

(SHRI JYOTIRMOY BOSU)

Security Forces. In Mizoram area near Aijal the security forces are committing atrocities in villages. The North Eastern Region is receiving such treatment from the Centre for a long time. All that I want is that you should make an observaion so that Government is made to come out with a statement giving facts. Otherwise it will be disaster for the whole country.

श्री कमला मिश्र 'मधुकर' (केसरिया):
पूर्वी चम्पारन जिले में भयंकर बाढ़ आई है। सात लाख से अधिक लोग उसमें प्रभावित हुए हैं। राशन की दुर्गति में अन्न नहीं मिल रहा है। लोगों के सामने भूखों मरने की नीबट आ गई है? कहीं कहीं लोग भूखों मर भी रहे हैं। बिहार सरकार ने आप से गल्ले की मांग की है। आप गल्ला नहीं पहुंचाएंगे तो वहां के लोग भूखों मर जाएंगे। बिहार को आप गल्ला दें ताकि चम्पारन के लोग भूखों मरने से बच सकें, उनको भूखों मरने से बचाया जा सके।

13.53 hrs.

ESSENTIAL COMMODITIES

(AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: We take up further Clause-by-clause consideration of the Essential Commodities (Amendment) Bill.

श्री मधु लिषये (बांका) : आप शकधर कौल साहब की किताब के पेज 917 को देखें पी आई बी के तीस अफसरों के लिए हम पास देते हैं। इन लोगों का काम है कि सदन की मेज पर जो कागज या दस्तावेज रखे जाते हैं, प्रश्नोत्तर रखे जाते हैं, इनको प्रेस कारेसपोण्डेंस को सप्लाई करना। स्पीकर साहब के सामने भी एक बार यह सवाल उठाया जा चुका है। अब नौ और दस आइटम जोकि मारुति के

वारे में है, उससे सम्बंधित कागजात आज प्रेस कारेसपोण्डेंस के बीच में सर्कुलिट नहीं किए गए हैं। अभी अभी पत्रकार बंधुओं ने मुझे यह बताया है... (श्वबधान)

श्री हुकम चन्व कछवाय : पिछले दो तीन साल से यही चल रहा है। मारुति के नाम से इनको एलजी क्यों है ?

MR. DEPUTY-SPEAKER: That has nothing to do with this.

SHRI MADHU LIMAYE: That has everything to do with this.

SHRI VIKRAM MAHAJAN (Kangra): A deliberate campaign is being made; this is not fair. Same issues are being raised again and again.

MR. DEPUTY-SPEAKER: I thought that relates to the Essential Commodities Amendment Bill; so I allowed him. This is something different and not related to the question at the moment with which we are concerned. That is something else. You can raise this on some other occasion.

SHRI MADHU LIMAYE: In what form?

MR. DEPUTY-SPEAKER: That I do not know. (Interruptions) I am not prepared to hear on this because, first of all, hear me, that this is not a point of order relating to this particular business.

SHRI VIKRAM MAHAJAN: Mr. Deputy-Speaker, Sir, may I be permitted.....

MR. DEPUTY-SPEAKER: Mr. Mahajan, if you want to deal with them, do so. I shall give you five minutes to deal with them.

SHRI VIKRAM MAHAJAN: Sir, I want to submit that this a deliberate campaign which they are carrying on time and again. Whatever it is, this is not related to to-day's business. That is what I want to submit.

SHRI PILOO MODY (Godhra): What is that campaign for?

SHRI VIKRAM MAHAJAN: The campaign is to malign.

SHRI PILOO MODY: Malign whom?

SHRI VIKRAM MAHAJAN: To malign the party and the leader of our party. You were all carrying on this campaign. How can this be permitted?

SHRI PILOO MODY: Is he the leader of the socialist forum or any other forum? I do not know which leader is being maligned.

(Interruptions)

MR. DEPUTY-SPEAKER: I have given him permission to deal with you. He thinks that he can do it better than myself.

SHRI VIKRAM MAHAJAN: I cannot say that.

MR. DEPUTY-SPEAKER: He took the words out of my mouth when I was regulating the proceedings. And therefore I have allowed him to deal with it.

SHRI VIKRAM MAHAJAN: I am only trying to support you. Therefore, what I want to submit is this (Interruptions)

MR. DEPUTY-SPEAKER: Will all of you kindly sit down? I am dealing with a point of order. And I say that this point of order does not relate to this business. And therefore there is no point of order. If Mr. Madhu Limaye complains about something else, that should be taken on an appropriate occasion and not taking this opportunity of a point of order to this Bill. (Interruptions) It may be relating to the business of the House; I do not dispute that. But, that is not relating to the particular business. You may seek some other opportunity; you can come in the form of a motion; or you may write to the Speaker. There are so many ways for you. If you feel that cer-

tain proceedings of the House are not properly dealt with at all, I consider that that is a serious matter and we should take note of it. But, there should be an appropriate occasion and that should be dealt with in a proper manner. Kindly sit down.

