

12.48 hrs.

CONSTITUTION (TWENTY-FIRST)  
AMENDMENT BILL\*

**The Minister of Law (Shri G. S. Pathak)** : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

**Mr. Speaker** : The question is :

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

*The motion was adopted.*

**Shri G. S. Pathak** : I introduce the Bill.

DELHI WATER SUPPLY AND SEW-  
AGE DISPOSAL BILL—Contd.]

**Mr. Speaker** : Shri Subramaniam.

**Shri Hem Barua (Gauhati)** : Sir, the Bill mentioned at item No. 12 is not introduced.

**Mr. Speaker** : It has been done.

**Shri Hem Barua** : By mistake, it was skipped over.

**Shri Vidya Charan Shukla** : I have moved the Bill mentioned at item 12.

**Mr. Speaker** : I enquired from him whether he had done it in every case, and he said, ‘Yes’.

**Shri Vidya Charan Shukla** : This is the very Bill about which I mentioned that clause 36 was to be printed in bold type but by an error it was not done.

**Mr. Speaker** : It was in that connection that he had mentioned the clause. Anyhow, if there is a doubt, I would put it again to the House.

**Shri S. M. Banerjee (Kanpur)** : He is doing it on behalf of Shri Nanda. Whatever he does, he does on behalf of Shri Nanda. Let him be sure.

**Mr. Speaker** : The question is :

“That leave be granted to introduce a Bill to provide for the constitution of a Board for the maintenance, development and regulation of water supply and sewerage services in the Union territory of Delhi and for matters connected therewith.”

*The motion was adopted.*

**Shri Vidya Charan Shukla** : I introduce the Bill. ]

12.50 hrs.

ESSENTIAL COMMODITIES (AM-  
ENDMENT) BILL

**The Minister of Food, Agriculture, Community Development and Co-operation (Shri C. Subramaniam)** :  
[**Mr. Speaker**, Sir, I beg to move:]

“That the Bill further to amend the Essential Commodities Act, 1955 be taken into consideration.”

This Bill is intended to replace the Essential Commodities (Amendment) Ordinance, 1966, promulgated by the President on the 12th July, 1966, the life of which would expire by about the beginning of next month. During the last year we have had to face a very serious situation as a result of the unprecedented drought.

12.50 hrs.

[**MR. DEPUTY SPEAKER** (in the Chair)]

The situation was kept under control without undue distress developing over large parts of the country, by undertaking unprecedented commitments about distribution of foodgrains at reasonable prices. While our aim is to ensure self-sufficiency by the end of the Fourth Five Year Plan, in the context of the situation

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\*Moved with the recommendation of the President.

of shortage, which is likely to be with us for another few years, Government have to assume a positive and active role in holding the price-line, minimising consumer distress, and organise a system of distribution with a view to achieving as far as possible equality of sacrifice between the different States.

During the last year, the quantities distributed from the Central stocks came to over 8 million tonnes. During the current year the quantities distributed from Central stocks are likely to be of the order of 12 million tonnes. To sustain this system of distribution, it is essential for Government to acquire as large a part of the marketable surplus of the indigenous production as possible and supplement it only to the extent necessary by imports from abroad. We have to reduce gradually our dependence on imports and stand on our own feet.

A policy of procurement by levy on millers and dealers is necessary, but what is more necessary is to procure foodgrains at the source of production. Once the crop moves out of the farm, it is very difficult to locate it and the chances of leakage from levy become greater. One important ingredient of successful procurement policy is that the procurement levy should be collected when the harvest is gathered by the farmer. It is only at that time that maximum results can be achieved and the stocks thus acquired kept for the lean months.

This measure essentially seeks to achieve this end. As the law stands at present, Government have the power to requisition stocks under section 3(2) of the Act from millers, dealers, producers etc. But under the existing law, Government have to pay the price prevailing on the date of the acquisition unless they first issue a notification controlling the prices.

In their report submitted last year, the Agricultural Prices Commission had advised that it was disadvantageous to have legally fixed maximum prices continuously

in force. Fixation of maximum prices, according to the Commission, must remain an *ad hoc* emergency instrument to be used in extreme situations for short periods.

In order to meet this difficulty, levy orders which were issued by a number of deficit States took advantage of the provisions in the Defence of India Rules and fixed Government purchase prices only without fixation of maximum controlled prices for normal commercial transactions. Under the provisions of the Defence of India Rules, the price payable could be fixed having regard to the maximum controlled prices, if any, and the price prevailing or likely to prevail during the post-harvest period in the area concerned. In practice this meant that the prices could be fixed for Government purchases beforehand on the basis of the anticipated judgment about the likely post-harvest prices. While Government could take over these stocks for the purpose of maintaining or increasing the supplies of foodgrains, the producer was left the liberty to dispose of the remaining portion of his produce at the prevailing market prices.

With the decision to restrict the future application of the Defence of India Act only in some border areas and for purposes connected only with the defence of India and civil defence etc., use cannot be made of these provisions of the Defence of India Rules. In order that a vacuum was not created in the States in which these provisions were being made use of, these powers were retained by the issue of an ordinance and it is now proposed to take these powers as a part of the Essential Commodities Act. These powers would help to maintain procurement operations at the same tempo to which they were kept last year which was an exceptionally difficult year.

As the House is aware, a committee has been appointed to examine the entire question of food policy and zonal restrictions. In the context of the difficult food situation which we are facing,

[Shri C. Subramaniam]

son's controls would, however, have to be continued in the foreseeable future. Moreover, statutory rationing has been introduced over large parts of the country and control on movement of foodgrains from and to these areas is an essential part of such schemes. Anti-social elements like hoarders and smugglers have been working to defeat the purposes behind the promulgation of these measures and they need to be curbed by more stringent provisions.

The Act is being amended to make appropriate provisions analogous to those under rule 125(8) of the Defence of India Rules. Under this amendment, powers would be given to the collectors of the districts to order confiscation of foodgrains etc. where they are satisfied that any control order relating to these articles has been contravened. It will, however, be incumbent on the executive authority to follow the elementary rules of natural justice and to give the person concerned full opportunity of being heard before an order is passed. These provisions would help in speedy and effective curbs on hoarders and other anti-social elements. But I am aware of the fact that objections have been raised on the ground that this provision is too wide, and it is particularly likely to affect the producers. I am having an open mind with regard to that. In the course of the discussion, if points are made regarding this, I am prepared to take note of them, and if any amendment is necessary, I shall bring forward that amendment keeping in line with the suggestions made in the House. It is not the intention of Government that agricultural producers, particularly the small producers, should be harassed by any provisions of this Bill. So I shall take care to see that if there are any provisions here which are likely to affect particularly the small producers, they will be properly amended so that there would

not be any harassment as far as they are concerned.

श्री ब्रज बिहारी मेहरोत्रा (बिल्हीर) :  
मंत्री महोदय, छोटे प्रोड्यूसर और बड़े प्रोड्यूसर में फर्क न करिये ।

**Shri C. Subramaniam.** The Act as it stands at present allows the courts to order forfeiture only of those commodities in respect of which an order has been contravened. It is now proposed that in addition to the foodgrains, the packages, the coverings, in which these are carried, and the vehicles, animals etc. used for the transport may also be forfeited. In ordering forfeiture full discretion has been left to the courts not to order forfeiture where they consider that such forfeiture is not necessary.

I commend the provisions of the Bill for the consideration of the House.

**Shri Shivaji Rao S. Deshmukh (Parbhani) :** We have to request you to allot more time for this Bill. It is a very important Bill.

**Mr. Deputy-Speaker :** First, let me place the motion before the House.

**Some hon. Members :** Time should be extended.

**Mr. Deputy-Speaker :** Motion moved :

That the Bill further to amend the Essential Commodities Act, 1955 be taken into consideration."

There is an amendment seeking to circulate the Bill for eliciting opinion thereon, which has been tabled by Shri Vishwa Nath Pandey. Is he moving it?

**Shri Vishwa Nath Pandey (Salcempur) :** Yes.

I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1966."

**Shri Hari Vishnu Kamath :** (Hoshangabad) : How much time has been allotted for this Bill ?

**Mr. Deputy-Speaker :** 4 hours have been allotted for the discussion and passing of this Bill.

**Shri Shivaji Rao S. Deshmukh :** The time should be extended.

**Mr. Deputy-Speaker :** Shall we have 3 hours for the general discussion and 1 hour for the clause-by-clause consideration and the third reading ?

**Shri P. R. Patel (Patan) :** Let it be 5 hours for the general discussion and 2 hours for the clause-by-clause consideration and the third reading.

**Shri Bibhuti Mishra (Motihari) :** The time should be extended, because this is a very important Bill.

**Shri P. R. Patel :** If the hon. Minister could at least exempt the cultivators, then there would be no difficulty.

**Mr. Deputy-Speaker :** The House has already taken a decision that no extension of time should be granted for any Bill, so that we may be able to finish the agenda that we have set before ourselves during this session. I would like to remind the House of that decision.

**Shri Hari Vishnu Kamath :** There is one hour up your sleeve always.

**Mr. Deputy-Speaker :** If the house is prepared to sit late, I have no objection.

**Shri Sonavane (Pandharpur) :** Yes, we can sit late.

**Mr. Deputy-Speaker :** If the House sits till 6 p.m. I have no objection. But we must finish this Bill today at 6 p.m.

**Shri Hari Vishnu Kamath :** If necessary, we can sit even up to 8 p.m.

**Mr. Deputy-Speaker :** I think we may have 4 hours for the general discussion and 1 hour for the clause-by-clause consideration and the third reading.

**Shri Ranga (Chittoor) :** We may have 3 hours for the general discussion and 2 hours for the clause-by-clause consideration and the third reading.

**Shri Shivaji Rao S. Deshmukh :** We should have 4 hours for the general discussion and 4 hours for the other stages.

**Mr. Deputy-Speaker :** I would request hon. Members not to take more than 10 or 12 minutes each.

**Shri Ranga :** Let me state quite clearly at the very outset that I am opposed to this Bill and its mother Act also, because I am opposed to the system of controls that this Government has brought into this country.

**Shri D. C. Sharma (Gurdaspur) :** What is my hon. friend's alternative ?

**Shri Ranga :** I hold that it is because of this system that they have introduced during all these years and the inefficient, wrong and corrupt administration that they have saddled this country with in order to enforce the provisions of this system that we are faced with the present food situation.

Again and again, Government have promised that they would enable the country to achieve self-sufficiency in food. They had also promised that once we were somewhere within sight of self-sufficiency, all the controls would go. During all these seventeen years, they have failed in this. From the very beginning, even when the First Five Year Plan was brought in with provision for the continuation of this system I was opposed to this.

Even earlier, Mahatma Gandhi was opposed to it. As we all know, he mobi-

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lised public opinion in this country against this system of controls and compulsory procurement and fixation of prices and confiscation of foodgrains. He was opposed to all these evils when he was alive, and when Pandit Jawaharlal Nehru was not prepared to accept either his advice or the advice of those of us in this House who were interested in the agriculturists, and when he refused to accept Gandhiji's own advice, Gandhiji was obliged to threaten him that he would go on a hunger strike. It was only then that Pandit Nehru was willing to let Rajen Babu, the then Food Minister, give up controls.

Then again they brought back controls. Some of us had to fight against it. We left the Congress and fought the Congress also on this issue in the 1952 elections. In Madras, as good fortune would have it, the Congress came to be defeated, and afterwards we helped the Congress in Madras to resume power only on the moral assurance that they would put an end to this system. Rajaji, who was then Chief Minister had the moral and political courage also to see that these controls were removed. At that time, my hon. friend, the present Food Minister, was also the Food and Finance Minister there, and as he does now, he was then acting obediently according to the dictates of his own Cabinet and he helped in removing controls at that time. Now once again these controls have come. They have been having their for some years.

What is the consequence of these controls. It is not only I who fought the Congress on this issue all this time and on similar issues affecting the peasants' welfare —on this issue I have totally differed from them and have left the Congress— but the AICC not once but several times discussed this issue of zonal restrictions and zonal controls and had even gone on record as in favour of their removal. My hon. friend promised them, when he was forced again by that political power, to look to the matter again very seriously and

very carefully. But somehow they get round their own AICC. They appointed a committee it has been going into this matter in such a leisurely fashion that I daresay that they would not be able to submit their report before the next general elections.

**Shri C. Subramaniam :** Within a week or ten days.

**Shri Ranga :** Our 15 days is one day on the moon; according to the dictionary or the chronology of the *Panchang* for this Government, one day would be one year or two years. Anyhow that committee was appointed and they staved off a decision within their own party. I appeal to the conscience of my hon. friend and I appeal specially to that large number of the Congress members; out of 370, easily 200 hail from rural areas and of them more than 100 ought to be genuinely interested in the welfare of peasants. They know only too well that zonal restrictions have failed miserably and have worsened the food situation. They have queered the pitch so far as a solution of the very serious problem of food supply is concerned.

When would they go? They have stopped at the State level, restriction between one State and another. When I put a question sometime ago, my hon. friend said that he made enquiries and came to know that it would be illegal for District Collectors to ban movement of foodgrains from one district to another. In pursuance of that, for a few days in Andhra Pradesh, the Collectors gave up their powers. But now he wants to clothe the Collectors not only with that much of power but also the power to confiscate foodgrains and other edible commodities like oils and oilseeds; not only that, they are to be empowered to confiscate the means of conveyance, that is, the lorries and various other means of transport. It has not stopped at the district level. Recently I was in my constituency, and I was told that between one taluk and another, the tehsildars themselves have been now clothed with these powers of the District Collectors and RDOS or divisional officers.

So there is no end to the mischief that can be set in train by these controls and no limit

to their authority. What is the authority they want to take? They want to give the Collector the power to confiscate foodgrain wherever they are found and not kept according to their dictates, according to their own rules or decisions; not only that, they can confiscate the conveyance including bullock-carts, even the donkeys or mules on which they are carried and also the camels in the desert. I do not know if they will spare the head-loaders because they happen to be human beings. But whatever be the head-loads, they would be confiscated.

In all conscience, how did it become possible for my hon. friend, who comes from the agriculturist section of our society, to allow these clauses to be incorporated in this Bill? Was he asleep or was he preoccupied with the number of privilege motions that were being raised in the House so that he could not spare a bit of his intelligence to see whether this is conscionable or not? So many reasons there are why we should ask him to resign. This is, according to me, the biggest and the most justifiable reason to ask the ruling party to dismiss a Minister like this and all the rest of the ministers also who are supposed to be co-operating with him. Even think, to imagine giving this power to the collector to confiscate is unreasonable.

**The Deputy Minister in the Ministry of Food, Agriculture, (Community Development and Cooperation Shri Shinde)** : This is approved by the Cabinet.

**Shri Ranga**: I do not know how my hon. friend has lent his name to such a proposition. He comes and says, because he was taken to task in his party by quite number of agriculturist members that he is prepared to keep an open mind. Why did it at all come up? I think he did not discuss it at all with his secretariat. If he did, he not apply his intelligence. If his intelligence was working, it was busy with other things not connected with the welfare of peasants.

The aspect of confiscation has a peculiar odour about it. Even today, they have got

that power-- they say so. But have they confiscated any lorries? No. Why? Because rich people enjoying the good will of certain sections of the ruling party have become partners with these people who are running these foodgrains from one state to another, from one district to another, from one talk to any other. They have become partners with these lorry loaders, lorry conveyors. I was told that quite a number of them were very close to Ministers. Whether Ministers themselves were partners or not, I do not know. But they were very closed to Ministers in some areas. Even between Madras and Andhra and between Andhra and Mysore, these things were happening.

It is not enough that Government should clothe themselves with these drastic powers these very bad powers. They are not in a position to enforce any of these powers in a proper manner against some of those people in whom they are interested politically or financially and when they come to be involved. So on the count that this is unconscionable on the count that it cannot be enforced and on the count that when it is enforced, they are too cruel and enforce it only against the smaller fry and helpless people, I say that these powers ought not to be given to Government.

Then again, they want to give the appellate authority to State Governments. We know how badly State Governments have been functioning. I do not wish to go too much into that. But we know too well how a civilised government should act and how these governments would act, the uncivilised state governments that we have. Therefore, we want the courts to be brought in and not the state governments as appellate authority. I am glad to find that quite a large number of our friends on the Congress side are of the same view; I hope my hon. friend would accede to our plea that the appellate authority should not be vested with state governments but with the courts themselves.

My hon. friend said there were hoarders. Let him be very clear as to whom he is going to consider as hoarders. These friends of the Communist Party would like

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him to consider even the ordinary peasants themselves to be hoarders. I have raised my voice again and again in the past and I raise it once again that it would be a sacrilege to consider peasants to be hoarders, to consider as hoarder any agriculturist who produces foodgrains and other edible commodities just because he has got the sense, the wisdom, the capacity, the foresight, the thrift, to be capable of keeping as much of his surplus as possible in anticipation of a reasonable price, a satisfactory price. Indeed, if my hon. friend is really sincere, and the whole of his Ministry also, they should see that proper incentives are provided to our peasants to have staying capacity to enable them to earn enough through their agriculture; they should welcome the capacity of more and more of these peasants to keep their surplus foodgrains, surplus agricultural commodities with themselves in proper storage in anticipation of reasonable, decent and remunerative prices, and that has been the unanimous recommendation made by every economist of any repute during all these....

**Shri Khadilkar (Khed)** : Can you quote any authority for this?

**Shri Ranga** : My hon. friend Pandit Jawaharlal Nehru once quoted the Report of the Linlithgow Commission. Let him read that, let him read the reports of the Foodgrains Prices Committees appointed by the Government. If Mr. Khadilkar, the neo-Communist, were to come to maintain, if he has the hardihood to maintain that it would be wrong... *(Interruptions)*

I have not called him a Communist, therefore you need not be afraid.

**Shrimati Renuka Ray (Malda)** : I am not a neo-Communist. *(Interruptions)*

**Shri Ranga** : I do not know what you are saying, I am not bothered, don't waste my time now.

If my hon. friend were to maintain that it is wrong for a peasant to keep in store

with himself the surplus commodities in anticipation of proper prices, remunerative prices and decent prices... *(Interruptions)*

**Shri Khadilkar** : The hon. Member will admit that at a time of starvation it is a crime.

**Shri Ranga** : . . if he were to consider it a crime, I hold him to be a criminal.

**Mr. Deputy-Speaker** : Please withdraw that word. He should not call anybody criminal.

**Shri Ranga** : I have not called him a criminal. Have you followed what I said? It is parenthetical—if he were to hold that view. Does that mean I call him a criminal? No. Let him say he does not hold that view.

Whoever holds that view, I consider him to be a social criminal, I have no qualms of conscience in regard to that matter at all. Therefore, it would be wrong for my hon. friend to accept the view that it is now propounded by my friend Shri Khadilkar.

I want to co-operate with you, I know how much time I have got. I am not going to waste my time arguing over it now.

Procurement at harvest time my hon. friend wants to achieve now. I have no objection provided he satisfies certain conditions. The price that he is going to fix should be a reasonable one, a decent one, at least it should be a remunerative one even if it cannot be more than remunerative.

How is he going to fix it? He has got his Agricultural Prices Commission, let them discuss it, let them state on what principles they are going to fix it. Is it going to be in relation to the general price structure in this country, the inflationary spiral that is going up here, the dearness allowances that are being granted to various sections of the people including Government employees? Whatever price Govern-

ment is going to fix, let it be in with all these factors. If, on the other hand, they were to fix it in an arbitrary manner, as they have been doing during all these years, without at any time taking the responsibility of investigating what the remunerative price is, then I wish to lodge my protest on behalf of the peasants.

Even at that price, I am glad he is not going to claim all the foodgrains that the producers would be raising from their fields. How much? It must be out of the disposable surplus. How is the disposable surplus going to be fixed? It has got to be fixed only after making allowance for whatever foodgrains would be needed for the maintenance of the peasant's family and also whatever grain he has got to give out to agricultural labour when he employs them during the agricultural seasons. Let them make by all means proper calculations. This has got to be deducted from out of the total surplus.

How are they going to estimate the surplus? They are going to fix it by crop cutting experiments. Our experience with these crop cutting experiments has not been very satisfactory, nor is it happy. Let my hon. friend say that a proper deduction—how much I cannot say now—will be made from out of the calculations given to them by crop cutting experiments, and also in the light of the earlier estimates made by the Food Ministry themselves at the State level as well as here, and in between let them always, whenever they have got to make any choice at all, make the choice more in favour of the peasant than in favour of themselves.

After having reached the disposable surplus, let them say that they do not claim more than half of it for the Government's share. The rest of it let the peasants be free to sell in the open market. Let there be an open market as well as this. Then, let the Foodgrains Corporation come forward with sufficient funds in order to take charge of the foodgrains, of the procurable

foodgrains, from the peasants. Whatever they fix, let it not be taken over then and there, let the money be offered to them on guarantee that the foodgrains would be placed at the disposal of the Government whenever the need arises. Then alone it would be possible for my hon. friend to prevent ricemill owners from exploiting the peasants. Otherwise the rice mill owners will exploit them.

Now, there are so many other things to be said. When these various clauses come up for discussion, I hope to present before the House the various other experiences that I have and also the ideas that would like to place before the Government for their consideration. In conclusion, let me say that today their procurement policy, their zonal restrictions policy and the actual implementation of this zonal restriction degenerating itself into restrictions between taluk and taluk and district and district, these have become the main causes for the real troubles that our people are suffering from in regard to food not only in the scarcity-ridden areas, but also over the whole of this country. Towns are going without food. And then belt areas, and villages within these belt areas between one State and another, between one district and another, are formed to a depth of ten miles going round the whole of that border;—This country has been divided up into so many district borders—in all these district borders, in these belt areas, people are suffering, people of all classes are suffering, foodgrains are not being allowed to go in or come out, and they are condemned into a kind of mass detention within those zones. Let him give consideration for the relief of these people.

**Shri Rane (Buldana)** : It is my painful duty to pass some adverse comments on the Bill in the interests of the farmers and peasants, as I represent lakhs of farmers from my State as well as the whole of India



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When I make these adverse comments I do not hold any brief for the big traders, hoarders, profiteers or blackmarketeers but as a representative of the farmers I feel that the provisions of the Bill will be applied to the agriculturists and they will be brought under the mischief of the provisions of this Bill. If the Bill as it is enacted into law, it will be a powerful weapon in the hands of the local officers and petty officials to harass the peasants. Secondly, this Bill is going to affect the interests of the grower in as much as it seeks to procure foodgrains at the lowest price, immediately after the harvest. Thirdly, I feel that this Act will be a source of rampant corruption and if I may be allowed to say, it will be a high yielding variety of seed for corruption. I think this Bill will be a self-defeating Bill. If you rigorously apply the Bill. The acreage under foodgrains and oil seeds will shrink automatically and as the area shrinks, their prices will rise and the object of the Government will be defeated. Besides, I feel that if the matter goes to a court of law, the Act will be held *ultra vires* of the Constitution. According to my humble opinion, it offends articles 13 and 14 and also 19 and 31. The provisions of this Bill are discriminatory as it seeks to give one treatment to the producers of oil seeds and foodgrains and the dealers of these commodities as against the producers and dealers in other Commodities. Section 2 of the Essential Commodities Act, 1955 define the essential commodities. They are about eleven. Section 3A gives the power to fix prices for which the producer, are entitled. Here different principles for prices are set out. Here in this Bill the prices during the post-harvest period are sought to be given. It means that the agriculturist or the trader, whoever may come under that order, will only get the lowest price that prevails immediately after the harvest. Thirdly, section 7 of the Act gives power to the court for forfeiture of the whole or part. That is in the original Act. Now, here clause 3 says

that the district magistrate can confiscate the whole of it. My submission is that this is discriminatory attitude and it offends articles 13 and 14, of the Constitution. As regards the price or confiscation, I submit that Article 19 and 31 are offended. I submit that article 19(5) of the Constitution says that Government or Parliament can pass law but there must be reasonable restriction but here we find that the powers are unrestricted. Government can lay down the restrictions. Article 19 allows a person to hold and dispose of property but subject to reasonable restriction. But here in this Bill, he is not given that right; the whole property is [confiscated without paying anything by way of compensation. According to article 31, he must be paid compensation, maybe, nominal but he must be paid compensation. Looking to all these things, I submit that clauses 2, 3, 4 and 5 are all discriminatory and against the provisions of the Constitution. It is my humble view; I cannot be dogmatic on the point of law; but I feel that if you do not give any compensation, it may be held *ultra vires* of the Constitution.

Of course I share the anxiety of the Government in holding the price line. But why have the prices gone up? I think it is their own creation. My submission is that prices have gone up like anything as soon as the zonal system was introduced. Just take the prices before March 1964 and from 1961 to 1964, examine the prices and see what has become after the introduction of the zones? As long as you do not abolish these zones and do not allow the free movement throughout India, prices are not going to come down. That is my firm view. I have stated it in this House before but the Government is reluctant to move in this matter; perhaps they are not willing to go against the views of the Chief Ministers because the Chief Ministers of the surplus

states have some vested interests. Let us examine the trend of price rise after the introduction of the zones and see how they have risen. I can tell you the prices in Maharashtra are 200 per cent of what prevail in Punjab or Rajasthan or M.P. This year because of drought in M.P. prices have gone up but as soon as the food zones were introduced, prices went up and the Government is not doing anything or is not willing to take any step to abolish the zones.

As long as agriculturists do not produce more, prices are not going to come down. But how to increase production? Government is sitting tight upon its control and price policies. My friend Mr. Ranga has stated that the Committees have stated that a remunerative and incentive price should be given. I shall tell Mr. Khadilkar : take any committee. There was the V. T. Krishnamachari sub-committee's report; it was there in 1946; from those days, 8 or 9 committees have sat and almost all committees have unanimously recommended that a fair, remunerative and incentive price should be given to the growers but the Government has not taken any decision. Now, some other committee is sitting to examine the whole aspect. Several committees have examined it; the agricultural price commission was there but it heard the Chief Ministers' views and decided prices on *ad hoc* basis. This is not going to help the Government or even contribute to better procurement of foodgrains. I know the hon. Minister has a soft heart for the farmers and he himself thinks that an incentive price should be given to farmer. I cannot say, but perhaps he must be helpless. As long as remunerative and incentive prices are not given to the agriculturist, I do not think there will be any more production and in those circumstances prices are bound to rise since stocks will not be there. Fair price shops are not there; and people do not get food as they require. Since they do not get the food they require from the fair price shops, the prices are bound to go up. I can say about Maharashtra that from January to June people in my district were able to get only one kilo

or two kilos per head for the whole month. How do you expect that the prices will come down? It is impossible for the prices to come down when the people are not getting foodgrains from the fair price shops and therefore they have to go elsewhere to purchase the foodgrains at any price.

**Mr. Deputy-Speaker:** The hon. Member's time is up. He may speak again on the amendments.

**Shri Rane :** I have given many amendments. Since you have rung the bell, before I sit down, I would only appeal to the Minister that at least in the interests of the growers and families of the farmers this Bill should not apply to the farmers. Of course, if a farmer produces 100, 150 or 200 quintals it can be applied to him and I have no objection. But at least it should not be applied to the small farmer who will be able to produce only 15 to 20 quintals. You are at liberty to pass a levy order or a procurement order. I have nothing to say about levy or procurement order. If however you want to confiscate their foodgrains without levy or without procurement, I think this is most unjust and the provisions are arbitrary. With these remarks, I would appeal to the hon. Minister to remove these hardships.

