could in any way be complacent, but what I say is that this phenomenon should not make us panicky at all. Also the fact that prices have been brought out and we have brought down inflation should not also make us complacent. So, in our approach towards these essential commodities we are trying to be more vigilant, more alert and more stringent, in dealing with trade and industry throughout.

This brings us to a certain line of thinking, namely, the consumer protection movement. The consumer protection movement has to be more elaborate, more comprehensive and more effective. Even this legislation is only a part of this consumer protection movement. When we see this in the international context even this Consumer Protection Movement itself is a movement of fairly recent origin. It is a comparatively new phenomenon. Even in western countries this movement is only recently



developing. Sometime back I had an opportunity to visit some of the countries where consumer protection movement was gaining strength and momentum. In Sweden they have got consumer ombudsman where there is constant vigil over the quality, quantity and price charged to the consumers.

**SHRI C. K. CHANDRAPPAN** (Tellicherry): Here in Delhi we had a big consumer protection movement which resulted in the formation of a Coffee House in Connaught place. Now this has been smashed and nobody has cared to afford an alternative site for them. Is this the way of protecting consumer movement, I don't know.

**SHRI A. C. GEORGE**: Smashing of a building which perhaps was in an unauthorised area cannot be pointed out as an anti-consumer measure. I also share the feeling for coffee just as Mr. Chandrappan and all facilities to be provided in this regard will only be appreciated by me and encouraged by me. In Denmark, the consumer ombudsman during the last three or four years has made a real impact.

In U.K. it is very interesting to note that for any item, if a manufacturer wants to increase the price even by the slightest level, he has to take the permission from the Prices Commission. In the U.S.A., the Consumer Productivity Council and the Federal Trade Commission are making effective efforts in the matter of consumer protection.

You are aware of the movement of the consumer awareness that has happened in this country. I shall spend two or three minutes on the movement to tell you how the movement could be built up in a country. That can only be done by the Consumer awareness. In March and April, the prices came down to a comparatively low level. There were nearly 2.5 lakhs public distribution centres that were mentioned which, I concede, are not enough in a normal

situation. We are having a very very disappointing experience with our villagers who have stopped patronising the public distribution outlet—may be 2.5 lakhs public distribution centres are not adequate or may be, these 2.5 lakhs public distribution points were not properly patronised by the consumers.

This is understandable because in our village the system of trading is by our retailers who are also in a way small bankers giving credit and getting the payment at the end of a week and all that. The public distribution system can grow to a level of normalcy and be sustained and be an effective service to the country only if there is consumer awareness to see that this is patronised also. It is a long process. I was only mentioning that any consumer movement can only come from the consumer awareness and the consumer resistance. In a country like ours, this is a congenial atmosphere where different measures can really be effective, where we cannot quarrel with the instruments and the measures that are available.

This is the time which is best suited to build up the public distribution system as well as the consumer movement. We are thinking of, as some hon. Members pointed out here, bringing in a comprehensive legislation to take care of the various consumer protection measures. Regarding adulteration, there were so many complaints. Also there were so many complaints regarding underweighting, undermeasurement and cheating in weights. Also there were lots of complaints during the past one year. By the Packaging Commodities Regulation Order, to some extent, it has been checked. But, I do not think that it is completely satisfactory. About the cheating in publicity and claiming a lot of exaggerated claims or trying to cheat or deceive the consumers by wrong advertisements and wrong publicity campaign, I would say that these are all diffe-

[Shri A. C. George]

rent defects in our trading systems. About the distribution costs, we are absolutely clear in our minds. (Interruptions). In order to bring down the prices at the consumers level, the cost of manufacture, we do find an interesting phenomenon where even after this passes on from the hands of the manufacturer, there are various tiers of distribution, the distribution agents, about which Mr. Mayathevan was saying—the existent, non-existent and imaginary and yet-to-be-born sole selling agents—which do not serve any social purpose. There may perhaps be some arrangement between them and their brother-in-law. That is why I say that sole selling agents do not serve any social purpose. They will serve only the wholesalers, the retailers and so on and so forth but the time it passes from the different existent and non-existent, different required and not required tiers of distribution and, ultimately, when it comes into the hands of the consumers, the prices may not have any relevance at all as to what gain has gone to the manufacturer—the company. We have also identified a few items of essential commodities and we shall watch their distribution right from the manufacturing level to the consumer level to take care of the prices. Our intention is to closely examine how far the existing sole selling agencies serve the purpose relevant to the social situation.