SHRI PILOO MODY: Will you kindly permit me to ask you a question? You have been in the Chair for many many years.

MR. DEPUTY-SPEAKER: Not many years. I have been here for the last three or four years.

SHRI PILOO MODY: You have been in Parliament for at least eight years to my knowledge. You have been in the Chair for a considerable period of time at least. I think that I have been seeing you for a long time.

MR. DEPUTY-SPEAKER: Yes.

SHRI PILOO MODY: May I have your permission? I would like to ask you a simple question. Would you please help us with all your expertise and talent and know-how of being able to get this matter on the floor of the House?

MR. DEPUTY-SPEAKER: Members like Shri Madhu Limaye and Shri Pilo Mody are very resourceful and outstanding Members. They do not need any tuition from me.

SHRI PILOO MODY: That is why, Sir, without taking tuition from you we are raising this matter.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, you must say something, otherwise you will be failing in your duty.

MR. DEPUTY-SPEAKER: Although *Prime facie* Shri Madhu Limaye has made a complaint yet it has to be looked into in a proper manner. You

(MR. DEPUTY SPEAKER)

expect me to act in a responsible manner and not say something off-hand.

THE MINISTER OF COMMERCE (PRO. D. P. CHATTOPADHYAYA): Sir, objection has been raised against some discretionary power given to the Magistrate. Our submission is that unless we give some discretion to the trying Magistrate the end of justice could not be met. Hon. members have emphasised the necessity of stringency of the penal measures. Our submission is stringency of the penal measure should be re-conciled with the end of justice and fairplay. If some offences are of technical character and if the trying Magistrate feels conscientiously that he should not impose the maximum punishment then discretion has been given to him to reduce the punishment. This relaxation has been provided because there may be special reasons. The offence may be technical. So, while I appreciate the sentiments of the hon. Members against the economic offenders I would submit humbly that stringency of the penal measure should be re-conciled with the end of justice particularly in a democratic set-up we do not want a draconian law but a just law. Therefore, I express my inability to accept these amendments.

SHRI C. M. STEPHEN (Muvattupuzha): In the principle Act with respect of repeat offences one month's imprisonment is compulsory and the Magistrates did not have any discretion. What is the consideration which has prompted the Government to waive that compulsory punishment and even with respect to repeat offences give discretion to the court? There was one month's compulsory imprisonment before with no discretion. What is it that has prompted the Government to give discretion to the magistrate even with respect to the punishment for repeat offences

and to dilute the law with respect to that?

MR. DEPUTY-SPEAKER: Does the hon. Minister have any reply to that?

PROF. D. P. CHATTOPADHYAYA: I have only a comment; I would not say that it is a reply. When the penalty has been made harsher, discretion becomes all the more necessary.

SHRI ATAL BIHARI VAJPAYEE: Are you satisfied with this?

MR. DEPUTY-SPEAKER: There is no question of that. The House should be satisfied, not I, because the House decides and I do not decide.

I shall now put the amendments moved by Shri R. R. Sharma, Shri Ramavatar Shastri, Shri B. R. Shukla and Shri B. V. Naik to the vote of the House.

Amendments Nos. 2 to 6, 13 to 24, 33 and 89 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Amendment of section 10A)

SHRI B. R. SHUKLA (Babraich): I beg to move:

Page 3,—after line 32, insert—

'(c) renumber section 10A as sub-section (1) and after sub-section (1) as so re-numbered, the following new sub-section shall be inserted, namely:—

"(2) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure,

1973, no person accused of an offence punishable with an imprisonment of seven years under this Act, shall be granted bail if there are reasonable grounds for believing that he has committed such an offence:

Provided that a previous notice to public prosecutor or to any other officer acting under him, shall be given by the Court concerned, before disposing of an application for bail under this section.