**श्री विभूति मिश्र :** उपाध्यक्ष जी, यह बिल जो एसेन्शियल कमोडिटीज के लिये आया है, यह बिलकुल किसान विरोधी है और किसान विरोधी के मायने हैं कि यह बिलकुल देश विरोधी है, क्योंकि देश की 80 फीसदी जनता किसान है जो गांवों में बसती है, उसमें मजदूर भी शामिल हैं, जो खेती में काम करते हैं। इसलिये यह बिलकुल देश विरोधी बिल है। इसलिये मैं मंत्री को से कहूंगा कि इस बिल को इस तरह से लेकर आप किसानों का अहित कर रहे हैं। इस बिल में दो-तीन चीजें ऐसी हैं जो बहुत आपत्तिजनक हैं। "No notification in respect of foodgrains" जिस फूड ग्रेन के बारे में नोटिस निकाला गया हो, या नोटिस न भी निकाला गया हो, उसको

[श्री-विभूति मिश्र]

भी सरकारी नौकर जाकर ले लेंगे। उपाध्यक्ष महोदय, हम पैदा करें और सरकारी नौकर आकर उसको उठा ले जायें। कभी आपने ऐसा नहीं देखा होगा कि सेठों का जो बैंक बैलेंस होता है, उनकी मोटरगाड़ी, उनके बकान, उनके कल-करखाने कोई भी जबर-दस्ती करके ले सकता है, लेकिन किसान कमजोर जाति का है, इसलिये उस पर छड़ी चलती है।

दूसरी बात यह है कि इमें लिखा है कि इसकी कीमत कैसे तय होगी—इसके लिये पोस्ट-हारबेस्ट वीरियड रखा गया है और इसके लिये तीन महीने का समय रखा गया है। यंत्री जी ने उसमें अमेण्डमेन्ट दी है कि इसको चार महीने कर दिया जाय। उपाध्यक्ष महोदय, चार महीने का समय तो किसान को कष्टने से लेकर जब तक किसान गल्ला अपने घर में ले जाता है, उसमें ही चार महीने का समय लग जाता है। हमारे एरिया में तो तीन महीने का समय लगता है, लेकिन कमलनाथ भी तिवारी जहां रहते हैं, वहां चार महीने लगते हैं। वह काफी सस्ता समय होता है और उसी के हिसाब से किसान को उस गल्ले की कीमत मिलेगी और सबसे जबरदस्ती बात यह है कि सरकारी नौकर जायेंगे, किसान के घर से जबरदस्ती उस गल्ले को कन्फिस्केट कर लेंगे। हमारे यहां एक कहावत है—

“जाके रोटी सो वन वन फिरे फकिरवा,  
ठोक ठोक खाय।”

हम गल्ले को पैदा करें और सरकारी नौकर उसको खींच कर जबर-दस्ती ले जायें, यह तो उचित बात नहीं है। इसमें कहते हैं कि यह काम स्टेट गवर्नमेन्ट करेगी, स्टेट गवर्नमेंट क्या करेगी, किसी अबह वह कलेक्टर को कह देंगे, किसी जगह मजिस्ट्रेट को कह देंगे, मजिस्ट्रेट इसको एस० पी० को सौंप देंगे, और इस तरह से पुलिस डिविजंस से 10-12 कांस्टेबिल्स को बस

में लाकर किसान के घर में पहुंच जायेंगे। हमारे जिले में ऐसा हुआ है, मैं कोई नई बात नहीं कह रहा हूं। जब इस प्रकार की लेखी का आईर डिफेंस ग्राफ इन्डिया क्लस के अन्तर्गत निकाला गया, तो 10 किसानों के घर में दौड़े प्राये, घर-घर कांपते थे, हम से कहा कि कल जेल में जायेंगे, आपके यहां इसीलिये आ गये हैं कि आप बचा सकते हैं, हमारी जान बचाओ। उसके बाद मैंने बयान दिया कि यह लैबी का आईर खराब है, यह नहीं होना चाहिये। फिर हमारे चीफ मिनिस्टर साहब ने मेहरबानी करके उसको डीला कर दिया।

यहां पर इस बिल का पास करना तो एक हुकमनामा है, पार्लियामेंट में तो यह बिल पास हो जायेगा, लेकिन इसका असर गांवों पर हमारे किसानों पर पड़ेगा। मैं चाहता हूं कि सुब्रह्मण्यम् साहब जरा इस बात को समझें कि इसका असर क्या होगा और किस हद तक होगा।

एक बात मैं आपको और बताना चाहता हूं कि इससे प्रोडक्शन कम हो जायेगा। जैसे दूध देने वाली भ्राय को घरों में पाला जाता है, तब वह दूध देती है। अगर उसको एक छड़ी मार दें, तो उसका क्या नतीजा होता है, वह दूध कम देगी। जब गाय को अच्छी तरह से पालते हैं, उसकी सेवा करते हैं, तब वह दूध देती है, इसी तरह से गांव वालों के साथ ऐसा व्यवहार करेंगे, तो उससे क्या नतीजा होगा, आपका प्रोडक्शन, उत्पादन कम हो जायेगा। किसान समझेंगे कि इसका क्या मतलब है, हम पैदा करें और हमारे घर से वह जबरदस्ती ले जायें। इसमें तो सरकार को चाहिये कि वह किसानों की मदद करें, उनको इन्सेन्टिव दे, जितना वे पैदा करें, उसको उचित कीमत पर उन से ले। हमारी कांग्रेस संस्था ने, इसी दिल्ली में हमारा एक प्रस्ताव पास किया था, उसमें सुब्रह्मण्यम् साहब श्री मीजूद थे, हमारे स्वर्गीय लाब बहादुर शास्त्री भी मीजूद थे, कि किसानों को इन्टीग्रेटेड प्राइस दी जायेगी। लेकिन फिर भी कमीशन बना और पता नहीं कब तक

कमीशन चायेगा, लेकिन इस बिल में तो बोस्ट-डेडेड प्राइस की बात की गई है। न अपना संस्था की बात मानते हैं और न किसानों के हित की बात करते हैं।

आज जैसी सूरत इस बिल की है, यह बिलकुल किसानों के हित में नहीं है, बिलकुल बिलकुल किसानों के हित में नहीं है, इससे पैदावार नहीं बढ़ेगी, निश्चित रूप से यह पैदावार घट जायेगी। मैं एक बात और बताना चाहता हूँ कि इसका नतीजा क्या होगा। इसका नतीजा यह होगा कि जो किसान अपने घरों में गल्ला रखते हैं, जब लैबी का आर्डर चलेगा तो वह उस गल्ले को अपने यहाँ से उठा कर दूसरे किसान के घर में, छोटे छोटे किसानों के घर में रख देंगे और इस तरह से खुद सरकार उनको बेइमान बनाती है, वे ईमानदारी से काम नहीं कर सकते। क्योंकि उनके मन में यह विचार है कि हम पैदा करें और हमारा यह गल्ला सरकार जबरदस्ती खींच कर ले जाय, यह उचित बात नहीं है।

पाटिल साहब जब फुड मिनिस्टर थे, वह भी कहते थे कि किसानों से कीमत के बारे में पूछा जाय। अभी हाल में 'स्टेट्समैन' ने एक आर्टिकल में निकाला है, जिसका मतलब है कि कीमत में किसानों की बात मानी जाती है, लेकिन यहां पर तो इस बिल को सिर्फ सरकारी नौकरों ने बनाया है, मैं पूछना चाहता हूँ कि क्या इसके लिये किसानों से पूछा गया, किसी किसान से पूछा गया, कि इस तरह का बिल हम बना रहे हैं, इसके लिये अपनी रजामन्दी दीजिए, किसी से नहीं पूछा गया। शिण्डे साहब खेतिहर हैं, उनसे पूछा गया, लेकिन वह तो यहां पर बैठे हुए हैं, उत्तर दिल्ली शहर में बैठे हुए हैं। सब पूछा जाय जो सरकार ने, इसके सरकारी जौहरों ने, सरकारी अफसरों ने शहरों को खिलाने के लिये, दिल्ली, कलकत्ता, बम्बई, मद्रास में रहने वाले लोगों

को खिलाने के लिये इस बिल को बनाया है। हम पैदा करें और हमको डण्डे मार कर यह सरकार चाहती है कि उनको खिलाया जाय।

अभी रंग साहब ने जो जा बातें बहाने पर कहीं, उवकी बहुत सी बातों से तो मैं सहमत नहीं हूँ, लेकिन कुछ बातें जो उन्होंने बताई हैं, वे वास्तव में किसानों के हक में हैं, वे ठीक बातें हैं। अगर इस समय किसानों के हित में काम नहीं किया गया, अगर इस बिल को ऐसे ही पास कर दिया गया तो मैं आपको बता देना चाहता हूँ कि कांग्रेस बँचों पर फिर इतने लोग आने वाला नहीं है। आज कांग्रेस बँचों पर जितने आदमी हैं, मैं दाबे के साथ कहता हूँ कि अगर इसको पास कर दिया तो इतने आदमी आने वाले नहीं हैं। मैं किसान हूँ और मैं दाबे के साथ कहता हूँ कि मेरा अपने गांव पर होल्ड है, क्यों मेरा अपने गांव पर होल्ड है, क्यों मेरा अपने इलाके पर होल्ड है, इसलिये कि उनके हितों की रक्षा करना मेरा कर्तव्य है। जिनके लिये मैं चुन कर आया हूँ जिनके लिये मैंने अपनी सारी जिन्दगी लगाई है और जिनके लिये मैंने तमाम जिन्दगी आन्दोलन किया है, गांधी जी से पहले राजेन्द्र बाबू ने उस आन्दोलन को चलाया था, और फिर गांधी जी के जमाने में कांग्रेस ने हमेशा उस आन्दोलन को चलाया और किसानों के हितों को लेकर ही हम इस पालियामेंट में आये। अगर उनके हितों का ख्याल नहीं रखा गया तो फिर हम पालियामेंट के मेम्बर नहीं रह सकेंगे। इसलिये मैं चाहता हूँ कि सुब्रह्मण्यम साहब, जो कि बड़े सुहृदय व्यक्ति हैं, अगर इस बिल को पास कराना चाहते हैं तो इसमें काफ़ी सुधार लावें, जिससे किसानों का भला हो। सरकारी नौकरों को इस प्रकार का अधिकार देने से यह नतीजा होता है कि वह घरों में जाकर किसान को, उसकी औरत और बच्चों को घर से बाहर निकाल देते हैं और फिर डण्डे के जोर से उसके घर में से अनाज खींच कर ले जाते हैं और इस तरह से बड़ा जुल्म होता है। इसलिये

## [श्री विभूति मिश्र]

मैं चाहता हूँ कि अगर इस बिल को हम यहां पर पास करते हैं तो स्टेट गवर्नमेन्ट को हम हिदायत दें कि स्टेट गवर्नमेन्ट इस बिल को किस तरह से चलाये, ताकि किसान के साथ जुल्म न हो और इससे किसानों को लाभ पहुंचे।

**उपाध्यक्ष महोदय :** आपका समय हो गया है।

**श्री विभूति मिश्र :** यह किसानों का बिल है और इसके लिये आपने सिर्फ चार घण्टे दिये हैं, जब कि शिपिंग कम्पनी के लिये आपने दो दिन दिये।

**उपाध्यक्ष महोदय :** आपके दोस्त ने 30 मेम्बरों के नाम दिये हैं।

**श्री विभूति मिश्र :** शिपिंग कम्पनी के लिये दो दिन लगाये, जो कि पानी पर चलता है, न खाने को देता है। और न पीने को देता है। जबकि इसके लिये सिर्फ चार घण्टे रखे हैं। मैंने इस बिल में अमेंडमेंट मूव किये हैं, लेकिन मैं चाहता हूँ कि मेरे अमेंडमेंट के बजाय हमारे मंत्री महोदय खुद ऐसे अमेंडमेंट लायें।

**उपाध्यक्ष महोदय :** जब अमेंडमेंट मूव हों तब आप इसको कहियेगा।

**श्री विभूति मिश्र :** मैं तीन बातों की प्रामिज लेना चाहता हूँ। एक तो यह कि सरकार जो लोगों के गल्ले को जबर्दस्ती लेगी उसमें किसानों को छूट दी जाये। किसानों को कोई न छुए। दूसरे कीमत के सम्बन्ध में। आज जो हर चीज की इन्फ्लैटेड प्राइस है और उनके दाम बढ़ते जाते हैं, उनके हिसाब से किसानों को दाम मिलने चाहियें। तीसरे यह कि जो भी सरकारी अफसर लेवी के हुकमनामे को तामील करने के लिये भेजा जाये, उसमें कम से कम ऐसा सुधार करे कि किसानों को इस मामले में कांफिडेंस में लिया जाये। हर जिले में किसानों का संगठन होना चाहिये और उस संगठन के जीरये ही सरकार उनसे लेवी ले, जैसे कि फ्रांस और अमरीका में किसानों को

बुलाकर पूछा जाता है कि तुमसे इदतना गल्ला लेना है, तुम बतलाओ कि तुम किस कीमत पर दोगे किस रेट पर दोगे। इस संगठन को डिस्ट्रिक्ट या तहसील में शुरू करके सरकार उसके जरिये से किसानों को कांफिडेंस में ले।

**Shri Yallamanda Reddy (Markapur) :** Sir, for solving the food problem, the basic issues which the Government should tackle are increased production, self-reliance, price controls, supply of food for the drought-affected areas and taking care of workers' interests. If these problems are not solved, simply by this Bill the Government is not going to solve the food problem in the country. Even before this Bill, the Essential Commodities Act, 1955 was there which contained so many provisions which the Government could have used for solving these problems, but the Government failed utterly and it never used those provisions for procuring foodgrains for supplying them to fair-price shops and for distributing them to the people who are very badly in need of foodgrains.

The other day in Bombay some 10 lakhs of people went on strike against rise in prices of foodgrains and demanding fair-price shops. Throughout the country there are so many *bandhs* and people are rising against the Government's food policy, because Government could not procure foodgrains and distribute them properly. We had *bandhs* in Kerala, Bengal, Maharashtra and U.P.; in fact, throughout the country, there are *bandhs* which the people are supporting, because of the Government's utter failure. The other day some people shamelessly came out with a statement in Bombay to crush those workers who went on strike because they wanted foodgrains and fair-price shops. Government could not solve their problems, but want to use the police, bullets and lathis. By using bullets, by issuing ordinances and by arresting people, you cannot suppress the people's movement. Government should come forward with a national policy for solving the food problem.

Mr. Subramaniam was saying that by the end of the fourth plan, we would be self-sufficient in foodgrains. They were telling the same thing in the Third Plan also. They could not do it, because they could not implement the real land reforms. For instance, there are 48 crores of acres of cultivable land in the country and they could bring into cultivation only about 33 crores of acres. There are still 15 crores of acres to be cultivated. This is because the land is in the hands of the landlords and Government is not taking any steps.

Recently a booklet has been distributed to MPs by the Planning Commission about land reforms in UAR. After genuine land reforms, they have been able to achieve the following increase in production; cotton 70%, wheat 80% and rice 100%. This Government have not learnt any lessons from this for implementing real land reforms and grow more food.

The Minister was telling that the price rise is due to drought. It is wrong, because in all the three plans, prices have been rising. Government asserted day by day that the prices should not rise. This is what is said in the third plan about rising prices :

“Both these aspects were stressed in the First and the Second Plans, and various measures were taken in the course of these plans to correct or moderate undesirable trends. Prices, however, fluctuated widely in the First Plan period and they have shown a rising trend through the Second Plan period. At the commencement of the Third Plan, the levels of wholesale prices and cost of living are already high and it is essential to ensure that there is no accentuation of inflationary pressures in the course of the Third Plan and that the levels of living of the more vulnerable classes in society are safeguarded.”

This is in the Third Plan. After the implementation of the Third Plan, prices have gone up still further.

I would like to quote the figures distributed by the statistical department. At the beginning of the Third Plan, the price level was very high. By March 1966, the price level rose by 36.5% while sale prices of food articles rose by 42.1%. By the end of the Third Plan, the price of food articles rose by 50.7%. Regarding index numbers of wholesale prices, in 1952-53 it was 100 and in July 66 it was 164. For food, in July 66, it was 189. Therefore, price rise has been a chronic and contagious disease going on from the First Plan onwards. It is rising day by day. After devaluation, it has risen further. So, to say that because of drought prices rise is absolutely incorrect. The crux of the problem of rising prices is in the policies of the Government. So long as the Government are implementing pro-landlord, pro-hoarder and pro-profititeer policies, they cannot solve the problem and check price rise.

The provisions of the 1955 Act are there. Government are making appeals to the business community. They are announcing the prices over the radio. They are having some cells to keep track of the movement of prices. In this way, Government cannot solve the food problem. Really they do not like to implement the provisions of this Bill. They are just doing propaganda before the country and in Parliament that they are going to do this and that. After the Bill is passed, they would not do anything against the landlords, the speculators, the profiteers and hoarders. How many tonnes of foodgrains have been procured by the Government all these years? Is there a single instance where they have got foodgrains from the profiteers? In Vijayawada when the Minister wanted some grains to be supplied by the millowners, they openly flouted the Act and the orders of the Minister. They said, we are not going to supply let him do whatever he likes. But the Minister could not do anything. He simply ran from Hyderabad to Vijayawada and requested the millowners to do this

[Shri Yallamanda Reddy] and do that. Even then they refused to do it, because these hoarders, these profiteers, can never surrender their stocks only on appeals.

The hon. Minister said that because of drought conditions there were no market arrivals and, therefore, the prices were going up. I have here some figures which I have obtained from Government sources. These figures show that when production was going up from year to year the prices were also going up. These figures also indicate that when there was higher production the market arrivals were decreasing year by year. For instance, in 1960-61 the total market arrivals of rice 12463 thousand quintals and the total production was 33.7 million tons. In 1961-62 was total market arrivals was 13216 thousand quintals and the total production was 33.6 million tons. In 1962-63 12547 thousand quintals represented total market arrivals and 31.4 million tons was the total production. In 1963-64 the total market arrivals was 10,003 thousand quintals and 36.3 million tons total production. The total production of rice in 1964-65 went up as high as 38.1 million tons whereas the total market arrivals was only 7052 thousand quintals. Therefore, to say that because of drought conditions the market arrivals were less is not correct. These figures indicate that when production was going up market arrivals was gradually decreasing. That is because the hoarders, the landlords and the speculators were hoarding foodgrains in the hope that they will get better prices for their hoarded stocks. That is main reason. Unless and until this reason is realised by the Government unless and until this reason is removed by the Government, they are not, by passing such Acts, going to bring down the prices.

The real source for encouraging this sort of hoarding is the private banks which are financing the merchants, the profiteers and speculators. They advance so much money that they can hoard these foodgrains for any length of time and get

any price that they demand. That is how this sort of hoarding is on the increase and the prices are going up.

The Government also want to progress from the riots. Are they sincere about procurement? Are they doing real procurement at all? The Government have said so many times that they want to have a buffer stock of about six million tons. But do they have such stocks at all? They say they have procured only 27 lakh tons. Out of these 27 lakh tons only 8 lakh tons have been procured by the Food Corporation. That comes to roughly 2 per cent. The Minister has said so many times in this House that they have set up this Food Corporation for dealing with all these things. But the business transacted by this Food Corporation is very meagre.

As a matter of fact, the Government does not pay the real price to the poor farmers. Immediately after the harvest season, even during the harvest season itself, the poor peasants and middle-class peasants sell away their produce to the merchants and hoarders. At that time the Government keeps silent. The millowners, landlords and profiteers procure all the grains from the poor and middle-class peasants. Then the Government comes forward with a higher price. But these peasants have no grains. So the Government procures from these mill owners and profiteers at a higher price. For instance, in Assam, the Government paid at an increased rate after all the foodgrains had gone from the poor and middle class peasants to the profiteers. When the stocks had already passed into the hands of hoarders and speculators, on June 9th the State Government raised the floor price of paddy from Rs. 13.50 to Rs. 19.00 a maund. The selling price of rice was raised to Rs. 32 a maund. Therefore, this Government do not give the proper price to the poor peasants because they cannot hoard their grains, they need money, soon after the harvest they sell their grains to pay their debtors. Therefore, the Government must make some provision to see that these people get a remunerative price.

Now what they do is, they wait for these people to sell their produce to the hoarders and speculators and then they procure from those hoarders, speculators and millowners who are the real hoarders, the landlords in the village side and millowners and profiteers in the towns, at a higher rate.

Before I end, Mr. Deputy-Speaker, I would like to stress that the Government, instead of simply passing these Bills, should act in a genuine way. The provisions in the Essential Commodities Act must be used against the profiteers, the landlords, the hoarders and speculators and not against the people who are demanding their real food, who are wanting their ration. The workers in towns and agricultural labourers in the villages must be supplied foodgrains through fair price shops. Even after 19 years of independence they do not get their minimum requirements. It is the moral political obligation of this Government to see that everybody in this country is supplied his minimum requirements of foodgrains at reasonable rates. Therefore, I would like this Government to see that procurement is done in the season and it is distributed in such a way that it reaches every town and every small place in the country.

Sir, while I support these provisions, I request that care must be taken by this Government to see that poor peasants, middle class peasants and poor merchants are not harassed in any way.

**Shri P. R. Patel :** Mr. Deputy-Speaker, Sir, it is a very unhappy Bill which does disservice to the agricultural community of the country at large. The Bill is to arm the Government and the Government officers to compel the cultivators and others to sell off their produce to them. It gives powers to confiscate not only the foodgrains but the conveyance also and so many other things.

Sir, I speak on behalf of the cultivators of the country and the difficulties that they shall have to experience by this Bill. For the whole of my life I worked on the criminal side, in my legal practice, and I have conducted many cases wherein government

servants misappropriated foodgrains and also money in the godowns. Embezzlements have been to such a large extent, it was said that everybody shared, from top to bottom. So here, in our country, when we see and we agree—it is an admitted fact that our machinery is inefficient, that it is corrupt, is it desirable to give more powers in the hands of these persons.

There are cooperatives, Well, Sir, they are as good as merchants—most of them. There are good societies but most of them are as good as merchants. When that is the position, would it be desirable to give more powers to the Government? Well, the Communist Party may support this Bill. Because, they want only one thing, that the people should be dissatisfied with the Government. The passing of this Bill will create more dissatisfaction among the people against the Government and the Communists will be very happy. They are organising these *bandhs* to put the Government in a trap. I feel that by this action of theirs, by passing this Bill, and that too at the time of the elections, the Government are putting themselves in the trap laid by the Communist and other opposition parties.

14 hrs.

Under this Bill, Government can ask the cultivator to handover his produce, keeping with him only 5, 7 or 10 quintals, whatever is fixed. That being the case, who will decide what the cultivator has with him? It will be left to the discretion of a lower officer who goes to the cultivator. So, it will result in corruption. Are we, by this Bill, going to ask the cultivators not to vote for the ruling party? What is this idea behind this Bill?

**Shri Sidheshwar Prasad (Nalanda) :** That is the idea behind the Bill.

**Shri P. R. Patel :** I do not understand it. Also, this Bill covers oilseeds and edible oils. So, everything produced by the cultivators will come under the purview of this Act. If you are taking over anything from the merchant community, I will not come in the way. If they are making



[Shri P. R. Patel]

huge profits, we should check them. Why should we allow the profiteers to flourish? I am concerned only with the cultivators. So, I would request the Government to exclude cultivators from the purview of this Bill.

Of Course, I have gone through the proviso. The proviso says that there will be no confiscation of the produce of an agriculturist. That means, if anything is forcibly taken away from the cultivator, he will be paid the price fixed by the Government. Well, under the Constitution also you will be required to pay when you take away something from a person.

**Shri Shinde :** May I inform the hon. Member that even in the original Act of 1955 the power of seizure was there?

**Shri P. R. Patel :** It might have been there.

**Shri Shinde :** So, that is not under consideration at the moment.

**Shri K. N. Tiwary (Bagaha) :** The power of seizure was there, but there was no limit for the agriculturist. They could keep any quantity.

**Mr. Deputy-Speaker :** Order, order.

**Shri P. R. Patel :** Then, there is another thing. In the Third Five Year Plan, we promised the cultivators that they shall be guaranteed a remunerative minimum price. The cultivators will be at liberty to sell at higher prices, but the minimum remunerative price will be guaranteed by the Government. Please see the Third Plan if you have any doubt about it. Now, what are we doing by this Bill? We are fixing the price and at that price the cultivators will be forced to sell their produce. If they do not sell, you will confiscate or seize the stock. So, why do you go against the Third Plan? Why do you go against the promises that were given to the people at large by the Third

Plan? Now you want to fix the price and seize the produce from the cultivators at that price. If you do that, nobody will ever trust us.

All the experts who came to India, American and others, told us that the best incentive for more production is the price incentive. Everybody admits it. It has been admitted even by the Minister of Food and Agriculture. But, so far as giving a price incentive is concerned, we have done nothing. Are we giving an incentive price to the cultivators? If we do that, there will be more production. This Bill and similar regulations will only restrict production, instead of increasing it.

Therefore, if we want more production, let us create the energy and climate for it. If we want more production, there should be less and less or no controls. Gandhiji was against controls. He said that control is the worst thing and that he would rather allow the people to die than to submit to controls. Now that Gandhiji is gone, they are doing something which he never desired.

So, I would request the Government to consider these aspects, withdraw the Bill in the interest of the country and in the interest of the cultivators and then come forward with an absolutely new Bill, limiting its jurisdiction to traders and hoarders. Then, I will support it. If there is any provision in the Bill which affects the cultivators that Bill will be opposed to the last, tooth and nail.

**श्री सुमत प्रसाद (मुजफ्फरनगर) :**  
उपाध्यक्ष महोदय, फूड ऐंड ऐग्रीकल्चर मिनिस्टर की जो कठिनाई है उससे हर एक व्यक्ति सहमत है। अन्न के उत्पादन की कमी है और उसके कारण मुनासिब दाम पर कंज्यमर को गल्ला सप्लाई करना पड़ता है और इसके लिए करोड़ों रुपये का गल्ला हर साल बाहर से आता है। आने वाले बीस पच्चीस साल में ऐसा सम्भव नहीं है

कि किसी हिस्से में कभी सूखा न हो, या किसी हिस्से में सैलाब न आये। उसके लिए जब तक बफर स्टॉक न बनाया जाये कोई फूड पालिसी कामयाब होने वाली नहीं है और जो यह विधेयक लाये हैं उस बफर स्टॉक को बनाने के लिए ही लाये हैं ताकि जो यहां के उत्पादन से गेहूं मिलता है या और दूसरा गल्ला मिलता है उसी के जरिये से एक स्टॉक बनाया जाये। मेहता कमेटी रिपोर्ट में भी यह बात लिखी गई थी सन् 57 में लेकिन उस पर आज तक अमल नहीं हो पाया। इस साल 12 मिलियन टन के करीब गल्ला आया और तीसरी पंचवर्षीय योजना में गल्ले का इम्पोर्ट हर साल बढ़ता ही गया।

लेकिन जो इस बिल को मैंने देखा तो इसमें गवर्नमेंट ऐसे अख्तियारात लेने जा रही है कि उसका दुरुपयोग होने के बहुत चांसेज हैं। जो गल्ले को व्यापारियों से चाहे किसानों से बरामद करने की मशीनरी होगी वह रेवेन्यू के नीचे के स्तर के स्टाफ होंगे और वहां करप्शन की उसमें बहुत गुंजाइश होगी। उसकी अपील का प्राविजन भी स्टेट गवर्नमेंट को उन्होंने रखा है। बड़ा अच्छा हो कि इसकी अपील डिस्ट्रिक्ट जज के यहां हो, ताकि फेयरली हर एक आदमी अपना केस रख सके। इस सदन में कई मर्तबे फूड ऐंड ऐग्रीकल्चर मिनिस्टर ने यह बात कही कि उन्होंने इस पालिसी को अपनाया है कि किसानों को रेम्युनरेटिव प्राइस मिले ताकि वह ज्यादा से ज्यादा पैदावार कर सकें। इस बिल को देखने से तो यह पता चलता है कि कोशिश यह है कि और प्राइसेज को तो हम कंट्रोल नहीं कर सके, लेकिन खाद्यान्न की प्राइस को हम रोकना जरूर चाहते हैं। जब और चीजों की प्राइसेज बढ़ें और खाद्यान्न की न बढ़े, तो यह मुनासिब बात किसान के साथ नहीं होगी।

जहां तक इंडस्ट्रीज का ताल्लुक है आप क्रेडिट भी एक मुनासिब सूद पर, बहुत कम

सूद पर देते हैं और कच्चा माल भी बाहर से मंगाते हैं, हर एक किस्म की सहूलियत देते हैं, बिजली भी सस्ते दाम पर देते हैं, हर एक सहूलियत उनको मिलती है, लेकिन जो बाहर से आए हुए माल की चीज बनती है, उसके वितरण पर कुछ थोड़ी सी चीजों पर आपका नियंत्रण है, लेकिन आम तौर से वितरण पर कंट्रोल नहीं है और न ही उसके दाम पर कंट्रोल है।

एक मर्तबा 1948 में यू० पी० में लैवी सिस्टम जारी किया गया, लेकिन उससे एक ला एंड आर्डर की समस्या पैदा हो गई, इसलिए उसको छोड़ना पड़ा। आप अन्दाज लगाइये कि अगर सरकार ने किसान की मर्जी के खिलाफ उसके घर से गल्ला निकालना शुरू किया, तो जैसे लेबरजं और दूसरे लोगों में आज-कल "बन्द" की बीमारी चल रही है, अगर वैसे ही किसानों में भी ला एंड आर्डर की समस्या पदा हो गई और उन्होंने भी ऐसे कानून की अवहेलना करनी शुरू कर दी, तो क्या स्थिति पैदा होगी और समाज तथा सरकार कैसे चलेगी। अगर किसान को मुनासिब दाम दिये जायें, तो इस कानून की क्या जरूरत है? मैं आपके जरिये से सरकार से यह निवेदन करना चाहता हूँ कि वह किसानों और इंडस्ट्रीज में डिस्क्रीमिनेशन न करे। उसने जो पालिसी इंडस्ट्रीज के साथ रवा रखी है, जो सहूलियतें वह इंडस्ट्रीज को मुहैया करती है, उन से भी ज्यादा सहूलियतें किसानों को देने की जरूरत है। किसानों को उनकी पैदावार के ऐसे दाम दिये जायें, जिससे वे जी लगा कर मेहनत करें और उनको विश्वास हो कि उन की मेहनत से जो पैदावार होगी, उनको उस के मुताबिक मुनासिब दाम मिलेंगे।

जब किसान पैदा करता है, तो वह अपने साल भर का खर्चा अपने पास रखता है। वह बीज के लिये गल्ला अपने पास रखता है। बहुत सी जगहों पर लेबरजं को मजदूरी का इंड

श्री सुमत् प्रसाद]

में—गल्ले के रूप में—दी जाती है। उसको अपने पास रख कर ही किसान गल्ला दे सकेगा। पिछले तजुबों से जाहिर होता है कि सूखे के सालों को छोड़ कर मार्केटबल सरप्लस कहीं भी एक-तिहाई से ज्यादा नहीं होता है। जिन बड़े किसानों के पास सौ, बड़े सौ एकड़ के फार्म हैं, उन के पास एक-तिहाई से ज्यादा मार्केटबल सरप्लस हो सकता है, लेकिन जिस किसान के पास, दस बारह एकड़ का फार्म है, वह तो मुश्किल से अपने कुटुम्ब का पालन-पोषण कर सकता है और उसकी जरूरत ही पूरी कर सकता है। अगर सरकार ने ऐसे किसानों पर यह कानून लागू कर दिया और ऐंशल कामो-डिटीज एक्ट, 1955 के मातहत लैबी के अद्वयार का उपयोग किया, तो उन लोगों की हालत बहुत खराब हो जायेगी।

मेरा सुझाव है कि सरकार पच्चीस एकड़ तक के किसानों को लैबी से बरी कर दे। उसके बाद वह देखे कि बड़े किसानों के पास अपना खर्चा काट कर कितना मार्केटबल सरप्लस बचता है और उस मार्केटबल सरप्लस में से कुछ हिस्सा सरकार मुनासिब कीमत पर लैबी के जरिये से ले सकती है। गवर्नमेंट की प्रोड्यूसर्स के गल्ले और कनवेयेन्स वगैरह को कनफिस्केट करने के बारे में काफ़ी सोच समझ कर कदम उठाना चाहिये, इस प्राविजन में खातिर-क्वाह तरमीम करनी चाहिए और कनफिस्केशन के प्राविजन को वापस लेना चाहिए।

मुझे इस बिल में कुछ कमियां नज़र आती हैं। इसमें होर्डिंग और प्राफ़िटीयरिंग को कोई डेफ़िनीशन नहीं दी गई है। अगर गवर्नमेंट इस बिल के अपरेशन को सिर्फ़ ट्रेडर्स और मिलजं तक लिमिट करती, तो बात कुछ समझ में आ सकती थी, क्योंकि ट्रेडर्स सस्ते दाम पर खरीदते हैं, स्टॉक रखते हैं और स्कैसिटी कन्डीशन में फ़ायदा उठाते हैं। वही हालत मिलजं की है। लेकिन किसानों की यह हालत नहीं है।

इतने साधन भी नहीं हैं कि वे इस प्रकार की एकाउंट बुक रख सकें कि कितना पैदा किया और कितना बेचा, आदि। जैसा कि मैंने अभी कहा है, गवर्नमेंट को इस बारे में बहुत सोच-विचार कर कदम उठाना चाहिए। ऐसा न हो कि लोगों की परेशानी भी बढ़ जाये और गवर्नमेंट का मकसद भी पूरा न हो।

पैदावार बढ़ाने का एक ही उपाय है कि किसान को हर तरह की सहूलियत दी जाये, उसको जिन चीजों की जरूरत है, उनको मुहैया किया जाये और उसकी पैदावार का ऐसा दाम दिया जाये, जिससे उस की हिम्मत बढ़े और वह ज्यादा से ज्यादा पैदावार कर सके।

**Shri Dinen Bhattacharya (Serampore):**  
Mr. Deputy Speaker, Sir, this Bill has been brought here by the Government to assume a positive role, as I see from the statement of objects and reasons, in holding the price-line following devaluation and for procurement of substantial stock of foodgrains, edible oilseeds, edible oils at prices specially fixed etc.

My first comment on this is that this Bill will not even touch the fringe of the problem. It will create more problems in the rural areas because from my experience I can say that this will give a handle to the local authorities to harass the small growers. The Bill has no provision anywhere to see that the interests of the small growers will be protected and the Government will really touch the hoarders. If you kindly see through it, you will nowhere find as to what will be the punishment if anybody violates any of the provisions of this Bill. I was just now hearing from my friend sitting here from UP that in Azamgarh, Ghazipur, Balia etc., more than 1,000 ordinary, poor fellows, small traders like machhli bechnewala, sattu bechnewala, are arrested; but where there is really a hoard and the Government and the police knows, they do not go there and touch the hoard.

This Bill will not improve the situation in any way. The Government cannot say that they had no power. The Defence of India Rules were there. They have got the Food Corporation. But what is the result? Here in this House we were given to understand that the Food Corporation would take the responsibility of procuring foodgrains and feeding at least the town population. But what is the total procurement in 1965-66 by the Food Corporation? It is 6.6 lakh tonnes. The State Governments procured another 20.4 lakh tonnes. That is, a total of 27 million tonnes was procured and the rest has gone to the black market. As per the Government report from rough calculations, I can say that 20 million is the marketable surplus. Where are the other foodgrains?

In West Bengal it was so much trumpeted and here in this House our Food Minister gave platitudes to the West Bengal Chief Minister but what is the total procurement? 1.5 million tonnes was the target but no more than even one-fourth could be collected. I know that it is not for want of any law or any power that it could not be collected but only because of the way the Government functions. It always keeps an eye on the interest of the big hoarder but it does not look to the interest of the ordinary peasant. They fixed the price in an air-conditioned room in Calcutta that Rs. 14, Rs. 15 or Rs. 16 will be the price of one maund of paddy knowing fully well that for producing one maund of rice Rs. 21 or Rs. 22 is necessary. Then Government did not take the responsibility of total procurement. They engaged some middlemen, And who are the middlemen? They are either millowners or big merchants. They sabotaged the plan of total procurement. I have seen it that they go to the market when the new crops come into the market and offer more price to the ordinary and poor peasants who sell it to them knowing fully well that this rice which is purchased now by the big hoarders will be brought into the market at double the price

after some time and these poor fellows will have to purchase it. They have no other alternative but to sell to the big merchants, because of the fact that the price that the Government gives is not remunerative, the price that the Government gives is below the production cost. So, the poor peasants have no other alternative. Therefore, unless and until the Government come forward with the legislation to take over the whole sale trade in foodgrains, there is no way out from the situation that our country faces today.