As regards the so-called commission agents, the retailers, in a big country like ours, from the manufacturing points there is a long haulage running to 1500 to 2000 to miles or so. I do concede that certain tiers of distribution points may be needed. But, if it does not serve any purpose at all other than passing of a certain commission back to the consumer or for sharing it by a certain arrangement, we shall closely scrutinise the distribution agencies of the major essential items and shall take up the remedial measures.

I am thankful to the House for giving very encouraging comments as well as suggestions for this operation which is of topmost and of vital importance because in the 20-Point Economic Programme presented by our Prime Minister before the people, the very first item is how best to see that at least the bare essential minimum consumption items by the masses are given at a reasonable price and they are assured of their required quantity.

As the topmost item of topmost priority for the common man, I hope the spirit behind this legislation which is only a humble attempt, will be appreciated and hon members will cooperate and help in building up a movement which will ultimately serve the country.

DR. RANEN SEN: He was speaking about delayed monsoon and scarcity pockets. Is it not a fact that prices started rising in March when there was no question of monsoon and no question of scarcity? There was abundance in the country then.

SHRI A. C. GEORGE: The position is very clear. The prices of the items which we are speaking of started going up only in May.

DR. RANEN SEN: No, no.

SHRI A. C. GEORGE: I cannot agree to it. The figures are very telling. The lowest figure of the wholesale price index was during the last week of March and the first week of April. It stood there till 15 April. Subsequently slowly certain items went up. Even when it was going up, in regard to one item which has been long debated, groundnut, the prices started going up only towards the end of May, because I distinctly remember a telegram from Gujarat saying that we may have to offer support price. This was in the first week of May.

**SHRI DINESH CHANDRA GO-SWAMI:** In the case of seizure, you have given the entire power to the Collector whereas in the case of confiscation, there is a right of appeal to a judicial authority. The former may lead in many cases to corruption. Would you have fresh thinking on having an appellate authority or some other body to scrutinise the Collector's order and see that it is proper?

Then as regards documents, evidence is based always on the original. You can always ask the other party to produce the original in a court of law and the court will draw an adverse inference against the party if the original is not produced.

**SHRI A. C. GEORGE:** I do appreciate the spirit of the hon. Member's suggestion. Seizure is only the first stage of the confiscation proceeding. All cases of seizure may not end in confiscation. The Collector may decide that the seizure was not valid or necessary or there was no infringement of the Act when the proceedings started. Though I find it difficult to accept the changes suggested by the hon. member, I can assure the House that proper care will be taken to see that the powers that are handed over through the State to the district authorities are exercised carefully. Even in the matter of enlarging the definition of 'Collector' it is not below the rank of Sub-Divisional Officer. But extreme care will be taken to see that these powers are not misused.

**SHRI M. C. DAGA:** From Delhi, you will administer the Sub-Divisional Officer in a district!

**MR. CHAIRMAN:** Please cooperate. The question is:

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

*The motion was adopted.*

**MR. CHAIRMAN:** We shall now take up clause by clause consideration. The question is:

"That clause 2 stand part of the Bill".

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3—(Amendment of Section 3)*

**MR. CHAIRMAN:** We shall now take up clause 3. There are two amendments by Shri Bhogendra Jha and one by Shri B. V. Naik.

**SHRI B. V. NAIK (Kanara):** Sir, I am moving my amendment No. 1 which reads as follows. I beg to move:

Page 2, line 8,—

for "person or class of persons"

substitute "public persons or class of public persons". (1)

Sir, the relevant portion in clause 3 reads as follows:

"in the case of any such commodity which is likely to be produced or received by him, to sell the whole or a specified part of such commodity when produced or received by him, to the Central Government or a State Government or to an officer or agent of such Government or to a Corporation owned or controlled by such Government or to such other person or class of persons ..."

I request the hon. Minister to accept my amendment which will make it read "such other public person or class of public persons". I have not understood what "the class of persons" in this clause means. When I say a 'public person', I mean this. We have a large number of people who have grown up, individual private enterprises, who have grown up in this country on the fringe of our public sector, on the fringe of the

[Shri B. V. Naik]

public works department and forest department, public sector enterprise in the food trade. In the case of a corporation they have their accounts and records and they are accountable ultimately to the corporation, accountant general and controller general. In the case of a firm, private limited or some other concern, it is also auditable and accountable to somebody at least. But in the case of a private being, I am dealing with food and such other essential commodities handed over to me. The collector takes about 100 tonnes and hands it over to Mr. X. What does he do with that commodity? What is the measure of the control of your department?