Provided further that in case investigation is not completed within two months after the date of arrest, the accused shall be eligible to be released on bail."
(41)

The reasons for my tabling this amendment are as follows. The amending Bill seeks to delete the words 'bailable' from this section, thereby intending that the offences under the Essential Commodities (Amendment) Bill would no longer be bailable where any person accused of such offences can claim bail as a matter of right. But my submission is that the mere deletion of the word 'bailable' would not meet the intended objective of Government, because once the offence is made non-bailable and no corresponding rider is added in this amending Bill, the position would be governed by the general provisions relating to bail under the Criminal Procedure Code. Under the Criminal Procedure Code, even in respect of a large number of offences which have been made non-bailable, the accused are generally granted bail. Moreover, there is also a provision made for anticipatory bail. In accordance with this, the Session Court and the High Court can grant bail to a person who is apprehending arrest. So, those provisions which are very liberal in nature are still available to a person accused of a non-bailable offence even under this amending Bill. So, if Government are really serious that persons who are guilty of the contravention of the offence under the present

Bill should not be granted bail, they have to add something more and the court's powers are to be drastically curtailed so that they will not be able to grant bail, if a *prima facie* case is made out in that regard. Therefore, I have tabled this amendment. It is for Government to take more powers if they so like; if they want to go soft with the criminals in spite of all the provisions, that is another matter and they may do so.

PROF. D. P. CHATTOPADHYAYA: I think the desired purpose would be served by just deleting the term 'bailable', thereby by implication making it non-bailable. The Criminal Procedure Code 1973 takes care of the contingency referred to by the hon. Member. So, I think that it is alright. I am sorry that this amendment cannot be accepted.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 41 to vote.

Amendment No. 41 was put and negatived

MR. DEPUTY-SPEAKER: Now, the question is:

"That Clause 7 stand part of the Bill"

The motion was adopted

Clause 7 was added to the Bill.

(Insertion of new sections 10B and 10C)

MR. DEPUTY-SPEAKER: We shall now take up Clause 8. Shri Vajpayee.

श्री अटन बिहारी वाजपेयी (ग्वालियर)

I beg to move:—

Page 4,—

after line 6, insert—

"(4) Government shall lay before Parliament an annual report regarding action taken for the contravention of the provisions of this section" (7)

Page 4,—

omit lines 16 to 19. (8)

उपाध्यक्ष महोदय, मैं मंत्री महोदय से जानना चाहता हूँ क्या वे किसी भी संशोधन को स्वीकार करने के लिये तैयार हैं या नहीं हैं। अगर वे दिमाग बन्द करके आये हैं, अगर उन्होंने फंसला कर लिया है कि संशोधन कितना भी उचित, उपयुक्त और तर्कसंगत क्यों न हो, उसे स्वीकार नहीं करना है तो फिर यह सारी बहस बेकार है। वे न तो सदस्यों द्वारा उठाये गये मुद्दों का जवाब दे रहे हैं, सिर्फ एक ही बात कह रहे हैं कि मैं कोई भी संशोधन स्वीकार नहीं कर सकता।

श्री शिवनाथ सिंह (धुनधुन) : ऐसी बात नहीं है, आप हाउस को कन्विन्स तो करें

PROF. D. P. CHATTOPADHYAYA: My mind is open. I am willing to listen to any point.

SHRI ATAL BIHARI VAJPAYEE: Open mind does not mean that it should be vacant.

MR. DEPUTY-SPEAKER: You are not accepting.

PROF. D. P. CHATTOPADHYAYA: I have not had the pleasure to listen to Mr. Vajpayee. How can I say, I am accepting or not accepting.

MR. DEPUTY-SPEAKER: I shall now put Amendment Nos. 7 and 8 moved by Shri Atal Bihari Vajpayee to the vote of the House.

Amendments Nos. 7 and 8 were put and negatived

MR. DEPUTY-SPEAKER: Shri B. R. Shukla—Not moving Shri M. C. Daga—Absent, Sardar Swaran Singh Sokhi—Absent, Shri D. K. Panda—Absent.

Now, the question is:

“That Clause 8 stand part of the Bill”

The motion was adopted.

Clause 8 was added to the Bill.

MR. DEPUTY-SPEAKER: We shall take up Clause 9. There are no amendments.

The question is:

“That Clause 9 stand part of the Bill”

The motion was adopted.

Clause 9 was added to the Bill.

MR. DEPUTY-SPEAKER: We shall now take up Clause 10. Shri Vajpayee

SHRI ATAL BIHARI VAJPAYEE: I am not moving any amendment.

MR. DEPUTY-SPEAKER: Shri Ramavtar Shastri—Absent, Sardar Swaran Singh Sokhi—Absent; Shri D. K. Panda—Absent; Shri K. M. Madhukar—Absent.

The question is:

“That Clause 10 stand part of the Bill”

The motion was adopted.

Clause 10 was added to the Bill.

MR. DEPUTY-SPEAKER: We shall now take up Clause 11.

Shri M. C. Daga—Absent; Shri D. K. Panda—Absent.