Then, I emphatically demand that the middlemanship must be abolished. Mr. Patel was saying that the Communists are supporting the Bill. But I am not going to support the Bill because I know this Bill cannot solve the problem. It will create harassment to the ordinary poor peasant.

**Shri Kashi Ram Gupta (Alwar) :**  
He said that you will benefit from it.

**Shri Dinen Bhattacharya :** If anybody will benefit from it, it is the Congress people who will benefit from it. Their Government will not touch anybody who has a white cap on his head or who is an agent of the big Congress personality or a leader. I would request the Minister to come with me and he will find that the policemen, the home-guards jump on the poor lady who is carrying one or to seers of rice for herself. This is happening daily in our areas, in U. P. and in other areas also.

So, if you want really to solve the problem, you have got to bring forward a comprehensive Bill to take over the wholesale trade in foodgrains.

I do not find anywhere in this Bill any definition of the essential commodities. What is an essential commodity? To a peasant, to a tiller of the soil, fodder is the most essential commodity and I know how in black-market these poor peasants have to purchase fodder for their bullocks. There is no mention of it.

**Shri Shinkre :** The provision is in the Act itself. So, the amending Bill does not require it.

**Shri Dinen Bhattacharya :** In West Bengal, fish is very essential and now-a-days you go to any market, you will not find it.

If you want to hold the price line, you have to tap at the source. I am not at one with all that is said by the Delhi Provision Merchants Association.

**श्री बड़े (खारगोन) :** कांग्रेस कहती है कि कम्युनिस्ट फिश खा गये, इस लिये नहीं मिलती है ।

**श्री दीनेन भट्टाचार्य :** कम्युनिस्ट को फिश कहाँ मिलती है उसका इससे कहाँ ताल्लुक है क्योंकि बाजार में मिलती नहीं है और ब्लैक मार्केटियर से उसका ताल्लुक नहीं है ।

If they are very serious, I would request them to have control at the point of production. They want to control edible oil and sell it at a fixed price. What happened in West Bengal? Mustard oil is sold in the market at not less than Rs. 5 per kg. Sometime back, our Chief Minister wanted to control it and he fixed a price of Rs. 3.95 per kg. But nowhere you will get it. I would request the Government to go into the cost of manufacture of essential commodities. They should fix the prices at the source. Otherwise, what happens is that the policeman only catches a poor retailer saying, "You are selling at the black-market rate". The policeman does not know what is the black market rate. But all the same he will catch him. This is happening in every case. If the Government wants to hold the price line and wants that the price must not increase exorbitantly or unreasonably, then at the source, at the manufacturing level, it has to be controlled and unless that is done, it is not possible to hold the price line or to check the rise in price by catchings some retailers here and there. I cannot be at one with the provi-

sions of the Bill. I would simply say that you must take over the wholesale trade, control the price at the manufacturing level, don't harass the poor growers and the poor peasants but catch hold of the big hoarders who are there.

Let me refer to one thing more which may help the Minister to know the real situation. In West Bengal, there are about 12,000 husking mills, half of them without a licence, and there are 746 rice mills. The husking mills work hundred days a year and their total production is about 1.2 million tons. The mills had always maintained that their annual capacity never exceeded 8 lakh tons. If the State's total rice production is estimated at 4.9 million tons, it seems to be explained as to which agency is responsible for the milling of the remaining 2.9 million tons. I say, these 2.9 million tons have been milled and have gone to the blackmarket and the whole of our market is turned in to a blackmarket by virtue of the policies of this Government.

**Shri M. Malaichami (Periyakulam) :** Mr. Deputy-Speaker, Sir, I welcome the present Bill under discussion in view of the present economic situation in the country and the steps which should be taken to tackle the problem.

The Essential Commodities Act is intended for regulating the supply and distribution of essential commodities to hold the price line by procurement of substantial stocks of foodgrains at reasonable prices specially fixed, for release to places which are hit by scarcity. When we take into consideration the foodgrains position of the country, we cannot very much forget that even before Independence our country was depending on imported foodgrains. After Independence, what were the measures taken by the Government to improve food production and how far we were able to achieve results will clearly bring to light the circritical position that our country is facing today so far as foodgrain needs are con-

cerned and the essentiality of this Essential Commodities Act can also be understood to deal with the problem which is of utmost necessity, that is, of feeding the nation.

When our country achieved Independence, to achieve self sufficiency in foodgrains, the first problem dealt with by our Government was to have control over the means of production specially land which is the main means of production of foodgrains. Our Government abolished the zamindari system & brought ceiling on land holdings; it brought the Tenancy Security Act and also it brought fixation of rents and so many other measures. All this helped to improve production, by ensuring security to tenure to the tenants, by providing reasonable rent for the land which they are cultivating and by the imposition of ceiling on land holdings to an extent which also enabled people of means to divert the resources which were previously locked up only in agriculture to industry and other developments. By these measures Government have tried to tackle not only the problem of the improvement of food production but also that of the industrial development of the country. In view of the acute necessity to improve food production, the present Bill under consideration assumes greater importance, especially since we have not yet achieved self-sufficiency on account of the various factors which hon. Membets are fully aware of.

When there is insufficiency in the production of foodgrains, Government cannot be an idle watcher without making efforts to tackle the problems efficiently. So, when we are facing shortage of foodgrains and Government are responsible for feeding the nation, they have to resort to the procurement of foodgrains which are available in the country by giving a reasonable price to the producers and ensuring equitable distribution to feed the people who are in need and who are to purchase the foodgrains. So, when we experience insufficiency of foodgrains, there is no other way except to follow the principles of pro-

urement levy, fair price and equitable distribution. These objects have been enshrined in the present Bill and it seems to be the reasonable way in which Government should proceed to tackle the problem.

A mention was made of the fact that Government should have a commanding position in the foodgrains trade. Our Government are not unaware of that fact, because by the constitution of the Food Corporation of India they are trying to have a commanding position in the foodgrains trade also. So, the steps taken by Government, after the achievement of Independence, show that they are desperately trying to achieve self-sufficiency in foodgrains, and the results achieved, though they have not been to the extent desired, are not, however, mean. Because of the growth of population, because we had to face drought conditions and other factors like the Pakistani aggression and other things came in the way of our development, our progress was retarded and, therefore, the results are not to the extent that we had expected. These facts cause some incarceration for a developing nation, but still facts have to be accepted.

In the circumstances, I would submit that the present measure serves the purpose well and it is timely also. But there is one request that I would like to make to Government in the circumstances. Government's responsibility does not stop with mere enactment of the Act; its proper implementation is also their responsibility. Many Membets have expressed their disapproval of the Bill only because of the improper implementation at the administrative level. I have proposed an amendment in this regard, and I would request Government to take the public into confidence in the implementation of the Act, so that wherever there is hardship or there is any difficulty or any problem to be tackled the people would feel that they are also being taken into confidence by Government and they are also considered to be as much responsible as the Government officials in the discharge of the govern-

[Shri Malaichami]

mental functions to tackle the problems facing the country.

श्री बड़े : उपाध्यक्ष महोदय, मैं इस एसेन्शियल कमोडिटीज (अमेंडमेंट) बिल का विरोध करता हूँ और विरोध इसलिये करता हूँ कि इसको एक तरह से किसानों की मौत कहा जा सकता है। इस बिल में किसानों की मृत्यु लिखी गई है। इसका मुख्य कारण यह है कि अभी हमारे यहां जो ड्राउट था, अकाल पड़ा था उसमें हम समझे थे कि अकाल के समय में लेवी को जिसको किसानों की जानलेवा लेवी कहते हैं शायद बन्द कर दिया जायेगा। लेकिन इस बिल से ऐसा प्रतीत होता है कि शायद यह एंड इनफ्लेमेटरी खत्म होने वाली चीज नहीं है। किसी निश्चित समय के लिये न रख कर इस को सरकार परमानेंट करने जा रही है क्योंकि आजकल इमर्जेंसी चल रही है और उसकी वजह से हमारे मूलाधिकार खत्म हो गये हैं और इसके लिये हाईकोर्ट में भी नहीं जा सकते हैं इस सवाल को उठाने के लिये।

अभी हमारे श्री राम्पे ने कहा कि यह कांस्टिट्यूशन के खिलाफ है। लेकिन कांस्टिट्यूशन के खिलाफ होते हुए भी हमारे हाथ बंध हुए हैं जब कि यहां इस तरह का कानून बनाया जा रहा है। बिल में कहा जा गया है कि हम केवल 125(3) (सी) को परमानेंट करने जा रहे हैं लेकिन वास्तव में ऐसा नहीं है। 125 में जो पावर दी गई वह इस प्रकार है :

“Any property in respect of which an order has been contravened or such part thereof as the court may deem fit shall be forfeited to the Government.”

इस में जूडिशियल कोर्ट को पावर दी हुई है, कलेक्टर या डिस्ट्रिक्ट मैजिस्ट्रेट को दी हुई है जो कि शासन को चला रहे हैं और जनता के लिये कोर्ट के दरवाजे बन्द हैं। आज जिस डिस्ट्रिक्ट मैजिस्ट्रेट को भस्मासुर

कहा जाता है वही भस्मासुर इस लेवी को लेने के लिये जाता है। अकाल पड़ने के बाद उसे पता नहीं है कि मध्य प्रदेश में कितनी फसल हुई है कितनी नहीं हुई है। कोई कुछ कहता है तो वह जवाब देता है कि पटवारी ने लिखा है कि यह बोया है। अगर दस एकड़ बोया है तो दस किलोग्राम देना होगा पांच एकड़ बोया है तो पांच किलोग्राम, तीन एकड़ बोया है तो तीन किलोग्राम, एक एकड़ बोया है तो एक किलोग्राम देना होगा। लोभ कहते हैं कि कुछ निकला ही नहीं है, बच्चे भूखें मर रहे हैं, तब वह कहता है मैं कुछ नहीं जानता, इस में लिखा हुआ है। किसान कहते हैं कि हमने बोया जरूर था लेकिन पका ही नहीं है क्या दें, लेकिन वह किसी की सुनता नहीं है। बोनो के ऊपर, एकरेज के ऊपर ही तो फसल उत्पादन पर पंचनामा होना चाहिए वह नहीं होता है इस लिये इतना अत्याचार होता है। यहां तक कि वहां के लोग कहने लग गये हैं कि कांग्रेस यानी कंट्रोल और क्लैमिटी। कांग्रेस का इन्वेशन बन गया है कि कांग्रेस कंट्रोल क्लैमिटी।

राजा जी जैसा कहते हैं कि यह परमिट, पर कंट्रोल का राज्य है, यही सब मालूम होना है। इसी वास्ते आज लोग नारे लगाते हैं कि “कांग्रेस सरकार के यह बैल, खा गये चावल पी गये तेल।” क्योंकि चावल मिलता नहीं है और तेल भी छः रुपये किलो मिलता है। तेल गये कहाँ मार्केट से तेल का कंट्रोल करते हैं तो तेल गायब हो जाता है। आप कहते हैं कि प्रोक्योरमेंट करने का मुख्य उद्देश्य है प्राइस लाइन को कंट्रोल करना। They want to procure foodgrains, edible oilseeds and edible oils at prices specially fixed, for release at reasonable prices.

79 मैं कहता हूँ कि इसमें जितने जेईमन्न लोग हैं उनको ही कंट्रोल से फायदा होगा। वह लोग रोज मन्नत करते हैं कि भगवान इस कंट्रोल को कायम रखना ताकि हमारी ब्लैक

बाकूट कायम रहे। जो ईमानदार साहूकार या कास्तकार हैं वह चाहते हैं कि कंट्रोल न रहे क्योंकि इससे उनको कोई फायदा नहीं होता है। मध्य प्रदेश में हर एक किसान को नोटिस दी गई थी कि अगर तुमने लेवी नहीं दी तो डिफेंस आफ इंडिया एक्ट के सेक्शन 3 के मुताबिक कार्रवाई की जायेगी जिस के लिये तीन साल की सजा रखी गई है। बेचारे किसान साहूकारों से उधार ले कर लेवी को देते हैं। इस लिये इस लेवी की पद्धति को खत्म करना चाहिये नहीं तो किसान अनाज बोने में आनाकानी कगे और कम बोयेंगे। कपास और ग्राउंड नट को आप ऐंशियल कमोडिटी मानते हैं। चना और चने की दाल भी है। लेकिन अब ग्राउंडनट आयल इतना महंगा हो गया और इसको ऐंशियल कमोडिटी लिखा हुआ है, तो जब कलेंक्टर साहब के पास हम जाते हैं तो वह कहते-हैं कि हम इसको कंट्रोल नहीं कर सकते हैं। चने और चने की दाल के बारे में भी जो हमने देखा है वह मैं आपको बतलाता हूं। हमारे यहां जो सब-इस्पेक्टर है या जो कांस्टेबल है वह पांच सौ रुपये ले लेता है और महाराष्ट्र को चले जाने देता है और सारा जो चना है वह राने साहब के खानदेश में भेजा जाता है। हमारे यहां पर चना नहीं मिलता है। यह सब जो है यह जोनल सिस्टम की वजह से होता है। प्राइसिस को आपको कंट्रोल करना है, फेयर प्राइसिस आपको कायम करनी है तो आपको पहले यह जो जोनल सिस्टम है, इसको खत्म करना होगा। इसके बाद किसानों से जितनी मदद हो सकती है, वह आप की करेंगे। किसान पर अगर लेवी सिस्टम लागू किया गया, प्रोक्योरमेंट किया गया तो किसान अनाज बोने वाला नहीं है। अभी विभूति मिश्र जो कह रहे थे कि चम्पारन में पांच हजार किसानों के खिलाफ एरेस्ट के वारेंट निकले हुए थे। उनको खुद सरकार के पास जाना पड़ा और यह जो अत्याचार चल रहा है, इसके खिलाफ आवाज उठानी पड़ी। मैं चाहता

हूँ कि लेवी का जो सिस्टम आपने चलाया है इसको हटाया जाए। एक तो आप जोनल सिस्टम को बन्द करें और दूसरे अगर प्रोक्योरमेंट ही करना है तो उसके मकान पर जा करें। आप उस के मकान पर जाकर नहीं लेते हैं। आप यह कहते हैं कि वह तहसील में आए, बीस मील दूर आए और वहां आकर अनाज बेचे। लेकिन आप देखें कि उसको वहां आने की क्या जरूरत पड़ी है। छोटे छोटे जो व्यापारी हैं वे वहां आ जाते हैं, वहीं पैसा दे देते हैं और अनाज ले लेते हैं। किसान को क्या जरूरत पड़ी है कि बीस तीस या चालीस सेर अनाज वह सस्ते में तहसील हैडक्वार्टर में जा कर आपको बेचे। इस अनाज को वह बैल गाड़ी से वहां ले जाएगा, उसका वक्त खराब होगा। इस वास्ते अगर प्रोक्योरमेंट ही आप करना चाहते हैं तो उसके मकान पर करें।

“अब आपने कनफिस्केशन का आर्डर निकाल दिया है। यह बहुत ही अनुचित है। डिफेंस आफ इंडिया के बेसिस चले हैं लेकिन उन में भी कनफिस्केशन नहीं होता था। बैलगाड़ी में या मोटर में जिसमें अनाज ले जाता था वह जब्त नहीं होती थी। अब मोटर टुक या बैलगाड़ी जिस में भी थोड़ा बहुत अनाज वह ले जाएंगे, वह भी जब्त हो सकती है। उसको भी पुलिस वाले जब्त कर सकते हैं। आप देखें कि चालीस हजार का टुक होता है और बीस बीस मन की सातिर उसको भी जब्त कर सकते हैं। इसी तरह से बैलगाड़ी है। एक हजार की बैलों की जोड़ी होती है और सात आठ सौ की गाड़ी रहती है। उसको भी आप सवाइ आठ सेर अनाज के लिए जब्त कर लेंगे। पुलिस वाले क्या करेंगे। वे इसको भी जब्त कर लेंगे। पहले यह सब चीज कोर्ट में जा सकती थी लेकिन अब क्या होगा। जिल में प्रोवीजन है कि कनफिस्केशन होने के बाद अनाज स्ट्रेट क्वॉन्टमेंट से अपील कर सकते हैं। लेकिन उसका क्या होगा ? एक बकरी के बच्चे ने शेर को कहा



[श्री बंधे]

कि तुम मुझे क्यों मारते हो । उसने कहा कि मैंने निर्णय कर लिया है कि तुझ को मैं मारूंगा । अगर तुमको अपील करनी हो तो सिंह के पास जाकर करो । उसने कहा कि वह भी मुझे मारेगा उसके पास जा कर अपील करनेसे क्या फायदा । यहां पर भी कोई क नहीं है । जिसके पास जाकर अपील की जा सकती हो । इसी तरह से आप यहां भी कर रहे हैं । कलक्टर साहब जब्त करेगे । स्टेट गवर्नमेंट की बात आप करते हैं । स्टेट गवर्नमेंट में काम करने का क्या ढंग है, इसको आप देखें । वह तो ऊपर बैठी है । वह तो पोस्ट आफिस की तरह से काम करती है । अगर किसी कांग्रेसी ने कह दिया कि अपील को मंजूर कर लो तब तो हो जाएगी और अगर किसी ने कह दिया कि न करो तो नहीं होगी । आप ने कोर्ट के दरवाजे इसीलिए बन्द किये हैं कि आप मनमानी कर सकें । जनता यही कहेगी कि गवर्नमेंट में जो लोग बैठे हुए हैं वे देखेंगे कि यह अपनी पार्टी का आदमी है तो कनफिस्केशन का जो आर्डर है वह खत्म हो जाएगा, उसकी अपील तो मंजूर हो जाएगी और अगर किसी दूसरी पार्टी का आदमी हुआ तो नहीं होगी । अगर किसी ने कानाफूसी कर दी कि यह तो जन संघ का आदमी है या किसी दूसरी पार्टी का आदमी है तो उसका जो माल है वह छूटने वाला नहीं है । आज भी यह आशंका जनता के मन में उत्पन्न हो गई है । इस तरह की आशंका के लिए कोई स्थान नहीं होना चाहिये। कोर्ट के जो दरवाजे हैं वे बन्द नहीं होने चाहियें ।

प्रोक्योरमेंट भी देगा, लेबी भी देगा तो उसका जो अनाज जब्त होगा, वह कौन सा अनाज होगा ? वह बीज ही सकता है जोकि उसके हाथ से निकल जाएगा, खाने का अनाज तो उसने अपने लिए रख छोड़ा है, वह उसके हाथ से निकल जाएगा, अनाज पिसवाने के

लिए वह ले जा रहा होगा वह जब्त हो जाएगा क्योंकि मरमिट या लाइसेंस उसके पास नहीं है । यह किसानों के लिए डैथ नैल साबित होगा ।

पिछले दो सालों से आपने लेबी सिस्टम लागू किया है । बस्तर का प्रकरण क्यों हुआ है । वह केवल लेबी की वजह से हुआ है । वहां अकाल पड़ने के बाद, फ़ैमिन पड़ने के बाद लेबी जबर्दस्ती वसूल नहीं की जाती तो यह प्रकरण न होता । इतना ही नहीं हमारे यहां जितने आदिवासी हैं वे अपने बच्चों को छोड़-छोड़ कर शहरों की तरफ जा रहे हैं । उनको वहां पर खाने के लिए कुछ मिलता नहीं है । वे भूखों मर रहे हैं । यह कहा जाता है कि झूठी अफवा इसके बारे में फलाई जाती है । लेकिन वास्तव में यही हो रहा है । उन के पास पैसा ही नहीं है । मैं कहता हूं कि एसेंशियल क्मोडिटी अनाज नहीं है, कपास नहीं है, मूंगफली नहीं है, पैसा एसेंशियल क्मोडिटी है । जोंगों के पास खरीदने के लिए पैसा नहीं है । किसानों के हाथ में पैसा नहीं है । आदिवासियों के पास पैसा नहीं है । क्या पैसे उनको आप देने की कोशिश कर रहे हैं ? किसान सुबह से शाम तक मेहनत करता है और उसको एक रुपया या डेढ़ रुपया नसीब होता है । क्यू में जाकर वह खड़ा होता है, पूरे का पूरा दिन उसका चला जाता है । लेकिन केवल मात्र उस को आठ छटांग अनाज मिलता है । जेलों में भी इस से अधिक अनाज लोगों को मिलता है । उसके पास पैसा नहीं है । अनाज ब्लैक में मिलता है, उसको खरीदने के लिए उसके पास पैसा नहीं है । मैं भूखा नहीं हूं, आप भूखे नहीं हैं, कलक्टर भूखा नहीं है, मिनिस्टर भूखा नहीं है, भूखे आदिवासी और किसान हैं, जिनके पास अनाज खाने को नहीं है, अनाज बाजार में मिलता है, लेकिन जिनकी जेबों में खरीदने के लिए पैसा नहीं है । आप इस प्रकार का कानन बनाने

जा रहे हैं जिस से किसानों के साथ जबर्दस्त अन्याय होगा ।

मैं एक दूसरी बात कहता हूँ । प्रोक्योरमेंट जहाँ प्रोडक्शन मार्केट में आता है वहाँ होना चाहिये । किसानों पर आप इस को लागू न कर व्यापारियों पर इसको लागू करें । लेकिन उन पर आप हाथ नहीं लगा सकते हैं क्योंकि आपको चन्दा कौन देगा । मैं कहूँगा कि जो कानून आप बनाने जा रहा है इस में कोर्ट को भी लायें, वहाँ पर अपील की व्यवस्था आप करें तब ठीक होगा ।

हमारे यहाँ मूंगफली 110 रुपये में मिला करती थी । अब उसका भाव 210 रुपये क्विंटल हो गया है । दुगुना दाम उसका हो गया है । अब आप उस से कोई वस्तु लेते हैं तो क्या आप उसको देंगे ? आप कहते हैं कि हारवेस्ट टाइम के तीन महीने बाद तक जो प्राइस होगी वह आप उसको देंगे । हारवेस्ट टाइम अक्टूबर में हो जाएगा । अब भाव 210 रुपये का हो गया है । दीवाली के बाद या अक्टूबर के बाद भाव तीन महीने गिरता जाएगा । हारवेस्ट टाइम पर बहुत कम भाव होता था । पिछले साल जो भाव था वह कम था और अब बहुत हो गया है । बढ़ता ही जा रही है । मैं कहना चाहता हूँ कि मार्केट में क्या प्राइस है इसका आपको विचार करना चाहिये और उसका क्या खर्चा आया है, इसको आपको देखना चाहिये ।

आज बन्द के नारे सभी तरफ लग रहे हैं । कम्युनिस्ट और सोशलिस्ट भाइयों ने इतने बन्द, बन्द के नारे लगाये हैं कि शासन का दिमाग भी बन्द हो गया है, जो न्यूज आइटम एक आई है उसको आपको पढ़कर बताता हूँ और मैं भी अपना भाषण बन्द करता हूँ ।

“ About 50,000 powerlooms all over the country will close down from Saturday  
1548 (A) L.S.D.—8

as a result of increased prices of yarn and of sized beams ”.

**Mr. Deputy-Speaker :** What has that to do with the Bill ?

**श्री बड़े :** उनको यान नहीं मिलता है । शासन को इस पर ध्यान देना चाहिये कि क्या एसेंशियल कमोडिटी है और इसकी स्पष्ट व्याख्या करनी चाहिये । मैं यह भी चाहता हूँ कि यह कानून किसानों पर लागू न किया जाए और व्यापारियों पर भी इसको लागू करने के बजाय जिस तरह से किदवई साहब ने किया था आप कंट्रोल हटा दें तो सब मामला ठीक हो जाएगा ।

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

**Shrimati Vimala Deshmukh (Amravati) :** The Essential Commodities Bill was passed in 1955. The object of passing this Bill was, to my mind, to give assurance to the consumer that the commodities sold would be pure, of fixed price and of standard quality. But what has been our experience for the past 11 years ? Disappointing and discouraging indeed. In every session of Parliament questions are asked in this House by members and Government tries to satisfy them by giving definite replies which are not at all convincing. For example, I buy meat from a butcher, an elderly grey-haired man and in spite of my repeated warning that I would complain to the NDM authorities to take action against him, he still continues to use the seer instead of the kilo which has been introduced not less than five years ago. For he knows that I have neither the time nor the tenacity to do the follow-up action ; secondly, he is quite sure that he can easily get away by bribing the concerned officer.

The consumer is cheated in three ways by the dealer ; firstly by charging high price, secondly by supplying bad quality

[Shrimati Vimala Deshmukh]

and lastly by giving a lesser weight. Although Government have on several occasions given the assurance that prices of essential commodities would be controlled, may I tell the House that the Government, have totally failed to arrest the rising prices in spite of news bulletins over the radio every morning and the establishment of a super market. The *Hindustan Times* report of 27th instant, "Rise in price of many consumer goods" corroborates my allegation.

The plight of the people residing in small towns and rural areas is very pitiable indeed.

Chillies which are commonly used are sold at Rs. 6 to 7 groundnut oil at Rs. 6 to 7 per kilo in Amaravati and round about villages. Jawar, which is the staple food is sold at 75 paise in fair-price shops per kilo whereas its procurement price is 52 p. per kilo. Cultivators were complaining to me as to why the Government does not allow them to sell Jawar and other food-grains to the consumers directly and allow them to buy unadulterated food grains at lesser price. Besides, Government will be saved the extra expenses needed to establish fair-price shops and administrative machinery to run the Supply Department.

Adulterated food-stuffs are openly sold in the open market. Only a few weeks ago a number of people were affected by a new disease 'Arjiman' in the suburbs of Bombay. After the food analyst's report, it was discovered that it was due to some adulteration in edible oil. In one case a woman aged 30 succumbed to the disease.

Sir, dyes, leather shavings, cow dung and chromite which are injurious are also used for adulterating food-stuffs. Can there be anything more heartless than this on the part of the traders and not much has been done to deal with these anti-social agents. The National Consumer Service, New Delhi, has brought some shocking

facts to the notice of Delhi Administration. Meat, unfit for human consumption is smuggled into Delhi and sold to the consumer and I am surprised to find that no action is taken.

I do welcome the further amending of the Essential Commodities Act, with certain modifications suggested by some other hon. Members of his House, if there is an assurance that the cultivator's interests are fully protected. The Bill, if passed as it is, it is feared will do more harm than good :

I am deadly against giving blanket powers to collectors to confiscate foodgrains, edible oil, oil seeds, etc. In last year monopoly price procurement campaign, some innocent, small farmers suffered harassment at the hands of these party officials.

However, I have no objection to its being used against horders, profiteers and traders.

The economic crisis, which the country is facing today, is the result of fall in agricultural as well as in industrial production. To overcome this, therefore, we should do all in our power to increase our production both agricultural and industrial.

It must be admitted that agriculture has been all these many years, grossly neglected. What our land needs first is water. I do appeal to the Government to see that our agricultural land is provided with water facilities, by digging wells, supply of tube wells wherever successful, and giving top priority to all irrigation schemes.

Sir, before I conclude, I would like to tell this House that the Maharashtra State has had only 6 percent of irrigation facility. May I request the Government to remove this imbalance by providing more irrigation projects? Lastly, I request the Government to see that the Upper Wardha Scheme comes to fruition in the Fourth Five Year Plan. On behalf of our people, I can assure that they will do everything in their power to stand by the Government to overcome the crisis by increasing food and other agricultural production, and attaining self-

sufficiency in food fibre and other commodities. But, in return they also expect their Government to do its duty.

श्री काशी राम गुप्त : उपाध्यक्ष महोदय, मैं समझता हूँ कि इस सरकार को हाइड्रोफोविया की बीमारी हो गई है। कसर सिर्फ इतनी है कि उसने पानी में अपनी परछाई को नहीं देखा है, वरना उस के मरने की नौबत आ जायेगी। पहले एक्ट के सेक्शन 3(बी) में यह बहुत अच्छी बात लिखी हुई है :

“ for bringing under cultivation any waste or arable land whether appertunant to a building or not for the growing thereon of food crops generally or of specified food crops and for otherwise maintaining or increasing the cultivation of food crops generally or of specified crops.”

अगर उस को अमल में लाया जाता, तो शायद उस कानून को एमेंड करने का सवाल ही पैदा न होता। लेकिन ऐसा नहीं किया गया है। मैंने देखा है कि इस नये बिल में जो क्लॉज 6 ए लाई गई है, वह इस में लागू नहीं होती है, सिवाये आखिर में, सेक्शन 3(2) (जे) में, जिस में कहा गया है :

“ For any incidental and supplementary matters including, in particular, entering and searching of premises, vehicles, vessels and aircraft (and) the seizure by a person authorised to make such a search of any articles in respect of which such person has reason to believe that contravention of the order has been, is being or is about to be committed”.

इसके सिवाय इमसे पहले जो भी दफायें हैं, उनसे इसका सम्बन्ध नहीं है, जो कि क्लॉज 6 ए में कहा गया है। सेक्शन 6 में कहा गया है :

“Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.”

उसके बाद क्लॉज 6 ए रखी जा रही है, जिसकी कोई संगति नहीं बैठती है। उसमें कहा गया है :

“Where any foodgrains, edible oilseeds or edible oils are seized in purchase of an order made under section 3.....”

आप देखें कि इस भाषा का उससे कोई सम्बन्ध जुड़ता नहीं है, लेकिन फिर भी यह भाषा रखी गई है। इसीलिए मैं समझता हूँ कि इस सरकार को हाइड्रोफोविया की बीमारी हो गई है, अन्यथा यह प्रश्न पैदा न होता। अगर इस बिल को पास कर दिया गया, तो उसका एक ही तात्पर्य निकलेगा कि यह किसानों के सिवाय किसी और पर लागू नहीं होगा।

माननीय मंत्री, श्री सुब्रह्मण्यम्, इस समय श्री विभूति मिश्र से बातें कर रहे हैं। श्री मिश्र पहले तो बहुत तेजी में बोले थे, लेकिन आहिस्ता आहिस्ता वह नमी पर आ गए और अब वह माननीय मंत्री के साथ बातों में लग गए हैं। शायद वह बातों से माननीय मंत्री को मनाना चाहते हैं। मैं माननीय मंत्री का ध्यान इस तरफ दिलाना चाहता हूँ कि यह प्राविजन किसानों के सिवाय किसी और पर लागू नहीं होगा। उसके अन्तर्गत केवल किसान ही आयेंगे - डीलर नहीं आयेंगे।

कनसल्टेटिव कमेटी में माननीय मंत्री ने कहा कि वह प्रोड्यूसर को तंग करने के खिलाफ है। मैं समझता हूँ कि इस सम्बन्ध में “छोटे” और “बड़े” प्रोड्यूसर का शब्द इस्तेमाल करना मुश्किलता पैदा करता है। जब सरकार ने सोलिंग एक्ट पास कर दिया है, तो फिर कोई भी बड़ा प्रोड्यूसर नहीं रहा है।

[श्री काशी राम गुप्त]

हां, कुछ ऐसे प्रोड्यूसर ज़रूर हैं, जो ईमानदारी से अपनी पैदावार बढ़ाने की कोशिश करते हैं। लेकिन यह उचित नहीं है कि एक तरफ़ तो वे ईमानदारी से अपनी पैदावार बढ़ायें और दूसरी तरफ़ उनको सज़ा दी जाये। वह जो छोटे और बड़े प्रोड्यूसर की बात बार-बार करत हैं, वह ठीक नहीं है।

मैं यह भी निवेदन करना चाहता हूँ कि दुनिया में इस तरह की ज़ब्ती केवल चोर और स्मगलर ही हुआ करती है - केवल चोरी और स्मगलिंग के माल की हुआ करती है। मैं मंत्री महोदय से निवेदन करूंगा कि वह चोर और स्मगलर की डेफ़िनीशन करें। अगर वह केवल चोर और स्मगलर को पकड़ें और उसके माल का सीज़र करें, तो कोई ऐतराज नहीं है। लेकिन स्मगलर के बारे में वह कुछ कहते नहीं हैं। जोन्ड के बारे में जांच करने के लिए जो कमेटी नियुक्त की गई है, उसका फ़ैसला अभी तक नहीं आया है। जब तक उसका फ़ैसला न आता, तब तक इस बिल को नहीं लाना चाहिए था, क्योंकि ये सारे झगड़े जोन्ड के कारण ही हैं। बल्कि आज स्थिति तो यह है कि श्री बड़े के प्रदेश में एक ज़िले के कलक्टर को यह अधिकार है कि वह दूसरे ज़िले में गन्ने को न जाने दे। एक ही प्रदेश में कलक्टर ने अपने अपने जोन्ड बना रखे हैं। यह व्यवस्था हमारे किसान के लिए कोहराम मचाने वाली है।

मंत्री महोदय अभी तक यह नहीं बता सके हैं कि उनकी रेक्वायरमेंट्स, उनकी ज़रूरतें क्या होगी। एक लाख के ऊपर की आबादी वाले शहरों में राशनियर करने के लिए उनको कितना अनाज चाहिए? एक तरफ़ वह कहते हैं कि हम उत्पादक को सताना नहीं चाहते हैं, दूसरी तरफ़ वह कहते हैं कि हम ज्यादा से ज्यादा अनाज लेना चाहते हैं और तीसरी तरफ़ वह कहते हैं कि हम मार्केट प्राइस नहीं देना चाहते हैं। तो फिर सारे का

नतीजा तो यह होगा कि किसान उत्पादन करेगा ही नहीं। तो आप उत्पादन नहीं बढ़ाना चाहते हैं, घटाना चाहते हैं, तो शोक से इस बिल को पास करिए और इस देश में तूफान मचाइए। लेकिन और उत्पादन बढ़ाना चाहते हैं तो इसको पास न करिए। कृपा करके स्पष्ट कर दीजिए कि यह केवल स्मगलर्स पर लागू होगा, चोर पर लागू होगा, और किसी पर हो नहीं सकता है। सेक्शन 3 की दफा को देखते हुए और किसी पर लागू नहीं होता है। सिवाय चोर के और किसी पर लागू नहीं होता है। तो क्यों नहीं आप प्रस्ताव करते?