What is the private person's accountability? Have I registered my point?

MR. CHAIRMAN: You have made your point. Than you.

SHRI BHOGENDRA JHA: I beg to move:

Page 2, line 42,—

after "edible oils," insert—

"drugs, raw cotton, cotton or wollen textiles, sugar" (2)

Page 3,—

omit line 1 (3)

SHRI A. C. GEORGE This deals with food items. Please read 3(A).

SHRI BHOGENDRA JHA: I have my reservations about what you say. Here it is with reference to the person whose goods are seized. One thing is that controlled price shall be taken into consideration. The other thing is the reasonable price to the consumers. You have said here 'general crop prospects'. The crop prospects vary from week to week; it may be very good today but because of untimely rains or drought, it

may be different, say after a week hence. It will be impossible. You cannot get hold of any officer and none will be accountable. So, this should be deleted. It will defeat the whole purpose of the Bill.

SHRI A. C. GEORGE: I am sorry I cannot accept any of these amendments.

MR. CHAIRMAN: I will now put amendments Nos. 1, 2 and 3 to the vote of the House.

*Amendments Nos. 1 to 3 were put and negatived.*

MR. CHAIRMAN: The question is.

"That clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*

*Clauses 4 to 9, clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI A. C. GEORGE: I beg to move:

"That the Bill be passed."

MR CHAIRMAN: Motion moved: 4

"That the Bill be passed."

SHRI BHOGENDRA JHA: Sir, the minister has talked about the public distribution system. But here we have got the whole power complex of the wholesalers. Even during emergency, they have been given huge amounts by the public financial institutions to corner stocks and create artificial scarcity. I am quoting the minister himself who had narrated at Bombay that hoarding and blackmarketing have caused the rise in prices. When the wholesale traders are given money by the State, how can they allow the small cooperatives to function. This government does not give money to the Cotton Corporation of India to purchase raw jute from the produ-

cers. Here you cannot blame nature or weather. The minister himself said that there is a bumper crop in ground nuts, other oil seeds and foodgrains. The government should pick up courage and nationalise the wholesale trade in essential commodities, particularly in foodgrains. People are not able to understand the position where the producers get for below the procurement price. I had been to several places and the people are saying, "Please see that we get the procurement price." Wheat is selling at Rs. 90 or 85 per quintal in Haryana, Punjab and Rajasthan, but here the prices have risen. I have got the latest figures supplied to me on 24th August. In Bihar, the wholesale price of paddy on 7th August was Rs. 115 per quintal whereas the procurement price was Rs. 74. In Maharashtra, wheat was selling at Rs. 125 to 135 per quintal on 14th August. In U.P. it was Rs. 127. In Western UP, the people were crying that they should be given at least the procurement price of Rs. 105. The worst case is in respect of cotton. In Andhra Pradesh the price was Rs. 365 and the latest price on 13th August was Rs. 472, a price of Rs. 107 per candy.

The other day the Minister was disputing my statements. I am purchasing from the public distribution system. With your permission, I would like to lay on the Table a copy of the cash memo which shows that four kilos of mustard oil costs Rs. 34.65 at the Super Bazar. It is difficult for us to understand this. There is abundance of production and still this is the position. Their strategy is larger import of edible oils and limitation on consumption, larger import of cotton and larger release of sugar.

Is not there a total failure of the Government? Someone should be held accountable for this. Someone must have to pay for this. There should be a national policy. Now both the peasants and the consumers are looted. The present policy of the Government is harming the consumers, the pro-

ducers and also the nation. Therefore, even now the Government should pick up courage to nationalise sugar, textile and jute industry and also the wholesale trade in foodgrains and other essential commodities.

I welcome this Bill, because it will strengthen the hands of the officers in dealing with certain essential commodities. But this is not the real remedy. More effective steps should be taken.