The question is:

“That Clause 11 stand part of the Bill”.

The motion was adopted.

Clause 11 was added to the Bill.

MR. DEPUTY-SPEAKER: We shall now take up Clause 12.

Shri Atal Bihari Vajpayee—Not moving.

Shri Ramavtar Shastri—Absent.

Sardar Swaran Singh Sokhi—Absent.

Shri D. K. Panda—Absent.

Shri K. M. Madhukar—Absent.

I shall now put the rest of the Clauses to the vote of the House.

The question is:

"That Clauses 12, 13 and 14 stand part of the Bill."

The motion was adopted.

Clauses 12 to 14 were added to the Bill.

MR. DEPUTY-SPEAKER: Now, we shall take up Clause 1.

Shri D. K. Panda—Absent.

Shri K. M. Madhukar—Absent.

Shri Ramavatar Shastri—Absent.

The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

PROF. D. P. CHATTOPADHYAYA: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

श्री मधु लिपये (ब्रांकर) : उपाध्यक्ष महोदय, इस विधेयक के ताहत सरकार को आर्थिक अपराधों के सम्बन्ध में नई शक्तियाँ प्रदान की गई हैं, लेकिन इन के हाथ में जो अधिकार हैं उन का ये लोग कभी इस्तेमाल नहीं करते।

उपाध्यक्ष महोदय: मंत्र से पहले मैं नमक उदाहरण आप के सामने रखना चाहता हूँ। मन्त्री महोदय इस बात से इंकार नहीं कर सकते कि नमक एक बहुत ही जीवन-आवश्यक चीज है। इन दिनों नमक का भी बम्बई के इलाके में अभाव हुआ है और नमक के दाम 3 रुपये किलो तक पहुँच गये थे। इस के बारे में व्यापारियों का यह कहना था कि दोष हमारा नहीं है, हम लोगों को बैगन नहीं मिलता है, इस लिये कच्छ, सौराष्ट्र, महाराष्ट्र के इलाके

में, थाना जिले में, साट्ट पैन्स में जिस की मोठागर कहते हैं, बड़ी मात्रा में नमक पड़ा हुआ है, लेकिन बैगन नहीं मिल रही है, इस लिये वे ला नहीं सकते हैं।

कच्छ के साट्ट मैग्नेचर्स का एक पत्र भी मेरे पास आया था। उस में उन्होंने शिकायत की थी कि 8 लाख टन नमक कच्छ इलाके में पड़ा हुआ है लेकिन इस नमक को लेने के लिये बैगन नहीं मिल रही है इस में रेल मंत्रालय का दोष हो या सरकार की वितरण व्यवस्था का दोष हो, लेकिन मुझे तो ऐसा लगता है कि सरकारी विभाग और व्यापारी दोनों के बीच में साठ-गांठ है और उमी के चलने नमक का दाम 3 रुपये किलो तक ऊँचा उठ गया था।

मैं मन्त्री महोदय से कहना चाहता हूँ कि इन कानून के पाम होने के बाद जो अभाव की स्थिति है उस में कोई परिवर्तन होने वाला नहीं है। मैं एक और उदाहरण आप के सामने रखना चाहता हूँ, खास तौर से हमारे जो पश्चिमी बंगाल के सम्बन्ध हैं उन की जानकारी के लिये रखना चाहता हूँ। पंजाब, हरियाणा और हमारे सरलस राज्यों में गेहूँ के थोक दाम 150 रुपये क्विंटल तक किये गये हैं, लेकिन आज कहीं भी मीठे 150 रुपये क्विंटल में नहीं हो रहे हैं। दरबारा सिंह जी यहाँ बँडे हुए हैं—उन को पता होगा। 190 रुपये क्विंटल से शुरूआत होती है और 220 रुपये तक के मीठे होते हैं। इस के लिये इन्वाएम् 150 रुपये क्विंटल का बनता है, इस तरह से टैक्स की डममें चोरी होती है और यह जो बोच का पैसा है, यह मन्त्रियों से लेकर व्यापारियों तक आपस में बँट रहा है। मैं मान-मार्थ उन का ध्यान इस बात की था और खीनना चाहता हूँ कि बिगत लाल तक केन्द्र का एक आदेश था कि ये जो रोलर-मिन्ज हैं उन को जो गेहूँ दिया जाता है, उस के ऊपर मिलिया मारजिन 80 रुपये टन दिया जायेगा। उस के बाद नई नियन्त्रण नीति आई, जिस के अन्तर्गत खाद्य नियन्त्रण अखिल भारतीय रूप में खत्म हुआ, 80 रुपये का जो मिलिया मारजिन मिलता है,

