

[Dr. L. M. Singhvi]

action also, there devolves upon us a moral and constitutional obligation to examine the constitutionality of the Bill and the competence of Parliament to consider that legislation. That is why I request that the Home Minister might satisfy this House on this point.

Shri Nambair : The very title of the Bill is "The Punjab State Legislature (Delegation of Powers) Bill". Only now I understand that the members of the legislature are still continuing as members. They are drawing their salary and are treated as members. When President's rule was imposed on Punjab, the legislature should have been dissolved. Without dissolving it, when the legislature as such is continuing—the Speaker continues, and except that they do not assemble in the hall, other things are continuing—even for a lay man like me, without going into legal complications, it is understandable how this Parliament can take the powers of the legislature.

Mr. Speaker : Two things have been said. One is that the members should be apprised of the legal opinion that the Government has got, so that they might exercise their discretion and vote intelligently after understanding the consequences of it, whether really it is within the legislative competence of this House or not. That is one thing.

The second thing is, I am asked to take a decision. That I cannot take. It is not for me to decide. A brief discussion can take place here in order to enable members to understand really whether they should vote on this side or the other. I would request the Minister to ask the Law Minister or some other minister to explain the legal opinion to the House, so that members might know the real implication and vote. I am prepared for that. But it is not for me to give a decision. Mr. Ranga said he was surprised. But that has been the uniform procedure; I have not done anything extraordinary when I said that.

Shri Hari Vishnu Kamath : The Law Minister is not here. We can have the discussion on Monday.

Shri D. D. Puri (Kaithal) : This particular point might be left over for discussion when we take up the Bill after introduction.

Mr. Speaker : There ought to be somebody who can explain to the House the legal opinion, because members have to exercise their vote. The Law Minister can come on Monday. Or, can he arrange for it today?

Shri Nanda : I can arrange for that in the course of the day.

Mr. Speaker : At 2.30 there is the Private Members' business. We will take this up at 5 o'clock.

Shri Nanda : Yes, Sir.

Shri Ranga : At 5, there is a half-hour discussion.

13.47 hrs.

ESSENTIAL COMMODITIES (AMENDMENT) BILL*

The Minister of Commerce (Shri Manubhai Shah) : On behalf of Shri C. Subramaniam, I beg to move for leave to introduce a Bill further to amend the Essential Commodities Act, 1955.

Mr. Speaker : Motion moved:

"That leave be granted to introduce a Bill further to amend the Essential Commodities Act, 1955."

Shri M. R. Masani (Rajkot) : Sir, we wish to oppose the introduction of this Bill, which we consider to be an undemocratic and unprincipled measure. My Party opposed the Essential Commodities Bill in December, 1964, and we felt so strongly about it that, after some speeches by my leader, Prof. Ranga and my colleague, Mr. Dandekar, we divided the House to show our utter disgust for oppressive measures of this kind. This Bill is even worse than the Bill of 1964. This is another milestone along the slippery slope of totalitarian legislation to which this Government is accustomed the

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ary, Part II, section 2, dated 19.8.66.

country, so that the path to dictatorship may be smoothened for it.

The President of the ruling Party has recently shown himself to be an unadulterated admirer of Communist tyranny in the countries he recently visited. This kind of legislation prepares the ground for communist tyranny. The rule of law is ignored. The rights of the judiciary in this Bill are brushed aside. The right of appeal to a court of law is replaced by a right of appeal to the Government.

Of all atrocities, the worst thing this Bill does is to say that foodgrains, edible oil, etc., and the vehicle in which they are being carried can be confiscated by the order of a low official of the Government, even if no charge is preferred against the farmer or the trader concerned.

This, Sir, is the apotheosis of the breach of the Rule of Law which this Government has been practising for the last few years. Fundamental Rights are violated and we are getting, Parliament and the people outside accustomed to un-constitutional devices of this nature.

Normally, Sir, a man is presumed to be innocent unless he is found to be guilty. According to this Bill every one is guilty if the District Magistrate says he is guilty, unless he goes to a court of law and asserts his innocence.

When devaluation came, lavish promises were held out. It was said that now liberalisation would take place, oppressive controls would be lifted and removed. On the contrary, this Bill shows that, far from devaluation being followed by decontrol and a more liberal regime, more and more oppressive measures are being introduced. This shows that devaluation was not brought in for the purposes which were announced. In my own constituency, in Rajkot in Saurashtra, a loss of crores of rupees has been caused to small farmers who produce groundnut. There is a ban on the export of groundnut from Gujarat outside the State. Till now this ban was held valid under the Defence of India

Rules. At last we were told that the Defence of India Rules would not be misused, as they were misused for purely economic purposes. The moment the Defence of India Rules went, the Ordinance came followed now with a Bill which is going to regularise the illegality. The small farmers and millers in my constituency, Rajkot in Saurashtra, have been ruined by this measure. They were hoping that now that the DIR had gone, they could again start exporting their groundnut and get fair value for it. But now we find that this engine of oppression is going to continue.