श्री इस्हाक इम्बली (प्रमोहा) :  
 देयरसेन साहब, यह बिल पास हो रहा है, इसके मिलसिले में मैं चन्द सजेन्स देना चाहता हूँ और चाहता हूँ कि मिनिस्टर साहब इस के इम्प्लीमेंटेशन में इन बातों का खयाल रखें। हमारे जैसे बड़े मुल्क के लिए एसेशियल कमाडिटीज की सप्लाई का सवाल एक बड़ा प्रहम सवाल है। यह बिल्कुल सही है, जैसा कि कई मेम्बरों ने यहाँ पर कहा कि इसमें यहाँ पर कोई पार्टी डिफरेंस नहीं है। अपोजीशन और कांफ्रेंस के सभी लोगों ने कहा है कि प्राइसेज कहां से कहा पहुंच गई हैं। मैं मालूम करना चाहता हूँ कि शुगर में क्या मुसीबत आ गई, शुगर कहा चली गई? सरकार ने एनाउन्स किया कि शुगर का एक्सपोर्ट नहीं करेगी ताकि वह यहाँ पर काम आ सके लेकिन बावजूद उनकी कीमते बढ़ रही है। इसी तरह से मस्टर्ड आयल की कीमते बढ़ रही है। आपको याद होगा जिस रोज हाउस शुरू हुआ था उस रोज हमारे लीडर श्री इन्द्रजीत गुप्त और हमारे दूसरे साथियों ने कालिग प्रमोशन मूव किया था तो मरदार की तरफ से कहा गया था कि इसका इन्तजाम किया जायेगा। वेपर्स ने बड़ी भारी हेडिंग देकर मि० जार्ज का स्टैंट-मेन्ट छपा था लेकिन उसके बाद प्राइज भी वहीं वापस किया जाता है कि इसको ठीक कर दिया जायेगा। आपको मालूम है कि इन ट्रेडर्स को अगर दो तीन बीक भी मिल जाते हैं तो वे ब.ज्यूमर्स से करोड़ों रुपये लूट

[श्री इनाक सम्भलो]

लेते हैं। देहली की एग्जाम्पल आपके सामने है। आप दूसरी स्टेट्स के इंडीरियर में जाइये तो देखेंगे कि किस तरह से लूट हो रही है। मैं एक एग्जाम्पल देना चाहता हूँ।

आप मिडिल मैन का मुनाफा कम करना चाहते हैं, यह अच्छी बात है, जरूर करना चाहिये, लेकिन मैं सिर्फ एक ही मिताल आप के सामने रखता हूँ—बाटा शुज एक कम्पनी है, वे गरीब मोच्चियों से जूते बनवाते हैं, उन को 20 पया दे कर उस पर अपनी छाप लगा कर 59 रुपये में बेवते हैं। क्या कभी इस को बंद करने की कोशिश की गई? मैं इस का सुबूत दे सकता हूँ, आप जरा ओगरा चलिये और देखिये कि ये बाटा वाले किस तरह से गरीब मैन्यूफैक्चरर्स को लूटते हैं।

[एक बात मैं खास तौर से ए० सी० जार्ज साहब और दूसरे मिनिस्टर साहबान से कहना चाहता हूँ, मेहरबानी कर के महंगाई को जस्टीफ़ाई करना छोड़ दें। शुगर के लिये कहा गया कि पूजा का त्योहार आ रहा है, मौनसून देर से आई है, इसलिये दाम बढे हैं। इस के मायने साफ यह है कि कन्ज्यूमर लूटा जा रहा है और उस लूट को आप जस्टीफ़ाई करना चाहते हैं। मैं चाहूंगा कि आप इस पर गौर करें और उन को जस्टीफ़ाई करना छोड़ दें।

आप जरा कन्ज्यूमर इण्डैक्स को निकाल देखिये—आप को मालूम होगा कि मार्च से महंगाई शुरू हुई। क्यों शुरू हुई—वहां मानसून का सवाल नहीं था, शाटज का सवाल नहीं था—आप इस बात को समझ लीजिये हन्दुस्तान का व्यापारी खुशी से कीमतें कम नहीं करता, जब उस की पकड़-धकड़ शुरू हुई, डी०आई०आर० और मीसा में उस को बन्द किया जाने लगा, तब उस ने