I request the Minister in regard to section 3-2 (j). He should bring in this amendment so far as section 3-2(j) is concerned; only in that case arrest can take place; otherwise not.

15 hrs.

**श्री बड़े**: इसी वास्ते तो अमेंडमेंट लाये हैं?

**श्री काशी राम गुप्त**: नहीं, सेक्शन 3 में तो यह लागू ही नहीं होता।

Why does he not define it correctly? Why does he take section 3 as a whole? He should specifically mention section 3 clause 2 (j) and he should also clarify that this pertains to smugglers and nobody else and therefore, it has nothing to do with producers; he must make it clear and emphatically declare in the clause that this will not apply to producers, big or small in any form. Then only I think he will be justified in bringing the Bill because the goods dealers are not to be forfeited; smugglers' goods can be forfeited. Therefore, amendments should be specific that this does not apply to producers, big or small. There is no question of 'big' at all because you have ceilings and big producers are only those who increase their output; they are

worthy sons of their soil and they are not to be troubled. As such, I say that this amendment should be brought in in a proper form otherwise we will oppose this Bill tooth and nail. I can tell you one thing.

**श्री बड़े :** यह खिचड़ी में बोल रहे हैं। पहले हिन्दी में बोल रहे थे। अब अंग्रेजी में बोलने लगे। हिन्दी में बोलिए साहब।

**श्री काशीराम गुप्त :** सुब्रह्मण्यम साहब को जरा समझाना था।

**एक माननीय सदस्य :** जोश में आकर अंग्रेजी में बोलने लगे।

**श्री काशी राम गुप्त :** जोश का प्रश्न नहीं है। श्रीमन, मैं यह निवेदन कर रहा था कि वह दशा होगी जो कि कम्पलसरी डिपॉजिट स्कीम जिस समय पास हुआ उस वक्त के मंत्री महोदय ने ध्यान नहीं दिया और जब लाखों लोगों ने प्रदर्शन किया तो उस को हटाया। इसीलिए मैं एक चेतावनी देना चाहता हूँ मंत्री महोदय को कि अगर उन्होंने यह काम किया और सरकारी पार्टी ज़बानी जमाखर्च कर के रह गई, मिश्रा जी शब्दावली की बात कह कर रह गये और तिवारी साहब भी यही कह कर रह गए तो इसका नतीजा भोगना पड़ेगा। अब तक तो किसान घर बैठे हुआ था और अब मैदान में आयेगा और उस को मैदान में लाने के लिए लोग तैयार बैठे हुए हैं। और यह किसान का सवाल नहीं है, यह देश का सवाल है। जैसे गोल्ड कंट्रोल के बारे में मैंने कहा था कि यह देश का सवाल है, उस में केवल सुनारों का सवाल नहीं है इसी प्रकार से यह देश का सवाल है। हमारा आनाज पैदा हो, यह हम चाहते हैं। यह बिल पास होता है तो पैदावार को गिरायेगा। शहर को एसेंशियल कमोडिटीज में यह लिए हुए हैं। लेकिन शहर को कोआपरेटिव फंड्री के लिए मंसूर के शिवमूर्ति स्वामी साहब कह रहे थे कि इजाजत ही नहीं देते हैं। तो एक तरफ प्रायः पैदावार

नहीं बढ़ाते, दूसरी तरफ जो बढ़ाता है उसको बढ़ाने नहीं देते। . . . (व्यवधान) उस से कहते हैं कि अगर पैदावार बढ़ाओगे तो तुम को जेलखाने में डाल देंगे। इसलिए मेरा निवेदन है कि मैं मंत्री महोदय से बिनता करता हूँ कि मंत्री महोदय या तो इस को वापस लें, इसकी आवश्यकता भी इस वक्त नहीं है, जब तक कि जोन्स के बारे में कमीशन की रिपोर्ट नहीं आती है, और इस के ऊपर एक अच्छा सा संशोधन लायें, जिस से किसान के ऊपर यह लागू न हो किसी तरह से भी, केवल चोर के ऊपर लागू हो। बस इतना ही मुझे निवेदन करना था।

**Shri P. C. Borooah (Sibsagar) :** Mr. Deputy-Speaker: nobody will disagree in the true sense of the term with regard to the desirability of the measures envisaged in the Bill which aims at regulating the supply and distribution of essential commodities in the best interest of the people in the country which invariably implies the regulation of the price of such commodities so that at least the minimum and bare necessities of life are within the reach of the lowest man in the remotest corner of the country. Although the emergency due to external aggression is proposed to be lifted gradually, the country is now in the midst of economic emergency which has been aggravated by the recent inevitable decision to devalue the rupee. The need for the regulation of the supply and distribution and the price of essential commodities has increased tremendously in the wake of devaluation and this measure forms an important part of the follow up action of devaluation essential to create conditions in which alone devaluation can be meaningful and of advantage to the country. This is not the only time when the Essential Commodities Bill amendment has come before the House. Many times before we discussed this matter and every time more and more powers had been given but conditions remain as they

[Shri P. C. Borooah]

were. It is not actually the words but the spirit of the measures that have to be enforced. When the Food Minister came before Parliament for an amendment of this Act last time, he contended that food scarcity had been caused owing to the existence of an axis between the big businessman and the big landlord and big cultivator. He said that the big traders pay the price of foodgrains without actually taking delivery of the stocks and kept them in the godown of the farmers which are scattered through out the country making it difficult for the State to lay its hands on the hoards.

15.07 hrs.

[Shri Sonavane in the Chair].

I hope when the hon. Minister replies, he will refer to the achievements he has been able to make from that measure during the last year in liquidating the said axis and also the percentage of the foodgrains which were held back under the operation of such an axis.

I may mention the example of Punjab. When Mr. Dharma Vira took over charge of the Punjab governorship, he started a drive against blackmarketeers and hoarders and he had startling results and people were satisfied and quite a lot of foodgrains and other essential commodities came to the market. This was because he followed the spirit of the Act and not alone the letter. (Interruptions). Maybe, some other States also are trying to follow it. But it seems that that drive has been slowed down and we do not hear much of that; people say that there may be some sort of secret instruction sent out of the State due to which probably the raid had been slowed down. I do not know to what extent it is true and I hope the Minister will correct me. In 1964 also such raids were undertaken in this very capital and a lot of foodgrains came out to the market and there was some confiscation of the seized foodgrains. But after sometime, that operation also slowed down and ultimately it died down; we do not know what has happened to these confiscated

grains and whether any blackmarketeer or hoarders were punished.

My hon. friend from the other side was enquiring whether any other State followed Punjab. Sir, my State tried to follow it; there was some good drive against the hoarders; and some good results came out of it; there are also reports that quite a lot of essential foodgrains in the form of maida and atta and other things found their way into the Brahmaputra. Quite a lot of good quality rice, was thrown into a running nullah near Gauhati and the passage being blocked the flowing waters flooded the nearby lands.

Now, what I should like to say is that though these powers are necessary — Government must have their powers and these powers must be given to the Government—they must be enforced in the proper spirit. At the moment there are so many strikes, hartals, bundhs and *Ghera Dalos* going on the country. The whole country, as it is, is in a disordered state. The legislatures in the different States of the country are having scenes created there every day. In this House—Lok Sabha — and also in the other House, we have ourselves seen what has been happening and what is happening. Some people say that it is only the politicians which are responsible for all these and that some political parties do not want the present ruling party to be in power any more, they want to credit the ruling party in any manner they can. It is said that those parties are responsible for all these things. While that is true to a great extent, I do not think that is the only reason, because, we must consider why other people, so many of them, veer round those people and parties opposed to the ruling party. Because there is discontentment in the minds of the people. Everywhere, there is discontentment. I know however that the people are reasonable. When they see that there is not enough

food in the country, they can go on even half fed, and remain hungry. They can tolerate it, but they cannot tolerate if they find that the scarce products are being hoarded or are being blackmarketed or being adulterated or are allowed to be damaged. This, they cannot tolerate and it is only for this reason that the people in general have veered round those people who are striving hard to create disorder in the country.

**Mr. Chairman** The hon. Member must conclude now.

**Shri P. C. Borooh** : I shall conclude now. I shall not take even a single moment more than is necessary. So far as the economic condition is concerned since 1939, the general price index has gone up by about 600 per cent. During the last decade, the rise in the wholesale price level in the country was one of the highest in the world. It was 6.5 per cent. in Japan ; 9.7 in the USA ; 18 in Pakistan ; 27.2 in the United Kingdom ; but it was 76.8 in India. Our hon Finance Minister has said in his report on devaluation that it is now 80 per cent.

However, the consumer price index also has moved still sharply during this this period. During the past two years only, the index of wholesale prices of food and edible oils has risen as follows according to the Economic Survey for 1965-66 : on 28-3-1964, the index for food articles was 141 ; on 15-1-1966, it rose to 172.8 ; cereals rose from 121.5 to 153.2. In pulses, it rose from 133.1 to 161.9 ; in edible oils, the index rose from 163.4 to 254.0 ; in groundnut oil, the figure rose from 140.9 to 237.9.

**An Hon. Member** : What was the price before devaluation and what is it today ?

**Shri P. C. Borooh** : I am giving those figures in respect of the index of wholesale prices. So, on account of this, rise in prices and scarcity condition and discontent among the people is gaining ground.

**Mr. Chairman** : The hon Member's time is up.

**Shri P. C. Borooh** : Since you have rung the bell so many times, I do not proceed to explain anymore but I would only like to make some suggestions. Firstly the law relating to supply and demand should be followed not only in its letters but also in spirit, and they should be strictly enforced in respect of these essential commodities. Secondly, nothing should be done to affect production. Adversely and the incentive to the farmers should not be taken away. Thirdly, Government officials and their employees, without whose assistance or collusion the blackmarketees, hoarders and adulterators cannot thrive, should be equally dealt with and punished like the blackmarketees, hoarders and adulterators. Fourthly, for any loss of foodgrains or essential commodities stored in the Government godowns, the officials or other persons in charge should also be made responsible and punished for this dereliction of duty. Fifthly, the district officers and the sub-divisional officers should be made responsible for any loss of foodgrains and essential commodities stored in Government godowns.

**Mr. Chairman** : The hon. Member should conclude now. (*Interruption*)

**Shri P. C. Borooh** : I have only six points and I am coming to the sixth points. Let me have my say. Sixthly, a permanent committee like the Agricultural Prices Commission should be formed in the pattern of the Tariff Commission. These are my suggestions and I hope the Minister will take them into consideration.

**Mr. Chairman** : Shri Bagri. I request hon. Members to confine their speeches strictly to seven or eight minutes or at the most, a maximum of 10 minutes. Otherwise, many hon Members will go without any chance to speak.

**Shri P. C. Borooh** : I have not taken more than 10 minutes.



**Mr. Chairman :** That was an observation from the Chair concerning all Members.

**Shri Vishwa Nath pandey (Salem-pur) :** You are not seeing this side at all.

**Mr. Chairman :** Order, order. Shri Bagri.

**श्री बागड़ी (हिस्सार) :** अध्यक्ष जी, जिन्दगी की जरूरी चीजों के दामों के बारे में हमें सोचना है, ये दाम क्यों बढ़ जाते हैं, इनकी खास खास वजूहात के अन्दर हम को जाना पड़ेगा। जैसे चावल को डी लीजिए, इस का दाम इतना ज्यादा क्यों है? हमारे यहां बर्मा से चावल आया, हम ने वहां से एक लाख टन चावल खरीदा और उसकी कीमत 20 लाख रुपये दी, लेकिन जब वह चावल भारत में आया तो हमको एक लाख टन के बजाय 90 हजार टन ही मिला और इस तरह से एक लाख टन की कीमत 90 हजार टन के ऊपर पड़ी। इसतरह से इस में एक बड़ा भारी घोखा हुआ और जनता के साथ न्याय नहीं हुआ और उपभोक्ता को इस का नुकसान उठाना पड़ा। यह कैसे हुआ, यह बात मैं आपकी खिदमत में अर्ज कर रहा हूँ—सरकार ने जो चावल बर्मा से लिया, उसको ढोने के लिए अमी चन्द प्यारे लाल की एक कम्पनी है, जहांजों की, उस को इस का ठेका दिया। इस कम्पनी की मारफत जो चावल आया, वह यहां पर कम वजन में उतरता था और इस तरह से अमी चन्द प्यारे लाल की फर्म ने सरकार के साथ, इस देश के साथ, इस मुल्क की जनता के साथ बहुत बड़ा घोखा किया।

**Mr. Chairman :** Please confine your speech to the scope of the Bill ; do not go beyond it.

**श्री बागड़ी :** मैं उसी पर आ रहा हूँ। यह बिल क्या है? यह बिल इस लिये है कि अनाज की जो कीमतें हैं उनको किस तरीके से कायम रखा जाय और मैं आपको यह बता

रहा हूँ कि जो चावल बर्मा से हिन्दुस्तान में मंगाया गया, जितना चावल वहां से लादते थे उस से कम यहां पर उतरता था और इस अमी चन्द प्यारे लाल की जहाजी कम्पनी ने किस तरह से घोखा दे कर कम चावल हिन्दुस्तान की जनता को और सरकार को दिया और इस कम चावल की कीमत हिन्दुस्तान के उपभोक्ता को देनी पड़ी। चावल की कमी की बात जब सरकार को मालूम हुई और फिर सरकार ने उस पर जो क्लेम किये, उस से बचने के लिए इस फर्म के मालिक ने अपने जहाज के कप्तान को चिट्ठी लिखी कि खाली बोरे चावल के आप यहां से ले जाओ। रंगून बन्दरगाह से मुहर लगा कर खाली बोरे ले आओ और हिन्दुस्तान के बन्दरगाहों पर उतार दो, क्योंकि यह क़ायदा है कि अगर किसी बोरे या किसी चीज में सामान आये और उस के ऊपर मोहर हो तो भन्ने हो उस के अन्दर चीज हो या न हो, उस की जिम्मेदारी कम्पनी के ऊपर नहीं है। जब इस राज क. पता सरकार के कुछ कर्मचारियों को लगा तो फिर उसी कम्पनी ने सारी चिट्ठियां अपने कप्तानों से वापस लीं। अमीचन्द प्यारेलाल फर्म के एक देशभक्त कप्तान ने वह चिट्ठी जो बर्मा के दूतावास के इन्चार्ज अफसर थे उन के पास भेज दी कि इस तरीके से हिन्दुस्तान की जनता के साथ घोखा और लूट हो रही है। उस चिट्ठी के बारे में क्या हुआ यह उस वक्त के विदेश मंत्री और खाद्य मंत्री तथा आज के खाद्य मंत्री और विदेश मंत्री बतलायें।

**Shri Bhagwat Jha Azad (Bhagalpur) :**  
How is it relevant?

**Mr. Chairman :** Please confine yourself to the scope of the Bill. That letter you referred to has nothing to do with the Bill.

**श्री बागड़ी :** आप का यह बिल किस चीज से सम्बन्ध रखता है। आप ने बर्मा से एक लाख टन चावल लिया . . .

**सभापति महोदय :** आप ने चावल के बारे में जो बतलाया वह ठीक है। लेकिन उस के आगे आप को नहीं जाना चाहिये।

**श्री बागड़ी :** आज कीमत को रोकने की बात कर रहे हैं। जो चिट्ठी खाद्य मंत्री के पास आई या विदेश मंत्री के पास आई उस के ऊपर आप कदम उठायेंगे तभी तो भाव रुकेंगे। सिर्फ इस वजह से मैंने इस के सम्बन्ध में कहा।

**सभापति महोदय :** अब आप दूसरा प्वाइंट लीजिये।

**श्री बागड़ी :** इसके बाद मैं आप की खिदमत में अर्ज करूंगा कि जिस तरीके से बर्मा के चावल के बारे में इस कम्पनी ने कितना ही रुपया इस देश की साधारण जनता का लूटा है, उसके ऊपर खाद्य मन्त्री अपना एक बयान दें।

जब यह भावों की बात आती है तो उसके सम्बन्ध में मैं कहना चाहता हूँ कि भाव सिर्फ इस कानून से ही नहीं रुक जायेंगे। आप को अपनी नीतियों को बदलना पड़ेगा। बार बार इस सदन में रक्खा गया है कि हिन्दुस्तान के किसान की श्रेती में जो अनाज पैदा होता है उसको उसके बहुत कम दाम मिलते हैं, इस वास्ते कि जब वह अनाज मण्डियों में जाता है तब कौड़ियों के दाम बिकता है। लेकिन दस गज के फासले पर, पंजाब और राजस्थान की सरहद से, उसके दाम में 10 या 12 ६० मन का फर्क हो जाता है। इसी तरह से उत्तर प्रदेश और पंजाब की सरहद से दस गज के फासले पर 10 और 15 ६० मन का फर्क हो जाता है। मैं कहना चाहता हूँ कि फसल के निकलने और फसल के बाजार में आने तक उसके दामों में 1 आ० सेर से ज्यादा का फर्क नहीं होना चाहिये।

इसी तरह से जो जिन्दगी की दूसरी जरूरियात हैं, जो कि कच्चे माल से बनती हैं पक्के माल की सूरत में, और कारखानों में बनती हैं, उनके अन्दर भी सन्तुलन होना चाहिये किसान के माल में और तैयार माल में। चीज की लागत और कीमत में इयोड़े से ज्यादा का अन्तर नहीं होना चाहिये।

इसके बाद आती है कायदे और कानून की बात। मैं पूछना चाहता हूँ कि जो जो कायदे और कानून आप बनाते हैं उनको अमल में कितना लाते हैं। आज काले बाजार के नाम पर, मुनाफाखोरी के नाम पर आपने जो गिरफ्तारियां की हैं उनको बचाने के लिये मैं नहीं कहता। लेकिन एक बात जरूर कहना चाहता हूँ कि जो लोग गिरफ्तार हुए हैं तेल की मिलावट के सिलसिले में, उनको देखिये। ऐसी कम्पनी ने तेल में मिलावट की है और सरकार के हुकम से की है, लेकिन पकड़े जाते हैं पंजाब के व्यापारी और दूकानदार। इसी तरीके से आज कितने ही सहकारी स्टोर हैं, जैसे कि हिसार के अन्दर एक सहकारी स्टोर है जिस में कुछ चीजें थीं जो कि खाने लायक नहीं थीं! उसके पास जो आटा था उसके लिये वहां के हेल्थ आफिसर न कहा कि वह खाने लायक नहीं हैं, उसमें जहर है लेकिन वहां के जिलाधीश ने जो उसका चेअरमैन था उसे राजस्थान में भेज दिया। जिला हिसार के लोग नहीं खा सकते लेकिन राजस्थान के लोगों को वह जहर मिलाया हुआ आटा खिलाया गया।

यह तमाम बातें रखते हुए मैं अर्ज करूंगा कि जो इन कायदे कानूनों को चलाने वाले हैं, वह तमाम बातों का ध्यान रखते हुए, मेसर्स अमीनचन्द प्यारेलाल की बात के ऊपर जिन का सम्बन्ध दोनों मन्त्रालयों से है, विचार करके कुछ न कुछ करें।

**Shri Bhagwat Jha Azad :** Sir, I have mixed feelings for this Bill. I have no objection to the principles that are there

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in these two important provisions of the Bill, but I can visualise what will happen when the administration, as it is, is empowered with such big powers. It is true that Government has got its responsibility to feed those who do not produce. It is not only the producers who are to be assured a responsible price; it is essential to protect not only the producer from the vagaries of prices, but it is equally the duty of the Food Minister to provide food at a reasonable price to the consumers. Therefore, when he wants that the stocks should be confiscated when they are not forthcoming at a reasonable price, I think there is nothing objectionable to this clause, because we have seen all these days how the traders are hoarding, blackmarketing and taking undue prices.

It is true we could not increase our production as fixed in the plant target. But I equally hold that the deficit was not so much as is indicated by the high rising prices. The most important thing is distribution. If there has been proper distribution among the different sections of the community, I am sure there would not have been so much discontentment in the country and prices would not have risen so much. A small section of traders—horders, blackmarketeers—are trying to hoard the stocks and push prices artificially. Therefore, this clause which says that foodgrains, edible oilseeds and edible oils will be confiscated is not objectionable and I welcome it. But the most important thing is, how they will be implemented.

**Shri K. N. Tiwary :** Confiscated from the traders or growers ?

**Shri Bhagwat Jha Azad :** From the traders. I am coming to that. My apprehensions are firstly about the administration being what it is—the administration varies from State to State. There are our States with good administration. But there are persons who want to black-tar even good administrations in the country. Your State of

Maharashtra, Mr. Chairman, is supposed to be the best administered State. But this morning some persons fired, missiles against that administration also. Leaving that aside, I can say from personal experience, where the administration is absolutely inefficient. With all his capability of importing foodgrains and using this clause, what can the Food Minister do about them? If they require 20,000 tons and you provide them with 50,000 tons, still there would be scarcity there and prices will go up. What about the District Magistrates of those States where the administration is not run according to the law of justice, but on caste basis. What will he do about them? I have personal experience of how Government's well-intentioned laws are misused only to harass the people. Therefore, it is very difficult for me to reconcile that the District Magistrates should be given the power to confiscate.

What are the alternatives? Whereas, I appreciate the principle, I certainly fear that this will happen in certain States, where the administration is run for personal reasons, where the administration is so corrupt, where the administration is inefficient and where the administration is so caste-ridden, that they will harass the people. They will say, here is a village, here is a taluka, here is a constituency which belongs to so and so and so, therefore, it will be like this.

Therefore, I would like to tell the hon. Food Minister one thing. I agree with this provision, but let not this clause be applied to the farmers and producers. Let it be applied only to the traders. You know very well, Sir, I am a small producer with, say, 20 bighas. Immediately I harvest the crop in December-January I will go for 'distress sale'. All the four thousand people in my village, a majority of them at least, at least 90 per cent of them, go for 'distress sale' because they have to get clothes for winter. We have no capacity to hoard. I do not hold my foodgrains at all. I have to sell it im-

immediately, in spite of all that I get from Parliament. Therefore, this should not be applied to the farmers. Where do we go to sell our produce? We go to the market for 'distress sale'. It is purchased by the traders. It is these hoarders who purchase from us. It is they who are responsible and not the farmers. Therefore, it should be applied to them and not the farmers.

I know the good intentions of the Minister. He will say that he does not want it to be applied to the farmers. But in spite of his good intentions what will ultimately happen is this. As soon as the Bill is passed by Parliament and it becomes an Act it will go to Maharashtra, it will go to Bihar, it will go to Uttar Pradesh and other States. It is our district magistrates who have to act according to this Bill. What will the district magistrates do? They are the IAS people. Mr Chairman, three Plans have failed in this country? Who is responsible for that? In my opinion, the great IAS and ICS people are responsible for it. These expressions "IAS" and "ICS" should be scrapped from the Indian Administration, I leave it there. Now, the district magistrate will call the S.D.O., the S.D.O. will call the B.D.O., — the famous B.D.O. who has completely failed — the B.D.O. will call the supervisor, and what will the supervisor do? He will call a karmachari. What will the karmachari do? Under a very dim candle light, sitting in his house, with the mukhya or party-men of the village, he will say that foodgrains of A, B and C should be requisitioned and not of D, E and F because they belong to so and so. That means, this Bill, passed by Parliament, very well-intentioned by the Food Minister, will ultimately be implemented by the karmachari in the darkness of the night and he will prepare the list on party lines and the district magistrate will simply say 'yes' to it. Therefore, let this provision be restricted to the hoarders only, let it apply to only those who hoard.

I know the moment you say that it is not applicable to farmers there are traders, clever fellows, who will make the farmers their stockists. They will pay money and ask the farmers themselves to hoard on their behalf so that the hand of law may not catch them. But how many are there like that? I do not want to differentiate between big and small cultivators. There may be some persons with holding capacity. They may have godowns to hold as stockists for the traders. Let this law apply to them. It is a very small percentage in a village.

Therefore, I cannot reconcile myself to this provision where you say that it should be confiscated by the district magistrate. Let it be clearly brought out that it shall not apply to the producers. Unless you do that I cannot support the principle, which is very good, to confiscate from the rich and give it at reasonable rates to the consumers.

Another provision is about the prices. It is said here : 'reasonable price of the post harvest period'. Mr. Chairman, I harvest my paddy in the month of December-January. Then the price is very much below my cost of production. Then paddy sells at Rs 14, Rs 13 and even Rs. 12 a maund. That means rice should be selling at Rs. 18 a maund. That is the position in my area. It must be the same almost every where. Now, it is said here : 'post harvest price'. It may mean after a fortnight, after 15 days. I may submit to the hon. Minister that even after 15 days the price is very low. It does not reflect the cost of production. We are giving three months. I think it should be extended to four months (*Interruption*). He says it will be counted from the end of the fortnight of harvest. I do not want those farmers, those big persons, those who stock on behalf of the traders, those who have the holding capacity, to get whatever price they demand

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after four months. I do not want you to give that price. What I want is you should give a price above cost of production. It must be a remunerative price, a tempting price, for the farmers so that the farmers will part with their foodgrains and the Government can purchase in time. Therefore, in the application of this clause, the price counted should be two months after the harvest and not at the end of four months though you have given that it will be the average price of four months. It should be a price that will be remunerative, that will be tempting.

Therefore, I support the principles contained in this Bill. But you have left the confiscation to be done by the district magistrates who have proved their worth by now in this country. They should not be allowed to place their hands on the farmers. If you allow that, then this will be a 'black Act', when you want to apply it on all, consumers producers and everybody. It must be specifically stated that it will apply only to the traders, hoarders, profiteers and blackmarketeers and even that small section of farmers who want to act on behalf of the hoarders. If they behave like that let their heads roll, but not the heads of the small farmers. That is my only submission, otherwise I support this Bill.

**Shri Rajaram (Krishnagiri)** : Mr. Chairman, Sir, many hon. Members of the Ruling Party, who spoke on this Bill, have opposed this Bill. Of course, when the Whip comes they will vote for the Bill, even then they are not supporting the Bill wholeheartedly. Even some hon. Members, like Shri Bhagwat Jha Azad, have said that if it is passed in this form it will be a 'black Act'. Therefore, standing here, on behalf of my Party, I oppose this Bill.

In the Statement of Objects and Reasons of this Bill the Government has said:

"As the Government have now assumed a positive role in holding the price line following devaluation and for procurement of substantial stocks of foodgrains, edible oil-seeds and edible oils at prices specially fixed, for release at reasonable prices particularly to people in areas hit by scarcity, it has become absolutely necessary that the Government should be clothed with the power to fix prices as mentioned above".

As far as the Essential Commodities Act is concerned, it was passed in the year 1955. It has been here in this country for the past eleven years. I want to ask this Government whether the price line has been controlled by the Essential Commodities Act during the past eleven years? What was the price 18 years back, what was the price index 11 years back and what is the price index today? We are passing so many Bills and bringing so many ordinances. This was first promulgated as an Ordinance. When the Congress Party was not in power, when the Britishers were in power, they used to ridicule the promulgation of ordinances by the Britishers.

**An hon. Member**: Now there are the Defence of India Rules.

**Shri Rajaram** : Now they go on bringing ordinances. I do not know, why. I can only say, these people have changed their dress that is all, but that mind is there, that imperialistic tendency is there, the people have not seen any change and they are suffering.

As far as this Bill is concerned, before bringing this Bill we formed the Food Corporation to control trade in foodgrain all over India. What is the fate of that Food Corporation? We have appointed a very big man, a great economist and a banker, Shri T. A. Pai, and he has come out with a very big statement that this Corporation is going to serve the country

with all the foodgrains available in the country. He said that the Food Corporation is going to distribute all the available surplus food in the country. What happened? It failed completely and he resigned in disgust after issuing another statement. That is all. Nothing has happened.

So many hon. Members have referred to the *bondhs* that have been taking place in various States. So far as Madras is concerned, there has been no *bondh* so far and nothing is going to take place either. Yet, do not think that Madras is safe, either in the hands of the Food Ministry or the State Government. The people are fed up. According to Shri T. A. Pai—I remember his statement well—no State Government has come forward to support the Food Corporation. It has failed miserably.

**An hon. Member:** Question.

**Shri Rajaram:** It is not a matter for question. You can verify it from the Minister, if you want. I remember that statement well. He has resigned his job because the Food Corporation has failed.

Now the Government have come forward with another amending Bill, to harass, not the big profiteers or black-marketeers of this country, but the ordinary poor peasants. I know why these Bills are coming up and what is wrong with the Government. They have brought forward so many land reforms. Having done that with a sincere heart, the ruling party got into collaboration with the landlords on one side and the industrialists on the other. So, it is not possible for them to bring land reforms in a big way.

Take, for instance, Japan or Taiwan, which are small countries. They have done very well in agriculture, of course with the help of foreigners. But are we also not getting money and help from foreign countries? Yes, we are getting

money and help, but we are not utilising them in the correct way. We are not giving the correct incentives to the agriculturists. We neglected agriculture for the last so many years. Only the other day, Shri Tyagi was arguing that after 18 years of independence we must try to provide at least irrigation to the agriculturists. That is the real situation in this country.

When that is the position, what are you going to do in the future with the help of this Bill when it becomes an Act? You are going to harass so many poor peasants and agriculturists and so many bullock carts along with it. That is all. You are not going to satisfy the needs of this country by the passing of this Bill.

Coming to edible oil and oilseeds, Gujarat banned their export outside the State. What was the result? Though our State is producing plenty of edible oil, everything is going to the North and we are not able to get it. We have to pay a very heavy price, if we want it. This is happening because the Central Government is not able to control the Gujarat Government. Because of the incapacity of the Central Government to control State Government like Gujarat, the people of Madras suffering from want of edible oils.

The other day the Commerce Minister said poor fellow, he is suffering now because of devaluation; he has gone bad ever since devaluation that edible oil seeds should be exported. We were exporting groundnut worth Rs. 12 crores. Now what is the position. We are not exporting any groundnut outside India. It is not possible for us to export. Why? Because, no agriculturist is coming forward to grow groundnut in his field. Why? Because, the Government is not doing anything for those agriculturists. For instance, we are giving all sorts of incentives to the growers of sugarcane. At the same time

[Shri Rajaram]

we are not giving any of incentives to the growers of groundnut. Why? Because, sugarcane was first grown in Uttar Pradesh, the State of the Prime Minister.