[श्री मधु लिमये]

उसके लिए हमारे उड़ीसा के रोलर वाले मिल कहते हैं कि उस में उन को मुनाफा है, लेकिन आप के राज्य में क्या आप को मालूम है कि क्या हुआ ? आपके मुख्य मंत्री जी श्री निदार्थ शंकर राय की उन मिल वालों के साथ एक गुप्त मीटिंग हुई उस में 80 रुपये टन के मिलिंग माजिन को बढ़ाकर 200 रुपये टन कर दिया गया। अगर 6 लाख टन-रोलर निर्रों के द्वारा मिल किया जायेगा तो उन को अतिरिक्त मुनाफे के रूप में 7 करोड़ 20 लाख रुपये मिलेगा। मैं जानना चाहता हूँ यह जो 7 करोड़ 20 लाख रुपये का दक्षिणा या प्रसाद आप रोलर-मिलवालों को देना जा रहे हैं, उस में पश्चिमी बंगाल को सरकार है। उन के मंत्रियों पीर नीकरशाहों का उस में किनना हिस्सा है ? करना यह बात समझ में नहीं आती कि उड़ीसा में 80 रुपये टन के माजिन से प्राफिट होता है तो पश्चिमी बंगाल में 200 रुपये टन वाले 120 रुपये प्रति टन ज्यादा क्यों किया गया ? मैं एक अर्थ में इन सवाल को उठा रहा हूँ—न शिन्दे नाइव जवाब देते हैं न कोई दूसरा जवाब देता है। उन्हा कहते हैं कि आप एनॉगेशन लगा रहे हैं, क्या आपने वैरिफाई किया है। बड़ी सखी सी बात है उड़ीसा जैसे पिछड़े राज्य में 80 रुपये टन के माजिन से प्राफिट होता है, तो पश्चिमी बंगाल में जहाँ बड़ी बड़ी मिलें हैं, पैयार का खर्च, कास्ट ग्रॉफ प्रोडक्शन और भी कम आने चाहिये, वहाँ 200 रुपये टन का माजिन कैसे दिया गया—इस बात का भी कोई जवाब नहीं दे रहा है।

इस लिये मैं कहता हूँ—आप पचासों कानून पास काजिए, जब तक इन अपराजों को दवाने की शक्ति और इच्छा आप में नहीं है तब तक कुछ होने वाला नहीं है।

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, this Bill is a mere eye wash because we know the gap between promise and performance, we know the class character of

this government and we know that they are wedded to the monopolists, blackmarketeers and hoarders. Therefore, this Bill is nothing but another gimmicks on the people. If you look at this Bill, you will see that it does not include so many items. From the mid-thirties till today the Congress slogan is to hand the blackmarketeers by the nearest lamp post but there is no implementation. There is loot by the people in the Government, and the lost is matched outside by their patronage, because this is a government by the monopolists, for the monopolists and of the monopolists.

You will be surprised to hear that in West Bengal, where Prof. Chattopadhyaya is very much in the leadership, they called off the dehoarding drive long before the Centre gave it away. Why is it so? Because, in West Bengal unless the joddars, hoarders and blackmarketeers stand behind them they cannot politically survive. Therefore, they have to be given concessions. If they were really serious about the weaker sections of the society, why is it that the public distribution of foodgrains has come down from 11 lakh tonnes per month last year to 7 lakh tonnes per month this year? Now it is 5 lakhs. Therefore, on the one hand, they are dismantling the public distribution system and, on the other, they are talking of bringing enactments for smooth distribution of all essential commodities at a proper price. I am not such a big ass to believe they really, mean this.

What have they done? What is their performance? Railway freight and fare hike, increased indirect taxes, price rise on bread, wheat, dalda, coal, kerosene, cement, textile and paper. Can you imagine, on the one hand Government increase the prices themselves on textiles and Shri D. P. Chattopadhyaya, the neo-socialist, gives a rise of 37½ per cent because they have to collect funds. We all know it.

Look at the profit margin of some of the companies. Take Hindustan Lever. Their profits rose from Rs. 5

crores to Rs. 10 crores. Shri Subramaniam knows very well, because they are so dear to his heart, about their monopoly in production. In the case of soap what have they done? It is stated:

"However, it has been noticed as against a licensed capacity of 91,000 tonnes per month their production of soap in 1972 was 1,11,308 tonnes."

Shri Subramaniam is here, the principal Spokesman of the Government. Will he tell us what action has he taken against these people who on the one hand, are producing far in excess of the licensed, registered and installed capacity and, at the same time, making soap unavailable to the market? Unless you pay a premium, soap is not available now.