कीमतें कम कीं। लेकिन अब क्या हालत है—जैसा मेरे साउथ इण्डिया के भाई कह रहे थे—जो लोग डी०आई०आर० और मीसा में बन्द थे, वे छोड़े जा रहे हैं और जो लूट गये हैं उन्होंने फिर वही पुराना धंधा शुरू कर दिया है। मैं अपने उत्तर प्रदेश के बारे में जानता हूँ कि वहां पर जो पकड़े गये थे उनको छोड़ दिया गया है। आप जरा वहां के चीफ मिनिस्टर साहब से पूछिये—10 करोड़ की आबादी के उत्तर प्रदेश में कितने आदमियों को पकड़ा गया था—कीमतों के मामले में—और कितनों को छोड़ दिया गया है। मेरा यही सुझाव है कि वह पकड़ जित के जरिये से कन्ज्यूमर को राहत मिली थी, वह पकड़ जिस के जरिये से इन व्यापारियों की लूट कम हो गई थी, उस पकड़ को ढोला मत होने दीजिये। आपके 20 प्वाइन्ट प्रोग्राम का क्या हुआ। उस में सब से पहला प्वाइन्ट यही है जब कि कीमतें गिराई जायेंगी प्राइसेज में स्टेबिलिटी लाई जायेगी। 20 प्वाइन्ट प्रोग्राम का बहुत अच्छा प्रोपेण्डा होना चाहिये, हम भी यही चाहते है कि उस का एक एक प्वाइन्ट कामयाब हो। इस लिये मैं उम्मीद करता हूँ कि उस का जो पहला प्वाइन्ट कीमतों के बारे में है उस का खास लिहाज रखा जायगा। अभी जैसा श्री भोपेन्द्र झा जी ने कहा है—इस का एक तरीका यह है कि जो ऐसी बुनियादी चीजें है, मेहरबानी करके उन को नैजनालाइज कीजिये, उन को सप्लाय और डिस्ट्रीब्यूशन का काम अपने हाथ में लीजिये, तभी कन्ज्यूमर्स लूट को रोका जा सकता है, एग्जैक्टचरिस्टस की लूट को रोका जा सकता है, गरीब मैन्यूफैक्चरर्स की लूट को रोका जा सकता है, तब ही इस बिल को यहां पेश करने की आप को मंशा पूरी हो सकती है।

[ شرعی اسحق سہیلی (امروہ): ]

چھرمہن صاحب - یہ ہل پلس نو  
 رہا ہے - اس کے سلسلے میں میں  
 جلد سچھیلو دینا چاہتا ہوں - اور  
 چاہتا ہوں کہ مسٹر صاحب اس  
 کے امپلیمینٹیشن میں ان باتوں کا  
 خیال رکھیں - او چھسے بڑے ملک  
 کے لئے اسٹیشنل کمیونٹی کی سہیلی کا  
 سوال ایک بڑا نام سوال ہے یہ بالکل  
 صحیح ہے - جیسا کہ کئی ممبروں  
 نے یہاں پر کہا ہے کہ اس میں  
 یہاں پر کوئی پارٹی قفریس نہیں ہے  
 ایوزیشن اور کانگریس کے سہیلی لوگوں  
 نے کہا ہے کہ پرائیمسز کہاں سے کہیں  
 پہنچ گئے ہیں - میں معلوم کرنا  
 چاہتا ہوں کہ شوگر میں کہا مصہبت  
 آ گئی - شوگر کہاں چلی گئی -  
 - کار نے انانس کہا ہے شوگر کا ایسپورٹ  
 نہیں کریگم - تاکہ وہ یہاں پر کام  
 آ سکے - لیکن اس کے باوجود اسکی  
 قیمت بڑھ رہی ہے -

اسی طرح سے مسعود آٹھل کی  
 قیمت بڑھ رہی ہے - آپ کو یاد  
 ہوگا جس روز ہاؤس شروع ہوا تھا  
 اس روز ہمارے لہور شری اندر چھت  
 گیتا اور ہمارے دوسرے ساتھیوں نے  
 کالنگ آٹھلشن کہا تھا - تو سرکار کی  
 طرف سے کہا گیا تھا کہ اس کا انتظام  
 کیا جائیگا - پیپر نے بڑی بہاری  
 مہڈنگز دے کر مسٹر چارج کا سٹیمٹ  
 سہلت چھاپا تھا - لیکن اس کے  
 بعد، آج بھی وہی وعدہ کہا جاتا ہے  
 کہ اس کو ٹھیک کر دیا جائیگا -  
 آپ کو معلوم ہے کہ ان ٹریڈرز کو اگر  
 دو تین روپے بھی مل جاتے  
 ہوں تو وہ گلڈیوسورز سے کوڑوں روپے  
 لوٹ لیتے ہیں - دہلی کی ایکوامپل

آپ کے سامنے ہے - آپ دوسری سٹیمٹ  
 نے انکوئری میں چائے - تو دیکھیں  
 گئے کہ اس طرح سے لوٹ ہو رہی  
 ہے - میں ایک ایکواپل دینا چاہتا  
 ہوں -