**An hon. Member :** No, no.

**Shri D. D. Puri (Kaithal) :** Sugar is selling today at price at which it was selling in 1947. There is no other commodity, including groundnut which is selling at such a low price.

**Shri Rajaram :** Yet we find that we are not able to export sugar. So, why do you not give incentives to the agriculturists so that they can grow groundnut and enable you to export Rs. 12 crores worth of it? Why do you not have the wonderful package deal in all the area where people are growing groundnut?

Therefore, unless the Government are sincere in their heart and come forward with Bills which are beneficial to the agriculturists, the production will not increase and no benefit will accrue to us.

**Shri K. C. Sharma (Sardhana) :**  
Mr. Chairman; I am afraid .....

**Mr. Chairman :** I have to make one observation. Before I identify, no Member should start speaking.

**Shri K. C. Sharma :** I have only one simple observation to make and it is this. In clause (4) it is stated :

“(a) In the opening paragraph, after the words ‘seem fit’ the words ‘including, in the case of an order relating to foodgrains, any packages, coverings or receptacles in which they are found and any animal, vehicle, vessel or

other conveyance used in carrying food grains’ shall be inserted;”

My respectful submission is that law is not simply the law because we pass it. Wisdom does not come simply because 500 people gather together and cry aloud. Wisdom essentially is along evaluation of human development. The law is based on four fundamentals—justice order, reason and humanity. This provision is against all the fundamentals of law and so no stamping can back it a law.

Another observation I would like to make is this. Under modern law the State is responsible for creating such conditions in which a man would be able to do his job well. Now, may I ask the Minister of Agriculture, is there any country in the world except India where the agriculturists use the wooden plough? It was devised in India and Egypt four thousand years ago. In Egypt of today if an agriculturist uses this sort of plough he is sentenced to six years of imprisonment. Could you not change this wooden plough? What have you been doing all these years? It is a simple thing. We have to change from digging the soil to outting the soil; the difference in yield will be 10 per cent. Are you blind? Have no brains? Have you no heart? What have you been doing all these years?

**Mr. Chairman :** The hon. Member should address the Chair.

**Shri K. C. Sharma :** This simple question was raised in U.S.A. in 1909 when the peasants revolted and demanded equity price. They said ; we are the only people who are given the price which the buyers offer; we are the only people who asked to produce two blades of grass where one is produced; but we are under no obligation to feed the people who do not work on the land. This very question was raised in 1919 and a German economist put forward three propositions. One was the farmers should be given to

better price so that they would be able to live a better life and produce more, i.e. better price, higher price and better life. So, it should be parity price. With the development within our knowledge we cannot shut our eyes to what goes on round the world.

The second proposition is that we have to educate the people about the art of production. Now the people in the farm are people who are not trained for production. That is an impossible proposition. We have to create intelligence in them. We have to give them scientific knowledge and then the incentive of parity price. A man with capital, labour and intelligence who works in the land gets as much as he is likely to get elsewhere.

The third point of technology and scientific developments we have to give them the manure that the soil will accept. We have to give them the seeds that will produce better results. We have to provide them with irrigation. This is a legal obligation under the simple law of contract. If you do not perform your part of the contract, you cannot expect the other party to do his part of the contract.

The State does not do the job that under the law, under justice and under its own profession, it is enjoined to do. I feel sad. It is the saddest moment of my life of 20 years in Parliament. I am so sorry to utter these words.

**An. hon. Member :** come this side.

**Mr. Chairman :** Those Members who want to speak should stand also. Shrimati Renuka Ray.

**Shri P. K. Deo (Kalahandi) :** Please look to this side also.

**Mr. Chairman :** The Chair is always looking to left; sometimes it should look to the right also.

**Shrimati Renuka Ray :** Mr. Chairman, I think, this Bill has been brought in, as the Food Minister has said, because certain portions of the Defence of India Act.....

**Shri Vishwa Nath Pandey :** On a Point of order, Sir. You should also look towards us. You are only looking towards the front benches.

**Mr. Chairman :** I have remarked to that effect.

**Shrimati Renuka Ray :** I was mentioning that this particular Bill, where the discussion has been very wide, as started by Professor Ranga, is really meant to replace certain portions of the Defence of India Act which is not to be applied. I am all for the restriction of the Act and I am glad that at least that has been done and that the Defence of India Act is now to apply only to border areas.

What is it that is new about this Bill? The Essential Commodities Act was there earlier. During the period when the Defence of India Act was in operation, some of the new provisions of this Bill were already in operation in the country. The point is how far these have operated for the good and how far they have actually been implemented in effect.

It is very interesting to note that it is said in the statement of objects and reasons that the State have now assumed a positive role in holding the price-line. I submit that so far we have not seen any evidence of this, but if it comes, all the better. I for one would give all the powers to Government if they do hold the price-line in essential commodities and in other commodities as well because after devaluation correctives have to be taken which have not been taken.



[Shrimati Renuka Ray]

We have had the economic affairs debate and I do not want to enter into that, nor have I the time to enter into other matters I only want to say that so far as this particular Bill is concerned, section 7 of the Act is being amended to bring in the power under rule 125(9)(b) of the Defence of India Rules which allows the Collector to seize or confiscate foodgrains where there is contravention. I do feel that there is something in the contention of those who argue that these things sound all right on paper but when implemented it is not always as it should be. There is no doubt in this. There is some truth in this argument. I do not, however, believe that one should run away from a situation. If a thing should be done, if you do it badly then try to improve. That is what I should say. You must improve the operation of the Act and see to it that the poorer farmers do not suffer in fact.

When we are talking about the farmer with all due respect, we are thinking of the tiller of the soil all the time. The tiller of the soil does not own land even. His position becomes one of the consumer after a few months in any case. The tiller of the soil is 60 per cent of those who farm the country. Therefore for the tiller of the soil as well as for the non-producing farmgoods consumer, you have to have a restriction on prices.

I do not for one moment mean that there should not be a remunerative price to the farmer. That must be taken into consideration by the Agricultural Prices Commission and if a proper price is fixed it should be adhered to.

Before I end I want to make one more point. While this Essential Commodities Act should go through the amendments which Shri Subramaniam has agreed to take, I do feel at the same time that the other aspect is not being stressed; that is, it is not merely a question of procurement and levy, it is a question of distribution being properly made. Where is the Food

Corporation of the State? Why does it not act? Though the Minister believes that proper food distribution measures should be taken, he is unable to see to it that it is done. Even if he cannot do it by himself, the entire Central Cabinet, I am sure, can bring pressure if some State Governments are not prepared to come into line so that we can have a national food policy at a time of scarcity like this.

**Mr. Chairman :** Shri Vishwa Nath Pandey.

**Shri Shinkre (Marmagoa):** At what time is the Minister going to reply?

**Mr. Chairman :** At 4:30.

If hon. Members speak for five minutes each, I feel a larger number of Members will get an opportunity. There are very few points to be made; therefore, please keep to very important points and make a brief speech.

**Shri Vishwa Nath Pandey:** Up till now you had allowed ten minutes.

माननीय सभापति महोदय, माननीय मंत्री महोदय ने जो विधेयक अत्यावश्यक वस्तुओं के सम्बन्ध में सदन के सामने प्रस्तुत किया है यदि उस के द्वारा देश को अन्न मिल जाय और देश से कालाबाजार, मुनाफाखोरी, संचयखोरी और भ्रष्टाचार हट जाय तो मैं समझता हूँ कि सदन ही क्या बल्कि राष्ट्र का प्रत्येक व्यक्ति इस का स्वागत करेगा। लेकिन इस में कुछ कठिनाई मालूम होती है और विशेष कठिनाई है। मैं तो यह समझता था कि इस गम्भीर परिस्थिति के अन्तर्गत मन्त्री महोदय ऐसे विधेयक लायेंगे जो कृषकों के संबन्ध में लाभदायक होगा लेकिन ऐसा नहीं हो सका। यह मंत्रालय कांटों का मंत्रालय है, यह मंत्रालय फूलों का मंत्रालय नहीं है और जो मंत्री महोदय, राज्य मंत्री महोदय और उपमंत्री महोदय हैं वह उत्तम हैं, विशेषज्ञ हैं, उन के प्रति मैं सम्मान रखता हूँ। मैं समझता

हूँ कि यह लोग इस कार्य को अच्छी तरह से चलायेंगे। लेकिन मुझे अफसोस है कि इस विधेयक को देखकर कि कृषकों में काम करने हुए भी, कृषकों की यह सरकार है, 80 प्रतिशत लोग आज गांवों में बसते हैं, उन से चनकर यह आते हैं, लेकिन जो विधेयक प्रस्तुत किया गया है वह उन के लाभ के लिए नहीं बल्कि उन के लिए है जो कि नौकरियों में हैं, जो कलकारखानों में हैं, जो शहरों में रहते हैं, उन के लिये यह है क्योंकि मंत्री महोदय ने जब बिल को प्रस्तुत किया तो उन्होंने चार मोटी मोटी बातें प्रस्तुत की। एक तो अध्यादेश जो राष्ट्रपति का था उस के स्थान पर कानून वह लाये, दूसरे उन्होंने कहा कि कीमतों में स्थिरता करने के लिए, तीसरे कहा कि वितरण व्यवस्था को ठीक करने के लिए और चौथे उपभोक्ताओं के कष्ट को दूर करने के लिए। मैं समझता हूँ कि इस मंत्रालय के मंत्री सुब्रह्मण्यम साहब अच्छे डाक्टर हैं लेकिन निदान इन का ठीक नहीं हो सका। यह भीषण रोग अन्न के मामले में देश में लगा हुआ है, देश संकट के अन्दर है। अच्छे तरीके से न तो नाड़ी उन्होंने देखी, न रोग की पहचान कर सके, दवा जो बतायी, एक तो दवा बतायी कि गल्ले को जलत किया जाय, दूसरे कहा कि नियंत्रण किया जाय, और तीसरे कहा कि सजा दी जाय। चौथे कहा कि अनिवार्य वसूली की जाय। लेकिन यह दवा नहीं है। दवा कुछ और है। मैं आन्नह से कहना चाहता हूँ इस मंत्रालय से ठीक दवा किया जाय। जितने मंत्री हुए, वे सारे मंत्री इस मंत्रालय में असफल हुए, सिर्फ किदवई साहब का नाम लांग लेते हैं, क्योंकि उन्होंने क्रान्तिकारी कदम उठाया और जब आप भी क्रान्तिकारी कदम उठायेंगे, तो मैं समझता हूँ कि आपका कार्य हो जायगा और जब तक आप क्रान्तिकारी कदम नहीं उठायेंगे, खाद्य मसला हल नहीं हो सकता है। आपने प्रथम पंच वर्षीय योजना में कहा, दूसरी में कहा, तीसरी में कहा कि हम आत्म निर्भर होंगे और अब आप कहते हैं कि चतुर्थ पंच वर्षीय योजना में आत्म निर्भर होंगे, दो

या तीन साल में हो जायेंगे, लेकिन लोग विश्वास नहीं करते हैं, क्योंकि यह देश कृषि प्रधान देश है, यहां के 80 फीसदी लोग खेती में हैं, इस समय 32 से 34 करोड़ एकड़ में खेती होती है, लेकिन लोगों का विश्वास उठ गया है, धैर्य खत्म हो गया है और वे समझते हैं कि सदा विदेशों से अन्न मंगा कर ही खाना पड़ेगा। इसलिये आप क्रान्तिकारी कदम उठाइये हिम्मत के साथ और वह कौन सा कदम है—जो नियंत्रण है उसको आप तोड़ दें, जो जोन और खण्ड हैं उनको आप हटा दें, किसानों को पानी दें। अभी तक देश के अन्दर केवल 20 फीसदी पानी का इन्तजाम हो पाया है, सिंचाई के साधनों को अगर आप उपलब्ध कर देते हैं तो यह मसला हल हो जायगा।

16 hrs.

जब कभी भी यह प्रश्न आता है कि जोनल सिस्टम खत्म कर दें तो हमारे मंत्री जी कहते हैं कि वे प्रदेश जो अभावग्रस्त नहीं हैं, जहां अधिक उपज होती है, वहां के मुख्य मंत्री इस का विरोध करते हैं। लेकिन मैं नहीं समझ सकता कि केन्द्रीय मंत्रालय किस चीज की दवा है। अगर मैसूर में अधिक अन्न होता है, मद्रास में अधिक अन्न होता है, महाराष्ट्र में अधिक अन्न होता है, लेकिन दूसरी तरफ़ केरल के लोग चावल के लिये तरसें, वहां पर दो रुपये और तीन रुपये सेर चावल मिले और मद्रास-मैसूर के बार्डर पर एक रुपया किलो मिले, तो मैं समझता हूँ कि यह देश के लिये अपमान की बात है। हमारा राष्ट्र एक है—कन्याकुमारी से काश्मीर तक और कच्छ से लेकर मणिपुर तक। इस में सारे आवागमन को खुलेआम रखना चाहिये, एक जगह से दूसरी जगह सारी चीजें जायं।

इसी के सन्दर्भ में मैं एक और चीज की तरफ़ आपका ध्यान आकर्षित करना चाहता हूँ। जयपुर कांग्रेस में जब खाद्य समस्या सम्बन्ध में प्रश्न आया, उस में मेरा संशोधन

## [श्री विश्वनाथ पाण्डेय]

शा और मैं समझता हूँ कि वह संशोधन करीब-करीब स्वीकृत हो चुका था, आपने आश्वासन दिया कि एक कमेटी बनायेंगे जो उस पर विचार करेगी लेकिन अब तक आप उस को नहीं कर सके। मैं पुनः आप से आग्रह करना चाहता हूँ कि जोन के सम्बन्ध में, नियन्त्रण के सम्बन्ध में आपको पूरी तरह विचार करना चाहिये, नहीं तो लोग कहेंगे कि यह राष्ट्र, यह सरकार समाजवादी नहीं है, यह प्रजातन्त्रवादी सरकार नहीं है, बल्कि क्या है—नियंत्रण प्रणाली पर चलने वाली सरकार है और इस से देश का काम नहीं हो सकता है।

यही मैं आपसे निवेदन करना चाहता था, जिस समय मेरा संशोधन आयेगा उस समय दो तीन बातें और आपके सामने प्रस्तुत करूँगा।

श्री क० ना० तिवारी : चेयरमैन सर, अभी ओपनिंग स्पीच में माननीय मंत्री जी ने कहा कि वह एक संशोधन ला रहे हैं मैं इसके लिये उनका धन्यवाद करता हूँ और आशा करता हूँ कि वह ऐसा संशोधन लायेंगे कि जिस में जो उपजानेवाले लोग हैं, कृषक बोग हैं, वे इस बिल में जो 5 क्विंटल से ज्यादा का कन्फिस्केशन का मामला है, उस से बरी हो जायें। उन को इससे क्यों बरी किया जाय, इस के दो-चार कारण मैं यहां पर देना चाहता हूँ। डिबेल्यूएशन के बाद सरकार ने कहा कि फील्ड में और फ्रैक्टरी में जब प्रोडक्शन कम होगा, तभी यह सक्सेसफुल होगा लेकिन फील्ड में तभी प्रोडक्शन ज्यादा होगा, जब इन किसानों को इन्टेन्सिव दिया जायगा और उनका भय निकाला जायगा कि जो वह बचाते हैं उसको कन्फिस्केट नहीं किया जायगा, उन के पास रहने दिया जाएगा। क्यों रहने दिया जायगा इस का कारण यह है कि जो ग्राउंस हैं— वे अपने साल भर के खर्च के लिये अनाज को रखते हैं, इस के अलावा

अगले साल यदि सूखा पड़ जाय, बाढ़ आ जाय तो उस के लिये भी बचाकर रखते हैं आज कल कल कोई आदमी, कोई मजदूर पैसा लेना नहीं चाहता, वह काइण्ड में लेना चाहता है और जितने ग्राउंस हैं वे भी काइण्ड में ही पै करते हैं, काइण्ड में ही उनको देते हैं इसी तरह से सीड के लिये उनको रखना होता है, सीड में भी अगर कुछ ज्यादा होता है तो पड़ोसवालों को जिनको जरूरत होती है, कमी हो जाती है, तो उस में वे उन को दे देते हैं।

दूसरी बात यह है कि बहुत कम लोग ऐसे होते हैं जिनकी अपने पास रखने की कैपेसिटी होती है, इस में कोई शक नहीं कि दो-चार परसेन्ट लोग ऐसे होते हैं, जिनके पास कैपेसिटी होती है और वह माल को अपने पास रखते हैं—तो ऐसे लोगों के लिये जैसा भागवत झा आजाद ने कहा कि उन लोगों के ऊपर कड़ाई की जाय, लेकिन आम लोगों की कैपेसिटी नहीं होती, तो ऐसे लोगों के लिये कन्फिस्केशन का जो सवाल है, वह उचित नहीं है अगर इस प्रकार की लिमिट कर दी जायगी कि वे इतना ही रख सकते हैं, और यदि पांच दस या बीस क्विंटल से ज्यादा रखेंगे तो गवर्नमेंट उन से है लेगी, तो मेरा ख्याल है कि इस से ग्राउंस में इन्टेन्सिव मर जायगा और इस से बहुत बड़ा नुकसान होगा। आज जो सरकार चाहती है कि फील्ड में प्रोडक्शन ज्यादा हो, इस से वह ज्यादा हैम्पर्ड हो जायगा, इस तरफ न जा कर, फूडग्रेन्स की तरफ न जा कर दूसरे क्रोप्स की तरफ चले जायेंगे,। नतीजा यह होगा कि देश के अन्दर अनाज की जो कमी है, उस को हम पूरा नहीं कर सकेंगे। इस लिये सरकार को ऐसा ग्राउन्डमेंट लाना चाहिए, जिससे कि इस प्रकार की लिमिट लागू न हो।

एक बात और कि अगर यह नियम बना दिया गया कि ग्राउन्स के पास माल नहीं रहे, तो इस का नतीजा होगा कि वे शुरू सीजन

में ही बेचना शुरू कर देंगे और इस से उन को जो प्राइस मिलती है या मिलनी चाहिये वह नहीं मिल सकेगी। आजकल सभी चीजों का दाम बढ़ गया है, जो कृषक हैं उन को खेती के लिये ट्रेक्टर्स के लिये, इम्प्लीमेंट्स के लिये या दूसरी चीजों के लिये, जिनकी उस को खेती के काम में जरूरत पड़ती है, काफ़ी दाम देना पड़ता है। अगर उन को सपोर्ट प्राइस नहीं दी जायगी, इन्टीग्रेटेड प्राइस नहीं दी जायगी तो इसका बहुत बुरा प्रभाव उन पर पड़ेगा। अभी सरकार ने कहा कि कास्ट आफ प्रोडक्शन निकालने के लिये हम एक कमेटी बैठा रहे हैं, हम कास्ट आफ प्रोडक्शन निकालेंगे, लेकिन अभी तक सरकार ने कास्ट आफ प्रोडक्शन सुगर-बेन तक का, जिसको कि वह सब्सिडी देती है, नहीं निकाला है, तरह-तरह के फूडग्रेज हैं, उनकी कास्ट आफ प्रोडक्शन आज तक सरकार नहीं निकाल सकी है, ऐसी हालत में प्राइस ठीक करना, जो प्राइस गवर्नमेंट ठीक कर रही है, वह न रिम्यूनेरेटिव कही जा सकती है और न सपोर्ट प्राइस कही जा सकती है और न इन्टीग्रेटेड प्राइस कही जा सकती है। इस लिये मेरा निवेदन यह है कि मंत्री महोदय इस तरह का संशोधन लायें जिससे कि प्रोग्रेस एफ़ेक्टिव न हों।

**श्री दे० शि० पाटिल (यवतमाल) :** सभामति जी, कम वक्त होने पर भी आपने मुझे बोलने का अवसर दिया, इस के लिये मैं आपका बहुत आभारी हूँ। कम वक्त होने के कारण मैं इस समय भाषण नहीं करूंगा, केवल कुछ प्वाइन्ट्स ही यहां पर रखूंगा।

इस बिल का उद्देश्य उपभोक्ताओं को कम कीमत पर खाद्य वस्तुयें उपलब्ध हों उस के लिये प्रयत्न करना है, इस के बारे में दो रायें नहीं हैं, लेकिन जैसा कि यह बिल सारे देश के लिये, सारे भारत के लिये लाया गया है, बँसी ही फूड की पालिसी भी सारे देशके लिये एक होनी चाहिये। लेकिन गवर्नमेंट की पालिसी, भारत सरकार की पालिसी,

जिस को फूड पालिसी कहते हैं, वह नेशनल पालिसी नहीं है। जैसे मैं एक ही प्रश्न को लेकर बताता हूँ कि प्रोक्योरमेंट के बिना डिस्ट्रीब्यूशन नहीं हो सकता और गवर्नमेंट की प्रोक्योरमेंट की पालिसी हर एक राज्य के लिये प्रलग-प्रलग है। यह पालिसी एक होनी चाहिये और इस को नेशनल पालिसी के रूप में मान कर, सारे देश में मोनोपली प्रोक्योरमेंट होना चाहिये, चाहे वह डिफिजिट स्टेट हो, वहां भी मोनोपली प्रोक्योरमेंट होना चाहिये और जब तक यह नहीं होता है तब तक "ईक्वल सफरिंग" की जो बात है, वह कहना गलत है।

आप प्राइस के बारे में देखते होंगे कि गवर्नमेंट की पालिसी एक नहीं रही है, पहले गवर्नमेंट की चीप ग्रेन प्राइस पालिसी थी, उसके बाद सपोर्ट प्राइस लाये और आज अगर देखा जाय तो मिनिमम प्राइस है और कई जगहों पर मैक्सिमम प्राइस है। जैसे कि महाराष्ट्र में ज्वार के बारे में मैक्सिमम प्राइस है। मैक्सिमम प्राइस तय कर दी है। उस पर काश्तकार इस लिये बेच ही नहीं सकता क्योंकि गवर्नमेंट मोनोपली प्रोक्योरमेंट करती है। जो कुछ प्राइस उनको दी जाती है, वह भी कास्ट आफ प्रोडक्शन पर वैस्ट नहीं है, एडवाक प्राइस है। इस लिये मैं कहना चाहता हूँ कि दूसरी स्टेटों में अगर देखा जाय तो वहां पर मिनिमम प्राइस है, काश्तकार अपना कोई भी माल बाजार में ले जा सकता है और उस से अगर कम मूल्य आता है तो गवर्नमेंट ले लेती है। मेरे कहने का मतलब यह है कि गवर्नमेंट की प्रोक्योरमेंट की पालिसी, गवर्नमेंट की डिस्ट्रीब्यूशन की पालिसी, गवर्नमेंट की प्राइस पालिसी नेशनल पालिसी नहीं है, और जब तक वह नेशनल पालिसी नहीं बनती, तब तक इस में जो गवर्नमेंट का उद्देश्य है वह सफल नहीं हो सकता। फूड पालिसी का उद्देश्य हो सकता है कंज्यूमर्स के लिये अनाज एकत्र करना और लाना, लेकिन इस के साथ साथ जो उत्पन्नक है उस

[श्री दे० शि० पाटिल]

को कम से कम रीजनेबल प्राइस देना जरूरी होना चाहिये।

इस बिल में कुछ क्लॉज ऐसे हैं जो कि हम ने जो रेजोल्यूशन इस सदन में पास किये हैं उन के खिलाफ जाते हैं। हम ने 12 नवम्बर, 1965 को एक रेज्यूलेशन पास किया था जिस में कहा गया था कि भारत सरकार किसान को लाभप्रद और उचित मूल्य दिलायेगी। मैं मिनिस्टर साहब से पूछना चाहता हूँ कि यह जो एक्सप्लेनेशन है जिस के हिसाब से भाव तय किये जायेंगे क्या यह लाभप्रद होने वाले हैं किसान के लिये। हमें इस का अनुभव है कि जब अनाज बाजार में जाता है तब बिल्कुल भाव कम हो जाते हैं और जब सोईंग आपरेशन शुरू हो जाता है उस समय भाव तेज हो जाते हैं। इस में कम से कम इतना तो करना चाहिये कि सोईंग आपरेशन के समय जो दाम रहते हैं यह लिखा जाये। मुझ मालूम हुआ कि डिस्कशन के बाद तीन महीने की जो बात रखी गई है उस को सरकार चार महीने करने वाली है लेकिन इससे कोई फोयदा नहीं है।

इसी तरह से जो प्राइस का सवाल है, वह बहुत बुनियादी सवाल है। आप किसी भी इंडस्ट्री को देख लीजिये। टैक्सटाइल इंडस्ट्री को लीजिये। वहां जो माल तैयार होता है वह एड हाक प्राइस से नहीं बेचा जाता। सिर्फ किसान का माल ऐसा है जो कृि ऐड हाक प्राइस पर बेचा जाता है। इस लिये कास्ट आफ प्रोडक्शन को तय करने के लिये कोई मशीनरी होनी चाहिये मान लीजिये कि कोई काश्तकार कपड़ा लेता है, तो उस के लिये एड हाक प्राइस नही होती लेकिन इटास्ट्री का कास्ट आफ प्रोडक्शन लिया जाता है, प्राफिट लिया जाता है, उस के बाद प्राइस फिक्स की जाती है। किसान के लिये ऐसा क्यों नहीं होना चाहिये।

सभापति महोदय: वह प्राइस टैरिफ कमिशन फिक्स करता है।

श्री दे० शि० पाटिल : बहुत खुशी की बात है। हम ने तीन साल पहले देखा था कि एक कमेटी बनने वाली है। हम ने देहात में जा कर किसानों से कहा कि कोई दांत वाला कमिशन बनेन वाला है जो कि किसानों की प्राइस मुकरंर करेगा। लेकिन उसका नाम जैसा था वैसे ही उस ने किया। तीन साल की जो कीमत रही है हारवेस्ट की, उस का औसत उन्होंने निकाला और किसानों के लिये कीमत तय की। दुनिया में कहीं पर भी ऐसा तरीका नहीं है। आप एशिया में जा कर देख सकते हैं। जहां भी जा कर देखिये, प्राइस के बारे में ज्यादा से ज्यादा छयाल किया गया है। पिछले दिनों जो प्रोड्यूसर्स प्राइस थी उस को डबल कर दिया गया। नतीजा यह हुआ कि प्रोडक्शन बढ़ गया।

आखीर में मैं एक विनती करता हूँ। मैं इस राय का हूँ कि जो ऐग्रिकल्चरल कम्पिडिटीज हैं उन के भाव रीजनेबल होने चाहिये और कास्ट ऑफ प्रोडक्शन पर वैंट होने चाहिये और खेती में काम करने वाले जो मजदूर हैं उन के भी वेजेंज तय होने चाहियें। चीप ग्रेन पालिसी की वजह से सब कुछ होता है। इस सदन को एक पालिसी माननी चाहिये कि किसान को ज्यादा लाभदायक प्राइस दी जाये और कंज्यूमर्स को जो माल बेचा जाये वह सब्सिडाइज्ड प्राइस पर बेचा जाये। जब तक ऐसा नहीं होगा तब तक यह सवाल हल नहीं हो सकता है।

Shri P. K. Deo: Mr. Chairman, this is one of the rare occasions in the life of the Lok Sabha when there has been near unanimity in opposing a Bill which has been admitted by all the speakers to be anti-Kisan and which is a black Bill, except of course a few dissenting voices from my communist friends or some of the fellow-travellers. Shri Subramaniam, competent as he is, will try his best in his persuasive

way to argue like the village schoolmaster of Goldsmith. Even though he was vanquished, he argued still.

Two places have been given here for introducing a Bill of this type. Firstly, the Statement of Objects and Reasons says:

“...the provisions of that Act and those rules will not be available in such areas for regulating the supply and distribution of essential commodities.”

“That Act and those rules” means the Defence of India Act and the rules thereunder. Up till now the Defence of India Act has been in vogue and the rules were still there, but we know very well that the entire distribution system was faulty, and now the same plea is given that if the life of this Act is prolonged and the emergency powers are conferred on them, they will make the distribution system foolproof.

We know very well that under the present distribution system hundreds of people have died of starvation in my own constituency during the last Orissa famine. Mr. Khadilkar was interrupting my leader, Prof. Ranga, and he was saying that a crime was being committed, but in this case who is the criminal? I would like him to point his finger at the Government and to say in clear terms that here are the criminals who are responsible for the deaths of so many lives in Free India after 19 years of independence.

In this regard I beg to submit that if there is any impediment in the proper distribution, it is the suffocating controls and licences. Unless those things are removed, whatever power you may give to the Government, they are not going to make the distribution system equitable for everybody.

The second reason given is that following devaluation, the holding of the price line has become imperative on the part of the Government. Devaluation or no devaluation, whichever be the Government, it is

its primary duty to see that the price line is held. We know very well that it is the Governments wrong policy which is responsible for the soaring prices. Devaluation came on 6th June, 1966 and on 7th June the Asoka Hotel, which is a State enterprise, increased its tariff by 15 or 20 per cent. It is no use blaming the middlemen or the traders saying that they are the hoarders. In this case I beg to submit that the biggest hoarder is the Government.

This Bill further envisages giving more powers to collectors. The House is unanimous in this regard that the collectors as they are today do not deserve more powers to be given to them. This power is liable to be misused for victimisation, is liable to be misused for blackmailing, is liable to be misused for political vendetta. I beg to submit that the less said about collectors and their activities in this House the better. We all know very well and we have been their victims. You know what happened the other day as a result of the levy system in Bastar. In a predominantly tribal area this levy was rigorously imposed. Even though there was no paddy, there was drought, cultivators were compelled to part with their crop. Then there was firing and tragedy. Do you want the repetition of all these by these collectors?

I am at one with all those who have supported a remunerative price to the cultivators.

Lastly, I beg to submit that distribution would be possible only if there is an all-India common market. All the barriers of the zones have to go. I come from a constituency which is bordering Madhya Pradesh; it is bordering the eastern and western zones. Madhya Pradesh is western zone and Orissa is eastern zone. I would like to give one or two statistics. During the famine when American wheat was being given at Khariar Road at Rs. 55 per quintal, at Baghbara only 10 miles from there, it was being sold at Rs. 80 per quintal. The big guns who are the main supporters of the Congress Party and advance money to the Congress election fund were carrying

[Shri P. K. Deo]

truckloads of wheat from Khariar Road to Baghbara and were making a profit of Rs. 1,000 per truck. There was similar traffic from the other side also so far as *chana ki dal* was concerned; it is being sold at Rs. 80 at Rajpur while on the other side at Rs. 125. Every day wagons are being sent from Mahasamund to Khariar Road without any booking and Rs. 50 per wagon is paid to the station master. That is how the artificial barrier is being used to fill the coffers of the blackmarketeers who are the main pillars of support to the Government.

**Shri Khadilkar:** Sir, I had an intention to participate in the discussion on this Bill but when Prof. Ranga of the Swatantra Party made certain remarks and I took objection, he used rather abusive terms and called me names, calling me neocommunist and criminal and what not. His arguments, as he put them, show that he was defending the right of the rich peasantry to hoard and sell in the market when it was profitable. That was his contention and, as my friend just now said, that it was a black measure. I am not so much worried about the measure though of course certain provisions are such that they need revision, and in his opening remarks the hon. Minister himself admitted that he has an open mind and taking into consideration the views expressed he is going to make some amendments or modifications. But the main question is this: After so many years of effort have we, particularly the present Food Minister, evolved a national integrated food policy? He must apply his mind and state in categorical terms whether there is any dynamism in the department in formulating policy. I will give you an instance. He mooted the idea of Food Corporation and I thought it would be a central body for procurement and distribution in this country; I welcomed that measure when it was brought before the House. What is the result? Here is a comment and, since I have no time to elaborate on it, I shall read it; it is from a capitalist paper published from Calcutta *the Capital*

and that comment summarises the position of the Food Corporation as it exists today. It says:

“Development of an unhealthy nature are said to be hampering the smooth and efficient functioning of the Food Corporation of India. It is common knowledge that while it was being set up, its sponsors did not have a clear-cut idea of the Corporation's powers, jurisdiction and function, *vis-a-vis* the Central Food and Agriculture Ministry.....