These are the reasons why we feel that this is an objectionable price legislation and we shall vote against its introduction.

Shri Manubhai Shah: Sir, I would like to make the following statement in answer to the objection raised by the hon. Member. On the 12th July, 1966 the President was pleased to promulgate the Ordinance No. 9 of 1966. This was consequent upon the Government's decision to restrict the use and application of the Defence of India Act and the rules made thereunder in areas other than border areas to purposes connected only with defence of India. This was the wish of the House, expressed by hon. Members both in the Opposition and in the Ruling Party.

Shri M. R. Masani: Certainly not of the Opposition.

Shri Manubhai Shah: Therefore, it was in deference to the wishes of the House that we decided not to enlarge the powers under the DIR Act. Now, as the House knows, before this restriction came, we had the Foodgrains Control Order, under the Defence of India Act, by which procurement and declaration of stocks was made compulsory under the Defence of India Rules. Now that the restriction on the use of Defence of India Act has become necessary, these powers should be protected in public interest, because in the post-devaluation period Government has assumed a positive role in holding the prices of essential

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commodities of life, particularly food-grains, edible oils and various other essential commodities. Hoarding is being reported from many quarters. So also there are reports of mal-distribution of foodgrains, edible oils and other things. The earlier powers having been withdrawn, because of the non-utilisation of rules under the Defence of India Act, Government are obliged to invoke those powers and bring about an Ordinance.

Sir, here is a simple piece of legislation to replace the Ordinance issued by the hon. President by a regular Act of Parliament. I do, therefore, hope that my hon. friend will withdraw his objection.

Shri M. R. Masani: Certainly not.

Shri Manubhai Shah: I hope he will withdraw his objection because this is a legitimate use of governmental powers in the interest of the public and the community.

Mr. Speaker: The question is

"That leave be granted to introduce a Bill further to amend the Essential Commodities Act, 1955".

The motion was adopted.

Shri Manubhai Shah: Sir, I introduce the Bill.

STATEMENT RE: ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE
1966

The Minister of Commerce (Shri Manubhai Shah): Sir, I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Essential Commodities (Amendment) Ordinance, 1966, as required under rule 71 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library, See No. LT-6828/66].

13.55 hrs.

DEMANDS FOR SUPPLEMENTARY GRANTS (GENERAL) 1966-67—contd.

Mr. Speaker: The House will now take up further discussion and voting on the Supplementary Demands for Grants in respect of the Budget (General) for 1966-77. Shri Bade may continue his speech.

श्री बड़े (खारगोन) : अध्यक्ष महोदय कल मैं सप्लीमेंटरी ग्राण्ट्स पर बोल रहा था, डिवल्यूशन का ही जिक्र इन सप्लीमेंटरी ग्राण्ट्स में है और उनमें से मैं विशेष कर डिमाण्ड नं० 16, 17 और 117 के बारे में बोल रहा था। सबसे पहले मैं डिमाण्ड नं० 16 की तरफ आपका ध्यान आकर्षित करता हूँ। डिमाण्ड नं० 16 में उन्होंने एम्बेसीज के वास्तेपैसा मांगा है, उसमें उन्होंने 371.41 लाख रुपये के एडीशनल एक्सपेंडिचर का उल्लेख किया है—क्योंकि डिवल्यूशन हो गया है। वह कहते हैं कि यह एम्बेसीज पर खर्च होगा और कल ही एम्बेसीज की लिस्ट उन्होंने बताई थी। 71 एम्बेसीज ऐसी हैं जिन पर काफी खर्च हो जाता है। जिस वक्त डिवल्यूशन किया था उस वक्त उन्होंने कहा था कि इन एम्बेसीज पर भी हम खर्च को कम करेंगे, मैं जानना चाहता हूँ कि एम्बेसीज के खर्च में कितनी कमी की है, इसमें आपने इस सम्बन्ध में कोई दिग्दर्शन नहीं किया है। डिवल्यूशन के बाद खर्चा बढ़ने के कारण आपने 371.41 लाख रुपये की ज्यादा मांग की है, जबकि आपको खर्च को घटाना चाहिये था।

इसी तरह से डिमाण्ड नं० 17 में आपने कच्छ ट्रिब्यूनल के खर्च के वास्ते पैसा मांगा है।

"The Kutch Tribunal was constituted pursuant to the agreement of 30th June, 1965".