آپ مڈل میں کا منافع کم کرنا  
 چاہتے ہیں - یہ اچھی بات ہے -  
 ضرور کرنا چاہئے - لیکن میں ایک  
 ہی مثال آپ کے سامنے دیتا ہوں -  
 باتا شوگر ایک کمپنی ہے - وہ فریب  
 موجدوں سے جوتے ہلواتے ہیں ان کو  
 بھس روپے دیکر - اس پر اپنی  
 چھاپ لگا کر 59 روپے میں بھجوتے  
 ہیں - کہا کہی اس کو چھک کرے  
 کی کوشش کی گئی ہے - میں اس  
 کا ثبوت دے سکتا ہوں - آپ ذرا آگے  
 چلئے اور دیکھئے کہ یہ نانا والے کس  
 طرح سے فریب موجدوں کو لوٹ  
 رہے ہیں -

ایک بات میں خاص طور سے  
 اے - ایس-جارج صاحب کو اور دوسرے  
 مسٹر صاحبان سے کہا چاہتا ہوں  
 کہ سہیلی کو کے سہیلی کو  
 جسٹیفائی کرنا چھوڑ دیں - شوگر کے  
 لئے کہا گیا کہ پوجا کا تھوہار آ رہا  
 ہے - میں سو دن دیر سے آئی ہے - اس  
 لئے دام بڑھے ہیں - اس کے معنی  
 صاف یہ ہیں - کہ گلڈیوسر لوٹا جا رہا  
 ہے - اور اس لوٹ کو آپ جسٹیفائی  
 کرنا چاہتے ہیں - میں چاہتا ہوں کہ  
 آپ اس پر غور کریں - اور اس کو  
 جسٹیفائی کرنا چھوڑ دیں -

آپ ذرا گلڈیوسر انڈیکس کو  
 نکال کر دیکھئے - آپ کو معلوم ہوگا  
 کہ مارچ سے سہیلی شروع ہوئی - کہیں

[شری اسحاق سلہلی (امرہہ)]  
 شروع ہوئی - وہاں میں سون کا سوال  
 نہیں تھا - شورتیز کا سوال نہیں تھا -  
 آپ اس بات کو سمجھ لیجئے -  
 ہندوستان کا بھوپاری خوشی سے قیمتیں  
 کم نہیں کرتا - جب اسکی پکو دھکو  
 شروع ہوئی - قی - آئی - آر اور مہسا  
 میں اس کو بند کیا جانے لگا تب  
 اس نے قیمتیں کم کیں - لیکن اب  
 کیا حالت ہے - جسسا مہرے ساوتہ  
 اندی کے بھائی کہہ رہے تھے - جو لوگ  
 قی - آئی - آر اور مہسا میں بند تھے -  
 وہ چھوڑے جا رہے ہیں اور جو چھوڑ  
 گئے ہیں انہوں نے پھر وہی پرانا دھندہ  
 شروع کر دیا ہے - میں اپنے اتر پردیس  
 کے بارے میں جانتا ہوں - وہاں پر  
 جو پکڑے گئے تھے - ان کو چھوڑ دیا  
 گیا ہے - آپ ذرا وہاں کے چھف  
 منسٹر صاحب سے پوچھئے - ۱۰ کروڑ  
 کی آبادی سے اتو پردیس میں کتنے  
 آدمیوں کو پکڑا گیا تھا - قیمتوں کے  
 معاملے میں اور کتوں کو چھوڑ دیا  
 گیا ہے - میرا سنجھاؤ ہے کہ وہ پکو  
 جس کے ذریعے کلکٹورس کو راحت  
 ملی تھی - وہ پکو جس کے ذریعے سے  
 ان بوریاریوں کی لوت کم ہو گئی  
 تھی - اس پکو کو تھہلا مت ہونے  
 دیجئے - آپ کے بھس پوائنٹ  
 پروگرام کا کہا ہوا - اس میں سب  
 سے پہلا پوائنٹ یہی ہے - کہ قیمتیں  
 کوالی جائنکی - پرائسز میں

ستھلٹی لٹی جائنکی - ۱۰ پوائنٹ  
 پروگرام کا بہت اچھا پرویکھنڈا ہونا  
 چاہئے - ہم یہی چاہتے ہیں -  
 کہ اس کا ایک ایک پوائنٹ کامیاب  
 ہو - اس لئے میں اہمہ کرتا ہوں -  
 کہ اس کا جو پہلا پوائنٹ قیمتوں کے  
 بارے میں ہے - اس کا خاص لحاظ  
 رکھا جائیگا - ابھی جسسا شری  
 بھائیڈر چھا جی نے کہا ہے اس کا  
 ٹیک طریقہ یہ ہے کہ جو ایسی  
 بلہادی چیزیں ہیں - مہربانی کرکے  
 ان کو نہ شملہائز کیجئے - ان کی  
 سہائی اور تسہیلوشن کا کام اپنے ہاتھ  
 میں لیجئے - تبھی کلکٹورس لوت کو  
 روکا جا سکتا ہے - شریب مہلوفہ کچرز  
 کی لوت کو روکا جا سکتا ہے - تبھی  
 اس بل کا یہاں پیش کرنے کی آپ  
 کی منشا پوری ہو سکتی ہے - ]

SHRI P G MAVALANKAR (Ah-  
 medabad): Mr. Chairman, Sir, I shall  
 be very brief I have heard a few  
 speeches in this debate, and I want to  
 add a few significant points.