If you look at other items, another very dear company of Shri Subramaniam, the Britannia Biscuit Company, the licensed capacity of the Madras unit is 1200 tonnes. Shri Subramaniam, the spokesman of the socialist camp in the monopoly sector, with his energy and gusto said "No, it is 3,500 tonnes". I cannot call him a liar because it is unparliamentary. This Company was producing, against a licence for 12,000 capacity, 8000 tonnes of biscuits a year. What is the economics? They get flour at Re. 1.25 or 1.50 a kilo and after putting a little saccarine and baking in the automatic machine they sell biscuit between Rs. 12 and 16 a kilo. This is the type of socialism Shrimati Gandhi and her stooges sitting in the treasury Benches talk and believe in.

Then, 20,000 quintals of wheat at subsidised price has been given to these people in Delhi. Yet, you cannot get bread. Now the latest trick they play is that bread shall be distributed through cooperative societies. Who are controlling the cooperative societies? The same white variety toppi-wallahs. So, it is heads I win, tails you lose. Bread will be

sold, bread will be black-marketed, not through the established channels, but by the cooperatives controlled by these people. Otherwise, why should they serve the Ministers? They say to the Ministers "you are having a good time, living in fantastic luxury; what do we get in return for serving you". So, the Minister said "all right, bread will be marketed through the cooperative societies" so that they can make money through it.

They talk about raids. What about Shri S. K. Modi's case? We know that Shri S. K. Mody came with a purse after his premises was raided and, as a result, the case instituted against him under the MISA was withdrawn. Your pious-looking Home Minister got up twice from his seat but he had nothing to say. The rumour is that it cost Shri Modi Rs. 20 lakhs to get out of MISA. Where the money was delivered, at what number in Safdarjung Road, I do not want to mention. It will create trouble. What do they do? Before they go for a raid, Shri Radha Raman and his organisation will see that the information is leaked out so that they can remove everything. So, only small fries are caught. Big fries go scotfree, because they enjoy patronage from the hierarchy, including Shri Subramaniam. So, they remain untouched. This is the position.

On the 17th of June the Food Ministry made a small amendment stealthily. What was the amendment? It was to the effect that the police cannot go and raid a godown under suspicion. They have to go through the Food and Civil Supplies Commissioner and give them time to give the permission. Then only they can raid. What is the reason? In this process, they should be given proper warning by the Civil Supplies Department or the Commissioner, whoever it is so that they can remove things and then the police can go and collect their dues and come back. Nothing happens. Why did they do it? They

(Shri Jyotirmoy Bosu)

did it on the representation of the Foodgrains' Dealers. Of course, the Foodgrains' Dealers petition must have had a very big stamp value attached to it, because nothing happens to the Congress Government when stamps are not affixed. They had raided 200 and odd godowns but they could get nothing.

They are talking about enactments. They have got extensive laws on prevention of smuggling, prevention of tax evasion and prevention of foreign exchange violation. But what is happening? Shri Ganesh says "we cannot arrest them under the MISA; so, I am thinking of a dharna before their house". Therefore, Professor Chattopadhyaya and Shri Subramaniam will go and have dharna in front of Shri S. K. Modi's house. Of course, after darkness a small container will come and they will go back. I know they all do it. Then, why do we talk only about food items? What about industrial raw materials? What about scarce imported materials?

MR. DEPUTY-SPEAKER: Are they all essential commodities?

SHRI JYOTIRMOY BOSU: Very much. Professor Chattopadhyaya knows how difficult it is to give an untrue case, especially in regard to Asian Cables in order to protect Shri R. P. Goenka. I do not know how many VIPs and their relatives have been given appointment in Duncan Brothers and its subsidiary companies. They arrest and prosecute whom? Only the small employees. But the beneficiaries, namely, Shri R. P. Goenka and Shri K. P. Koenka, cannot be touched because they have given not only plenty of cash but they can blackmail all the Ministers because they have given employment to their brothers, sons, sons-in-laws and nephews. You cannot touch them.

Mr. Subramaniam talked about paper. What did he tell the paper-

walas? He told them, "My Lords, kindly give a little paper for textbooks and the balance you can float in the black market." As a result, how much profit have they made? Here is an authentic figure. They have made Rs. 90 crores additional profit. That is the latest figures.

I have always described Mr. Subramaniam, the Industrial Development Minister, as belonging to a variety of commodity which takes the shape of the vessel it contains him, sometimes to this side and sometimes to that side. He always waits for an indication from the top. Whatever the indications are, he moves to that side. Some friends have told me that Mr. Subramaniam has not got an indication on a particular thing from the top meaning the lady at the top.