The result is that the Corporation has not yet been able to get into its stride and tackle the nation's chief problem—food—particularly in relation to procurement of food-grains creating buffer stocks, holding the price-line and ensuring even distribution in various areas of the country. The position is made worse by the reported lack of co-operation from various State Governments—the surplus one's frowning upon the Corporation's procurement and storage measures, and the deficit one's expressing dissatisfaction with its performance. Even district collectors in certain states are reported to have shown off their superior power in dealing with the Corporation and the latter has not been able to expedite things in the interior areas.”

This point had been raised by so many Members. This point about the district collectors had been referred to by so many Members. It goes on:

“But the Government of India has still not expressed itself clearly about the role of the Corporation in dealing with the food problem. It is said that arrangements for introducing rationing in all the cities with a population of 100,000 and above are being finalised as a ‘national policy’ without consulting the Corporation.”

This in short clears up the position of the corporation, whatever be its position. The question is whether it occupies a central position in the whole scheme of procurement and distribution and in the policy that is laid down here. It is not a question of power; you had enough powers because under the Defence of India Rules, you had powers and now you are taking powers because the Defence of India Rules are no more available in this respect. The question is whether the Government is serious about this problem, having one food policy for all and that would be implemented from one part of the country to the other. This is the main problem. Unless they make up their mind and state it clearly, I do not think more powers and taking more powers in your armoury will solve this problem.

One more point and I have done. In the Statement of Objects and Reasons, he has stated very clearly that "As Government has now assumed a positive role..." and so on. So far, it appears from the statement, that the Government had no positive role in this field. That is the first point. Then, the urgency is there, it is admitted. But after devaluation, what should have been done? They are talking of follow-up action. In other countries, in a similar situation, for example in Britain, certain measures are taken; and devaluation was the last thing when the situation became very desperate. Here in our country, regarding food, we are saying that we are now going to take certain actions, of holding the price line. I would ask very humbly, can you carry conviction to the people? Can this House apart from the Minister, whatever we might say carry conviction? The people have lost their faith in our professions, because we say one thing here, and get almost the unanimous vote of the House, and then it comes to the level of implementation, you have not got that courage to implement your policies, leave aside at the Central level, even at the State level and also at the District level. Your policy is haphazard; it is hand-to-mouth.

I would also quote one factor and with that I would conclude. Alongwith food, edible oil is there. Edible oil has become a necessity; its prices have shot up, and you are exporting oilseeds and importing soya bean oil from outside. Is it a rational policy? I cannot understand.

**Shri C. Subramaniam :** We are not exporting oilseeds for the last two years.

**Shri Khadilkar :** Now you have stopped. But even today the position is that from State to State the price differ. Therefore, if you want to hold the price-line and not to allow a situation to develop, you must remember one thing. Food is an elemental force in society. If you ignore it, it will not be just one *bandh*; if you ignore it, there will not be just the famine condition in Orissa as we witnessed. There will be pockets where an explosive situation might develop. It is not a law and order problem. On food, if people get angry and hungry, they will not look to law and order, but only the moral sanction. If you lose that sanction, if the Government loses that sanction, if the leadership loses that moral authority all over, then law and order and all the powers at your command will be fruitless.

**श्री ज्वा० प्र० ज्योतिषी (सागर) :** किसान इस देश की रीढ़ है और ऐसा कोई भी कार्य किया जाना जिससे कि इस देश की रीढ़ को धक्का लगे मैं कभी बरदाश्त नहीं कर सकता हूँ। मुझे लगता है इस सदन के अन्य माननीय सदस्यों को मालूम होता है कि इस बिल के द्वारा किसान को चोट पहुंचेगी और इसीलिए मैं समझता हूँ कि इसका काफी विरोध किया जा रहा है। कुछ हद तक यह सही भी है। लेकिन मुझे यह सोचना है और यह जरूरी भी है कि इस बात को सोचा जाये कि यह बिल किस हद तक किसान को चोट पहुंचाता है। मैं तो सिवाय इस बात की सम्भावना के कि उसके घर से जवरदंस्ती गल्ला निकाला जाये, कोई ऐसा क्लाइ नहीं



[श्री जवा० प्र० ज्योतिषी]

देखता हूँ जिससे मुझे यह विश्वास हो कि किसान को इस बिल के द्वारा चोट पहुंचेगी। ज्यादा अच्छा हो कि हम कनक्रीट तरीके से सोचें। मुझे इस बात का दुख है कि साफ साफ तरीके से इस सदन में बात नहीं की जा रही है। यह क्यों नहीं कहा जाता है कि किसान को जो कीमत मिल रही है वह ठीक कीमत नहीं मिल रही है और उसे और अच्छी कीमत दी जानी चाहिये। जो सच्चा किसान है, जो स्वयं खेती करता है, जो दिनरात खेती में अपना पसीना बहाता है उसे मैं समझता हूँ कि बुलाया जाये और उससे सलाह मशिवरा किया जाये और जो उचित कीमत वह कहे वह उचित कीमत उसको दी जाये। एक बार जब यह चीज तय हो जाये कि यह दाम उसको मिलना चाहिये और सरकार वह दाम उसको देना तय कर दे तो फिर उसके बाद किसान को भी और अधिक आगे दाम की आकांक्षा नहीं करनी चाहिये। अगर एक सेठ बेईमानी करता है और ब्लैक मार्केटिंग के पैसे के द्वारा अपना घर भर रहा है, तो किसान उससे प्रेरणी लें कि वे भी अपने घर को बेईमानी के पैसे से भरे और देश की गरीब जनता को भूखों मार कर दौलतमन्द बनें, मैं समझता हूँ किसान को इस के खिलाफ खुद आवाज उठानी चाहिए। इस सदन को भी साफ तौर से यह कहना चाहिए कि अगर मुनाफ़ा खोरी का यह पाप देश में फैल गया है, तो देश का भविष्य अन्धकारमय हो जायेगा। हम इस देश में एक ऐसी क्लाइमेट बनाना चाहते हैं, जिस में ईमानदार लोग अपनी कमर कस कर यह निश्चय करें कि वे जनता को भूखों मार कर अपने घर को भरने की मनोवृत्ति से बाज आयेंगे।

मैं बताना चाहता हूँ कि इन्सेन्टिव के नाम पर परोक्ष रूप से दौलतमन्दों को लाभ पहुंचाया जा रहा है। आज इस देश में ऐसे कितने किसान हैं, जिन को अपना गल्ला बड़ी मिक्रदार में बाज़ार में बेचना पड़ता है,

जो गल्ला बटोर कर रखते हैं? मैं समझता हूँ कि बहुत थोड़े—केवल मुट्ठी भर—ऐसे किसान हैं। ज्यादातर किसान ऐसे हैं, जो थोड़ी थोड़ी खेती का काम करते हैं। हां, कुछ लोग ऐसे भी हैं, जो लम्बी-चौड़ी किसानों भी करते हैं और लम्बे-चौड़े व्यापार के दांव भी चलाते हैं। वही लोग आवाज उठाते हैं, “इन्सेन्टिव चाहिए, इन्सेन्टिव चाहिए।”

यह बात ठीक है कि हम को प्राइस के बारे में इन्सेन्टिव देना है। इसके लिए सामान्य, गरीब किसानों को बुला कर पूछना चाहिए कि उनके लिए कौन सी प्राइस पर्याप्त होगी। हम चाहते हैं कि इस देश में किसान सुखी रहे। हमारा यह पहला फ़र्ज है कि इस देश में हम किसान के लिए सुखपूर्ण स्थितियों का निर्माण करें। दुर्भाग्यवश हम को इस बारे में जितना सोचना चाहिए था वह हम नहीं सोच पाये हैं। अब समय आ गया है जब कि हम को इस बारे में गम्भीरता से सोचना चाहिए। लेकिन इस बिल के द्वारा हम ने सोचना है कि हमें इस देश के गरीब और भूखे लोगों के लिए अन्न महैया करना है। प्राइस लाइन को ठीक कर के रखना है जो कि इस देश की गरदन को दबा रही है। अगर गल्ले का ब्लैक मार्केटिंग जारी रहता है और अगर होर्डिंग को रोका नहीं जाता है चाहे वह सख्ती से ही क्यों न हो तो हम कभी भी प्राइस लाइन को चैक नहीं कर सकते हैं। अगर हम प्राइस लाइन को चैक नहीं कर सकेंगे तो इस बात का खतरा है कि हमारे देश की इकानोमी नष्ट-भ्रष्ट हो जायेगी।

मैं चाहता हूँ कि इस बिल पर बड़ी संजीदगी से विचार हो और किसानों को चोट पहुंचाने वाले मुद्दों को साफ़ किया जाये।

इस सम्बन्ध में यह कहा गया है कि कलेक्टर को प्रोक्युरमेंट का अधिकार नहीं

दिया जाना चाहिए। यह ठीक है कि अगर कलक्टर बर्इमान है तो उसको यह अधिकार नहीं दिया जाना चाहिए कि वह प्रोक्युरमेंट करे और कम्पलसरीली अनाज को प्राप्त करे। लेकिन मैं निवेदन करना चाहता हूँ कि हम को अपने अधिकारियों पर विश्वास करना पड़ेगा। अगर कहीं पर विश्वास का भंग हो रहा है तो हम को सम्बद्ध व्यक्तियों के विरुद्ध सख्त कदम उठाना पड़ेगा। लेकिन आखिर हम को कुछ लोगों को अधिकार तो देना ही पड़ेगा। कलक्टर के अतिरिक्त और कौन सी एजेंसी है जिसको यह अधिकार दिया जाये ? अगर कोई कलक्टर बर्इमानी करता है अगर वह सच्चे और ईमानदार गरीब लोगों को तंग करता है तो उसको जेल और फांसी की सजा दी जाये। लेकिन यह आवश्यक है कि हम अपने कर्मचारियों पर विश्वास करें और उनको आवश्यक अधिकार दें। जो मुझे किसान को चोट पहुंचाते हैं उनको बदल दिया जाये।

इस दिक्कत के वक्त में भी यह बिल सदन के सामने रखा जा सका एक मजूबती का कदम उठाने के लिए इसलिए मैं उसका स्वागत करता हूँ।

**श्री रा० स० तिवारी (खजुराहो) :** सभापति महोदय, आवश्यक वस्तुओं के सम्बन्ध में मंत्री जी ने जो विधेयक सदन में रखा है, वह देखने में इतना अच्छी है कि 'विषरसभरा कनकषट जैसे'—जैसे, अगर सोने के ढड़े में विष भर दिया जाये, तो वह देखने में बहुत सुन्दर मालूम होता है। कई वक्ताओं ने इस विधेयक का विरोध किया है। मैं उस के खिलाफ नहीं जाता हूँ, लेकिन मैं कहना चाहता हूँ कि यह जो ब्यवस्था की गई है कि किसान कहीं चार क्विंटल अनाज रख सकता और कहीं पांच या दस क्विंटल रख सकता है, यह हमारी जड़ पर कांग्रेस के लिए कुठाराघात हो रहा है, क्योंकि किसान अपनी पैदावार

में से अपने बाल-बच्चों का पालन करता है, बीज के लिए रखता है और वह दाम दे कर नहीं, बल्कि गल्ले से सारा कृषि का लें-देन करता है, तो इस स्थिति में उस के पास गल्ला कैसे बचेगा ? मंत्री महोदय ने आश्वासन दिया है कि वह इस सम्बन्ध में संशोधन करेंगे। मुझे आशा है कि वह यह संशोधन सदन के सामने रखेंगे।

मेरे पूर्व-वक्ता ने कहा कि सख्ती से कदम उठाया जाये। यह सब कब कहा जाता है कि किसान गल्ला न दे या उस से गल्ला न लिया जाये। वह तो हमेशा गवर्नमेंट को गल्ला देता है और देने के लिए तैयार है। लेकिन उस की बेइज्जती से खाना तलाशी कर के तो उस से गल्ला न लिया जाये। माननीय सदस्य ने यह भी कहा कि हम को कलक्टर पर विश्वास करना चाहिए। मैं आप को एक किस्सा दिल्ली का बताता हूँ। चार रोज हुए, मैंने पार्लियामेंट हाउस में अपने मेहमानों के लिए राशन कार्ड की मांग की थी। केवल आज शाम को मुझे राशन कार्ड मिला है। आप स्वयं सोच सकते हैं कि चार दिन तक मेरे मेहमानों ने क्या खाया। जब यह हाल दिल्ली में है, तो देहात में क्या न होता होगा। इस लिए इन अधिकारियों पर विश्वास करने से क्या होगा ?

यह जरूरी है कि प्रोक्योरमेंट होना चाहिए और यह भी जरूरी है कि जनता को गल्ला मिलना चाहिए। लेकिन मैं कहता हूँ कि इस का सब से बढ़िया तरीका यह हो सकता है कि सारे देश में गल्ले का एक भाव हो। जब हज्जारों बरसों के बाद भारतवर्ष एक राष्ट्र हुआ है और पूरा देश एक गवर्नमेंट के नीचे आया है, तो हम इतनी बारीकी में क्यों जाते हैं और हम सारे देश में एक भाव क्यों नहीं निश्चित करते हैं ? गवर्नमेंट एक भाव निश्चित कर दे कि अनाज दो सेर बिकेगा, चाहे

[श्री रा० स० तिवारी]

बिहार हो, चाहे बंगाल हो। अगर कलकत्ता आदि किसी स्थान विशेष पर गल्ला ले जाना है, तो रेलवे आदि का खर्चा गवर्नमेंट बर्दाश्त करे। वह ऐसा क्यों नहीं करती है? जो ज्यादा भाव पर गल्ला बेचे, उस को गोली की सजा दी जाये, ताकि सारे देश को एक भाव पर गल्ला मिल सके। मैं समझता हूँ कि यह प्रतिबन्ध कभी भी नहीं लगाया गया।—ब्रिटिश जमाने में भी नहीं लगाया गया—कि गल्ला एक जिले से दूसरे जिले में न जाये। एक ही प्रदेश में कलक्टर अपने जिले से दूसरे जिले में गल्ला नहीं जाने देते। इसी लिए भाव विगड़ते हैं और कोई चीज नहीं मिलते है। अगर किसी स्थान पर कोई चीज सरप्लस है, तो उस को दूसरे स्थानों में भेजने की अनुमति होनी चाहिए। अगर कोई चीज गाजियाबाद में सरप्लस है, तो वह दिल्ली में नहीं आ सकती है और दिल्ली की सरप्लस चीज गाजियाबाद नहीं जा सकती है। गवर्नमेंट इस ताने-बाने में उलझती जा रही है और इस कारण उस को कई परेशानियों का सामना करना पड़ रहा है। आवश्यकता इस बात की है कि देश भर में गल्ले के आने-जाने में पूर्ण स्वतन्त्रता दी जाये। गवर्नमेंट वाडर पर कोई प्रतिबन्ध जरूर लगा दे, ताकि हमारा गल्ला विदेशों को न जाने पाए, लेकिन मैं समझता हूँ कि देश के अन्दर इस प्रकार का प्रतिबन्ध लगाना देश के हित के विरुद्ध है, विधान के विरोध में भी है।

बहुत से माननीय सदस्यों ने कहा है कि किसान को उचित प्राइस दी जाये। अगर एक भाव रख दिया जाये और ऊपर का खर्चा गवर्नमेंट बर्दाश्त करे, तो किसी को बुरा नहीं लगगा। अगर कलकत्ता में कमी है, तो वहां पर अनाज को ले जाने का खर्च गवर्नमेंट बर्दाश्त करे। इस स्थिति में

प्राइस को घटाने या बढ़ाने या उचित प्राइस का प्रश्न ही नहीं उठता है।

संसार के सब देशों की तवारीख हम को बताती है कि जिन देश में एग्रीकल्चर का प्राइवकेशन बढ़ता है, वह देश उन्नतिशील होता है, उस राष्ट्र की सम्पत्ति बढ़ती है और वह राष्ट्र शक्तिशाली बनता है, क्योंकि खेती में दस बीज बोए जाते हैं, तो हजारों बीज पैदा होते हैं। खनिज और खेती, इन दो चीजों से किसी देश की उन्नति होती है। इस लिए आवश्यकता इस बात की है कि किसानों को हर प्रकार की सुविधायें दी जायें। उन के लिए पानी और बीज की व्यवस्था की जानी चाहिए। अगर सरकार हमारे कम्युनिस्ट दोस्तों के कहने से कोई रोक लगाना ही चाहती है, तो उस को यह भी चाहिए कि वह अपने पांच हजार रुपये वेतन पाने वाले सैक्रेटरीज आदि को भी केवल पांच सौ रुपये दे खाने के लिए और बाकी को जन्त कर ले। सरकार उन पर क्यों दया करती है और उन पर रोक क्यों नहीं लगाती है? सरकार को किसान ही एक असंगठित प्राणी मिल गया है, जिस पर वह जो चाहे प्रतिबन्ध लगा देती है।

सरकार की नीति बड़ी सुन्दर है, यह विधेयक बड़ा सुन्दर है, लेकिन इन उद्देश्यों की पूर्ति के लिए कुछ लोगों को अधिकार दे देने से बड़ी परेशानी होगी और जो 75 फ्रीसदी किसान आज कांग्रेस को वोट देते हैं, उन के वोट हम को नहीं मिलेंगे, और आगे हमारे लिए चुनाव लड़ना कठिन हो जायेगा।

**Shri A.N. Vidyalkar (Hoshiarpur)**  
Mr. Chairman, Sir.....

**Mr. Chairman :** I think after Shri Vidyalkar I will call upon the hon. Minister to reply.

**Shri A. N. Vidyalankar** : Mr. Chairman, Sir, excepting Shri Ranga and some of the fellow-travellers of the capitalists and profiteers, other hon. Members who have spoken in this debate have supported the principle of the Bill. Shri Ranga and his friends are opposed to all types of controls.

**Shri Ranga** : That means three-fourths of the Congress are fellow-travellers.

**Shri A. N. Vidyalankar** : Your fellow-travellers. There are fellow-travellers of capitalists on your side.

**Shri Ranga** : You are also a fellow-traveller. (Interruptions).

**Mr. Chairman** : Order, order.

**Shri A. N. Vidyalankar** : Sir, in this age of inter-dependence, social inter-dependence, social controls have become very essential.

The alternative is social anarchy. Therefore, those who oppose controls in the present day society are showing, in my humble opinion, an amazing lack of understanding of the law of functioning of society.

My grievance is that although Government had powers, those powers had not been exercised properly and effectively. Whenever Government take powers, they should be used effectively. Much is wrong with the administration? The difficulty is that those officers who are entrusted with the powers either do not exercise those powers because of the influence of the vested interests or they exercise them in such a manner that poor people are roped in, prosecuted and put to difficulties while the persons against whom controls have become necessary, against whom these laws were originally directed, they escape absolutely. The functioning or implementation of these laws is defective. That should be rectified.

So far as the kisan is concerned, I agree with what has been said by most of the hon. Members. I hope the Minister will bring

in amendments to improve the Bill in that respect. The growers should be given all consideration so that these laws do not go or operate against them.

Is it not really surprising that a grower gets Rs. 15 per maund of wheat when it is sold in the open market, not in the black Market but in the open market, at Rs. 30 or 35? This big margin goes to the profiteer, or trader. Why should there be such a big gap between the market price and the price secured by the agriculturist? And who gets that money? It is shared between the wholesaler and retailer. They earn a lot of money, even though the hard work was put in by the agriculturist. That should be checked. We have to calculate proper or reasonable price to be paid to the grower. Thereafter, we have to fix a margin of profit for the trader. A ceiling should be fixed. The commodity should be sold to the consumers at a fixed price. No trader should be permitted to charge more than that. Now, what is happening is, even though the growers are not getting more, the price goes on increasing because there is no check on the traders and profiteers. That is the difficulty. We have to remove this difficulty.

We adopted the policy of State trading in foodgrains only partially. But unless we adopted that policy fully, the difficulties can never be removed. Now that we have set up the Food Trading Corporation, the whole food trade should be taken over by the Government. There should be no intermediary between the Government and the growers. Government should take over the whole food trade and do justice to the grower as well as to the consumer. That is my submission.

**Mr. Chairman** : Shri C. Subramaniam

**Shri D. D. Puri** : Sir, if we cannot get time to participate in this debate, let there be a food debate.

**Shri Tyagi** (Dehradun) : Sir, as this is an important matter, I would request you to extend the time.

**Mr. Chairman :** The time was extended by one hour. Within that extended time, I have been able to give time to most of the Members who wanted to speak.

**Some hon. Members rose,—**

**Mr. Chairman :** Order, order, Please sit down.

**श्री ब्रज बिहारी मेहरोत्रा :** मैं 1 बजे से 4 घंटे हो गए बराबर खड़ा हो रहा हूँ, और आज मुझे आश्वासन भी दिया या बोलने का लेकिन आप मुझे बोलने नहीं दे रहे हैं..

**Mr. Chairman :** Order, order. When I am on my legs and making my submission, other Members will have to resume their seats. Otherwise, I will have to take action against them.

**श्री ब्रज बिहारी मेहरोत्रा :** आश्वासन देने के बाद भां आप मुझे बोलने का मौका नहीं दे रहे हैं, इसलिए मैं जा रहा हूँ।

**श्री ब्रज बिहारी मेहरोत्रा सदन त्यागकर गए।)**

**Mr. Chairman :** The time was extended. Otherwise, the Minister was to have been called at 3.30. Now, I am calling him at 4.45 p. m. I think reasonable extension of time has been given. We have to complete the Bill today; therefore, the hon. Minister will be allowed to reply.

**Shri D. D. puri :** Why not make an announcement that he will try to find time for the food debate ?

**Mr. Chairman :** All these things were discussed and suggested in the morning when the Deputy-Speaker was in the Chair.

Therefore, all this has been considered.

**Shri Tyagi :** I beg to have your permission to move formally for extension of time. You can take a vote.

**Shri C. Subramaniam :** Shri Tyagi can speak on the clauses

**Mr. Chairman :** I will give a chance to Members who have not spoken, during the consideration of clauses.

**Shri C. Subramaniam :** Mr. Chairman, the scope of the Bill is limited; still, in view of the subjects the Bill deals with, certain basic questions have been raised. My hon friend, Professor Ranga, had raised the question whether there should be any control at all with regard to the distribution of foodgrains. I very well understand the philosophy behind it, but I am afraid in this House, except for this party, I do not think any other party subscribes to a free private trade policy in foodgrains and essential commodities. Therefore, as a good democrat, in spite of the view that he or his party may hold, he will have to put up with the views of the majority and I hope, even though he may have a different view, once the House takes a decision he and his party will give full co-operation for the implementation of the policies enunciated and laid down by this Parliament.

We are dealing with a very complicated and complex question and we always try to find an easy solution for this. For example, many hon. Members talked about a national food policy and that we should have followed that. As a matter of fact, we are formulating a policy, a long-term policy, but in between came this unprecedented drought. That unprecedented drought required certain new emphases taking a different direction altogether for the purpose of meeting this situation. But for the extraordinary steps we took during this unprecedented drought, I have no doubt in my mind that we would have faced much greater difficulties during these years. Therefore that will have to be kept in mind.

It is not merely a question of tiding over the present crisis but we have to realise that for the next few years to come, for the next four years at least in any event, we will have a deficit economy as far as foodgrains are concerned. In that context how are we going to manage the economy? Can we manage it on the basis of allowing free trade to manage the whole affair and leaving the people, particularly the lower income group people, to the tender mercies of the free trade?

It is not merely a question of physically grains being available. Even suppose there is no deficit at all, it is not a question of physical availability but that it should be within the means of the people, particularly the lower income group people; that also is important. That is where the Government has got to play a role in which not only physical availability will be there but the availability will be within the means of the poorer section of the people. That is one aspect of it. In holding the price-line and all those things.

Food is such an essential commodity and a daily necessity that every person living in this country should be enabled to have two square meals a day at least. This is the most important thing. How are we going to manage it is the main thing. Therefore, not only the physical availability should be ensured, but the price factor also plays a very important role. Suppose, grain is available in abundance but the price is so high; then, naturally, the poorer section will not be able to get it at all. Therefore this aspect will have to be taken into consideration. Apart from that, the price factor of food affects the entire economy.

If there is the spiralling general price, that is mainly contributed by the spiralling price of foodgrains and food articles. Therefore, if we want to have a controlled economy with regard to prices, that control has to come first in regard to food prices and that is why we have to have a positive role for the Government to play in controlling the prices apart from distribution at reasonable prices for all the consumers.

It is in that context that we have to evolve a policy for the next four or five years. How are you going to ensure it? It could be ensured only by a system of significant public distribution which will make an impact on the market and that is why we are trying to find out what should be the measure, to what extent there should be public distribution at controlled prices for the purpose of controlling the situation under normal conditions. I am not talking about what has happened during this year because that was something abnormal. I am not talking about it. But under normal conditions, what should be the measure and the extent of public distribution for the purpose of seeing that the price is controlled and, at the same time, there is equitable distribution.

My own understanding of the situation is that unless we are in a position to get at least one-third of the marketable surplus and distribute it through either statutory rationing system in the bigger towns or through fair price shops in scarcity areas, we will not be able to control the situation. That indicates an order of 10 million tons to be distributed through the public distribution agencies. Therefore, the Government will have to get hold of these 10 million tons under normal conditions. This year, we had to do a little more. We should be able to distribute at least 10 million tons under statutory rationing, under informal rationing and under fair price shops distribution. How we are going to get hold of 10 million tons is either from indigenous production or from the imported foodgrain. I am sure the House is now fairly well aware that even if we want to import, it will not be available in quantities which we were importing all along because the availability is less and the conditions under which the surplus foodgrain have been made available are also being made more and more strict. Our capacity to import is going to be restricted. The major portion of this 10 million or 11 million tons—whatever it is, it may go on increasing slightly as we go along—will have to be indigenously procured.

[Shri C. Subramaniam]

Therefore, we should have all the powers for this purpose and what is important is that, while we have this procurement system—and that procurement system has necessarily to depend upon the procurement from the producers, from what is produced in the country—at the same time, what we do should not inhibit production. Unfortunately, we have all along taken care of the lower price being available to the urban consumers, non-agricultural consumers, and on the other hand, we have not taken care to see that there is sufficient incentive for the producer to produce more because ultimately our food problem can be solved not merely by whatever distribution system we may have—that may be important—but it will have to be solved by greater production and by bringing about self-sufficiency in the country. Therefore, whatever we might do should not stand in the way of greater production in the country.

I have declared this in this House more than once, and I have declared elsewhere too, that unless the farmer is given a remunerative and an incentive price, we are not going to have an increased production in the country. There is absolutely no doubt about it. Therefore, we have tried to see that we provide the farmer a remunerative and an incentive price. Whatever the system of procurement might be, whatever the system of distribution we might adopt, we have got to ensure this. How are we now trying to ensure this would also be of interest to the House, because it is very important, and I would like to explain it briefly? For example, the hon. Members were making a reference to the Agricultural Prices Commission.

The Agricultural Prices Commission has laid down what we call the support price below which under no circumstances would the prices be allowed to drop. This

is not being adjusted every year. This is a long-term price structure. In the present context of rising prices I do agree that this support price has no real significance. But, still, that price will have to be indicated below which the prices would not be allowed to go. That is one aspect of the matter. That price has been declared last year and that will be what we would call the minimum support price for the next four or five years. But I do agree that we may never reach this level below which the prices might tend to go.

The second aspect is that with reference to the existing conditions in each area, we fix what we call the procurement price or the Government purchase price. That is not the support price. That is something more than that. For example, last year, we fixed it at Rs. 6 to 7 (varying from State to State) over the support price. That was the procurement price. In Maharashtra, as a matter of fact, they went a little further and they fixed Rs. 10 more than the support price as the Government purchase price.

**Shri D. S. Patil:** That was not the support price; that was the maximum price.

**Shri C. Subramaniam:** That was the Government procurement price.

Then, in addition to that Government purchase price, we have got what we call the open market price which fluctuates. These are the three price factors which will have to be taken into consideration.

For the coming harvest season, we have not yet fixed the procurement price or the Government purchase price; we are in the process of consulting the State Governments and various other bodies also for this purpose, and very soon we shall fix this price, and I shall try to persuade the State Governments to fix this price at a level which would be remunerative and attractive to the producers, because that is the most important thing.

**Shri Tyagi** : Let him keep to this promise please.

**Shri C. Subramaniam** : I shall take counsel with them all and then I shall try to fix what they consider as reasonable. But, naturally, when we fix the procurement price that will get reflected in the consumer price also, and, therefore, we have got to take that also into account. I do agree that the margin between the procurement price and the price at which we sell to the consumer will have to be restricted as far as possible, but still certain margins will have to be allowed. Therefore, a fair price to the consumer will also have to be taken into account when we fix this price. Otherwise, we shall have to subsidise and if we have to subsidise, from where the subsidy should come is also a question that will have to be taken into consideration. But I am prepared to take counsel with all concerned with regard to fixation of the procurement price.

After our having fixed that price it should be possible for us to procure these 8 or 10 million tonnes. That is what we have got to procure indigenously, taking into account our capacity to import. We have to have a system for that. The power for the purpose of procurement is given under the Essential Commodities Act which provides for levy, requisition etc.

Clause 2 deals with the price that a producer should get when we procure or requisition from anybody, either from the producer or even from those who have purchased from the producer. Here we have to take into account what price should be paid, for example, soon after the harvest, and what the price should be later on. In this contest, many hon. Members have emphasised that as far as the small producers are concerned, who do not have the holding capacity, they come into the market soon after the harvest with their produce. Many Members have referred to this matter, and I think Shri Bhagwat Jha Azad also has mentioned it. Whatever price is available soon after the harvest is the only price that the small producers are able to get.

At that time, no doubt, Government come into the picture with support price by way of purchase price; therefore, the small producers may be able to get a certain minimum price. It should be the function of Government to ensure that the smaller producers are able to get a reasonably remunerative price soon after the harvest also even though there is a tendency for the prices to shrink at that time. That should be the duty and function of Government.

17.00 hrs.

Now, having laid down that, some people are in a position to hold on even after the post-harvest time. What should be the price given is a matter for consideration. This section deals with that.

17.01 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Simply because a person is in a position to hold on to stocks, he should not get a much greater advantage than the small farmer who is forced to unload his stock in the market soon after harvest because he does not have the holding capacity. That is why this lays down a principle. Even though he may be a big producer and he may have a holding capacity, simply because he holds on to his stock he should not get an unfair and undue advantage over the smaller-producer who gets only the post-harvest price. That is why this lays down that in fixing the price which this man would get, the man from whom you are procuring or requisitioning, care should be taken to see that that would relate to the post-harvest price, not soon after the harvest, but taking three months.... I am making it four months; we will see what is the average price; taking that into account and taking also into account the maximum price which might have been notified—taking all this into consideration the price should be fixed. That is all that cl. 2 says. I am taking into consideration particularly the plea that everybody should get a fair price. Simply



[Shri C Subramaniam]

because one is a big producer, he alone should not get the advantage of holding on to it. I am sure people would agree to the reasonableness of the provision we have made.

**Shri Bibhuti Mishra** : How would he get a fair price within the average price of four months ?

**Shri C. Subramaniam** : He would in any event get a little more than the small producer who would be selling soon after the harvest, and it is necessary because he would have stored and he would have incurred some expenditure.

**Shri Tyagi** : Would Government be enabled to procure from the wholesalers also ?

**Shri C. Subramaniam** : Yes. This would be mainly for that purpose. As far as possible, this will mainly apply to wholesalers and traders and those who purchase these and hoard for the purpose of carrying on the trade later on during the lean period. That is cl. 2.

Cl. 3 provides for penal action to be taken against persons who commit breaches of the law. It is only when a breach of law occurs that sec. 6A would apply. Where a breach of law is committed then foodgrains, edible oils or oilseeds could be confiscated by the Collector. I do agree we have to make a distinction in this between the producer and the trader, hoarder and smuggler. As a matter of fact, I was also toying with the idea whether we should not have to make a distinction between the small producer and the big producer. As far as this is concerned, whether it is bigger producer or a smaller producer, this is the material which he himself has produced. Therefore, I do not think we can make a distinction between the small producer and the big producer. You have to deal with what we call a producer. That is why I have given notice of an amendment under which this will

not apply to the producers; that is, this will not apply to what they have produced. We have to tackle the anti-social elements. I am not condemning the entire trade, but in the trade there are anti-social elements; there are smugglers, there are hoarders, profiteers. They have to be dealt with without mercy.

I am glad someone mentioned about the operation in Punjab which had a wholesome effect.

**Shri Hem Raj**, (Kangra) : You are putting it at 5 quintals.

**Shri C. Subramaniam** : I have given notice of another amendment. I have completely removed the growers from the scope of that. That is by another amendment.

**Shri Kashi Ram Gupta** : That has not been circulated.

**Shri C. Subramaniam** : It has just been. I gave notice of it in the morning.

**Shri Kashi Ram Gupta** : Unless we see it, we cannot say.

**Shri D. D. Puri** : We have not received it.

**Shri Kashi Ram Gupta** : He may read it.

**Shri C. Subramaniam** : "Provided that, without prejudice to any action which may be taken under any other provisions of this Act, no foodgrains seized in pursuance of an Order made under section 3 in relation thereto from a person engaged in the production of such foodgrains shall be confiscated under this section."

This confiscation provision will not apply to the producers and the grains produced by them. That is the effect of this. I am making a proviso to section 6A. That will take care of it.

**Shri Tyagi :** Congratulations for this spirit of accommodation to the views of the House.

**Shri C. Subramaniam :** The other thing is with reference to appellate powers, should he go to the court or should Government be the appellate authority? I think particularly when we are dealing not with the growers but only profiteers and hoarders, they should not be allowed to go to court, engage lawyers and keep on dragging it on indefinitely. There will have to be a prompt decision. Therefore, I respectfully submit that whatever might be the views about other things, in this case we have to take a strict view because this is now confined only to the unsocial elements. I do not think you should object to it.

Then I come to the other clause, amending section 7 of the principal Act. We are providing that they will have to be only dealt with by a court. As far as foodgrains, edible oilseeds and edible oils are concerned, under section 6A the Collector has been given the power to confiscate.

**Shri Kashi Ram Gupta :** Section 6A concerns foodgrains, edible oilseeds and edible oils, but edible oils are not produced by the producer.

**Shri C. Subramaniam :** Oil is not included in my amendment, you may take it.

Clause 4 deals with amendment of section 7. In section 7 the court is given the power to confiscate certain articles, foodgrains and other things. There we are now giving power not only to confiscate the foodgrains and other things, but also the receptacles, the carriages or the vehicles which might be used for that purpose. It is important. Otherwise, a person is fined Rs. 1,000 and it is easy enough for him to pay it because he is making Rs. 10,000. But now there will be fear that his lorry also might be confiscated. This confiscation will not

be under section 6A but under section 7 of the original Act.

These are the only things which we are taking into consideration here. I am sure there are various other things which we can talk about, but this refers mainly to three points. One is with regard to the price to be paid. The second is with regard to confiscation in regard to what we can now call the non-producing section which would be indulging in anti-social activities. Clause 4 would deal with confiscation of vehicles and other materials used in the process of smuggling, in the process of committing a breach of the law.

**Shri Kashi Ram Gupta :** Foodgrains and oilseeds....

**Shri C. Subramaniam :** When it comes, if you make the suggestion, we will consider.

When the relevant Clauses are taken up, I shall have the amendments. Subject to these amendments which I have indicated, I would request the House to give unanimous support to this measure so that we may go forward in implementing our policies.

**Mr. Deputy-Speaker :** Shri Vishwanath Pandey :—What about his amendment? Is he withdrawing?

**Shri Vishwanath Pandey :** I am withdrawing, but I want to say one or two words.

**Mr. Deputy-Speaker :** No more speech now.

**Shri Bhagwat Jha [Azad] :** He will withdraw after one minute. Why not give him one minute?

**श्री विश्वनाथ पाण्डेय :** श्रीमन्, मैंने इसलिए इस संशोधन को पेश किया कि यह गम्भीर प्रश्न है और 48-50 करोड़ आदिमियों से संबंध रखता है, इस में जनमत संग्रह जरूर

[श्री विश्वनाथ पाण्डेय]

होना चाहिए। जनमत संग्रह नहीं किया जायगा तो हो सकता है कि अर्थ का अनर्थ हो जाय। लेकिन जब मंत्री महोदय ने आश्वासन दिया है कि कृषकों के ऊपर, जो छोटे काश्तकार हैं, उन के ऊपर यह लागू नहीं होगा, वह अपने तरीके से जाँचेंगे, बोलेंगे... (व्यवधान) इसलिए मैं अपने संशोधन को विदङ्ग करता हूँ।

**Mr. Deputy-Speaker** : Has he the leave of the House to withdraw his amendment?

*The amendment was by leave withdrawn.*

**Mr. Deputy-Speaker** : The question is :

“That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration.”

*The motion was adopted.*

**Mr. Deputy-Speaker** : Before we take up the clause-by-clause consideration there is half an hour discussion. Can we take it up after the Bill is passed or on some other day?

**Shri Kishan Pattanayak** (Sambalpur): Either take it up now or on some other day.

**Mr. Deputy-Speaker** : We will take it up the next day. Now, we shall take up clause 2. Any amendments moved?

**Shri Kapur Singh rose—**

**Mr. Deputy-Speaker** : I am sorry ; I am told that there is no provision to authorise anybody else other than those who have tabled the amendments to move the amendments.

**Shri Kapur Singh** (Ludhiana) : It is most unfortunate because when he was allowed to go Prof. Ranga was told that he could go on this understanding.

**Mr. Deputy-Speaker** : I am extremely sorry ; it cannot be done. If the Minister is prepared to accept any of Mr. Ranga's amendments.

**Shri C. Subramaniam** : No; I do not accept.

**Shri D. D. Puri** : We were assured that we would be allowed time to speak at this stage.

**Clause 2—(Amendment of section 3)**

**Mr. Deputy-Speaker** : I will come to you. Now, what are the amendments moved?

**Shri S. R. Rane** : I move amendment No. 2.

**Shri Bibhuti Mishra** : I move amendment Nos. 9, 10, 11, 12 and 29.

**Shri C. Subramaniam** : I move my amendment No. 25.

**Shri Sinhasan Singh** (Gorakhpur) : I move my amendment No. 33.

**Shri S. R. Rane** : I beg to move :

Pages 1 and 2 :—

for lines 8 to 13 and 1 to 17 respectively,

substitute :—

“(3B) (a) Where any person is required by order made with reference to clause (f) of sub-section (2) to sell any variety of food-grains, edible oil-seeds or edible oils to the Central Government or State Government under notification in respect of such food-grains, edible oil-seeds, edible oils under sub-section (3A), the person shall be paid fair and equitable price for the foodgrains, edible oil seeds or edible oils.

(b) The price to be paid under clause (a) shall not be less than

the controlled price and more than the prevailing market price in that area at the time of the order under clause (a).”(2)

**Shri Bibhuti Mishra** : I beg to move:

(i) Page 2, line 4—

after “such” insert “integrated” (9)

(ii) Page 2, line 6,—

after “controlled” insert “integrated” (10)

(iii) Page 3, line 10,—

after “the” insert “integrated” (11)

(iv) Page 2, line 15,—

for “three” substitute “nine” (12)

**Shri C. Subramaniam** : I beg to move :

Page 2, lines 15 and 16,—

for “three months” substitute “four months” (25)

**Shri Bibhuti Mishra** : I beg to move :

That in the amendment proposed by Shri C. Subramaniam, printed as No. 25 in List No. 3 of amendments,—

for “four months”, substitute—  
“twelve months” (29)

**Shri Sinhasan Singh** : I beg to move:

Page 2,—

after line 13, insert—

“Provided that if there is difference in the Central price and the post harvest price, the latter price would be paid.” (33)

**Shri Bibhuti Mishra** : I beg to move :

(i) Page 2,—

after line 13 insert—

“Provided that no such order shall be made against any bona fide grower of foodgrains or edible oil-seeds or of any other commodity.” (49)

(ii) Page 2,—

after line 13, insert —

“While fixing the price the Government shall take into consideration the level of prices of other essential commodities.” (50)

**Mr. Deputy-Speaker** : Now, these amendments and clause 2 are before the house.

**Shri Ram Sewak Yadav** : (Barabanki) :] When shall we take up the half an hour discussion ?

**Shri Bhagwat Jha Azad** : Either we shall have it today or if there is any other day available, we are prepared to shift it.

**Mr. Deputy-Speaker** : We have to find out; we will give you some day this week.

**Shri Umanath (Pudukkattai)** : I has been stated, Sir, that all the dates are booked so far as half an hour discussions are concerned. If it is postponed it will not definitely come up. I have ascertained from the Secretariat.

**Mr. Deputy-Speaker** : We will find out the position and give you the date.

**Shri Tyagi** : How much time have you given for the clause-by-clause discussion ?

**Shri Ram Sewak Yadav** : From what has been said just now, it appears, it will not be coming up for discussion.

**Mr. Deputy-Speaker** : We will find out.

How can I say ?

**Shri Ram Sewak Yadav** : It is better to do it just now.

**Shri Umanath** : I have approached the Secretariat, and they told me definitely that all the dates are booked; if you put it off, then you will be helpless; you cannot give any date; later and the session will be over. Then there will be some misunderstanding . . . .

**Mr. Deputy-Speaker :** I shall find out.

**श्री सिंहासन सिंह :** उपाध्यक्ष जी, अभी जो माननीय मंत्री जी ने उत्तर दिया उस से कुछ इस विधेयक के संबंध में वातावरण में तब्दीली हुई। लेकिन आप ने इस क्लॉज 3 पर जो अमेंडमेंट दिया है कि 5 क्विंटल तक बरी किया जायगा वह हमारा ख्याल है काफी नहीं है। वह तो आप ने 6 में किया है कि कान्फिस्केट नहीं करेंगे, पर प्रोक्योर करने में किस को अपने चंगुल में लेंगे यह नहीं बरी किया है। छोटे काश्तकारों को, बड़े काश्तकारों को जो कि मजबूरन बाजार में चल जाते हैं बेचने के लिए उन के संबंध में क्लॉज 3 में कहीं पर कोई बरीयत नहीं है कि इतने हद तक काश्तकार की चीजों को आप उठाने नहीं जायेंगे। नतीजा यह होगा कि 5 क्विंटल की माप तो रहेगी, उन से तो नहीं प्रोक्योर करेंगे, 5 क्विंटल क्या होता है, साढ़े बारह मन, तो साढ़े बाहर मन तो आप बरी करेंगे, आज कल मेजारिटी आफ काश्तकार भागवत झा आजाद ने बताया कि 20-25 बीघे वाले भी अपने खाने भर से महरूम रहते हैं, फिर उन्हें अपने बलों को और मवेशियों को भी खिलाना होता है, तो उन को भी आप ले लेंगे, चंगुल में, बरी नहीं करेंगे तो परिणाम यह होगा कि आप के छोटे छोटे अधिकारी जा कर इन्हीं छोटे छोटे काश्तकारों को पकड़ा करेंगे, वह बिरला भाई के घर में नहीं जायेंगे, उन्हीं के यहाँ जायेंगे, कहेंगे लाओ, नहीं लाते तो रुपया लाओ.....

**श्री त्यागी :** आप का कोई अमेंडमेंट है ?

**श्री सिंहासन सिंह :** 5 क्विंटल बरी करने का गवर्नमेंट का है। मैं गवर्नमेंट से अनुरोध करता हूँ। अब तो इस पर कोई अमेंडमेंट देना तो वह बेईमानी होगी और गवर्नमेंट मानेगी नहीं, इसलिए मैं आप से ही अनुरोध करूंगा कि क्विंटल के बजाय 25 एकड़ कर दें तो काफी राहत होगी।... (व्यवधान)

अमेंडमेंट से कान्फिस्केशन से बचा, लेकिन लेवी से नहीं बचा। आप का अमेंडमेंट इतनी होशियारी से भरा हुआ है कि कान्फिस्केशन से बचा लेकिन जो लेवी होगी.....

**Shri C. Subramaniam :** Now we are discussing clause 2, with regard to the price.

**श्री सिंहासन सिंह :** तो क्लॉज 2 में आप ने कोई एग्जम्पशन किसी काश्तकार को नहीं दिया।

Clause 2 is the parent clause about levy. In that clause, you are not exempting any producer of whatsoever category he might be. He may be a producer with five acres, 10 acres or even 100 acres or 200 acres of land; you are not exempting anybody. What you are exempting by your amendment is only to the extent of five quintals, which means.....

**Shri C. Subramaniam :** Five quintals do not come here at all.

**Shri Sinhasan Singh :** In relation to section 6, your amendment provides that no concession will be made to the food growers. But there is clause 3 in which there is reference to levy. Where your authorities are going to levy, you are making no exemption. And when there is no exemption, what will happen? All the tahsildars and all the BDOs will fall upon the poor and they will have to pay something in cash or kind to get their skin saved. (Interruption). You have not exempted them and so you must provide some limit. I submit that you can alone solve the problem. It should not be solved by confiscation. I request you to bring in some amendment to that extent, namely, that there will be no procurement and no levy from a farmer or cultivator. Unless you have that exemption, there will be trouble. In the 1962 elections, the co-operative farming proved a hell for the Congress people. The opposition

went and told the small cultivators that through co-operative farming, the Congress will take all their land, just as they took over the zamindari lands. It went very much against us. Similarly, if this clause is adopted, there will be hell upon the Congress and we will find it very difficult to face the electorate. So, for God's sake kindly give some exemption.

Clause 2 says, in sub-clauses (1) and (2) that the controlled price and post-harvest price will be taken into consideration while fixing the price to be paid to the cultivator. If there is a difference between the controlled price and the post-harvest price, which is the price to be paid? That is why I have moved my amendment 33, which provides that if there is any difference between the controlled price and the post-harvest price, the latter, i.e., post-harvest price will be paid to the cultivator. Generally the controlled price will be less than the post-harvest price. If my amendment is accepted, it will solve the problem. But after that, the Minister must bring in an amendment providing that this will not affect the producers or cultivators who own, say, less than 25 or 30 acres of land. Unless he brings forward such an amendment, there will be great trouble. Only the Minister can do it; nobody else can do it. So, I request him to bring forward such an amendment. Otherwise, there will be great trouble.

**श्री विभूति मिश्र :** मेरी जो एमंडमेंट है वह इन्टेग्रेटिड प्राइस किसान को देने के बारे में है। इस को कांग्रेस आर्गेनाइजेशन ने माना है कि किसान को इन्टेग्रेटिड प्राइस दी जाए। मिनिस्टर साहब ने कहा है कि हम इन्टेग्रेटिड प्राइस देना चाहते हैं। चार महीने के अन्दर धान की कटनी शुरू होती है। नवम्बर, दिसम्बर, जनवरी, फरवरी के चार महीनों में कीमतें कम रहती हैं और इसके बाद से कीमतें बढ़ती हैं। जब कीमतें कम होती हैं तब सरकार फायदा उठाना चाहती है और बनिया भी फायदा उठाना चाहता है। दोनों ही फायदा उठाते हैं। सरकार और बनिया

दोनों इस मामले में एक हो गए हैं। जिस भाव पर बनिया उस समय हम से खरीदता है उसी भाव पर सरकार भी खरीदना चाहती है। मंत्री महोदय कहते हैं कि हर तरह से किसान को हम सहूलियत देंगे, इन्टेग्रेटिड देंगे, प्राइस स्पोर्ट देंगे। प्राइस स्पोर्ट के माने यह है कि कीमत नीचे चली जाए। जब आप एक बार कीमत तय कर देते हैं तो स्टेट गवर्नमेंट उसी कीमत पर खरीदना शुरू कर देती है। चूंकि उनके पास ज्यादा पैसा तो होता नहीं है इस वास्ते वे उसी दाम पर किसान से गल्ला लेती हैं। इसलिए मैं चाहता हूँ कि मेरी जो एमंडमेंट है उसको मान लिया जाए।

मंत्री महोदय यहां आश्वासन दे देते हैं। लेकिन उन से काम नहीं चलता है। जब हम डिस्ट्रिक्ट मजिस्ट्रेट के पास जाते हैं तो वह हमारे सामने कानून रख देता है और कहता है कि यह आपका पास किया हुआ है। इस में कहीं कोई आश्वासन नहीं लिखा हुआ है और मैं कुछ नहीं कर सकता हूँ। इसलिए मैंने जो एमंडमेंट रखी है कि नौ महीने की एवरेज प्राइस आप दें, इसको आप मान लें। अगर नौ महीने की बात आप नहीं मानते हैं तो कम से कम छः महीने तो रखें ताकि किसान के साथ न्याय हो सके। पहले चार महीने तो कीमत बहुत कम रहती है। अगर आपने इसको इस तरह से पास किया तो कांग्रेस वालों को बड़ा नुकसान उठाना पड़ेगा। इसलिए चार महीने के बजाय छः महीने वाली बात को मान लिया जाए तो भी अच्छा रहेगा।

**Shri Rane :** Sir, clause 2 says that the price that is to be paid to the person from whom foodgrains etc. are seized is to be generally the post harvest period, price and this term "post harvest period" is defined in it. My amendments seek to remove this "post harvest period" etc., and simply say that it should be an equitable and fair price. Secondly, it seeks to provide that the fair price shall not be

[Shri Rane]

less than the controlled price and more than the prevailing market price.

If you look at section 3(3) of the original Act, it accepts, it recognises the principal of market. My submission is that there is no reason why a deviation or departure from that principle should be made now. At least the hon. Minister has not given any reason why such a deviation or departure has been made. As I have submitted in my speech, the Government is trying to requisition the foodgrains from farmers at the lowest price because the lowest price always prevails in the post harvest period. Therefore, I feel that my amendment should be accepted.

It is gratifying to note that the Minister stated that the farmers should get remunerative and incentive prices. My regret is that for the last so many years, as I have said in my speech, even though several committees have made this recommendation, it has not been brought into implementation. I am afraid even the Minister's assurance, the assurance he has given now, that the farmers should get remunerative and incentive price, will not be implemented. I submit, for the last 23 to 25 years the agriculturists have been getting practically a fixed price. I submit that justice should be done to them and my amendment should be accepted.

**Shri Himatsingka (Godda) :** Mr. Deputy-Speaker, Sir, I just want to invite the attention of the hon. Minister to one point. I want to know whether this clause, as it stands, will not be hit by articles 13 and 14 of the Constitution. It is said here : "any person is required by order to sell". There is no rational basis for the order being made. What will be the basis of the order which can be made against a person ? It will be arbitrary. Therefore, it will be hit under the Constitution. I feel there must be some rational basis fixed on the basis of which the order may be made applicable to all the persons

who come within that clause. Other wise, I am afraid, this clause will be hit by the Constitution.

**Shri Shivaji Rao S. Deshmukh :** Mr. Deputy-Speaker, at the outset, I must confess that it is with a deep sense of sympathy with the hon. Minister that I rise to offer my remarks on clause 2 of this Bill. My sense of sympathy seems to be heightened because the Essential Commodities Act itself is the baby of the Commerce Ministry and the hon. Minister being in charge of both Food and Agriculture seems to move this amending Bill because it affects food and also because it affects agriculture.

But I must really tell at the outset that it affects very adversely the interests of the agriculturist and it does not in any way go even a step in helping the interests of the consumers. Price in our country has assumed priceless importance and because there has been break-through of the prices of so many commodities aimed at whereby we propose to take the society forward, the nation is lost in utter confusion. The Essential Commodities Bill speaks of so many varieties of commodities as being essential ; so many varieties of articles are claimed to be essential for the society as a whole ; yet, not one of them is claimed by any Ministry to be solely the object of procurement at the hands of Government, at the hands of the agencies, or authorities mentioned by the Government. So, an arbitrary provision is thought of that merely seeks to caution. When the Minister expressed appreciation of the difficulties with which the agriculturists are faced with, the house felt that the Government will endeavour to give to the agriculturist a remunerative price, but the Bill is silent on the issue of prices. The hon. Minister does not mince words when he says that the prices that are legitimately to be given to the agriculturists should be remunerative prices. But when it comes to fixation of prices, the word "re-

munerative" is suddenly lost sight of by him, and the Minister brings forward a provision to confer arbitrary powers on authorities who have so far been reluctant [to give any price whatsoever to the agriculturist or the community in the interests of the society. Therefore, I am opposed to this. I feel that the Minister should take into account his solemn assurances time and again to the House, the solemn resolution of this very House, the solemn intention of this House, to give the agriculturist a remunerative price. I do not understand what stops the hon. Minister from incorporating the words as has been suggested by Shri Bibhuti Mishra, "integrated or at least remunerative" so that that will be the price for the agricultural commodities, when they are taken from the possession of the agriculturists.

Then, I just wish to show one legal anomaly that would be incorporated in the Essential Commodities Act if this section stands as it is. Section 3 and 3A speak of market price. Section 3B also speaks of market price; but, it is anyhow lost in the post-harvest complications.

I would suggest that if this price issue is to be taken from the woods in which it seems to have been lost, the only possible way is,—leave aside whether they are remunerative or not; leave aside whether they confer any benefit on the agriculturist or not—purely from the principle of economics, this market price should have been calculated on the basis of the day the agriculturist sows his seeds on the land, and the Minister seems to have lost sight of that, and in the so-called verbiage between the harvest period and post-harvest period and the cultivation period and sowing period the agriculturist will lose on all sides. I would request the Minister to look into this and suggest suitable amendments to protect the interests of the agriculturists.

**Shri Bhagwat Jha Azad :** I want to have one or two clarifications on this clause. When we discussed this point in the morning on general principles and the Minister

replied, I presumed that post-harvest price means a reasonable remunerative price to the farmer. It will start one fortnight after harvest and continue for some months. I do not agree with the suggestion of Shri Bibhuti Mishra of a period of six months because that will not be of benefit to a large number of farmers; it will help only those big farmers who can hold their stocks for six months or more, not the small farmers. So, I presume, if it is to be a remunerative price to the farmer, it should be counted not immediately after the harvest, but it should be starting one fortnight after the harvest to four months. If that is so, I hope that will be properly counted. So, I do not see very much argument in the suggestion for six months.

Secondly, the Minister has been very kind to agree to the demand which has been made so forcefully this morning that it should not apply to the producer on land, but it should apply to profiteers and anti-social elements. But the order makes reference to sale of any grain. What does it mean? Does it mean that there will be no confiscation from the producer yet there will be an order passed by the authority saying to the farmer that beyond this stock the surplus you will have to sell to the Government? If it means so, does it mean that the Government can fix it like that, that you cannot have more than this. For example, I have got about 10 or 15 acres of land. Does it mean to say, you cannot give more than 25 maunds, that is to say, 5 or 10 quintals? If it means so, I am sorry the Minister will have to tell us how far does he say will be allowed to a farmer beyond which there will be an order issued.

**Mr. Deputy Speaker :** He may try to conclude now.

**Shri Bhagwat Jha Azad :** As my friend, Shri Himatsingka said, there should be a rational basis for that. If my elder brother who did not believe in family planning has got a family of twelve mem-



[Shri Bhagwat Jha Azad]

bers and if he is allowed only 5 quintals, how will he carry on? You must have reasonable enough to eat for the whole year : you should have enough to cultivate the land next season; you must have enough for seeds and then you must have enough winter clothings and all that. If I have got enough, then let the Government take it over.

**Mr. Deputy Speaker :** The hon. Member should conclude now.

**Shri Bhagwat Jha Azad :** As my friend, Shri Sinhasan Singh said, if it is only 5 quintals, then the Minister should make it clear in the House what does he mean by it. There should be a rational basis for that, to allow a farmer to have enough to fulfil his needs. If he has twelve members in his family, it should be more and if he has less number of members, it should be less.

**Mr. Deputy Speaker :** He must conclude now.

**Shri Bhagwat Jha Azad :** I will not submit to these bells ringing every one minute.

**Mr. Deputy Speaker :** You have taken five minutes.

**Shri Bhagwat Jha Azad :** I will take another five minutes.

**Mr. Deputy Speaker :** I am sorry there is no time.

**Shri Bhagwat Jha Azad :** I resent the bells ringing every minute. It is surprising. It concerns us ; it concerns the entire country. You are pressing the bell every time. I resent this.

So, I was requesting the hon. Minister to consider this very seriously and sincerely as to what will happen to a farmer like me who has got twelve members in the family. If you allow only 5 quintals—I do not know what you will put—if it means anything like that, I would request you to kindly put a rational basis for the

order to be issued. If he has got 5 members, let him contribute more to you and if he has got 12 members, let him contribute less to you. I would request you to clear this point. If there is an order to be issued, that should be on rational basis.

**Shri Sonavane :** Sir, I have failed to understand why Mr. Subramaniam has piloted this Bill. Mr. Manubhai Shah who thought of this Bill is not here. So, Mr. Subramaniam has to face all this music. However, if the Bill had been originated from his hands, I think, things would have been much brighter.

I would come to the provisions about the pricing. The Commission that was appointed under the chairmanship of Mr. Dantwala created lot of hopes among the farmers. But as my friend, Mr. D. S. Patil has said, he has proved his name, that is, he has shown only his teeth, not anything else. At least, at this stage, we expect that our hon. Minister who is very sincere and who is working very very hard along with his colleague would improve the lot of farmers and increase the food production. Even at this late stage, let him suggest any change in the wording regarding the price that is to be paid to the farmer. All that is there in clause 2 is vague. There is the word 'controlled price'. Controlled price on what basis? That is one thing. Then, it is said, 'prevailing or likely to prevail during the post-harvest period'. These are all vague terms and the Explanation that is also there seems to be very vague. We find that the explanation is that the term 'post-harvest period' in relation to an area means a period of three months beginning from the last day of the fortnight during which harvesting operations normally commence. This is all vague and leaves a lot of scope for the executive and the small *talasi* etc. Therefore, there is no definiteness.

There is one other aspect which has been emphasised by several Members and it is this. Whenever the produce from the agriculturist comes into the market, immediately the private traders slump down the prices. To give a recent example, groundnuts were being sold at Rs. 150 to 165 per quintal. After about two days, the price came down to Rs. 110. Within a couple of days, it came down to Rs. 50 a quintal.

**Shri Himatsingka :** Why?

**Shri Sonavane:** Why it came down is a different matter. That is the work of these private traders who are at the neck of these farmers. The private traders have got all the control along with those rich people who have got the capacity to hold on to the stocks. I shall leave this matter at that. But I would submit that Government should think over the matter. The period for fixing the price should be not the post-harvest period but the pre-harvest period. That is what I would like to submit from my experience. The pre-harvest period is the proper period. As Shri Shivaji Rao S. Deshmukh has suggested, it is the sowing period which is the proper period; when the farmer, sows the seeds, he expects some results and some price for his produce; he calculates that price according to the inputs and he puts those inputs and then he takes into account the labour etc. If the post-harvest period is taken into account, that is to say, the period after four or five months since the harvest period is over, then the traders will bring down the prices and the farmers will stand to lose. The traditional poverty of the farmers is well known. I hope the hon. Minister will do well to substitute the word 'pre' instead of 'post' in the Bill. With these words, I would request him to do something for the farmer.

**Shri C. Subramaniam :** For the purpose of appreciating the scope of the Bill it should be understood that this is only an amending Bill seeking to amend a parent Act. Therefore, you will have to

look into the parent Act and see what its provisions are. In an amending Bill of this nature you cannot amend some of the clauses in the parent Act unless it be that they are taken up specifically for amendment in this Bill.

As far as the point made by Shri Bhagwat Jha Azad is concerned, I would request him to look into section 2(2) (f) of the parent Act. It is with reference to that that we are making this provision here that when such an order is made, what price should be paid. Therefore, I am not amending section 3 (2) (f). I am only taking a consequential action arising out of the application of section 3 (2) (f). If my hon friend wants section 3 (2) (f) to be amended, then that is a separate matter and that could be considered. What is happening now is only this. Under section 3 (2) (f), for requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to the Central Government or the State Government, to an officer or agent of such Government or to such other person, an order can be passed.

The question of levy or procurement varies from State to State. In certain States they have fixed five acres as the basic minimum below which no levy would be there. Andhra Pradesh has fixed only one acre of irrigated land because one acre of irrigated land there yields perhaps much more than two or three acres in Bihar. Therefore, it varies from State to State. Therefore, that is taken care of in fixing the levy. The basis of the minimum holding below which there should not be any procurement has been taken care of, and a system has been evolved from State to State and from region to region also, taking into account the fertility of the soil and the productivity of the land and so on. All those factors have to be taken into consideration. Therefore, it cannot be a blanket five acres or a blanket ten acres.

What we are now considering is what price should be paid to a person who is

[Shri C. Subramaniam]

called upon particularly after the post-harvest period to part with his stock; or rather, the question is what price should be paid to a person who is holding on to the stock, when he is called upon to part with it. It is in that context that we have to look into this. My hon. friend Shri Bibhuti Mishra has brought forward an amendment saying that it should be the integrated price. When we use the term 'integrated price' it should mean something. We should define the term 'integrated price'. Otherwise, if we merely say 'integrated price' it will not mean anything. My hon. friend Shri Rane has said that it should be 'fair price'. That also does not indicate anything. It is important to know how we were dealing with this matter before this amending Bill came.

We were using the DIR for this purpose. This was the provision made in the Defence of India Rules which we have been using since 1962:

"...maximum price, if any, fixed by order under in cl. (c) or by or under any other law for the time in force for the grade or variety of foodgrains, to which the order under this clause applies"; and

"the price for that grade or variety of foodgrains prevailing or likely to prevail during the post-harvest period in the area to which the order applies".

It simply says 'post-harvest'. I have now given a definition to 'post-harvest'. As a matter of fact, the application was—I am told—post-harvest; they took the lowest figure during the post-harvest period and applied and fixed the price. On the other hand, we have made it a little more reasonable by taking the average price. Therefore, you have to take the background of what we have been using so far, what are the provisions we have been using so far and whether we have improved upon it or not. I am not saying that it cannot

further improved upon. We can always go on improving, but as it is, this is the best provision we could think of.

**Shri Sonavane:** I would like to know whether it is not possible to say 'pre-harvest', instead of 'post-harvest' (*Interruption*).

**Shri C. Subramaniam:** If it is pre-harvest, it would be the highest price. Therefore, I will have to give more during the harvest season. Therefore, in the next harvest season, instead of starting at a lower figure, the pre-harvest price will be the starting point for the harvest season. Then it will go on increasing during the leaner season. Hence it will go on escalating from season to season and we will not see the end of it. We have got to see that after the post-harvest period, the prices have got to come down, and if we say it is the same price, then it will only lead to escalation. Therefore, what I am doing now is, as a matter of fact, rationalising what already existed, nothing more than that, and making it a little more reasonable. Hence I respectfully submit that what we have done is good enough for this purpose.

I am sorry I am unable to accept any of the other amendments. I would request the House to accept the amendment I have moved.

**Mr. Deputy Speaker:** Is Shri Rane pressing his amendment No 2?

**Shri Rane:** I seek leave of the House to withdraw it.

*Amendment No 2 was, by leave, withdrawn.*

**Shri Bibhuti Mishra:** I am not withdrawing my amendments.

**Mr. Deputy Speaker:** I shall now put amendments Nos. 9, 10, 11, 12, 29, 49 and 50.

*Amendments 9 to 12, 29, 49 and 50 were put and negatived.*

**Shri Sinhasan Singh:** There is no question of pressing my amendment. I

only wanted to say this. The word he has used is the average price. There are two criteria for fixing the price. One is the post-harvest price....

**Shri C. Subramaniam** : As a matter of fact, I can tell him that it will not be advantageous to the producer. He says, 'post harvest price'. The post harvest price is likely to be lower and therefore, I do not think he is giving an advantage, but is making it more disadvantageous to the producer.

**Shri Sinhasan Singh** : You say which ever is higher.

**Shri C. Subramaniam** : That is already there. If the control price is higher, he will be paid the higher price.

**Shri Sinhasan Singh** : I seek leave of the House to withdraw my amendment.

*Amendment No. 33 was, by leave, withdrawn.*

**Mr. Deputy-Speaker** : I shall now put Government amendment No. 25. The Question is :

Page 2 lines 15 and 16,—for "three months" substitute "four months" (25)

*The motion was adopted.*

**Mr. Deputy-Speaker** : The question is :

"That clause 2, as amended, stand part of the Bill".

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

**Clause 3**—(Insertion of new section 6A to 6D)

**Mr. Deputy-Speaker** : There are government amendments Nos. 26 and 48.

**Shri C. Subramaniam** : I am not moving 26, but I will move a substitute motion for that.

I wish to move my amendment as circulated just now with some corrections. I beg to move :

Page 2—

*after line 28 insert—*

"Provided that, without prejudice to any action which may be taken under any other provisions of this Act, no foodgrains or oilseeds seized in pursuance of an Order made under section 3 in relation thereto from a person engaged in the production of such foodgrains or oilseeds shall be confiscated under this section." (48)

**Shri Shree Narayan Das** : I beg to move :

(i) Page 2.—

*after line 28, insert—*

"Provided that at the time of seizure the owner of such articles or the person from whom they are seized shall be supplied with a copy of the order made under section 3 in relation thereto together with quantity of articles seized." (16)

(ii) Page 2,—

*omit lines 39 to 41. (18)*

(iii) Page 3, line 16,—

*after "Government" insert—*

"with reasonable interest calculated from the day of the seizures of articles". (23)

(iv) Page 3, lines 3 and 4

*for "appeal to the State Government concerned and the State Government may".*

*Substitute—*

"appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall" (43)

**Shri Bibhuti Mishra** : I beg to move :—

(i) Page 3,—

*after line 18, insert*

"(3) If any employee or officer either of the State Government or of

[Shri Bibhuti Mishra]

the Central Government is found to have knowingly harassed any cultivator in seizing his foodgrains, edible oilseeds or edible oils he would be suitably dealt with by the competent court.”(24)

(ii) Page 2,—

after line 41, insert—

“Provided further that only gazetted officer shall be eligible to enter the house or the godown of a person to seize foodgrains, edible oilseeds or edible oils”. (51)

**Shri Hem Raj** : I am moving the second part of my amendment.

**Mr. Deputy-Speaker** : Amendment No. 26 has not been moved. So, it is out of order.

**Shri Hem Raj** : I want to move amendments 36, 37. I beg to move.

(i) Page 3, lines 3 and 4,—

for “appeal to the State Government concerned and the State Government”

*Substitute—*

“appeal to the principal civil court of original jurisdiction of the area concerned and the court” (36)

(ii) Page 3, lines 3 and 4,—

for “appeal to the State Government concerned and the State Government”

*Substitute—*

“appeal to the sub-Judge or Judicial Magistrate of the area concerned and the sub-Judge or Judicial Magistrate” (37)

**Mr. Deputy-Speaker** : Mr Subramaniam, please note.

**Shri C. Subramaniam** : What is the amendment ?

**Shri Yallamanda Reddy** : Delete the words ‘person engaged in production’ in your amendment.

**Mr. Deputy-Speaker** : And he wants to add the following between ‘foodgrains’ and ‘shall’— produced by him.

**Shri Yallamanda Reddy** : Instead of ‘person engaged in production’ I want to insert ‘producer, and after the ‘foodgrains’ to omit these words ‘engaged in production’.

**Mr. Deputy-Speaker** : That is one; the second amendment is to insert the following between foodgrains and shall— ‘produced by him’.

**Shri Shree Narayan Das** (Darbhanga) : My amendment is also there. In the amendment proposed by the Minister at page 2, after line 28, I suggest the following amendment : In line 3 of the proposed amendment, after ‘foodgrains’ insert ‘will be’ ; in line 5, after ‘foodgrains’ insert ‘and if seized’ and in line 5, after shall insert ‘not’.

**Shri Yallamanda Reddy** : I beg to move :

That in the amendment moved by Shri C. Subramaniam, printed as No. 48 in List No. 11, of amendments,—

(i) delete the words “a person engaged in the production” and insert—“a producer”; and

(ii) add the following in between “foodgrains or oilseeds” and “shall”—

“produced by him” (52)

**Shri Shree Narayan Das** : I beg to move :

That in the amendment moved by Shri C. Subramaniam, printed as No. 48 in List No. 11 of amendments,—

(i) in line 3,—after “foodgrains or oilseeds”, insert—“will be”; and

(ii) In line 5,—after “foodgrains or oilseeds” insert—“and if seized”; and

(iii) In line 5,—after “shall” insert “not”. (53)

**Mr. Deputy-Speaker :** These amendments and the clause are before the House for discussion.

**Shri Shree Narayan Das :** Sir, I have moved these amendments only to safeguard the interests which are jeopardised by the action of the administrative officers. This Act is, I think, necessary in view of the prevailing circumstances in the country because there is shortage of certain commodities but the whole difficulty lies in the administration of the Act as it is to be done by the State Governments and all the powers for the administration of this Act are generally delegated to lower levels ; police officers are asked and certain block level officers are also entrusted with that task. Therefore, I have, moved amendment No. 16 that a proviso be added to the proposed section 6A and that proviso says that the officer who seizes it shall give a copy of the order. Articles are seized and they are taken to the police station or somewhere else and no proof is given to the owner of the articles or of the foodgrains or the person from whom things are seized; no proof is given about the quantity seized. Arbitrarily the officer says that these things are in contravention of the order issued by the Government. Therefore, I say that the officer who seizes the articles should also supply a copy of the order under which articles are seized. If this proviso is accepted, it will prevent hardships caused by these officers who are entrusted with the administration of the work generally. Some articles are prohibited ; the police seizes those articles and after some-time, it happens that though they had seized 15 maunds of foodgrains, they will show seven maunds as having seized. I want to prevent such type of corruption coming in. I would request the hon. Minister that in the interest of good administration of the Act this should be accepted.

My amendment No. 16 reads like this :

“Provided that at the time of seizure the owner of such articles or the persons from whom they are seized shall be supplied with

a copy of the order under section 3 in relation thereto together with the quantity of the articles seized.”

If this is not accepted, I think the officers of the Government who seize the articles will just manipulate very many things. I think this hon. House should take cognizance of this and I think also that this amendment of mine will lead to the good administration of the Act and will prevent corruption at the levels where it generally prevails. This is my first amendment.

18 hrs.

My second amendment, No. 18, is to omit lines 39 to 41 at page 2 of the Bill. This is in the proposed section 6B. This section says :

“No order confiscating any foodgrains, edible oilseeds or edible oils shall be made under section 6A unless the owner of such articles or the person from whom they are seized—.....

(c) is given a reasonable opportunity of being heard in the matter :

This is the provision which is going to be made. But there is a proviso after this clause :

“Provided that the notice referred to in clause (a) or the representation referred to in clause (b) may, at the request of the person concerned, be oral”

So, I suggest that instead of this oral notice given by the police officer to the owner of the articles from whom these articles have been seized, a written notice should be given. Otherwise, this oral order will be not of any avail when the cases are taken up in the court. Therefore, I would suggest that this proviso should be omitted and there should be in every case, either in the case of sub-clause (a) or sub-clause (c) a reasonable notice given to the owners or from the person from whom the articles are seized, in writing.

**Shri C. Subramaniam** : What about the representation ? Does he insist that it should be a written representation ?

**Shri Shree Narayan Das** : Certainly the representation to the Collector will always be in writing. Oral notice would be of no avail.

**Shri C. Subramaniam** : Oral notice I agree I am asking about the representation.

**Shri Shree Narayan Das** : Representation should be made to the Collector in writing .

**Shri Ranga** : It should be in writing . Otherwise, this will lead to mischief.

**Shri C. Subramaniam** : What is the amendment about the proviso ?

**Shri Shree Narayan Das** : It is No. 18. Now, my third amendment is amendment No. 23 which says :

Page 3, line 16, after "Government",  
*insert*

"with reasonable interest calculated from the date of the seizure of articles."

In case the articles are seized there is prosecution for the [contravention of the order and the person is acquitted after the confiscation if it is proved that the confiscation was not made on good grounds, these articles are to be returned. Suppose there is a lapse of six months or a few months ; in the case of innocent persons the police seizes some foodgrains or any other article on the ground that it is a contravention of the order and in the end, after consideration given by the Collector it comes to notice that this seizure was not in contravention of any order, in that case, the trader or the producer, whoever he may be, should be given at least some interest on the price that should be paid to him. After the articles are seized there may be a lapse of six months or seven months or eight months. I, therefore think

that there should be a reasonable interest paid to him. I think that this amendment is therefore necessary.

**Shri C. Subramaniam** : Suppose the material itself is returned, then ?

**Shri Shree Narayan Das** : Suppose the articles seized have not been confiscated by the Collector and the Collector has said that there is no contravention of any law and in case prosecution is started and that man is acquitted, in that case, the price should be paid to him for the seizure of articles. My contention is that there is a lapse of eight to ten months. If he is an innocent person and his articles were seized, Government should pay some reasonable interest to him.

**Shri C. Subramaniam** : If the foodgrains are returned to him ?

**Shri Shree Narayan Das** : Then, there is no question. My amendment applies only when the price is paid to the farmer, not when the foodgrains are returned.

**Shri K. N. Tiwary** : Suppose the foodgrains are confiscated and it takes one year. It will get rotten. What will be the position then ?

**Shri C. Subramaniam** : They will dispose it off, it will not be allowed to get rotten.

**Shri Shree Narayan Das** : If the person is acquitted and the price is paid to him, some reasonable interest should also be paid, because he was victimised.

My last amendment is No. 43. The appeal against the confiscation order is going to be made to the State Government. Foodgrains will be taken from a large number of persons and every time a person will have to go to the State capital That is unnecessary and too harsh. So, this appeal should be dealt with at the district level at least. Some judicial authority at district level should be authorised to deal with this matter. Otherwise, it will be a

great hardship for ordinary persons to go to the State capital every time. Hence I have moved this amendment.

**Shri Bibhuti Mishra :** Sir, my amendment No. 51, is the simplest amendment. It provides that :

“ Provided further that only a gazetted officer shall be eligible to enter the house or the godown of a person to seize foodgrains, edible oilseeds or edible oils”

I have seen that petty officers go and harass the members of the house, for which there is no justification. So, I want that only a gazetted officer should enter into the house of any grower. He will be responsible officer and the householder may be satisfied that a gazetted officer has entered into his house and nothing has been destroyed in the house. This is the simplest amendment and I hope the Minister will accept it.

**Shri Ranga :** Sir, I hope all my amendments have been treated as moved. . .

**Mr. Deputy-Speaker :** I am sorry. There is no authority for me to authorise another person to move the amendments on his behalf. That was a mistake I made. If he wants to speak on his amendments, he can do so. If the Minister is prepared to accept any amendment I have no objection.

**Shri Ranga :** A number of my amendments are more or less the same as the amendments moved by my Congress friends. The points they have urged are common to us all. In addition, I only want to say this.

So far as the peasants are concerned, there are certain powers that the State has got to assume and exercise in order to protect the peasants from those who are in a position to exploit them. So, to that extent, I have always been pleading for State protection, State regulation and State activity. But that does not mean

that the Government should go to the extent that they have been going till now.

In regard to this particular matter, the question of confiscation, let me say, that I have already brought it to the notice of the House, that whenever these people who are known as ‘head-loaders’, people who carry these loads on their heads, see the police, the moment they see the police they get so much frightened, except when they are in parties of ten or fifteen, especially when they are only two or three, that they simply leave their bags and run away. The police do not give them any receipt. They take possession of the foodgrains thus left by those poor people and make it their own. This is happening in so many places, in my own constituency. I brought it to the notice of the Collector that such things were happening in Punganoor and various other places, but little was done. We were told that the head-loaders were not going to be harassed, but they continue to be harassed. Secondly, there are so many peasants who are obliged to bring their foodgrains from one taluka to another. They own lands in one area and live in another area. They are also prevented from taking the foodgrains. The police go over to them and take possession of the foodgrains, their bullock-carts and also the bullocks. With very great difficulty they are able to get their bullock-carts and bullocks released after bribing the police officers and having gone through so much trouble of bringing so many other people for standing surety. Then alone their bullocks and carts are released. The foodgrains are kept by the policemen at the police station. In many cases receipts are not given and no accounts are kept. If someone asks, they say these are being confiscated. I shall not be surprised if in many cases they become the private property of policemen. The peasants and owners get no relief at all. That is one of the reasons why we do not want this power of con-



[Shri Ranga]

fiscation to be on the statute-book at all.

If it must be kept, if some punishment has to be provided for, if some provision is to be kept in the statute-book in order to discourage many people from going against the law, then I have offered to make a concession saying that not more than one-eighth should at any time to be confiscated. If by any chance anyone is proved to have done wrong wilfully and knowingly, don't you think that confiscating anything more than that would be unconscionable. Confiscation itself is wrong, especially in this country, where foodgrains are concerned, where peasant are concerned, where farmers are concerned.

**Shri C. Subramaniam :** We have removed "peasants" altogether.

**Shri Ranga :** Very good. Then here are these farmers who own and cultivate less than 20 acres of land. I do not know what concession my hon. friend wants to make. But one thing is clear, that those who own less than 20 acres of land, on which they raise these foodgrains or edible oilseeds, should not be troubled by all these provisions and the rigours of this Act. They are owners, they are cultivators, they are the people.

**Shri C. Subramaniam :** We have completely removed "producers" without any limit.

**Shri Ranga :** I am glad that the Government are going to do it. Then there is the other question whether it should be oral or it should be in writing. It should be in writing, otherwise it will lead to a lot of mischief. I am glad my hon. friend agrees with it and I hope he will move the necessary amendment.

**Shri C. Subramaniam :** There is an amendment to that effect which I am accepting.

**Shri Ranga :** The other point is about appeals. To whom is the appeal to be made? Not to the Government. Then political influences will come.

It can be used rightly or wrongly. Those who have got some political pull would be able to get away, but those who are innocent, in competent and powerless, ignorant of the advantages of political power, they would have to suffer. Therefore, it is best that it should be left to the court. At what level the courts should be brought in, the district court or the munsiff court, is one where the Government can have their own view. They can move the necessary amendments. But I want them to agree to move the amendments and not leave it to the State Governments.

Then, my hon. friend was saying that if there is delay in paying the price for it after having disposed of the foodgrains, the interest should be paid. It is a small point.

What is most essential is, in many cases they take charge of the foodgrains, they do not pay much attention to the inclemencies of the weather and do not store the grains properly with the result that the grains get spoiled and it is not going to be of any use to the peasant when it is returned to him. So, there should be sufficient facilities for looking after the grains properly, or alternatively they should allow the peasant himself to keep it in his own godown, under lock and key, so that the peasant will look after the grains properly. If and when the case is settled, if it goes to the Government, it should be taken charge by them. If, on the other hand, Government need not take it over, it should be handed over to the peasant. So, let it be handed over to the peasant in good condition. Therefore, the peasant himself should be made responsible for it.

to the price to be paid it should be the market price. It should not certainly be less than the so-called guaranteed price. That is too low always. It should be the market price. On what date the market price be taken into account, that question may be left to the court. Whether it is to be the date on which the case is filed or the date on which the case is disposed of, we may leave it to the courts, but the price should certainly be the market price; otherwise, the peasant would suffer.

Let it be understood quite clearly that I am no apologist either for the middlemen, or for the factory owner, or for the very big people who want to make money, at the cost of the society as a whole. I am one with my hon. friend and I am second to none in my anxiety to see that foodgrains prices are such that they would be within the capacity of the general public in our country. But, yet, there are certain sections which are known as vulnerable sections, too poor people. So far as these people are concerned, till now the peasants have been exploited in order to see that the foodgrains prices are kept within the level at which the very poor people can purchase. The result has been that all the others above that level, their food consumption has been subsidised at the cost of the peasants. I want to put a stop to that. Then, what would happen to those vulnerable sections? It is the duty of the Government to subsidise their food consumption, and Government have accepted it as a principle as a result of the agitations that we have carried on for such a long time, by opening, what they call, price shops or cheap grain shops. That policy must be pursued in future and the whole of society has to pay the price or the subsidy or keeping the price within the level of the vulnerable sections. Subject to that, it is the duty of the Government to see that they pay well to the producers. It is not enough for my hon. friend, the Minister, to pay lip sympathy of remunerative price. The Government have to pursue such a policy, such a programme

as to ensure that the peasants get remunerative price. Till now it is a wish, it has been a demand from me, it has been a kind of wishful assurance on their side.

**Shri Sonavane:** It has been a demand from our side also.

**Shri Ranga:** I am speaking of the Government. It has been a wishful assurance on the part of the Government. Unfortunately, it has not yet become a fact. I do hope that my hon. friend would use his good offices, as well his strength, so long as he remains in this Ministry, to ensure that it does really become a reality.

**Shri Yallamanda Reddy:** Mr. Deputy-Speaker, Sir, what I am suggesting is quite simple and which really reflects the real idea behind the amendment moved by the hon. Minister. The amendment of the hon. Minister says:

“Provided that, without prejudice to any action which may be taken under any other provisions of this Act, no foodgrains or oilseeds seized in pursuance of an Order made under section 3 in relation thereto from a person engaged in the production of such foodgrains or oilseeds shall be confiscated under this section.”

I want to insert words ‘a producer’ in place of words ‘a person engaged in the production’ because ‘a person engaged in the production’ means that he may be a person engaged in the production and at the same time he may be a trader or a mill-owner. So, if you put it like this, the meaning has got some ambiguity. Therefore, I want that words ‘a producer’ should be put there. Also, after the words ‘of such foodgrains or oilseeds’ insert the words ‘produced by him’. I would like to bring to the notice of the hon. Minister that in Andhra Pradesh, almost all big landlords have got mills and they are the traders. In almost all big cities, they have 200 or 300 acres of land and at the same time....

**Shri C. Subramaniam:** I accept your amendment; no more argument.

**Shri Yallamanda Reddy:** Thank you.

**Shri Bade:** I am happy that the hon. Minister has accepted Shri Shree Narayan Das's amendment, that is, "omit lines 39 to 41" That provision has no meaning at all. There will be ambiguity and more hardship to the people going before the police....

**Shri C. Subramaniam:** It is to the Collector.

**Shri Bade:** I request the hon. Minister to accept the other amendment of Shri Shree Narayan Das, that is, "app 1 to any judicial authority appointed by the State Government concerned and the judicial authority." If he accepts that I will be thankful to him for that. The doors of the courts are very congenial and very democratic. I would request the hon. Minister to accept this amendment.

**Shri Sonavane:** Sir, these provisions are very far-reaching.

It is a question of life and death to the farmer.

**Mr. Deputy-Speaker:** To all of us.

**Shri Sonavane:** But we have to express ourselves. This is a forum to give vent to our grievances. I want to have a clarification from the hon. Minister on this.

Here, the Minister says:

"Where any foodgrains, edible oilseeds or edible oils are seized in pursuance of an order made under section 3 in relation thereto, they may be produced without any unreasonable delay, before the Collector...."

Now, this provision 'without unreasonable delay' would be at whose cost. This is very important. Therefore, one the suggestions made by our friends that if they are seized and kept under seal, the farmer is worth considering.

**Shri C. Subramaniam:** No farmer comes in here; we are only concerned with the trader and others.

**Shri Sonavane:** Another suggestion is about the rate of interest, as suggested by Shri Shree Narayan Das. That is very good suggestion because if the Government knows that they have got to pay rate of interest, then things would be expedited and no delay would occur and what ever other consequence of delay are, that is, deterioration in food, etc. will also be obviated.

As regards the suggestion made by my friend that an appeal to be to the judicial authority, I think, that is not a very helpful suggestion. The State Government would be more sympathetic and, therefore, I would leave that matter to the hon. Minister.

**Shri Shivaji Rao S. Deshmukh:** I owe my duty to the hon. Minister to offer him unreserved and unqualified congratulations for bringing out this provision against the hoarders, the anti-social element and those elements in the society which, according to law, are the primary, the basic and the sole, reason for creating a very acute scarcity of foodgrains in the very difficult times. My only honest and sincere hope is that I hope and trust that the hon. Minister would succeed in transferring—his enthusiasm to the grassroot level of administration that will be called upon to administer this provision.

It is not the lack of power which has impeded the process of punishing the guilty or punishing those who hold the society to ransom, but it is the lack of good will or rather the lack of will itself on the part of the administration to make use of those powers.

Therefore, I would urge the hon. Minister not to rest content with merely enacting this provision which can do a lot of

good to the people but to see that it is properly made use of. It is not as if it

which are already lying there and which are rusting and vanishing owing to non-use. My only prayer is that this power shall not be one of them.

**Shri C. Subramaniam :** As regards Shri Yallamanda Reddy's amendment namely amendment No. 52, he has used the words 'a person engaged in the production'. I think perhaps the word 'producer' brings out the meaning all right. The other point that he made was that it should be produced by him. Therefore, I accept his amendment, namely amendment No. 52.

**Shri Sonavane:** How will the whole section read after that?

**Shri C. Subramaniam:** I have just read it. What it means is this.

**Shri Ranga:** What is that amendment?

**Shri C. Subramaniam:** It is an amendment to my amendment.

It will read thus:

"Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or oilseeds seized in pursuance of an order made under section 3 in relation thereto from a producer of such foodgrains or oilseeds produced by him, shall be confiscated under this section".

**Shri Ranga:** That is how it reads?

**Shri C. Subramaniam:** That is how it reads.

**Shri Sinhasan Singh:** By this, the hon. Minister is only taking away the power to confiscate but not that of seizure. After the grain is seized from the producer, the hon. Minister is doing away only with the confiscation of that grain. My submission is that there should be no seizure also.

**Shri C. Subramaniam :** That is there in the parent section. I cannot touch it now.

**Shri Sinhasan Singh:** Confiscation is also there in the parent section. But the hon. Minister is doing away with it now. He is having this proviso which is irrespective of the provision in the parent section. When he exempts the grain from confiscation, why can he not exempt from seizure also? After the grain is brought before the collector, the collector exempts the producer. But the producer is put to all that trouble; his property is seized and brought to the collector; then he goes before the collector and pleads and then the collector says 'All right, I shall exempt you'. The producer can be saved from this avoidable trouble if the provision for seizure is also done away with. The proviso here is to the effect that the grain shall either be seized or confiscated.

**Shri Ranga :** Instead of the collector, whom does my hon. friend suggest?

**Shri Sinhasan Singh :** The collector has the power to seize and also to confiscate. The hon. Minister has now brought in a proviso the effect that the foodgrain or oilseeds etc. seized from the grower will not be confiscated. My submission is that the seizure should also be done away with. Under this provision what will happen is that the property will be seized and brought before the collector; the collector will not confiscate it, but he may decide to exempt the producer. In that case, the producer is put to all the trouble. I would submit that he could very well be spared from all this trouble. If he has committed any offence, then he can be prosecuted according to the general law that we are having. But I would submit that the question of seizure also should be done away with along with confiscation; for, when the property is seized and brought to the collector, he may take a month or two before giving exemption, and meanwhile, the pro-

[Shri Sinhasan Singh]

perty will begin to rot and the grower will be put to all sort of trouble. So I would plead that neither should there be confiscation nor should there be any seizure.

**Shri C. Subramaniam** : I shall explain that. My amendmet as amended by Shri Yallamanda Reddy's amendment will be the amendment which I have moved.

**An Hon. Member** : Will the hon. Minister read out the amendment?

**Mr. Deputy-Speaker** : I shall read it out. Is the hon. Minister accepting any other amendment?

**Shri C. Subramaniam** : I am accepting a few more amendments. I am accepting amendment No. 18 which relates to oral notice. I think it looks a little bit odd. Then, I shall accept amendment No. 23 also which contains the words 'with reasonable interest calculated from the date of seizure of the articles'. Amendment No. 23 provides for interest.

Then I will accept amendment No. 43 also which provides for a judicial authority instead of the State Government. These are the three amendments I am accepting.

I would like to explain this with regard to seizure. I am not providing for seizure in the amending Bill. It is provided for in the parent Act under clause 3(2)(j). Therefore, if we have to make any amendment with regard to that, it will have to be by a separate Bill.

**Shri Ranga** : If you wish to do it, you can do it.

**Shri C. Subramaniam** : It will be beyond the scope of this Bill. Unfortunately, I cannot do it now.

As regards Shri Bibhuti Mishra's point, it is covered under 3(2)(j)—seizure by a person authorised. He wants that he should be sufficiently high officer,

That can be taken care of as to who should be the authorised person. Therefore, he need not press that point. Under the rules we can provide for that. I think it is already provided for. I shall verify it, that is at what level they have authorised the officers. If there is any lacuna, I shall try to rectify it.

**Shri Ranga** : Even ordinary constables or head constables are doing it now.

**Shri C. Subramaniam** : I think the civil supply officials are doing it. I shall try and see at what level they are functioning. But I cannot say anything more with regard to that now. I shall look into it. I give that assurance.

Subject to these things, I hope we have made the amending Bill a little more presentable and acceptable to the House. I hope the House will pass it unanimously.

**Shri Sonavane rose—**

**Mr. Deputy-Speaker** : No more speech now.

**Shri Sonavane** : There is the point of production without any unreasonable delay before the Collector. That point was also made by Shri Sinhasan Singh. Seizure is there already.

Who will bear the cost of production before the Collector?

**Shri C. Subramaniam** : That will be a process of an administration.

**Mr. Deputy-Speaker** : The question is—  
"Page 2,—omit lines 39 to 41" (18) :  
*The motion was adopted.*

**Mr. Deputy-Speaker** : The question is—  
Page 3, line 16, —after "Government insert—

"with reasonable interest calculated from the day of the seizures of articles"(23).

*The motion was adopted.*

**Mr. Deputy-Speaker :** The question is :

Page 3, lines 3 and 4,—for “appeal to the State Government concerned and the State Government may”, substitute—

“appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall”, (43)

*The motion was adopted.*

**Mr. Deputy-Speaker :** The question is :

That in the amendment moved by Shri C. Subramaniam, printed as No. 48, in List No. 11 of amendments,—

- (i) *delete* the words “a person engaged in the production” and *insert*—“a producer”; and
- (ii) *add* the following in between “foodgrains or oilseeds” and “shall”—“produced by him” (52)

*The motion was adopted.*

**Mr. Deputy-Speaker :** The question is :

“That amendment No. 48, as amended by amendment No. 52, be adopted”.

*The motion was adopted.*

**Mr. Deputy-Speaker :** What about the other amendments ?

**Shri Shree Narayan Das :** I would like my amendment No. 16 to be put to vote.

**Mr. Deputy-Speaker :** I shall now put amendment No. 16 to vote.

*The Amendment No. 16 was put and negatived.*

**Mr. Deputy-Speaker :** What about the other amendments ?

I take it that they are not being pressed and that the leave of the house is sought to withdraw them.

**Some Hon. Members :** Yes.

*Amendments Nos. 24, 36, 37, 51 and 53 were by leave, withdrawn.*

**Mr. Deputy Speaker :** The question is :

“That clause 3, as amended, stand part of the Bill”.

*The motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

*Clause 4 was added to the Bill.*

**Clause 5—(Repeal and saving—9 of 1966)**

*Amendment made :*

Page 3,—

*after line 39, insert—*

“Provided that nothing contained in this sub-section shall affect the validity of anything done or any action taken under the principal Act as amended by the said Ordinance before the date of passing of this Act.” (42)

*(Shri C. Subramaniam)*

**Mr. Deputy-Speaker :** The question is :

“That Clause 5, as amended, stand part of the Bill”.

*The motion was adopted.*

*Clause 5, as amended, was added to the Bill.*

**Mr. Deputy-Speaker :** 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.*

**Shri C. Subramaniam :** I move :

[Shri C. Subramaniam]

"That the Bill as amended be passed".

**Shri Ranga** : I oppose this Bill.

**Sade** : I think the Bill is becoming an Act now, and therefore let me say that this Bill, if it is enacted and becomes an Act, will be the most dangerous enactment in the whole country. All the cultivators are against it, and a note of warning has been given by members of Parliament here on the Congress side that if they want defeat in the coming elections, they should pass this law, except Mr. Sonavane, because after passing this law also he is sure of success. I wish him success.

**Mr. Deputy-Speaker** : Probably he is sure of coming back also.

**Shri Bade** : I submit even this levy should have been abolished. This procurement levy is the thing most hated by the cultivators. So, I oppose this Bill on this ground only that instead of abolishing all the controls, Government is continuing this levy, as they are continuing the emergency.

**Some hon. Members** *rose*—

**Shri Ranga** : I did not know all those people were so very keen on making speeches. Do they want to congratulate themselves ? It looks like that.

**Shri Sinhasan Singh** : There is no scarcity of foodgrains, there is only scarcity in the mind of the Government, to enforce proper distribution.

I know the N.D.C. long ago passed a resolution that take the wholesale trade in foodgrains be taken over by the Government, but the then Food Minister refused to take it over.

Later on, the Congress Party at its Bhuvaneshwar session passed a resolution that all rice mills should be nationalised, but not one single rice mill has been so far nationalised even by the present Minister.

He was there at that session, and I asked him: are you going to take the step? He replied : let us see what happens. This is the way our Government is proceeding.

Parliament is not refusing them any power to enforce and bring prices down and arrange proper distribution, but in the machinery somewhere something is wanting.

I would like to know from the Minister how many hoarders were prosecuted after the ordinance was promulgated under the Defence of India Rules. Let us see how far he succeeds this time.

**Shri Bibhuti Mishra** *rose*—

**Mr. Deputy-Speaker** : No more speeches. I am sorry.

**Shri Bibhuti Mishra** : It is the privilege of the Members to speak. If you do not allow me, I shall go away. What have come I here for ?

इस बिल में मंत्री जी से कुछ सुधार किये हैं। इस के लिए मैं उनको धन्यवाद देता हूँ। लेकिन फिर भी यह बिल किसानों के हित में उतना नहीं है, जितना कि होना चाहिए। मैं मंत्री महोदय से निवेदन करूंगा कि वह नये सिरे से एक पूर्ण बिल इस सदन में लायें, जिस के प्राविज्ञान्त्र किसानों के हित में हों। इस बिल में कीमत का मानना उचित रूप से नहीं रखा गया है। इस में चार महीने की जो पोस्ट हारवेस्ट प्राइस रखी गई है, वह किसानों के हक में नहीं जाती है। इस लिए मैं मंत्री महोदय से फिर निवेदन करूंगा कि वह इस बिल में आवश्यक सुधार कर के एक नया बिल लायें, जो कि किसानों के हित में हो। हम उस बिल को सहर्ष स्वीकार करेंगे।

**Shri C. Subramaniam** : Sir, I thank the hon. Members for the co-operation...  
(Interruptions.)

**Some hon Members** *rose*—

**Mr. Deputy-Speaker** : No more speech.

**Shri C. Subramaniam** : Particularly those who brought in amendments and tried to see that some of the defects in the Bill were removed. I thank all of them. I give this assurance to this House that we shall try to use this measure for the benefit of society, not for the purpose of harassing the innocent.

**Mr. Deputy-Speaker** : The question is :

"That the Bill, as amended, be passed"

Those in favour will say 'Aye'

**Some hon. Members** : Aye.

**Mr. Deputy Speaker** : Those in favour will say 'No'

**Some hon. Members** : No.

**Mr. Deputy-Speaker** : I think the Ayes have it.

**Shri Ranga** : The Noes have it.

**Mr. Deputy-Speaker** : You want a division.

**Shri Ranga** : Yes, Sir; we opposed even the introduction of this Bill; it was the most obnoxious thing.

**Mr. Deputy-Speaker** : Let the Lobbies be cleared :

I wish to inform the hon. Members that this half an hour discussion will be taken up on Saturday. There is another half an hour discussion on that day, but this will be taken up first.

**Shri Ranga** : Provided there is quorum.

**Shri J. P. Jyotishi** : How can we carry on business, Sir? There is no quorum now.

**Mr. Deputy-Speaker** : The Bill is being rung; the Lobbies are being cleared there is no quorum. Division will be taken the day after tomorrow.

18.44 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday August 31, 1966/Bhadra 9, 1888 (Saka).*