The whole difficulty is that Govern-  
 ment think that merely by legisla-  
 tion they can control or solve the  
 problem. If mere legislation were to  
 bring about solutions, I am sure the  
 hon. Minister and his colleagues  
 would have brought many more Bills  
 of this nature.

MR. CHAIRMAN: If there is no  
 legislation, you will say they have no  
 powers.

SHRI P. G. MAVALANKAR: I am  
 thinking of legislation which cannot  
 be implemented honestly and fully.  
 Moreover, my emphasis is on the



word "mere". We must consider whether and where and when mere legislation is sufficient.

AN HON. MEMBER: What else?

SHRI P. G. MAVALANKAR: There must be a will to implement whatever you have already legislated. I can understand the amendment if it means plugging of certain loopholes, if it means improvements in the right direction, but it will not help if you merely increase the powers of the bureaucracy, as this particular legislation seeks to do, as we have seen in the last 14 months. In fact, today, 26th August, it is exactly 14 months since the Government of India declared an emergency in this country. By this, they are not only extending the powers of the executive, but what is more important and much worse, they are increasing the powers of bureaucracy at all levels. There is no appeal; there is no justice anywhere. In this atmosphere, are they going to get the consumers' interests protected merely by adding to the powers of bureaucracy and the administration? That is the point which, I think, the Minister will have to answer, if not to us, at least to his conscience. I am sure, he has one. That is one aspect of the matter.

The other thing is about the price rise. No matter what Government claim or say, the propaganda is one thing but the truth is another. Liking a thing to happen is one thing but the reality is another. The reality is that price rise in our country, in most of the things, has not been going down but in some cases, the price rise has been showing an upward tendency. Not only that. Accompanied with that, there are also inadequacies of supplies. I am coming from Gujarat. I know how people are suffering for want of oil. Oil has suddenly disappeared. You will be surprised that only two months back, we were told that the groundnut crop in Gujarat was fantastic, phenomenal and un-

precedented and, within two months, with Id, Puja and Diwali, all these festivals coming very near, we are told that oil has suddenly gone somewhere else. I do not know where it has gone. The whole point is this. Where is your system? Where is the implementation of your system?

My next point is about the public distribution system. After all, it is meant mainly for the weaker sections of the community. Only yesterday, I attended a meeting in Ahmedabad in the Collector's office, the monthly meeting of the MPs and the MLAs from the District, and I said, the same thing there that not enough is being done to care for the economically weaker sections of the community. When it comes to talking in terms of propaganda on radio or television, the Government goes out massively in terms of justice for the weaker sections of the community but, when it comes to the implementation part of it, not even an ounce of that is done. I agree with my hon. friend, Shri Sambhali, that we must awaken our people to the need for doing something for the weaker sections of the community. The propaganda is necessary. But if you only go on doing propaganda, not implementing what you say, then you are creating a very bad situation which will recoil not only on you but on ourselves, on Parliament, on Government, on the entire country and everywhere.

That is why I am requesting the Government, if they really want the interests of weaker sections of the community to be looked after, they should see that the weaker sections of the community are not cheated, on one hand, by the merchants and, on the other hand, by artificial scarcity of goods, essential commodities suddenly vanishing somewhere. You must also control the practice of profiteering. All this will have to be done by a careful, systematic and planned approach by the Government. Therefore, in view of these approaching festivals, something has to be done.

[Shri P G Mavalankar]

But it is not only a question of festivals. Do you want every day of 365 days a festival day. Only then you will give us some relief? Then we must pray for everyone of the 365 days to be a festival day. But that will be reducing the whole thing to absurdity.

The Government will have to be careful in seeing that essential commodities do not go out of stock and circulation or out of supply that weaker sections of the community are properly helped that the price rise is controlled and that in spite of Emergency and Emergency or no Emergency the bureaucracy and the administration do not get an upper hand over the consumers and that they do not act in a way which is both arbitrary and limitless.