Then, they are cheating the labour. They have compiled a bogus cost of living index, committing a fraud on the workers wages in so far as taking the prices of essential commodities are concerned. Here is a note:

"Since long the workers whose Dearness Allowance is linked with Consumer's Price Index base 1939-100 are being defrauded of their Dearness Allowance regularly and continuously only due to the wrong compilation of the G.P.I.... the Director pointed out the lacuna in the index and consequently in the linking factor. He admitted that the index must have been 1257 and not 1135, as shown at present. He clearly stated as to how the mistakes have crept in which keeps the index at a lower level....

"The learned Arbitrator found that base prices were not reliable, linking factor was incorrect. He also found that there is no justification for omission of Warm clothing from the index and further held the criticism of the union regarding current prices of Footwear perfectly justified....

The situation has become explosive on Delhi particularly because the employers of Textile Mills in Delhi have not implemented the Award and they still continue to give 78 per cent D.A. over 1031 points as against 90 per cent awarded."

So, this fraud of preparing the cost of living index should be thoroughly looked into. Otherwise, they will continue to cheat the labour.

The last item of fraud that they are committing is on steel. Apart from the fact that the ruling party has collected huge amounts from Steel dealers and steel sellers, I will give another item of fraud....

MR. DEPUTY-SPEAKER: I wonder what is an essential commodity and what is a non-essential commodity. That is different thing. We are now dealing with essential commodities.

SHRI JYOTIRMOY BOSU: They want to keep the loopholes for these persons to prosper. I quote:

"In the month of May, 1974, a team of officers was sent to Japan with Mr. Kaza as head of the team. Specific instructions were given by Dr. Nath in collaboration with

Mr. Vadhood Khan to place orders on particular Japanese firms. The market trend was evident and reported to H.S.L. that the price of steel in the International Market was falling. Huge orders were placed far in excess of the available foreign exchange of extremely high prices, collecting their commission deposited in USA and Switzerland. Even the Metal Bulletin of the month of June|May 1974 reported (It is the most authenticated paper for the World prices of metals) that India has finalised such huge contracts with Japan in the wake of falling prices. In the month of July, prices of steel

fall on the international market by Dollars 125/- per M.T., say, about Rs. 1000 per tonne. Country has suffered loss of at least Rs. 50 crores...."

This is what they have done. Let there be a thorough inquiry into the steel team which went to Japan, whether they have acted within their authority and within their jurisdiction, whether they have placed orders when the steel market was falling. This is what the Metal Market Bulletin has been saying and giving warning that steel prices were falling down.

Sir, I do not believe for a moment that this Bill is going to serve any purpose for the weaker sections of the society. They will only make the misuse of it for collecting their share of loot.

PROF. D. P. CHATTOPADHYAYA: I do not have much to add to what I have said before. I would like to submit only three points.

First of all, I would like to rebutt very strongly the unfounded allegations made by the hon. members sitting opposite. I strongly repudiate the unfounded and unwarranted allegations....

SHRI MADHU LIMAYE: Specify which allegation is unwarranted.

PROF. D. P. CHATTOPADHYAYA: If I am to specify, I will be taking the valuable time of the House...

SHRI MADHU LIMAYE: This is no answer.

SHRI JYOTIRMOY BOSU: Is he talking about Asian Cables?

PROF. D. P. CHATTOPADHYAYA: I would not like to go into specific questions because that matter is not before us for consideration.

SHRI JYOTIRMOY BOSU: On a point of order. I want a clarification from the hon. Minister whether they consider the industrial raw material as an essential commodity or not. Essential commodities means the commodities which are essential to the running of life in the country. That includes industrial raw materials. In that context I have mentioned about steel, I have mentioned about your patron, Mr. R. Goenka who has made Rs. 1 crore by way of black market (*Interruptions*).

MR. DEPUTY-SPEAKER: Order, please. Is steel an essential commodity within the meaning of this Bill?

PROF. D. P. CHATTOPADHYAYA: Of course, Sir. I was not repudiating whether steel is an essential commodity or not, but I was repudating the allegations against our Party, against the Government.... (*Interruptions*).

SHRI MADHU LIMAYE: Is he denying that the margin of the roller miller in West Bengal was raised from Rs. 80 to Rs. 200 per tonne? Say 'yes' or 'No'.

PROF. D. P. CHATTOPADHYAYA: Many points, relevant and irrelevant, have been made. I have already answered the relevant points when there was general discussion and also at the time of clause-by-clause consideration. (*Interruptions*).