These are my points. I am not really opposing the Bill in substance. But I am mentioning these points to say that unless you look after all these things it will be only adding to more difficulties rather than solving some of the difficulties.

**THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES AND COOPERATION (SHRI A C GEORGE)**

Mr Chairman, Sir, even at the third reading of the Bill I am glad that distinguished Members came forward with not only important suggestions but excellent spirit of co-operation. As Shri Sambhal pointed out this is one point of discussion which must go beyond narrow barriers of the party politics because what we are discussing or what we are trying to do is to facilitate distribution of essential items of mass consumption even to the poorest man at least to the extent of the barest limit at the most reasonable price. So if this is the approach to the whole problem there cannot be any division based on party politics. That is precisely why I say that I take note of all the suggestions in the best spirit.

I would refer to Mr Mavalankar's point regarding festival season. If you analyse the price situation that had obtained during the past 28 or 29 years, you will find that almost every year, from the end of May upto the middle of October the prices had started going up because this is normally known as the lean season before the arrival of the kharif crop.

**SHRI BHOGENDRA JHA** Does the lean season add something to the value of the article?

**SHRI A C GEORGE** This year, learning from the experience of the past years we have been extremely cautious. As I have said during the festival season there is a tendency on the part of the traders to exploit the situation. This is a five week season. For example we have in the south on the 6th September Onam festival then Ganesh Chaturthi then Diwali, then Purnima in Bengal and then Id and so on. What I am saying is that during this five week period we have so many important national festivals. Every year during this period we see an attempt on the part of the traders to jack up the prices, especially of sugar, edible oils, foodgrains and cloth. These are the three or four items according to our analysis—and it is also common knowledge—where the traders make best efforts to exploit the situation. We are taking pre-emptive action—advance action.

Wherever there are pockets of scarcity we are trying to see with the help of the State Governments that most of the items are reached there in time, that there are no transport bottlenecks. Especially after 16th July when the Finance Minister held a meeting—when prices showed signs of going up—, more than 2,240 raids have taken place, I need not say how many arrests have taken place. The trade and industry now know that Government is not relaxing and is maintaining the spirit of Emergency which is mainly to take care of the interests of consumers. I

can assure the House again when you are offering this cooperation by way of unanimous support to this Bill, that the Government will not relax in taking measures for consumer protection.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted.*

17.44 hrs.

#### FACTORIES (AMENDMENT) BILL

MR. CHAIRMAN: We now take up the Factories (Amendment) Bill. Mr. Raghunatha Reddy.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): Sir, I beg to move\*:

"That the Bill further to amend the Factories Act, 1948, as passed by Rajya Sabha, be taken into consideration."

The health and happiness of the working class are the very foundations of production, productivity and progress. These essentials are not merely confined to the narrow precincts of the shop-floor but extend beyond the walls of the workshop, into the very life and living of the labour force. The main purpose of having a Factories Act is to regulate the management in the interest of the workforce. Unless the hands of the working class are safe and secure from hazards of disease and disablement, the process of manufacture can be neither perfect nor efficient. The hands that shape the production processes gradually shape and direct the destinies of a nation.

The present Factories Act was passed in 1948 and came into effect from the 1st April, 1949. The Act was last amended in 1954. The working of the

Act was discussed at the Annual Conference of the Chief Inspectors of Factories. The various amendments proposed at the Conference and the suggestions made at the 16th Session of the Labour Ministers' Conference for appointment of safety officers and for enquiry into fatal accidents, etc., have been examined by the Government in consultation with the State Governments and all-India organizations of workers and employers. The Bill, which is before this august House, incorporates amendments in respect of which there is a fairly large measure of agreement amongst the various interests.

I now proceed to explain briefly the nature and scope of some of the important amendments:—

- (a) It is proposed to widen the scope of the existing definition of the term 'worker' in the Factories Act so as to cover certain categories of persons employed in factories but so far taken to be outside the protective clauses of the Factories Act. Contract labour of all employed directly or through any agency with or without the knowledge of the principal employer will be covered by this Bill before the House.

It is proposed to insert an 'explanation' to clause (m) of section 2 of the Act so as to include all the workers in different relays in a day for the purpose of bringing such factories within coverage of the Act.

In certain exceptional circumstances, workers may have to work near unfenced machinery. The present provisions concerning this type of work are proposed to be amended so as to clearly define these circumstances and to spell out the precautions to be adopted in such cases.

Experience has clearly indicated the advantages in assigning the staff func-

\*Moved with the recommendation of the President.