MR. DEPUTY-SPEAKER: I must say that I am myself a little confused because I did not read the whole Act; I read only the amending Bill. I have always understood essential commodities as meaning those which are used by the common people like rice, edible oil, soap and things like that. Whatever we discuss must be with reference to the Act and the Bill. 'Essential commodities' must have been defined there. If the Act says that 'essential commodities' include steel and other things, then, of course, it becomes a very big subject nothing else is left. I do not know how many

common people in India today use steel. It may be essential for industrial development. But what is the percentage of the people in India who really use steel?

SHRI JYOTIRMOY BOSU: You cannot move without steel. You are ringing the bell, Sir. That is made of steel.

MR. DEPUTY-SPEAKER: Steel, in my opinion, is being used only by the better-off sections of the commodity who can build concrete houses, not mud houses. That is why, as a common man, I do not understand steel as an essential commodity as rice and edible oils are. I think, for once, the Minister has supported Mr. Jyotirmoy Bosu, because to my query he has said that steel is an essential commodity. You should be happy with it.

PROF. D. P. CHATTOPADHYAYA: The list of essential commodities is longish; nearly a hundred items are there. And if all these items and sub-items become the subject-matter of discussion with reference to this particular Bill which has a very limited scope, I do not know where it will lead us to.

SHRI MADHU LIMAYE: Then why did he deny the allegations?

PROF. D. P. CHATTOPADHYAYA: I strongly deny the allegations made and other malpractices mentioned on behalf of the Government and the Party.

SHRI MADHU LIMAYE: How do you do it? You do not even know that the margin has been increased.

MR. DEPUTY-SPEAKER: The relevancy here is that we are amending the Essential Commodities Act with the idea to make it more stringent and more effective. That is the whole idea of this amending Bill. Therefore, it is open to the Members to question whether the amending Bill will achieve that object. It is within the scope when they make reference to

the Essential Commodities Act and whether this Bill will serve the purpose. That is the relevancy.

PROF. D. P. CHATTOPADHYAYA: I entirely agree with you. I do not question in the least their right. I was submitting only that I repudiate the allegations made against the Government and the party regarding the motive.

About this point I entirely share your view. Here, I would like to submit that after the enactment of this law, our endeavour is, as I said, to effect a sort of co-ordination, a better co-ordination between the Ministries at the Centre and between the Central Ministry and the State Governments and see that the laws and the rules under the laws are more stringently and effectively implemented. Also a Watch Dog Committee, a sort of vigilance cell will be set up to see how these laws now enacted will be implemented. It is the endeavour and policy of the Government that the economic offences are sternly dealt with. It is mainly with these objects that this Bill has been brought before this House and I can assure you and the hon. Members that our Government will take every possible step to effect a better co-ordination and efficient implementation of the provisions of the law so that the ends of justice are met and the economic offenders are rightly dealt with.

With these words, I move.

MR. DEPUTY-SPEAKER: I think the point raised by Shri Madhu Limaye needs a rebuttal because he has raised it more than once and it has also come out in all the papers and it is in the interests of the Government to explain it—whether it is a fact that the milling charge of rice in Orissa is Rs. 80 a quintal and in West Bengal it is Rs. 200. If it is so, what are the special reasons and circumstances for this difference?

PROF. D. P. CHATTOPADHYAYA: This information is not readily avail-

able with me, but I will obtain and let you know.

SHRI MADHU LIMAYE: Shri Shinde is there.

SHRI M. RAM GOPAL REDDY (Nizamabad): He is not an encyclopaedia.

SHRI MADHU LIMAYE: You do not know anything about it and you go on repudiating the allegations in a vague kind of way and in the abstract.

SHRI JYOTIRMOY BOSU: He talked about the vigilance cell. I understand, Sir, that Mr. L. N. Mishra is the head of the vigilance cell.

MR. DEPUTY SPEAKER: Now, the question is:

"That the Bill be passed."

The motion was adopted.

14.45 hrs.

CONSTITUTION (THIRTY-FOURTH AMENDMENT) BILL

MR. DEPUTY-SPEAKER: Now, we take up the Constitution (Thirty-fourth Amendment) Bill.

As the House is aware, a Constitution (Amendment) Bill is to be passed by a special majority. Therefore, members have to be informed in advance. We have allotted 2 hours for this discussion. Now, it is 2.45 p.m. So, the Minister will reply round about 4 or 4.15 p.m. depending upon the exigencies. I am just mentioning this to you so that the Members may know about the timing when the Minister will reply and soon after the voting will take place.

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY AND AGRICULTURE (SHRI C. SUBRAMANIAM): Mr. Deputy Speaker, Sir, I beg to move: