

Third Series, No.15

Tuesday, November 27, 1962
Agrahayana 6, 1884 (Saka)

LOK SABHA DEBATES

Third Session
(Third Lok Sabha)



LOK SABHA SECRETARIAT
New Delhi

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N.B.—The sign + marked above the name of a member on questions which were orally answered indicates that the question was actually asked on the floor of the House by that Member.

LOK SABHA DEBATES

3515

3516

LOK SABHA

Tuesday, November 27, 1962/Agrahayana 6, 1884 (Saka)

The Lok Sabha met at Twelve of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

SHORT NOTICE QUESTION

Indians in Nyasaland

+

S.N.Q. 2 { Shri Shree Narayan Das:
Shri Indrajit Gupta:
Shri Mohd. Elias:
Shri Vasudevan Nair:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that a large number of Indian traders in Nyasaland are leaving or propose to leave that country; and

(b) if so, the circumstances in which this is going to happen?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) To the best of our knowledge, it is not correct that many persons of Indian origin in Nyasaland are proposing to leave that country. On the contrary, they are happy and are confidently looking forward to full participation in the social, economic and political life of Nyasaland. The ruling party in Nyasaland has repeatedly proclaimed its opposition to

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racialism and assured persons of all races of just and equal treatment.

(b) Does not arise.

Shri Shree Narayan Das: May I know whether it is a fact that the Indian traders there are being threatened with violence because they did not subscribe to a fund by a party there as desired?

Shri Dinesh Singh: No. We are not aware of it. Only the other day, three or four days back, some people of Nyasaland came and saw me. They were traders from different parts of the country. They gave me the impression that they were very happy there.

Shri Shree Narayan Das: May I know whether the attention of the Government has been drawn to a news item published by the *Hindustan Times* dated 16-11-62 that some of the Indian traders, a large number of them are leaving or propose to leave and if so whether the Government has contradicted that?

Shri Dinesh Singh: We saw this report in the *Hindustan Times* which was reproduction of another report from another newspaper. It seems that probably it was put in by some interested people who want to give the impression of a conflict which is not a reality.

Shri Indrajit Gupta: In view of the recent report that some sort of Independence or home rule is going to be granted to Nyasaland early next year, does the Government consider it necessary to obtain any assurance from the majority party Malawi Congress that the rights of Asian settlers will be respected?

Shri Dinesh Singh: The Government does not consider it necessary to obtain any assurance because these are not Indian citizens. These people are people of Indian origin who have settled there. It is for them to settle among themselves.

Shri Sham Lal Saraf: The delegation mentioned by the hon. Minister just now was led by a Member of the Legislative Assembly of Nyasaland. Is it a fact that they have asked aid from India from the private sector particularly to set up industries in that country?

Mr. Speaker: That would be a different question.

12.03 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER THE SEA CUSTOMS ACT, ETC.

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): I beg to lay on the Table--

- (i) a copy each of the following Notifications under sub-section (4) of section 43B of the Sea Customs Act, 1878 and section 38 of the Central Excises and Salt Act, 1944, making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960:—
- (a) G.S.R. No. 1483 dated the 10th November, 1962.
- (b) G.S.R. No. 1534 dated the 17th November, 1962.
[Placed in Library, See No. LT-613/62]
- (ii) a copy of the Central Excise (Nineteenth Amendment) Rules, 1962 published in Notification No. G.S.R. 1522 dated the 17th November, 1962, under section 38 of the Central Excises and Salt Act, 1944.
[Placed in Library, See No. LT-614/62].

(iii) a copy each of the following Notifications under sub-section (4) of section 43B of the Sea Customs Act, 1878:—

- (a) G.S.R. No. 1481 dated the 10th November, 1962.
- (b) G.S.R. No. 1529 dated the 17th November, 1962.
- (c) G.S.R. No. 1530 dated the 17th November, 1962.
[Placed in Library, See No. LT-615/62].

RESOLUTION REGARDING GRANT OF INTERIM WAGE INCREASE TO WORKERS

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): I beg to lay on the Table a copy of Government Resolution No. so and so dated the 24th November, 1962.....

Shri Surendranath Dwivedy: Is it Number so and so?

Shri C. R. Pattabhi Raman: It was a long number.

Mr. Speaker: The hon. Member is right. He may say as appearing on the Order Paper.

Shri C. R. Pattabhi Raman: Resolution No. WB-3(53)62 dated the 24th November, 1962 on the recommendations of the Central Wage Board for Coffee Plantation Industry, Calcutta, regarding the grant of interim wage increase to workers. [Placed in Library, See No. LT-616/62].

12.05 hrs.

DEFENCE OF INDIA BILL—contd.

Mr. Speaker: We now take up Clause by Clause consideration. The hon. Minister.

Shri Hari Vishnu Kamath (Hoshangabad): Before you proceed to the business of the day, may I invite your attention, Sir, to the question of the time of the sitting of the House? Last week, you will recollect that the Minister of Parliamentary Affairs said that on Monday, the House would meet

at 12 noon and it was left open for later decision. I do not know what decision has been taken with regard to the time of the sitting of the House, 2.30 to 7.30 as you suggested or.....

Mr. Speaker: That has been considered and then conveyed to me that this is the time from 12 to 5 that would best suit all and therefore I had announced in the House that we will sit from 12 to 5. Probably the hon. Member was not present.

Shri Hari Vishnu Kamath: For the rest of the session?

Mr. Speaker: Yes.

The Minister of State in the Ministry of Home Affairs (Shri Datar): While dealing with the amendments relating to clause 3, a number of hon. Members made certain new suggestions. While, on the one hand, certain hon. Members were anxious that the powers which were naturally wide in nature should have to be used as extensively as possible, certain other hon. Members made a suggestion that they should be used as judiciously as possible, and they also gave expression to a fear that possibly they were likely to be abused. Then, certain other hon. Members wanted amendments to be accepted which would go against the scheme of clause 3 itself.

So far as clause 3 is concerned, I would invite the attention of the House to sub-clause (1) where the various purposes for which the rules have to be made have been categorised. The House will find that generally, there are three categories; one of them is the defence of India and civil defence. That is naturally the most important point. The furtherance of military operations has also been dealt with in certain sub-clauses, for instance, in sub-clauses (1) and (2), where it has been definitely stated that the safety and welfare of the Armed Forces of the Union, ships and aircraft etc. will be ensured.

Similarly, we have got sub-clause (2) which deals with this specific subject. While we are in the field of civil jurisdiction, the House will agree that we have to take certain steps for helping the military who are carrying on the defence operations on the front and wherever else it is necessary.

Therefore, the first object and the most important object since the declaration of emergency is to further the war effort even within the civil jurisdiction so far as it becomes necessary.

Subject to this, the next object with which we are naturally concerned is the public safety and the maintenance of public order. That also is essential, because without taking necessary steps for maintaining public safety and for having law and order in the proper condition, it would not be proper, and it would not be possible to enhance or even to further the war effort. Therefore, these are inter-related.

The last category with respect to which certain hon. Members wanted to move certain amendments, and which were of a restrictive nature, should also be taken into account. This relates to maintaining the supplies and services essential to the life of the community. So far as these are concerned, Dr. K. L. Rao pointed out how even during the emergency it was absolutely essential to see that food production was properly encouraged and steps were taken for increasing the supplies because they would be required on a far larger scale. In the course of his speech, he pointed out how during the war regime in the UK, they took special steps for the purpose of increasing food production for the purpose of furthering the war effort. He stated that nearly six million acres were brought under cultivation, and an additional 70 per cent food production target was reached. So, food production has to be fully looked into for the purpose of the community as a whole and also for the purpose of furthering the war effort.

[**Shri Datar**]

Thus, you will find that all the rules that have to be made so far as the Defence of India Rules are concerned, must have a direct relation with one or the other of the three categories which have been specifically mentioned in sub-clause (1) of clause 3. If these are taken into account, you will agree that rules have to be made and the rules will have to be given effect to wherever necessary as sternly as possible. With a view to see that these rules are applied properly and only where necessary, a specific sub-clause has been put in where it is stated that these rules should be used wherever necessary and to the extent required. Therefore, due precaution that hon. Members wanted has already been taken.

The second point in this respect that was urged by a number of hon. Members was as to whether the powers under the Defence of India Rules should be delegated only to gazetted officers or to others as well. As has been pointed out, these rules have to be exercised by officers at different levels. It would not be practicable to confine the exercise of these rules only to gazetted officers. At certain levels in the lower rung, it might become necessary for government officers to take action either in the States or in the Centre; so authority has to be delegated to officers, whether they are gazetted officers or non-gazetted officers. Otherwise, the purpose of the rules themselves is likely to be frustrated. Therefore, while dealing with the question of delegation, I would assure the House that they would be delegated wherever necessary.

An hon. Member on this side suggested that some penal provision should be made regarding abuse, or excessive exercise of authority by government officers. So far as the Government officers are concerned, may I point out to him that they are always subject to the Government Servants' Conduct Rules?

Shri Hari Vishnu Kamath: That is different.

Shri Datar: Any violation of those rules would be met with the largest measure of penalty.

Shri Narasimha Reddy (Rajampet): So far as the citizens are concerned, they are also expected to act according to the best interests of the country. Therefore, the Defence of India Rules are not necessary.

Shri Datar: They are essential in order that people should know what the rules are and how they have to be acted upon.

So far as the general conduct of government servants, either in the Central Government or in the State Governments, is concerned, to a large extent we have to trust them. We have also to see to it that when they discharge their duties, they are supervised by officers at the higher level.

Shri Hari Vishnu Kamath: On a point of order.

Shri S. N. Chaturvedi (Firozabad) rose—

Mr. Speaker: Not two at a time. Shri Kamath stood up first. I will call the hon. Member later.

Shri Hari Vishnu Kamath: You have been an eminent Judge....

Mr. Speaker: Why should there be that reference always?

Shri Hari Vishnu Kamath: You have administered the Law also. Is it right for the Minister to say that the Government Servants' Conduct Rules are a safeguard against abuse of authority under the Defence of India Rules?

Mr. Speaker: That might be his opinion. Let us hear him.

Shri S. N. Chaturvedi: My suggestion was not only about abuse of power but also about neglect of duties concerning which we have come to know so much in this House during this debate and during this emergency.

Shri Datar: I have to point out that in addition to the Government Servants' Conduct Rules, we have also powers of supervision. Wherever any government servant is found to have acted in excessive exercise of his authority or to have abused the authority, the State Government or the Central Government, as the case may be, will certainly take action.

Shri Hari Vishnu Kamath: Where is the provision here?

Shri Ranga: In view of the fact that there are plenty of gazetted officers now in various parts of the country, what difficulty would there be for those gazetted officers themselves to pass orders to be enforced by their subordinates, instead of giving the power of passing orders also to the subordinates?

Shri Datar: I have already pointed out that the powers have to be exercised at different levels, and they cannot be confined to only gazetted officers. Take for example the service of certain orders through a police officer. That cannot be done only by a gazetted officer. It will have to go down in certain cases. If one is to be practical, one will have to take into account the services of the non-gazetted officers also.

I may point out that after this Bill was introduced with a view to know the reactions of the hon. Members of both Houses, we had an informal meeting of hon. Members who were taking interest in this Bill, and as a result of the discussions which were carried on over two days, Government have accepted a number of suggestions made by the hon. Members.

Shri Hari Vishnu Kamath: It was only two hours, not two days. Spread over two days perhaps.

Mr. Speaker: Was it two days or two hours?

Shri Datar: One day in the evening and the next day.

Shri Hari Vishnu Kamath: We adjourned in the evening.

Shri Datar: The hon. Member was not present.

Shri Kamath: I was.

Mr. Speaker: There is nothing to dispute. It is two hours so far as the cumulative time taken is concerned, and the duration is two days.

Shri Hari Vishnu Kamath: The Minister's statement is somewhat misleading.

Shri Datar: A certain number of suggestions were made by the hon. Members, and Government have accepted those suggestions, and that is the reason why there is a fairly large number of amendments standing in my name. Secondly, in respect of certain other amendments which the hon. Members have moved on the floor of the House, I have accepted a number of them.

Shri Ranga: Here is an amendment given notice of by my hon. friend, Amendment No. 111. Is this amendment not expected to have any reference to corrupt officials, but only to citizens? It reads:

"the prevention of any corrupt practice or abuse of authority or other *mala fide* action in relation to the production, storage, purchase..."

I thought my hon. friend was pleading that there should not be any such provision at all against any such official.

Mr. Speaker: Beyond the extent to which the Government have agreed.

Shri Datar: If the hon. Member goes on making a running commentary, I cannot proceed.

Shri Ranga: It is not a commentary.

Mr. Speaker: The hon. Member might resume his seat. I will take up his cause. What he says is that just now the Minister was telling the

[Mr. Speaker]

House that there is no need of any further checks to be taken against the officials when they have to discharge the duties entrusted to them under this Bill. But he points out, that there is a specific amendment in the name of the hon. Minister himself where the safeguard is being provided and certain provisions are being enacted by which there ought to be some check on those officers. That is what he means to say.

Shri Datar: So far as that is concerned, as the House is aware, we had recently appointed a committee under the chairmanship of Shri Sankaranam of the other House. That committee considered this question, and the committee made certain informal suggestions which Government have accepted, and therefore it is a point more in my favour that we have accepted a number of suggestions made by the hon. Members.

Shri Hari Vishnu Kamath: You are not far wrong.

Shri Datar: The last category with which we have to deal is naturally the question of the increase in food production. That also has a direct relation upon the maintenance of law and order and the furtherance of the war effort. It is for this purpose that certain powers have been taken in respect of even agricultural production.

With regard to this, one hon. Member, the leader of the Swatantra Party, would have no objection provided we take powers for marketing facilities. He fears that possibly under the cover of authority given by these rules, we might force certain reforms like co-operative farming etc. That is a matter for voluntary effort and for the State Governments to take such action as they want. Government have no desire to act under the cover of these rules for introduction any such revision though it would certainly be open to the Government to take action with the co-operation or voluntary help of the people concerned. Subject to this I would deal with the

specific amendments moved by hon. Members.

Shri Narasimha Deddy (Rajampet) rose—

Mr. Speaker: He is not yielding. I will give him an opportunity afterwards.

Shri Datar: My hon. friend Shri Kamath wanted amendment No. 140 to be accepted. It deals with certain pictures and others. This is covered by clause 3(2) (4) (e) dealing with acts, publications or communications prejudicial to civil defence. Secondly, defence rules Nos. 44 and 49 which have been made in this respect under the Ordinance would serve as a model to the extent that they would continue until they are amended by this hon. House or the other. So, it can be dealt with like that. The suggestions he made will be fully considered whenever it is necessary.

A number of hon. Members made suggestions about the detention. They seemed to feel that the powers under the Preventive Detention Act were not properly used. That was one line of argument. The second point seemed to be that the elaborate procedure such as communicating the grounds of detention to the person concerned and placing all the papers before an advisory body, etc. under that act should be maintained here also. But that was an Act of a special nature in normal circumstances.

Shri Hari Vishnu Kamath: Peace-time, not normal.

Shri Datar: Now here we are dealing with an emergency. Therefore, sometimes it may not be in the interest of the nation as such to communicate the grounds to the person concerned. Secondly, it may not also be practicable to have recourse to elaborate procedures laid down in the earlier Act. But a suggestion was made, as I pointed out in the informal committee, that this order regarding detention should be passed only by the head of the district ad-

ministration, namely the district magistrate. Government have accepted that suggestion. Then, it was further pointed out that there ought to be some other authority to go into that question after the orders have been passed for detention; there ought to be some reviewing machinery. Government have accepted that suggestion also. Hon. Members may see my amendment No. 108. Naturally the reviewing authority would be some officer higher than the District Magistrate—the Chief Secretary or a Member of the Board of Revenue or certain other high officers who would be specified in the rules that would be made in this connection. Government have accepted the principle that whenever it becomes necessary, there ought to be a reviewing authority. Who he should be is a question which the Government will consider properly, taking into account the emergency conditions and Government will prescribe in the rules the reviewing authority. I am quite confident that when the papers are placed before such a reviewing authority, he would go into the material. But all this naturally will have to be within the purview of the reviewing authority who would be from the higher officers of Government.

If on these two points Government have accepted the suggestion of certain hon. Members of the House, namely, that the order regarding the preventive detention will be passed by the District Magistrate and not by any authority below him and that a provision is made for a reviewing authority, then we have gone a fairly long way in meeting the wishes of hon. Members in this respect.

Shri Daji (Indore): Since a review is to be made, why not have review by a High Court Judge, which would be more fair? What is the difficulty?

Shri Datar: This is not a matter which can go to a High Court Judge or a judicial authority.

Shri Tyagi (Dehra Dun): Sometimes the allegations may be of such a serious nature that they cannot be made public.

Shri Hari Vishnu Kamath: This is about having a High Court Judge as the reviewing authority.

Shri Datar: I have pointed out that the Government have accepted the position that rules can be made for a review of the orders passed by certain authorities. But I would not like to commit the Government to this position that he ought to be a High Court Judge or a judicial officer. There may be certain matters which are of a highly confidential nature. Under these circumstances, Government are prepared to accept the principle that there ought to be a reviewing authority, but who that authority should be may kindly be left to Government.

Shri Hari Vishnu Kamath: Parliament cannot leave it to the Government.

Shri Datar: Shri Daji, Shri Banerjee and some others have also said that the grounds should be supplied to the persons concerned. As I pointed out, these are days of emergency and in certain cases it might not be in public interest to divulge the grounds to the person concerned. Under these circumstances, all that can be done is that after the orders have been passed, a reviewing machinery will be provided for and the reviewing authority can satisfy itself that the order passed in the light of these circumstances was a proper one or it is open to him to make some other suggestions.

Dr. M. S. Aney (Nagpur): The authority should be such as to command the confidence of the people.

Shri Datar: He would be one of the highest authorities in the State; for example, a Member of the Board of Revenue. These are the executive authorities who can look into the circumstances and consider as to whether the order that has been passed in the light of the circumstances was a proper one.

Shri Hari Vishnu Kamath: Why does he not like Judges—High Court Judges?

Mr. Speaker: Government is giving its own point of view, to the extent that it is prepared to go. It is for the House to accept it or reject it.

Shri Datar: A number of hon. Members had made a reference to the powers of detention. They had expressed certain fears. With a view to allaying those fears I have accepted two suggestions, namely, that it should be a district magistrate who should pass the order, and secondly, there ought to be a reviewing authority. Subject to this, I think it is not possible to go further because we are to deal with emergency conditions and, under these circumstances, even the rules or the provisions under the Preventive Detention Act cannot be availed of for the present time.

Then I would pass on to amendment No. 143 moved by the hon. Member, Shri Kamath. He wants certain further words to be introduced in an amendment which I have moved, namely, amendment No. 111. So far as amendment No. 111 is concerned, the wording is very clear. We have said "goods". The hon. Member, Shri Kamath wants to include the words "foodstuffs and drugs" specifically. I would point out to him that the words that we have used, to my mind, are comprehensive enough, and therefore these things need not be further specified.

Shri Ranga: I think this should be re-numbered as 35A and 35B should be re-numbered as 35A.

Shri Datar: That we shall consider when we come to the specific amendments.

The next group of amendments relates to agricultural produce. I have already referred to that, and in this respect, as I have pointed out, with a view to increasing the food production it would be absolutely essential for Government to take action. For increasing food, that is absolutely essential. And, as my hon. friend, Dr. Rao pointed out—I made a reference

to it also—it might become necessary to take certain action for the purpose of increasing food production. I have already pointed out that this is necessary as a matter of furtherance of war effort because, as I pointed out, certain specific categories of objectives have been mentioned in sub-clause (1) and they have to be duly fulfilled.

I have also pointed out that Government have no desire to take recourse to the power in this respect under the Defence of India Rules for the purpose of providing for co-operative farming or collective farming, as hon. Members made it clear. So far as these are concerned, it is perfectly open to a State Government under the ordinary law, with the co-operation and voluntary effort of the people, to have co-operative farming or collective farming if they are so minded. But Government have no desire to take recourse to the rules or to take cover behind these rules for the purpose of initiating such reforms wherever they are necessary.

Certain hon. Members were needlessly nervous over this particular proposition. That is the reason why a number of amendments, including that by my hon. friend Shri Ranga, were moved in this respect. But I would like to submit that in such cases it is absolutely essential for Government to take recourse to certain powers for the purpose of increasing food production and for the purpose of dealing with industrial and other production as well. That is the reason why these powers will have to be maintained.

Then, I will pass on to the two amendments moved by Shri Prakash Vir Shastri.

Dr. P. S. Deshmukh (Amravati): Before the hon. Minister passes on to the next item, I would like to ask for a clarification. May I know how he proposes to control agriculture? Is he going to order how fast they should grow?

Shri Hari Vishnu Kamath: By music.

Dr. P. S. Deshmukh: I think it should be changed to "agriculturists" or "farmers". He cannot control agriculture, because he cannot control weather.

Shri Datar: My hon. friend was in charge of agriculture for a number of years. So, he knows how these things can be managed.

Shri Kashi Ram Gupta: Regarding the control of agriculture it is laid down in the rules "prohibiting, restricting or otherwise controlling the cultivation of specified crops". What are those specified crops?

Mr. Speaker: That would be specified afterwards. If it is to be mentioned just now, then what is the point in specifying it afterwards?

Shri Kashi Ram Gupta: Will it be by the Government of India or by the State Government?

Shri Datar: So far as amendment No. 70 is concerned. . . .

Mr. Speaker: He is not present; so he is not very serious about his amendment.

Shri Datar: Then I will not deal with his other amendment either. I have dealt with the amendment of Shri Ranga.

Shri Ranga: What did he say? He does not want the word "regulation"?

Shri Datar: Some hon. Members suggested that there ought to be a parliamentary committee for supervising what is being done under the Defence of India Rules. So far as that suggestion is concerned, it is highly impractical because these rules will be administered by the various State Governments. Under these circumstances, it will not be possible, nor will it be practicable for Government to accept it. Of course, whenever any suggestions are made, Government will very carefully look into them and take necessary action. Therefore, so far as the various am-

endments that have been moved by hon. Members are concerned, I submit that they need not be accepted except to the extent that I am myself going to accept them.

Shri Hari Vishnu Kamath: Since Government have accepted my amendment No. 138, I request that amendment No. 139 may also be accepted as it also relates to punctuation.

Shri Datar: I have accepted that also.

Mr. Speaker: The question is:

Page 4, line 7,—after "entering" insert",," (138).

Page 4, line 24,—after "purpose" insert",," (139).

The motion was adopted.

Mr. Speaker: The question is:

"That in the amendment proposed by Shri B. N. Datar, printed as No. 111 in List No. 5 of Amendments,—

in the proposed new clause (35B) after 'hoarding' insert 'profiteering'" (142)

The motion was adopted.

Mr. Speaker: What about amendment No. 140? Is Government accepting it?

Shri Datar: No.

Mr. Speaker: The question is:

"That in the amendment proposed by Shri B. N. Datar printed as No. 105 in List No. 5 of Amendments,—

in the proposed clause (7)(a), after "document" insert—

"the making of any picture, photograph, or cinematograph film".," (140).

The motion was negatived.

Shri Hari Vishnu Kamath: I want my amendment No. 141 to be put to the vote. I want to press it.

Mr. Speaker: Are there any other amendments which hon. Members would press to a division?

Shri Ranga: Amendment Nos. 19 and 1.

Shri Hari Vishnu Kamath: Amendment No. 143 also. It is a very important amendment, because it deals with foodstuffs and drugs.

Mr. Speaker: So, I can put amendments Nos. 143, 69, 2, 3, 18, 70, 71 and 31 to the vote of the House.

Shri Narasimha Reddy (Rajampet): I withdraw amendment No. 3.

Shri Ranga: We are withdrawing amendment No. 3 in the light of the assurance given by the hon. Minister.

Mr. Speaker: Has the hon. Member the leave of the House to withdraw his amendment (No. 3)?

Amendment No. 3 was, by leave, withdrawn.

Mr. Speaker: Then, I shall put amendments No. 143....

Shri Ranga: We may have only a voice vote on amendment No. 143. The other amendments we are pressing to a division.

Mr. Speaker: That is what I am doing. I am reading out the numbers of amendments that I am going to put together. They are amendments Nos. 143, 69, 2, 18, 70, 71 and 31.

Shri Ranga: We want to press to a division amendment No. 2. Amendment No. 3 has been withdrawn, but we want to press to a division amendments Nos. 1 and 2.

Mr. Speaker: I was told that only amendment No. 1 was to be pressed. All right, I will put amendment No. 2 also separately. So, amendments Nos. 1, 2, 19 and 141 I shall put separately and amendments Nos. 143, 69, 18, 70, 71 and 31 I shall put together to the vote of the House.

Amendments Nos. 143, 69, 18, 70, 71 and 31 were put and negatived.

Mr. Speaker: Now, I shall put amendment No. 141 to the vote of the House.

Shri Hari Vishnu Kamath: Will you kindly read out the amendment?

Mr. Speaker: Yes; I will do that when I put it to the vote of the House. Let the lobbies be cleared.

Shri Datar: Sir, we are accepting certain amendments; so, let the record be clear. Those amendments are not concerned with the one in respect of which the division is asked for but they are others which I am going to accept specifically if they are moved by them; or, I might move them myself.

Mr. Speaker: He can move them now. I called out their numbers three times but no hon. Member stood up to say that he wanted to move them nor did the hon. Minister move them.

Shri Ranga: Have you been informed about the other amendments which the hon. Minister said that he is accepting?

Mr. Speaker: Not yet.

Shri Ranga: How can we make up our mind?

Mr. Speaker: I am now putting to the House amendment No. 141. When he wants to accept, I will inform hon. Members before putting to the House.

The question is:

Page 6, after line 26, insert—

“Provided that every person against whom action is taken under this clause shall be served with the grounds for such action, as soon as may be after such action is taken.

Provided further that every such person shall be permitted to make a representation in respect of the aforesaid grounds, and

against such action, to an Advisory Board consisting of a High Court Judge, whose advice shall normally be acted upon by the Government." (141)

Shri Gajraj Singh Rao: I am for 'Noes'.

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Shri Sham Lal Saraf: It is not working. For 'Noes'.

Shri Hanumanthaiya: For 'Noes'.

Shri Shree Narayan Das: I voted for 'Noes'. It is giving 'Abstention'.

Division No. 5]

AYES

[12.48 hrs.

Badruduja, Shri
Banerjee, Shri S.M.
Burus, Shri Hem
Basant Kunwari, Shrimati
Berwa, Shri
Bhattacharya, Shri Dinen
Biren Dutta, Shri
Brij Raj Singh, Shri
Chaudhary, Shri Y. S.
Daji, Shri
Dasaratha Deb, Shri
Dwivedy, Shri Surendranath
Elias, Shri Mohammad
Gokaran Prasad, Shri
Gupta, Shri Indrajit
Gupta, Shri K.R.
Imbichibava, Shri
Smail, Shri M.

Jha, Shri Yogendra
Kachchhavaiya, Shri
Kamath, Shri Hari Vishnu
Kapur Singh, Shri
Kar Shri Prabhat
Karjee, Shri
Keishing, Shri Rishabh
Lahari Singh, Shri
Mahida, Shri
Marandi, Shri
Mate, Shri
Mukerjee, Shri H.N.
Murmur Shri Sarkar
Nambiar, Shri
Pandey, Shri Sarjoo
Pattnayak, Shri K.
Pillai, Shri Natarsia
Pottakkatt, Shri

Raghavan, Shri A.V.
Ranga, Shri N.G.
Reddy, Shri Rawara
Reddy, Shri Narasimha
Reddy, Shri Yallamanda
Roy, Dr. Saradish
Seth, Shri Bishanchander
Sen, Dr. Ranen
Shashank Manjari, Shrimati
Singh, Shri J.B.
Singh, Shri Y.D.
Soy, Shri H.C.
Swamy, Shri Sivamurthi
Utiya, Shri
Vimla Devi, Shrimati
Vishram Prasad, Shri
Warior, Shri
Yasypal Singh, Shri

NOES

Alva, Shri A. S.
Alva, Shri Joachim
Aney, Dr. M.S.
Babunath Singh, Shri
Balakrishnan, Shri
Barupal, Shri P.L.
Basappa, Shri
Bhagi, Shri B.R.
Bhagvati, Shri
Bhattacharya, Shri C.K.
Bist, Shri J.B.S.
Brajeswar Prasad, Shri
Brij Raj Singh-Kotah, Shri
Chakraverti, Shri P.R.
Chandrasekhar, Shrimati
Chaturvedi, Shri S.N.
Chaudhuri, Shri D.S.
Chaudhuri, Shrimati Kamala
Chavda, Shrimati
Chettiar, Shri Ramanathan
Das, Shri B.K.
Dasappa, Shri
Datar, Shri
Desai, Shri Morarii
Deshmukh, Dr. P.S.
Deshmukh, Shri Shivaji Rao S

Dinesh Singh, Shri
Dixi, Shri G.N.
Dube, Shri Mulchand
Duhey, Shri R G.
Dwivedi, Shri M.L.
Gaekwad, Shri Patachinhrao
Gajra, Singh, Rao
Goni, Shri Abdul Ghani
Hanumanthaya Shri
Iobst Singh, Shri
Jagjivan Ram Shri
Jamunadevi, Shrimati
Joshi, Satrimati Subhadra
Jyotishi, Shri J.P.
Karo'kar, Shri
Kanungo, Shri
Karuhiruman, Shri
Khadilkar, Shri
Krishnamachari, Shri T.T.
Lalit Sen, Shri
Laskar, Shri N.R.
Laxmi Bai, Shrimati
Mahtab, Shri
Mahishi, Shrimati Sarojni
Maimoona Sultan, Shrimat
Malsichamli, Shri

Malaviya, Shri K.D.
Mandal, Dr. Pashupati
Mandal, Shri Yamuna Prasad
Maniyangadan, Shri
Maruthiah, Shri
Mehdi, Shri S.A.
Melkote, Dr.
Minimata, Shrimati
Mishra, Shri M.P.
Mohanty, Shri G.
Mohiuddin, Shri
Mobsin, Shri
More, Shri S.S.
Mukherjee, Shrimati Sharda
Muthiah, Shri
Naik, Shri Maheswar
Nehru, Shri Jawaharlal
Nigam, Shrimati Savitri
Niranjan Lal, Shri
Ponna Lal, Shri
Pant, Shri K.C.
Paramasivan, Shri
Patel, Shri Mansinh P.
Patel, Shri N.N.
Patil, Shri D.S.
Patil, Shri M.B.

Patil, Shri S.B.
 Pattiabi Raman, Shri C.R.
 Puri, Suri D.D.
 Raghunath Singh, Shri
 Raghuvaranai, Shri
 Rai, Shrimati Sahodrabai
 Raju, Dr. D.S.
 Ramaswamy, Shri S.V.
 Rane, Shri
 Rao, Dr. K. L.
 Rao, Shri Jagannatha
 Rao, Shri Krishnamoorthy
 Rao, Shri Rameshwar
 Rao, Shri Thirumala
 Raut, Shri Bholu
 Ray, Shrimati Renuka
 Reddiar Shri
 Reddy, Shri K. C.

Reddy Shri Ramakrishna
 Reddy, Shrimati Yashoda
 Sadhu Ram, Shri
 Sah, Dr. S. K.
 Sahu, Shri Rameshwar
 Samnani, Shri
 Sanji Rupji, Shri
 Saraf, Shri Sham Lal
 Sen, Shri P.G.
 Shah, Shrimati Jayaben
 Sharma, Shri D.C.
 Shree Narayan Das, Shri
 Siddananiappa, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri D.N.
 Singh, Shri R.P.
 Singh, Shri S.T.

Sinha, Shri B.P.
 Sinha, Shri Satya Narayan
 Soundaram Ramachandran,
 Shrimati
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Swaran Singh, Shri
 Thomas, Shri A.M.
 Tiwary, Shri D.N.
 Tyagi, Shri
 Ukey, Shri
 Upadhyaya, Shri Shiva Dutt
 Valvi, Shri
 Varma, Shri Ravindra
 Wadiwa, Shri
 Wasnik, Shri Balkrishna

Mr. Speaker: The result of the Division is:

Ayes 54; Noes 124.

The 'Noes' have it. The amendment is lost.

The motion was negatived.

Shri Hari Vishnu Kamath: It is a moral victory for the opposition.

Mr. Speaker: Order, order. I am not here concerned with victory or otherwise. I shall now put to the House Shri Narasimha Reddy's amendment No. 1.

Shri Narasimha Reddy: Amendments 1 and 2 can be put together.

Mr. Speaker: The question is:

Page 7, line 17, for "control" substitute "Intensification". (1)

Page 7, lines 17 and 18,—

omit "(including the cultivation of agricultural land and crops to be raised therein)". (2).

Those in favour may say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Speaker: Those against may say 'No'.

Some Hon. Members: No.

Mr. Speaker: The 'Noes' have it.

Shri Ranga: The 'Ayes' have it.

Mr. Speaker: I will have to put them separately afterwards.

Let the lobbies be cleared. The doors are still closed. If the Members have no objection, I might put it straight.

Some Hon. Members: The other Members may be able to come.

Mr. Speaker: Therefore I am putting it to the House. If the House agrees, I may put it. Otherwise . . .

Some Hon. Members: Yes.

Some Hon. Members: Voice Vote.

Mr. Speaker: There are only some Members. If there is no objection, they may rise in their seats.

Shri Ranga: No objection if the names are recorded.

Mr. Speaker: I am calling Division. Members should get ready. Amendments 1 and 2 might be put together. The House has no objection, I suppose. I therefore, put amendments 1 and 2 together.

The question is:

Page 7, line 17, for "control" substitute "intensification". (1)

Page 7, lines 17 and 18, omit "(including the cultivation of agricultural land and corps to be raised therein)"

The Lok Sabha Divided.

Shri Shree Narayan Das: I pressed 'No'. It has given 'Abstention'. Something is wrong here.

Mr. Speaker: Either the machine is persisting or the hon. Member is persisting.

Shri Shree Narayan Das: I pressed 'No'. It has given 'Abstention'. Something wrong here.

Some Hon. Members: Lights have gone off.

Shri Hem Barua: There is a unilateral Cease-fire on the Board.

Mr. Speaker: It is not Cease-fire; it is withdrawal.

May I ask hon. Members to rise in their seats? Names might be noted. Those in favour?

Shri Ranga, Shri Surendranath Dwivedy, Shri Yashpal Singh, Shri Narasimha Reddy, Shri Brij Raj Singh, Shri Hari Vishnu Kamath, Shri Hem Barua, Shri Kapur Singh, Shri Lahri Singh, Shri Narendra Singh Mahida, Shri Y. S. Chaudhary, Shrimati Basant Kunwari, Shri Y. D. Singh, Shrimati Shashank Manjari, Shri Badrudduja, Shri Vishram Prasad, Shri Gokaran Prasad, Shri Kachhavaiya, Shri Kashi Ram Gupta, Shri Berwa.

Mr. Speaker: Those against? So much of majority. The 'Noes' have it. The 'Noes' have it. The amendments are lost.

Amendments Nos. 1 and 2 were negatived.

Mr. Speaker: The question is:

Page 7, line 17, for "control" substitute "regulation" (19).

The motion was negatived.

Mr. Speaker: Amendments No. 27 and 29 are sought to be withdrawn.

Amendments Nos. 27 and 29 were, by leave, withdrawn.

Mr. Speaker: I shall now put the other non-official amendments to vote.

Amendments Nos. 46, 23, 25, 55 and 26 were put and negatived.

Mr. Speaker: Now Government amendments. Have I the permission of the House to put them all together?

Some Hon. Members: Yes.

Mr. Speaker: The question is:

Page 4, line 20, after "enemy territory", insert "or occupied territory". (103).

Page 4, line 24,—

omit "false" (104).

Page 4,—

for lines 31 to 39, substitute—

"(7) (a) prohibiting the printing for publishing of any newspaper news-sheet, book or other document containing matters prejudicial to the defence of India and civil defence, the public safety, the maintenance of public order, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;

(b) demanding security from any press used for the purpose of printing or publishing, and forfeiting the copies of, any newspaper, news-sheet, book or other document containing any of the matters referred to in sub-clause (a);

(c) forfeiture of such security and the circumstances in which and the authority by whom such forfeiture may be ordered;

(d) closing down any press or any premises used for the purpose of printing or publishing any newspaper, news-sheet, book or other document, containing any of the matters referred to in sub-clause (a) in spite of the forfeiture of such security." (165).

[**Mr. Speaker**]

Page 6, line 11,—

for "as the case may be", substitute—

"(the authority empowered to detain not being lower in rank than that of a District Magistrate". (106).

Page 6, line 24,—

omit "and" (107).

Page 6,—

after line 26, insert—

"(iv) the review of orders of detention passed in pursuance of any rule made under sub-clause (i)". (108).

Page 7,—

after line 16, insert—

"(24A) the taking over by the Central Government or the State Government, for a limited period, of the management of any property (including any undertaking) relating to supplies and services essential to the life of the community;" (109).

Page 7,—

omit lines 35 and 36 (110).

Page 8,—

after line 16, insert—

"(35A) the prevention of any corrupt practice or abuse of authority or other *mala fide* action in relation to the production, storage, purchase, sale, supply or transport of goods for any purpose connected with the defence of India and civil defence, the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community;

(35B) the prevention of hoarding blackmarketing, or adulteration of, or any other unfair practices in relation to any goods procured

by or supplied to the Government or notified by or under the rules as essential to the life of the community." (111)

The motion was adopted.

Amendments Nos. 3, 27 and 29 were, by leave, withdrawn.

Mr. Speaker: The hon. Minister wanted to accept some other amendments, I think.

Shri Datar: The House has already accepted some amendments like amendments Nos. 138, 139 and 142. So far as the other amendments are concerned, I am accepting amendments Nos. 41, 43, 47, 48 and 49.

Mr. Speaker: The hon. Minister might move those amendments in his own name, because my difficulty is that the hon. Members in whose names those amendments stand, have not moved them.

Shri Datar: If they have not moved then, I shall move them as my own amendments.

Amendments made:

Page 4, line 22, add at the end "or military operations". (41)

Page 5, line 9, after 'roads' insert bridges'. (43).

Page 6, line 28, add at the end 'and aircraft' (47).

Page 6, line 32, for 'dockyards and shipyards' substitute 'dockyards, shipyards and aerodromes'. (48).

Page 6, line 33, add at the end 'and aircrafts'. (49).

[**Shri Datar**]

Mr. 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.

New clauses 3A and 3B

Mr. Speaker: Now, I shall take up the amendment seeking to insert new clauses 3A and 3B, namely amendment No. 56.

Shri Daji (Indore): I beg to move:

Page 11, after line 10, insert:

"3A. A Committee consisting of members of both Houses of Parliament shall be constituted to advise the Government in the exercise of power under this Act.

3B. A report of the action taken under the Rules framed under section 3 shall be placed before both the Houses of Parliament in each Session." (56).

Mr. Speaker: The amendment is now before the House.

Shri Daji: Yesterday, many hon. Members including three Members of the Congress Party pointed out that the House should be vigilant about the exercise of the powers under this Bill and should act as a watch-dog.

12.58 hrs.

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

My amendment only seeks to build into the Bill itself the possibility of Parliament acting as the watch-dog. I am sure that this is an amendment which Government should accept, namely that in every Session of Parliament, a report of the action taken under the rules should be laid on the Table of the House. Not only should the rules be laid, but even a report on the action taken thereunder should also be laid on the Table of the House, so that the House is informed from time to time of the various actions taken under the Bill. Unless it is informed, the House cannot possibly exercise its powers fully as a watch-dog. I hope that this part of the amendment will be accepted by Government.

The other part of the amendments seeks to provide that a committee of both Houses of Parliament be constituted to advise the Government and help them in the exercise of the powers under this Bill. About this also, much has already been said. I would only point out that the informal consultative committee attached to the Home Ministry will be too unwieldy and will not serve the purpose, and, therefore, a small compact committee consisting of Members of both Houses should be constituted to advise and help Government. It is not necessary for Government to place before that committee everything before it is done, but the committee if it is kept informed can certainly help Government not only by going over the actions taken but by suggesting measures which may be found necessary.

These two parts of this amendment are meant to strengthen the hands of Parliament to act as the proper watch-dog over the exercise of the powers under this Bill.

Shri Datar: I am opposing both these new clauses which are sought to be inserted. While replying to the debate on clause 3, I have already pointed out that the powers would be exercised by the officers under the State Governments generally, and therefore, it would not be possible here for us to constitute a committee here, much less to make a report to it from time to time.

Shri S. M. Banerjee (Kanpur): On a point of clarification. May I know from the hon. Minister what specific objection he has to accept the new clause 3B, which says:

"A report of the action taken under the Rules framed under section 3 shall be placed before both the Houses of Parliament in each Session"

If we say that the report should be placed before Parliament, what specific objection does the hon. Minister have to this?

Mr. Deputy-Speaker: The hon. Minister has already said that he is opposed to it. Is Shri Daji pressing it to vote?

Shri Daji: Yes.

Mr. Deputy-Speaker: I shall now put amendment No. 56 to vote.

Amendment No. 56 was put and negatived

13 hrs.

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted

Clause 4 was added to the Bill.

Clause 5—(Enhanced penalties)

Shri Datar: I beg to move:

Page 11, line 22, after 'any person' insert 'contravenes,' (112).

Page 11, line 24, omit 'contravenes' (113).

Shri Daji: I beg to move:

Page 11, for lines 22 to 27, substitute: .. .

"5. (1) If any person commits any act with the intent to wage war against India or to assist any country committing external aggression against India, he shall be punishable with death or imprisonment for life or imprisonment for a term which may extend to ten years and shall also be liable to fine." (72).

Shri Nambiar (Tiruchirapalli): I beg to move:

Page 11, lines 24 and 25, for 'contravenes any provision of the rules made under section 3 or any order issued under any such rule' substitute 'assists such country'. (73).

Mr. Deputy-Speaker: Then, there is an amendment in the name of Shri Kashi Ram Gupta, namely Amendment No. 32. The hon. Member is not in his seat.

Then, there is amendment No. 57 standing in the name of Shri Brij Raj Singh, Shri Bade, Shri Y. S. Chaudhary, and Shri Berwa. None of those hon. Members is present here

So, the other amendments which have been moved are now before the House.

Shri Nambiar: My amendment seeks to provide that in page 11, lines 24 and 25, the words 'contravenes any provision of the rules made under section 3 or any order issued under any such rule' be deleted. If I read out the original provision in clause 5 (1), it will be very clear. Sub-clause (1) of clause 5 reads thus:

"If any person with intent to wage war against India or to assist any country committing external aggression against India, contravenes any provision of the rules made under section 3 or any order issued under any such rule, he shall be punishable with death or imprisonment for life, or imprisonment for a term which may extend to ten years and shall also be liable to fine."

If there is an intent to do it, and if with that intent he contravenes any of the provisions, which may be about forty or fifty in number, then the man can be punished. It is enough if it is said that there is an intent; then, the man can be punished with death or transportation for life.

Now, what does the term 'contravenes any provision' mean? Sub-clause (3) of clause 5 defines the term as follows:

"For the purposes of this section, any person who attempts to contravene, or abets, or attempts to to abet, or does any act preparatory to, a contravention of any provision of any law rule or order shall be deemed to have contravened that provision."

So, according to this, even an actual contravention is not necessary; it is

enough even if there is an abetment or the doing of any act preparatory to a contravention of any provision. This is very sweeping. Nowhere can such a law be allowed. The straight question is whether there is an intent to war, and that is what I have sought to provide for through my amendment.

Mr. Deputy-Speaker: Even in the 'Criminal Procedure Code, there are several sections where abetment is an offence.

Shri Nambiar: Even abetment or any act preparatory to a contravention of any provision becomes punishable under this provision. Supposing it were to be provided that if anybody has an intent to wage war against India or assist the aggressor, then he commits an offence under this Bill, then I would have no objection to his even being hanged. Here, on the other hand, what is stated is 'with intent'. He need not do anything. He may contravene any of the provisions. The provisions are from 1 to 100 (*Interruptions*). After all, I want to explain the position. That is why I have moved my amendment. It does not say only 'contravene'. It is abetment to contravene or intent to contravene. Under this, anybody can be brought within the mischief of the law. For instance, a jawan reports sick. He is unable to go to the front. It may be said that he is not sick, but he is purposefully doing it to assist the aggressor. Therefore, he comes under the mischief of this provision and he has to be hanged. I am just giving an example. Or take the case of a shopkeeper. He sells rice at an increased price. Instead of Re. 1 per measure, he sells it at Rs. 1—2 per measure. It may be said that this is done with intent to contravene one of the provisions. Or take another case where a person addresses a public meeting and criticises Government. It can be interpreted from the CID report that that criticism was made with intent to militate against the defence of India. As such, it becomes a contravention of such and such rule and he has to be hanged.

If the meaning of the provision is taken to its extreme end, anything can be brought under the mischief of this provision. Therefore, my amendment seeks to delete the words 'contravenes any provision of the rules made under section 3 or any order issued under any such rule'. This deletion will make the clause straight, namely,—any person with intent to wage war against India or to assist any country committing external aggression against India may be punishable with death or imprisonment for life. This is the reason why I have moved my amendment. I hope the hon. Minister can accept it because the idea is not to negative the clause as such but to delete only that portion under which anything and everything can be brought under the mischief of the provision.

Shri Daji: Unfortunately, this Bill could not go to a Select Committee. But in the informal Consultative Committee, I had occasion to point out that this clause is very loosely worded. But unfortunately, sufficient attention could not be given then to this, and I am afraid this provision has now come before the House.

I would most respectfully point out that in the parallel law of England the wordings are not as in our Act. Therefore, I have moved an amendment trying to bring the wording in line with the English Treachery Act. The Government need not be excited about this clause. What we are creating by this clause is a special offence punishable with a sentence more than normal. What we are saying in this clause is that if any order passed under any rule is violated with intent to assist an aggressor, then the man can be punished with death or transportation for life. May be after the case has gone wrong, the tribunal may acquit him, but keeping the clause so loosely worded would be giving a handle for unnecessary prosecutions on a serious charge, causing great trouble. How it will be used and against whom it will be used, it

[**Shri Daji**]

is very difficult to say today. Remember the provision is 'contravention of any rule'.

I may also add that under the English law, a man can be apprehended under a similar clause, but cannot be proceeded against unless there is a sanction of the Attorney-General. So even a country like England, ravaged by war and facing continuous bombing, when it enacted a similar provision prescribing a deterrent penalty for treachery, wrote into the law two precautions: one, that it would be examined by the Attorney-General and two, what was punishable was an act intended to help the enemy or impair the defence of the country. Even the English law does not go as far as to say that violation of any order under any rule—the order may be important or a minor one—would be visited with this punishment.

Therefore, the clause as it stands gives a very wide connotation, and some sort of limitation or check is necessary so that the temptation for abuse of the law as a result of it being very loosely worded will not be there. Hence my amendment.

Dr. M. S. Aney (Nagpur): I am afraid the clause, as it is, is so vague and indefinite that it is impossible for any intelligent person to give his consent to its passing here.

13.11 hrs.

[**SHRI MULCHAND DUBE** in the Chair]

As has been rightly pointed out by the two previous speakers, there is not only punishment provided for intent to wage war against India or to assist any country committing external aggression against India, but for contravening any provision under the rules made under clause 3 or any order issued under such rule.

Shri Hari Vishnu Kamath: With intent to wage war.

Dr. M. S. Aney: In the first place, we do not know what rules are going to be made under clause 3. This House

is asked to take it for granted that Government will make certain rules and we are to imagine that those rules will be all good, wise, reasonable and equitable.

Shri Hari Vishnu Kamath: They will come before the House.

Dr. M. S. Aney: It is on the basis of that assumption that we are going to approve of this provision which envisages the death penalty for contravention.

Shri Hari Vishnu Kamath: The rules will come before the House.

Dr. M. S. Aney: They may, later on. They are not today before the House. They cannot be before the House now.

Shri Hari Vishnu Kamath: This session.

Dr. M. S. Aney: Those rules will have the force of law, whether they come before the House or not. Contravention of those rules is going to be visited with sentence of death. This is rather a dangerous thing. Under the circumstances, it will not be wise for this House to adopt this clause as it is. Government must make the necessary changes removing at least the punishment for contravening the rules. Later on, they may bring the rules before the House and amendment can be made then. But in the present state of things, it is not fair to ask this House to sanction the punishment of death for some offence which we do not know. It will be known only when a man breaks the rules which will be framed later. So now we are not in a position to say whether the punishment of death should be given for contravention of a rule which does not exist today. Hence it is not possible for any reasonable Member of this House to accept the clause as it is.

Shri Hari Vishnu Kamath: Government by a verbal transposition has made the meaning slightly clearer than it would otherwise have been, by drafting the clause—that is the amend-

ment moved by the Minister—which now reads:

"If any person contravenes with intent to wage war against India or to assist any country committing external aggression against India, any provision of the rules. . . ."

But even so, I would have been happy, as I am sure you and the House too would have been, if the penalty that is sought to be provided is provided only for violation or contravention of the provisions of the Act, that is section 3, and not of the rules made thereunder. I say this because all kinds of rules, some very trifling sometimes, are made under the Act and it would be wholly monstrous and sometimes even inhuman to award the sentence of death for contravention of the rules made under clause 3 of the Act. It is true that a safeguard is there, that intent to wage war or to assist any country committing aggression against India, has to be proved. I suppose here the onus of proof will be entirely on the prosecution, proof that the person has contravened or has done so with intent to wage war against India. But in spite of this built-in safeguard in the clause itself, it would be much better if this provision is reworded so as to make the action liable only if that action is for a violation of the Act and not of the rules made thereunder.

Shri Ranga (Chittoor): Would it not be possible for my hon. friend to agree to some small amendment in this clause instead of making any mention of these rules. Would it not be enough if the clause says:

"If any person with intent to wage war against India or to assist any country committing external aggression against India, contravenes any provision of section 3 of this Act, he shall be punishable with. . . ."

The reference to the rules may be dropped.

Shri Datar: How can that be? It is the rules that are operative.

Shri Ranga: Sometimes in a court it may be pleaded that a particular rule is not germane to the particular section, that it goes beyond the scope of the particular section etc., but if you simply leave it with the section alone, it should be satisfactory.

Shri Datar: That is against the whole provisions under which rules are to be made, and the subjects for which rules are to be made have been enunciated in a number of columns, about 55 in number.

So far as Dr. Aney's objection is concerned, there is a clear distinction between clause 5(1) and clause 5(2). So far as sentence of death, imprisonment for life etc., are concerned, they are only in respect of clause 5(1). So far as clause 5(2) is concerned, the punishment is less, imprisonment for a term which may extend to five years unless there is intention to assist the enemy etc. Therefore, if the hon. Member reads both the clauses together, he will find that we have been very careful in confining the punishment of death only to extreme cases.

Shri Nambiar: No, Sir. Under clause 3, there is a set of rules, numbering about 100. So, the entire rules will come under the operation of clause 3.

Shri Datar: That is quite correct. So far as the rules are concerned, they will be placed on the Table of the House.

Shri Nambiar: They have already been placed. We have got them.

Shri Datar: The rules will have the force of law.

Shri Nambiar: Therefore, death is the punishment in respect of those rules which have already been placed on the Table of the House, and we have got a copy.

Shri K. C. Sharma (Sardhana): It is a simple provision, and it is in every law that is promulgated at a time of war. Once you intend to go against the security of your country, you are likely to be hanged.

Shri Daji: It is done in no other country, I challenge you.

Shri K. C. Sharma: In war, these things are done.

Shri Daji: During the war it has not been done in UK or anywhere else.

Mr. Chairman: The question is:

Page 11, line 22,—

after "any person", insert
"contravenes". (112).

Page 11, line 24,—

omit "contravenes". (113).

The motion was adopted.

Mr. Chairman: I shall put amendments 72 and 73 to the House.

Amendments Nos. 72 and 73 were put and negatived.

Shri Nambiar: Before you put the clause to the vote of the House, may I make a request? The hon. Minister can at least redraft the clause before it is passed. We can go to the next clause, and in the meantime he can think about it.

Shri Datar: Redrafting in what way?

Mr. Chairman: 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.

Clause 6—(Temporary Amendments to Acts)

Amendments made.

Page 14, lines 13 and 14,—

for "not exceeding five years" substitute—

"or for the period of operation of this Act, whichever is less;". (114).

Page 14, line 41,—

for "State Government", substitute—

"Central Government or the State Government". (115).

Page 15, line 2,—

for "State Government", substitute—

"Central Government or, as the case may be, the State Government." (116).

[**Shri Datar**]

Mr. Chairman: The question is:

"That Clause 6. as amended, stand part of the Bill."

The Motion was adopted.

Clause 6, as amended, was added to the Bill.

New Clause 6A.

Mr. Chairman: New Clause 6A. Amendment 75.

Shri K. Pattnayak (Sambalpur): I beg to move:

Page 15,—

after line 13, insert—

"6A. For the removal of doubts it is hereby declared that the normal and constitutional activities of political parties shall not be interfered with so long as such activities are not directly prejudicial to the conduct of defence." (75).

Mr. Chairman: I put amendment 75 to the House.

Amendment No. 75 was put and negatived.

Mr. Chairman: Clauses 7 to 12. No amendments have been moved.

The question:

"That Clauses 7 to 12 stand part of the Bill."

The motion was adopted.

Clauses 7 to 12 were added to the Bill.

Clause 13—(Constitution of special tribunals)

Shri Datar: I beg to move:

Page 17, line 19.

for "has for a total period of not less than three years exercised, whether continuously or not." (117)

Page 17—

after line 25. insert—

"(3) At least one member of a Special Tribunal shall be qualified for appointment thereto under clause (a) of sub-section (2), and where only one member is so qualified under that clause, at least one other member shall be qualified for appointment under clause (b) of that sub-section by virtue of having exercised powers exclusive of those specified in sub-clause (ii) of the said clause (b)." (118)

Shri Daji: I beg to move:

Page 17, lines 22 to 24,—

omit "Chief Presidency Magistrate, Additional Chief Presidency Magistrate," (76)

Shri Nambiar: I beg to move:

Page 17, lines 23 and 24,—

omit "Additional Chief Presidency Magistrate" (77)

Shri Daji: I beg to move:

Page 17,—

omit line 25. (78)

Shri Nambiar: I beg to move:

Page 17, line 25,—

omit "Additional District Magistrate" (79)

Sir, I wish to make certain observations.

Clause 13 and some other clauses in Chapter IV are very important. This is about the constitution of the special tribunals. Special tribunals are to be constituted under this Act when there are certain offences which are either committed or likely to be committed in a particular area, and that is likely to create danger to the national defence, and here the normal courts do not come in at all. These offences are to be tried by a special tribunal.

Yesterday, the Law Minister said that these special tribunals would be operating only in certain areas where they are required, but nothing of the sort is found here. What we understand is this, that anywhere in India, for anything that is done against the rules that we have now passed under clause 3 of the Bill and so on, the special tribunal can try the persons. It need not go to the normal courts. Therefore, special tribunals will be appointed at all places.

There is a procedure given as to how the special tribunal should try cases. It is this special tribunal which has got the power to give death sentence, imprisonment for life or ten years and so on. The entire punishment can be given by this tribunal. There is no appeal except for death penalty and more than five years imprisonment. Thus these tribunals have immense powers and they can be formed in any part of India. There is no other safety to the accused except that the tribunal must be constituted of persons of high calibre and secondly they must have the normal appellate remedies. When these normal remedies are denied, they should be constituted with persons of high calibre. Now, according to this clause it can be constituted by the Sessions Judge, additional sessions judge, chief presidency magistrate, additional chief presidency magistrate, district magistrate and additional district magistrate. An IAS officer newly recruited and functioning as ADM can sit in judgment along with two other ADMs and pass a death sentence. This looks ri-

[Shri Nambiar].

diculous. Of course, everything can be done under the emergency. But there must be certain minimum norms. Why have ADMs and presidency magistrates? Sometimes they are police officers. The additional chief presidency magistrate will be a deputy superintendent of police. Then, there is no appeal from these tribunals also if the sentence is for less than five years. Then the normal procedure is not there. Only a brief summary of the evidence will be recorded. The accused can be tried in *absentia*. It is enough if he appeared in court only once; subsequent is not necessary. In *absentia* he may be tried and convicted. Even though there is an emergency, there must be a limit to all these things. These provisions go even beyond those limits. My amendment seeks to delete the chief presidency magistrate and the ADM from these persons. Since it comes from this side, there should be no prejudice. I am prepared even to withdraw my amendment if the Government comes forward with a similar amendment.

Shri S. M. Benerjee (Kanpur): I move my amendment No. 33.

Page 17.—

after line 14, add—

"Provided that Special Tribunal shall include one Judge of the High Court." (33)

Clause 13 speaks of the composition of the tribunal. Our experience in the past shows that when we launched any movement such as the food movement, people were tried by the Additional District Magistrates summarily. When their judgements are taken up to the High Court, most of them are quashed and the persons were acquitted. When these powers are taken by Government in an emergency, there should be a High Court Judge in these tribunals. High Court judges may not be available for all the tribunals, it may be argued. The hon. Minister has said yesterday that these tribunals may be necessary only in exceptional cases and otherwise

they will not utilise these provisions normally. In every State we have a High Court and there are a number of High Court Judges. With the suspension of many articles of the Constitution in view of the emergency, I think there will not be much work for the High Court Judges. If for any reason a sitting Judge is not available, at least a retired High Court Judge should be on the tribunal and he will have a sense of justice. In the subsequent clauses 14 and 15, it is said that the special tribunal may take cognisance of offences against accused without the accused being committed to it for trial. This is serious. Therefore, I submit that there should be a High Court Judge in each of these tribunals in the interest of justice.

Shri Daji: Sir, I have moved amendments Nos. 76, 77, 82 and 88. I do not want to repeat what has been said. Let it be made clear that we are establishing such tribunals which will try an accused against all established principles of criminal jurisprudence. There will be no commitment. That counts out delay. We met that argument of the hon. Home Minister. Secondly, I do not understand why evidence should not be recorded. Our experience shows that recording evidence is quicker than recording a summary. Our summary may not be what the witness said. Then, when there is not record it will be difficult to argue at the end of the trial. You have also not provided for any appeal. Yesterday, the hon. Law Minister assuaged us by saying: the powers of these tribunals will not be exercised everywhere but only in a real emergency. He found such a case in Tezpur. This morning's paper has falsified the Law Minister in a shocking manner. Yesterday, the Punjab Government have already set up such tribunals. There is no 'Tezpur' in Punjab; even Tezpur is looking normal now. But Punjab Government had already announced a tribunal for each district. Now, what is this tribunal? The Law

Minister said: We are giving you a three-man tribunal. That is a mere eye-wash. I shall put it straight to Shri Datar. The composition of the tribunal in Punjab is: Sessions Judge sitting with a magistrate and a small cause judge. Do you think any magistrate will go against the judgement of the Sessions Judge with whom he is sitting? Why waste time and money? You can as well give the powers straight to the sessions judge. The two men in this tribunal are the subordinates of the third, administratively and judicially.

Dr. M. S. Aney: They may not be magistrates from the same district.

Shri Daji: In Punjab they are from the same district. It is almost a one-man tribunal. There is no right of appeal and no right of revision. I do not know why the right of appeal is being withheld. The man is sentenced; let him be put in jail and you may even say that he cannot be released on bail pending the appeal. But the right of appeal is a fundamental right in criminal jurisprudence to see that no injustice has been done. When you close all the doors for rectifying injustice, certainly we have reasons to be apprehensive.

In the consultative committee, the hon. Minister conceded one principle, but it has not been embodied in the amendment. I stressed the point that in many cases the District Magistrate and Additional District Magistrate have no judicial experience. I come from Madhya Pradesh and I know the only judicial experience they have is in dealing with cases under sections 107 and 109 of the Cr.P.C. When he has said three years judicial experience, that means a District Magistrate who has only tried cases under sections 107 and 109 will be deemed to have the necessary judicial experience to be elevated to the special tribunal and he is supposed to have some knowledge also.

So far as the Presidency Magistrate is concerned, it is meaningless. You are cutting out the commitment proceedings, cutting out evidence, cutting out appeal, etc. You are handing it over to a fictitious three-man tribunal, which is no guarantee that injustice will not be done. I also submit that howsoever big the emergency may be, the right of appeal is not going to hinder. When we are prescribing a special procedure cutting across all established principles of criminal jurisprudence, the right of appeal is all the more necessary, so that no innocent man will be punished. I do not want to repeat the oft-repeated maxim in English law, because you may say this is an emergency power. It is the *sine qua non* of the rule of law that not one innocent man should be sentenced and certainly not without a fair trial. The more you cut across a fair trial according to established principles, the more necessary it is to have the right of appeal.

Shri Narendrasingh Mahida (Anand): I am speaking on amendment No. 5.

Mr. Chairman: It has not been moved.

Shri Ranga: You have made an exception in the case of the Home Minister. Can you not show the same indulgence to the hon. Member also?

Mr. Chairman: All right; he may move it.

Shri Narendrasingh Mahida: I beg to move:

Page 17, after line 14, add—

“provided that at least one member of the Special Tribunal shall be such as has qualified for appointment under clause (a) of sub-section (2).” (5)

I have sought to provide that at least one member should be qualified for appointment as a High Court Judge under clause (2) of article 217 of the Constitution.

Shri Datar: Please see my amendment No. 118. That goes a long way in meeting his amendment.

Shri Ranga: Yours is too complicated. Why not accept this simpler amendment?

Shri S. M. Banerjee: Amendment 118 says that at least one member shall be qualified for appointment as High Court Judge. It does not say he should have acted as High Court Judge. Being qualified for appointment is something different from actually working as High Court Judge. I may be qualified to be anything; that is different.

Shri Narendrasingh Mahida: My amendment is clearer than the hon. Minister's amendment. He may kindly accept.

Shri Kashi Ram Gupta: Sir, I would like to say a few words on my amendment No. 34. Shri Banerjee and Shri Nambiar spoke about the Additional District Magistrate. I may say that specially in my State of Rajasthan, the District Magistrate and the Additional District Magistrate are on equal footing. They always fall a prey to the pressure of politicians. They are more of executive officers, carrying out the orders of the Government. If such persons are put on the Tribunal, the people concerned cannot expect any justice. So, it is a very simple thing and the Minister also knows it. He knows how these executive people work. So, in fairness to the people who are to be tried under this law, such persons should not be on the Tribunal.

Shri Ranga: My friend, Shri Mahida, has already spoken on his amendment No. 5. This is couched in such a way that this would be more easily understood than what the Minister has got. In addition, I wish to express my support to the two amendments that have been moved earlier by Shri Nambiar and Shri Daji. One amendment suggests the omission of District Magistrate and Additional District Magistrate. Our friends have already said

what ought to be said in regard to this matter. I do hope that my hon. friend will be agreeable to accept this amendment because District Magistrate and Additional District Magistrate are essentially executive officers, although some judicial powers are also conferred upon them. The great distinction between them and the Sessions Judge is that the Sessions Judge is expected and does manage to exercise what is known as judicial conscience, whereas the District Magistrate and Additional District Magistrate are primarily executive officers and cannot be said to have developed that necessary quantum of judicial conscience that can be depended upon by people who would be brought before them. It is all the more necessary that this amendment should be accepted, in view of the fact that there is no provision made here for appeal against the sentence of death, life imprisonment and even sentence upto five years and more. It is such a serious matter for anyone to be brought before this Tribunal without any opportunity of having an appeal. Therefore, it is only fair that the Minister should agree to this suggestion that these Special Tribunals should contain at least one High Court Judge or a retired High Court Judge. Otherwise, they would all be at the district level—Sessions Judge, Chief Presidency Magistrate or someone else of that status and it would be really expecting the House to agree to too much when they say that such a Special Tribunal should be empowered with so much power over the lives of the people.

Therefore, I sincerely hope that my hon. friend would see his way to accept our amendment No. 5 and also the other two amendments moved by Mr. Nambiar and Mr. Daji.

Shri Kishen Pattnayak: I beg to move:

Page 17,—

after line 25, insert,—

"(3) for the removal of doubts it is declared that the Tribunals

shall be so constituted that the same authority shall not be both accuser and judge." (80).

Shri Datar: May I point out to the hon. Members that I have already accepted some of the suggestions made by hon. Members?? Two or three points have been made clear. I would invite the attention of the House to two amendments, No. 117 and 118. Amendment 117 says, three years judicial experience is insisted upon. Amendment 118 meets to a large extent what is asked for in amendment No. 5. Amendment No. 5 also says "qualified for appointment" and not actually those who have acted as High Court Judges. Amendment 118 makes it clear:

"(3) At least one member of a Special Tribunal shall be qualified for appointment thereto under clause (a) of sub-section (2) and where only one member is so qualified under that clause, at least one other member shall be qualified for appointment under clause (b) of that sub-section by virtue of having exercised powers exclusive of those specified in sub-clause (ii) of the said clause (b)".

Two other amendments also might be seen. Those amendments are: 153 and 156—they will come in due course. So far as 153 is concerned, full evidence will have to be recorded in all cases wherever there are offences punishable with five years imprisonment or more. Formerly it was ten years or more. Now it has been brought down so as to include more offences so that full evidence will have to be recorded.

Amendment No. 156 makes it clear that in all these cases an appeal will lie to the High Court. Therefore, on a number of points, the hon. Members will kindly see, we have gone a very long way in meeting the desires of the hon. Members including those opposite on three or four points. Under these circumstances it would not be proper to make any derogatory remarks, as one hon. Member did, about Presidency Magistrates or Additional

Magistrates. The House is aware that Additional Magistrates are also experienced magistrates; it is not that they are immediately appointed.

Shri Hari Vishnu Kamath: Not always.

Shri Datar: It is not a correct view to take at all. It has been stated that in all these cases a certain amount of judicial experience is essential.

Under these circumstances, in view of the two amendments that I have moved to this very clause and two others to which I have made a reference, I hope the hon. Members will not press their amendments.

Mr. Chairman: I shall first put amendments Nos. 5, 33, 76, 77, 78, 79 and 80 together to the vote of the House.

Amendments Nos. 5, 33, 76, 77, 78, 79 and 80 were put and negatived.

Mr. Chairman: I shall now put the two Government amendments.

The Question is:

Page 17, line 19,—

for "has exercised" substitute—

"has for a total period of not less than three years exercised, whether continuously or not," (117).

Page 17,—

after line 25, insert—

"(3) At least one member of a Special Tribunal shall be qualified for appointment thereto under clause (a) of sub-section (2), and where only one member is so qualified under that clause, at least one other member shall be qualified for appointment under clause (b) of that sub-section by virtue of having exercised powers exclusive of those specified in sub-clause (ii) of the said clause (b)." (118).

The motion was adopted.

Mr. Chairman: The question is:
"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 (Jurisdiction of Special Tribunals)

Mr. Chairman: Then we come to Clause 14.

Shri Datar: I beg to move:

Page 17,—

for lines 30 and 31, substitute—

"(b) punishable with death, imprisonment for life or imprisonment for a term which may extend to ten years under section 5 of this Act or under sub-section (4) of section 5 of the Indian Official Secrets Act, 1923, as amended by section 6 of this Act." (119).

Mr. Chairman: Are there no other amendments?

An Hon. Member: No.

Mr. Chairman: I shall then put it to the vote of the House.

The question is:

Page 17,—

for lines 30 and 31, substitute—

"(b) punishable with death, imprisonment for life or imprisonment for a term which may extend to ten years under section 5 of this Act or under sub-section (4) of section 5 of the Indian Official Secrets Act, 1923, as amended by section 6 of this Act,"

The motion was adopted.

Mr. Chairman: The question is:

"That clause 14, as amended, stand part of the Bill."

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15—(Procedure of Special Tribunals)

Mr. Chairman: What are the amendments to clause 15?

Shri Datar: Sir, I beg to move:

That for the amendment proposed by me, printed as No. 120 in List No. 5 of Amendments, substitute the following amendment,—

Page 18, line 4,—

for "imprisonment for life", substitute—

"imprisonment for life or imprisonment for a term which may extend to five years or more" (153).

Shri S. M. Banerjee: Sir, I beg to move:

Page 18, line 1,—

for "may" substitute "shall not" (35).

Page 18,—

(i) line 4, omit "not";

(ii) lines 5 to 9,—

omit 'but the Special Tribunal shall cause a memorandum of the substance of what each witness deposes, to be taken down, and such memorandum shall be signed by a member of the Special Tribunal and shall form part of the record" (36)

Shri Nambiar: Sir, I beg to move:

Page 18,—

omit lines 3 to 9. (81).

Page 18,—

omit lines 17 to 22. (83)

Shri Daji: Sir, I beg to move:

Page 18,—

for lines 3 to 9, substitute—

"(2) The special Tribunal shall follow the same procedure as

laid down in the Code in cases of Sessions trial." (82).

Shri Narendrarsingh Mahida: Sir, I beg to move:

Page 18,—

omit lines 1 and 2. (6)

Page 18,—

for lines 3 to 9, substitute—

"(2) In all cases of trials of offences punishable under this Act, it shall be necessary in any trial for a Special Tribunal to take down the evidence at length in writing." (7).

Shri Hari Vishnu Kamath: Sir, I beg to move:

Page 18,—

omit lines 1 and 2.

That in the amendment proposed by Shri B. N. Datar, printed as No. 120 in List No. 5 of Amendments,—

for "which may extend to ten years" substitute "exceeding five years".

Shri S. M. Banerjee: Sir, my amendment reads like this:

Page 18, line 1,—

for "may" substitute "shall not" Clause 15(1) reads:

"A Special Tribunal may take cognizance of offences without the accused being committed to it for trial."

If my amendment is accepted—I am sure it will not be accepted—it will read like this:

"A Special Tribunal shall not take cognizance of offences without the accused being committed to it for trial."

My amendment No. 36 reads:

Page 18,—

(i) line 4, omit "not;

The clause will read like this:

"(2) Save in cases of trials of offences punishable with death or imprisonment for life, it shall be necessary in any trial for a Special Tribunal to take down the evidence at length in writing...."

Shri Nambiar: I hope the hon. Minister accepts it, that in the trial evidence will be written down in full.

Shri Datar: I am not agreeing to anything beyond what has been said in clause 15.

Shri S. M. Banerjee: That is why I move my amendments. Then I want omission of this:

omit "but the Special Tribunal shall cause a memorandum of the substance of what each witness deposes, to be taken down, and such memorandum shall be signed by a member of the Special Tribunal and shall form part of the record".

Thus, with my amendment, clause 15 (2) shall read as follows:

'Save in cases of trials of offences punishable with death or imprisonment for life, it shall be necessary in any trial or a Special Tribunal to take down the evidence at length in writing....'

We do not want that people should be punished merely on the basis of substance. I am facing a trial in the Patna High Court where entire conviction has been based on mere substance. Even the proper record has not been given. Even the shorthand book which was demanded by the magistrate and the sessions judge was not produced by the Intelligence Bureau. Merely on the basis of substance, which has been taken out of context, punishment has been given and myself and Shri Indrajit Gupta have been convicted. So, I would suggest that there should be proper recording of evidence. I feel that these two amendments are absolutely harmless and the

(Shri S. M. Banerjee)

hon. Minister, if he applies his mind a little more carefully, will accept them.

Shri Narendra Singh Mahida: My amendment is No. 6 which seeks to omit sub-clause (1) of clause 15. Then, I have suggested the following in substitution of sub-clause (2):

'In all cases of trials of offences punishable under this Act, it shall be necessary in any trial for a Special Tribunal to take down the evidence at length in writing.'

It is absolutely necessary that this provision should be there because otherwise there is no point in having a Special Tribunal; you can sentence a person straightway without hearing at all. So, it is absolutely necessary that this procedure should be laid down so that proper records can be kept. I would appeal to the Home Minister to accept the provision which I have suggested.

Shri Narasimha Reddy (Rajampet): I support the amendments of my two friends who have spoken before me. I feel that it is absolutely necessary that evidence in all cases should be taken down in writing. My experience, even in sessions courts, is that we come across some judges who put the pen on paper and make it appear as if the pen is moving but when we get a copy of the evidence we find that nothing is written there except one or two lines. When such is the case with a regular sessions court and sessions judges with considerable experience, what would be the behaviour of the wonderful judges who form the Special Tribunal? In our experience we come across impatient judges, cantankerous judges and sleeping judges. This provision that evidence need not be taken at length in writing will come as a god-send to the sleeping judges because they could sleep well.

Shri Datar: Let the hon. Member be a bit careful while making such sweeping remarks.

Shri Narasimha Reddy: I said "some". I have qualified my statement by the use of the word: "some". The hon. Minister should hear me better in future.

This provision that evidence need not be taken down in writing is a temptation even for good judges to sleep. Therefore, I support the amendment.

Shri Nambiar: A clear reading of this sub-clause will make everyone understand the dangerous aspect of this clause.

"A Special Tribunal may take cognizance of offences without the accused being committed to it for trial.

(2) Save in cases of trials of offences punishable with death or imprisonment for life, it shall not be necessary in any trial for a Special Tribunal to take down the evidence at length in writing...."

That is to say, except in cases where there is death penalty or life sentence, in all other cases they need not have the evidence recorded *verbatim*.

"....but the Special Tribunal shall cause a memorandum of the substance of what each witness deposes, to be taken down, and such memorandum shall be signed by a member of the Special Tribunal and shall form part of the record."

Only one member has to sign it. He can write anything of the substance. What is the safety for the accused? It is true that there is an emergency. But what is the harm in having the evidence in writing? Is it the contention that in an emergency you cannot write it down? What is the guarantee for the accused during the emergency? Of course, the war is there and the enemy is there. But, then, the judge is there and he is paid for the job. He has only to write down the evidence in paper. What is

the harm in doing it? What is your objection? Why can you not do it? Will the paper record undermine the defence of the country? There is absolutely no meaning for this argument. It is absurd. After all, a person is being accused and he is going to be given a sentence of 10 or 15 years after the trial. So, you should record the evidence in writing. That is all what I seek. I want sub-clause (2) of clause 15 should be deleted, which will mean that the normal procedure of recording evidence should be adopted.

Then, sub-clause (5) reads:

"After an accused person has once appeared before it, a Special Tribunal may try him in his absence if, in its opinion, his absence has been brought about by the accused himself for the purpose of impeding the course of justice, or if the behaviour of the accused in court has been such as, in the opinion of the Special Tribunal, to impede the course of justice."

What is the meaning of this? Since the accused is in the lock-up, if he does not come you can take him by force and place him before the Tribunal. Suppose he is on hunger strike, as that is one of the reasons. Even then you can bring his body before the Tribunal. Why should he not be brought in? It is possible that the accused is some 10 or 15 miles away in the prison from the place where the Tribunal is sitting. You can send a police party and bring him. What exactly is the meaning or motive behind this provision? It is stated:

"if the behaviour of the accused in court has been such as, in the opinion of the Special Tribunal, to impede the course of justice".

What behaviour is that? In sessions trials when a man is to be condemned to death, he is put on the dock when the trial is going on. What can he do?

He may shout. Then the police are there to stop him. This enactment is going to be in the statute book. Not only we, but many other people will read it. So, there must be some sense in what we do. After all, it is this august House which is passing the law; so, there must be some meaning. I, therefore, suggest that sub-clause (5) may be deleted, so that the normal course of trial may take place. Of course, X, Y or Z may sit in the Tribunal. But, then, at least the normal procedure of taking down the evidence in writing and presenting the accused in person before the Tribunal will be there. I hope my two amendments will be accepted.

Shri Hari Vishnu Kamath: Mr. Chairman, Sir, it is rather surprising that the hon. Minister of State for Home Affairs took offence at the remark made by my hon. friend, Shri Reddy, with regard to some judges. Sir, you well know that even in England, which is the home of democracy and judicial eminence, the famous author, Charles Dickens, has recorded in *Pickwick Papers* a very interesting court incident in the case of *Mrs. Bardell Vs. Mr. Pickwick* where he says that as soon as Sergeant Buzfuz, the lawyer, sat down, after finishing his argument, Justice Stareleigh woke up.

Mr. Chairman: That is only fiction.

Shri Datar: That is fiction.

Shri Hari Vishnu Kamath: It was based on fact. Even there it has happened. If it could happen in Britain, why can it not happen in India.... (Interruption) where democracy is in its infancy? I hope, we are happily progressing.

Shri Daji: I have heard of clerks writing judgments for the judges.

Shri Hari Vishnu Kamath: I wish, Sir, the hon. Minister of State for Home Affairs had given us his amendments in proper order. He gave us first amendment No. 120. Now, amendment No. 120 has been changed to No. 154.

Shri Datar: To 153.

Shri Hari Vishnu Kamath: To 153. Amendment No. 121, to which you will come later, has been changed to No. 154 and again to No. 156. I hope, this only shows an open mind and not a fickle or a vacillating mind on the part of the Government. They go on changing them from day to day and the Parliament Secretariat, naturally, is very hard put to it to collate them together and arrange them clause-wise. It would have been easier for us also to follow and to cut short the time of the House in discussion.

Now, I will come to my own amendments, Nos. 146 and 147. Regarding amendment No. 146, may I suggest that sub-clause (1) of clause 15 is not an appropriate one? The clause, as it stands, is to the effect that a Special Tribunal can take cognizance of offences under this Act without the accused being committed to it for trial. I do not know where the practical difficulty in every case is. It would have been better if the Government had listed particular offences or particular circumstances where the accused need not be brought for trial. But as the clause stands, it will be a blanket power for the Special Tribunals not to have the accused before them for trial at all. If it is passed by Parliament, to that extent it is a dangerous provision. If I am arrested under this Act and am not brought before the Tribunal for trial, I can protest. That is all that I can do. What else can I do?

The Government may say, "We are here to protect. We are here to see that it is not abused and that it is properly implemented." It is not that the hon. Minister will be present all over India. He is not ubiquitous or a sort of a *sarvagami*. He cannot be everywhere. Officers who will implement the Act, the members of the Tribunal and those Police officers who arrest a person may not think it necessary to produce any accused before the Tribunal. Therefore this provision is likely to be violated and

to be abused to a considerable degree. I will be happy if it is deleted.

Then, I have got another amendment, No. 147. The hon. Minister himself has got an amendment substituting "ten years" by "five years". It was 'five years' formerly but finally it has emerged as "five years or more". I do not know what exactly "exceeding five years" means. I am sorry that my own amendment has, in writing, slightly got a bit wrongly worded. I wanted to make it extending to five years. But I do not know what change even the hon. Minister's amendment will make. It was 'ten years' before. Now the minimum has been fixed at five years. That means that the floor has been fixed but the ceiling has not been fixed at all.

Under the Indian Penal Code, as you well know—I have got a copy here—I do not think this legal terminology of "five years or more" is quite correct. Either it is extending to something or it is not exceeding something. This "five years or more" is vague and badly vague. It should be more accurate and correct. It should be made either 'extending to ten years' or 'not exceeding'.

I hope, Sir, the hon. Minister will not engage in a conversation with an hon. Member when the discussion is going on. It is not proper. It is disrespectful to the House. The hon. Minister may turn round and hear. He may have a word with him later on. It is very bad. They have always been doing this. It is a growing vice on the part of the Government. They go on conversing with hon. Members when the debate is going on. You should listen if you want to listen at all. If you want to carry it with your brute majority, you can carry on.

Shri Datar: I am listening.

Shri Hari Vishnu Kamath: You are not listening. This is not a true statement at all. I will not say that it is a false statement but it is not a true statement. They should be more

respectful to the House. Is this the way to treat Parliament even in an emergency?

Shri C. K. Bhattacharyya (Raiganj): You are talking like a school master.

Shri Hari Vishnu Kamath: Who is this sitting down and talking like that? Get up and talk if you want to talk.

Mr. Chairman, I would suggest, therefore, that the hon. Minister might pay a little more attention to this amendment of his. He might have a second or a third substitute if he wants to have it—we do not mind—and change that wording. "Five years or more" is no legal terminology at all. It is either 'extending to' or 'not exceeding'. It is very bad. The hon. Minister has been practising before law courts for many years. He will know the legal terminology. It cannot be "five years or more". It is entirely vague and uselessly vague. He can change it even now. He can consult his officers in the gallery and see what can be done about it.

श्री ह० च० सोय (सिंहभूम): माननीय सभापति जी, मैं श्री बनर्जी का अमेंडमेंट नम्बर ३५ सपोर्ट करने के लिए खड़ा हुआ हूँ।

सभापति जी, मद्रास के एक बहुत बड़े जज के बारे में कहा जाता था कि वह सो जाते थे। तो यह बात नहीं है कि जज लोग सोते नहीं हैं। इसलिए हो सकता है कि गवाही लेते समय अगर वह सो रहे हैं तो कुछ हिस्सा वह सुनेंगे और अगर उनको बैठक समरी बनानी है तो वे उसी हिस्से की समरी बनायेंगे जो कि उन्होंने सुना है जो कि पूरी नहीं होगी। अगर उनको सारी बातें लिखनी होंगी तो अच्छा रहेगा।

फिर सरकार ने इस चीज को तो मान ही लिया है कि किसी आदमी को जो डिक्सेन आफ इंडिया एक्ट के मातहत सजा पाता है रिव्यू कराने का अधिकार है। ऐसी हालत में

यह बहुत जरूरी है कि सजा पाने वाले को गवाही की पूरी नकल मिल जाए।

इस प्रावीजन में गवर्नमेंट क्या चाहती है। उसका सिर्फ यह मंशा मालूम होता है कि जज को पूरी गवाही लिखने का परिश्रम न करना पड़े। इससे ज्यादा उसका मंशा नहीं मालूम होता। जब यही मंशा है तो सारी की सारी चीजें लिखी जानी चाहिए ताकि उसकी पूरी नकल मिल सके। समरी नहीं लिखी जानती चाहिए।

Shri K. K. Verma (Sultanpur): Mr. Chairman, Sir, so far as the objection to the language of the amendment (No. 154) is concerned, I think, the objection is not sound. It is quite definite. If an accused is sentenced to a term of five years or extending five years, where is the ambiguity?

14.14 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The amendment says:

"imprisonment for a term of five years or more".

It means that if he is sentenced to less than five years, the other procedure would apply. If the sentence is of five years or more, there is no ambiguity. I do not think that the words 'exceeding' or 'extending to' would clarify the position more. The language that has been used is quite definite precise and categorical and I do not think that it requires any improvement. So far as the amendment regarding recording of the entire oral evidence is concerned, I also agree with the amendment. It is very necessary.

Shri S. M. Banerjee: Which number?

Shri K. K. Verma: Clause 15, sub-clause (2). An amendment has been proposed that the entire evidence ought to be recorded and not only a memorandum. I am also a lawyer. From my experience, I would also say that there are certain Judges who actually are found napping during the course of the evidence.

Mr. Deputy-Speaker: I think the hon. Member should close now.

An Hon. Member: Defect of the argument.

Shri K. K. Verma: It is not the defect in the argument. The witness is making statement, but they are not listening to him.

Mr. Deputy-Speaker: The hon. Member has not moved any amendment. Why should he take the time of the House? They have taken too much time over this.

Shri K. K. Verma: I wanted only to say that the amendment is quite sound and ought to be accepted.

Shri H. N. Mukerjee (Calcutta Central): Here is a Member of the House and a Member of the Government party who, because of the discussion that has taken place, seems to have persuaded himself to support something in the amendment. That being so . . .

Mr. Deputy-Speaker: He has finished.

Shri H. N. Mukerjee: No, Sir. You were pleased to intervene and ask him to conclude. I do not understand it. A Member of the House who belongs to the Government party appears to be convinced by certain arguments which were forwarded from this side and (*Interruption*)

Shri K. K. Verma: The hon. Member need not defend me. I can defend myself.

Mr. Deputy-Speaker: The opposition should not take advantage of such things.

Shri K. K. Verma: Mr. Deputy-Speaker, I wanted only to point out that in those cases where there is no appeal, every care should be taken to see that justice is done to the accused. If the full evidence is not before the tribunal at the time of the arguments, it is just possible that there may be miscarriage of justice. It is necessary that the full evidence should be before

the tribunal so that they may be able to do full justice.

Shri Datar: I have moved amendment No. 153. Let my hon. friend Shri Kamath hear what I am saying about him.

Shri Hari Vishnu Kamath: All attention.

Shri Datar: This is my call attention to the hon. Member.

Shri Hari Vishnu Kamath: I said I am all attention.

Shri Datar: I have moved amendment No. 153 according to which you will find that the scope of this particular clause has been considerably enlarged. We had fixed it at 10 years or more. It has been brought down to five years or more. My hon. friend needlessly objected to the language of my amendment. "Imprisonment for life or imprisonment for a term which may extend to five years or more"; this is the usual language. Let my hon. friend understand. Therefore, it has to be very clear: either five years or more. In fact, as I pointed out, my hon. friend, with due deference to him, had put in something which did not bring out his own idea, because 5 years was not included in his own amendment. Therefore, I submit, the scope has been very much increased so far as clause 15 is concerned.

Now, we come to the position that in all cases where the offences are punishable with death or imprisonment for five years or more, full evidence will have to be recorded. That means, the whole scope has been enlarged. In a small number of cases it is not necessary. Even under the ordinary Code of Criminal Procedure, let the hon. Member kindly refresh his own knowledge of the Code of Criminal Procedure, there is such a thing as summary procedure. In the case of a summary procedure all that has to be done has been put down in this case also. But, the Special Tribunal shall cause a memorandum of the substance of what each witness deposes to be taken down and such memoran-

dum shall be signed by a Member of the Special Tribunal and shall form party of the record. What has been done is not necessarily outside the scope of the Code of Criminal Procedure. All hon. Members who spoke will kindly note that this is an emergency provision. Only in exceptional cases this provision is to be resorted to. Under these circumstances, I fail to understand what my hon. friend was speaking about the omission of sub-clause (1) or sub-clause 5. There are cases even under ordinary Code of Criminal Procedure where evidence can go on in the absence of the accused himself provided certain requirements are complied with. Similarly also in the case of sub-clause (5), it has been made very clear, if in its opinion, his absence has been brought about by the accused himself. In these circumstances, the accused cannot remain absent and again claim that the whole proceedings should be held up. It is not open under law to a person to take advantage of his own wrong.

Shri Nambiar: Can an example be quoted?

Mr. Deputy-Speaker: He is not yielding.

Shri Datar: I am pointing out that so far as clauses 1 and 5 are concerned, they are absolutely essential against the background of emergency and in substance we have got some such provision in the normal Code of Criminal Procedure itself.

Mr. Deputy-Speaker: I will now put amendment No. 153 to the House.

The question is:

That for the amendment proposed by me, printed as No. 120 in List No. 5 of Amendments, substitute the following amendment,—

Page 18, line 4, for "imprisonment for life" substitute—

"imprisonment for life or imprisonment for a term which may extend to five years or more" (153).

The motion was adopted.

Mr. Deputy Speaker: Amendment No. 146 is the same as amendment No. 6. So let us now take up amendment No. 6. Are you pressing it?

Shri Narendra Singh Mahida: Yes.

Mr. Deputy-Speaker: The question is:

Page 18, omit lines 1 and 2 (6).

Those in favour many kindly say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against may say 'No'.

Some Hon. Members: 'No'.

Mr. Deputy-Speaker: The 'Noes' have it.

Shri Hari Vishnu Kamath: The 'Ayes' have it.

Mr. Deputy-Speaker: You want a division?

Shri Hari Vishnu Kamath: Yes. Under the convention, there can be no Division till 2-30.

Mr. Deputy-Speaker: We will hold it over. I will now put amendment No. 35 to the vote of the House.

Amendment No. 35 was put and negatived.

Mr. Deputy-Speaker: I will now put amendment No. 81 to the vote of the House.

Amendment No. 81 was put and negatived.

Mr. Deputy-Speaker: Shall I put all the rest together?

Some Hon. Members: Yes.

Mr. Deputy-Speaker: I will now put amendments Nos. 7, 82, 147, 36 and 83 to the vote of the House.

Amendments Nos. 7, 82, 147, 36 and 83 were put and negatived.

Mr. Deputy-Speaker: We will hold over amendment No. 6. There is an announcement to be made by the Minister of Parliamentary Affairs.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Mr. Deputy-Speaker, in response to a suggestion in the House yesterday, the Prime Minister had promised to supply maps showing the relevant lines mentioned in the Chinese proposal and the Indian proposal for Cease-fire. Arrangements have been made to place two maps in the Central Hall today from 12.30 P.M. onwards. An officer of the Ministry of External Affairs will be present in the Central Hall to explain the relevant lines.

Shri Daji: For how many days?

Shri Satya Narayan Sinha: Two days.

Mr. Deputy-Speaker: We will go to clause 16. There are two amendments, 84 and 85. Amendment No. 84: not moved. Amendment No. 85 also not moved.

Shri Daji: Amendment No. 88 is there.

Mr. Deputy-Speaker: That is for clause 18. We are on clauses 16 and 17.

The question is:

"That clauses 16 and 17 stand part of the Bill."

The 'Ayes' have it.

Shri Nambiar: No one says 'Ayes'.

Mr. Deputy-Speaker: They did say.

Shri C. K. Bhattacharyya: I said 'Aye'.

Shri Rane: I said 'Aye'.

The motion was adopted.

Clauses 16 and 17 were added to the Bill.

Clause 18—(Sentences of Special Tribunals)

Shri Datar: I move amendment No. 156 in the place of amendments 121 and 154:

"That for the amendment proposed by me, printed as No. 154

in List No. 8 of Amendments, substitute the following amendment,—

Page 19.—

for lines 14 to 17, substitute—

"(b) to imprisonment for a term of five years or more, under this Act or the rules made thereunder or under sub-section (4) of section 5 of the Indian Official Secrets Act, 1923, as amended by section 6 of this Act." (159)

Shri Nambiar: I move:

Page 19, line 11, add at the end—

"and the person sentenced shall have a right of appeal to the High Court within whose jurisdiction the sentence has been passed." (86)

Page 19, omit lines 12 to 27. (87).

Shri Narendra Singh Mahida: I move:

Page 19, lines 19 to 27,

omit "but save as aforesaid and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of a Special Tribunal, and no court shall have authority to revise such order or sentence, or to transfer any case from a Special Tribunal, or to make any order under section 491 of the Code, to have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal." (8)

Shri Daji: I move:

Page 19, for lines 12 to 27, substitute—

"(2) A person sentenced by a Special Tribunal shall have the same right of appeal and revision as under the Code." (88)

Shri Hari Vishnu Kamath: I beg to move:

That in the amendment proposed by Shri B. N. Datar, printed as No. 121 in List No. 5 of Amendments, for 'exceeding' substitute 'extending to'. (148)

Page 19, line 14, for 'ten' substitute 'five'. (149)

Mr. Deputy-Speaker: These amendments are now before the House.

Shri Nambiar: My amendment is a simple one. Clause 17 provides that a special tribunal shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction, that is to say, it has got the powers of a Sessions Court. I have suggested that clause 18 may read as follows. The first sub-clause may read as follows:

"A special tribunal may pass any sentence authorised by law."

What all appears subsequent to that is sought to be deleted, and in its place, the following is to be added, namely

"and the person sentenced shall have a right of appeal to the High Court within whose jurisdiction the sentence has been passed."

The provision must be simplified in the above manner. The reason for it is this. This clause provides for appeals in the case of certain types of sentences only and not in respect of all types of sentences. We have discussed it already.

Now, sub-clause (2) of clause 18 reads thus:

"A person sentenced by a Special Tribunal—

(a) to death or imprisonment for life, or

(b) to imprisonment for a term extending to ten years under section 5 of this Act or under sub-section (4) of section 5

of the Indian Official Secrets Act, 1923, as amended by section 6 of this Act."

After the amendment of the hon. Minister, it would mean that there would be an appeal in respect of sentences of five years and more including that of death. But there is no appeal in respect of sentences of less than five years. That is what the hon. Minister wants the House to accept. My amendment is very straightforward and clear, namely that it wants to provide that there should be an appeal in all cases. We have already argued that point earlier while we were on the earlier clauses, that there must be another body, a judge or some other higher authority to sit in judgment over the question whether what the former authority did was right or wrong.

It may be argued that when there is a rigorous punishment or a very high penalty with a sentence of five years or more, an appeal is provided for, and we must be satisfied with that. But a judge can give a sentence of 4 years and 11 months, or 4 years and ten months and so on. In such cases there would be no appeal. What is it that makes him award a punishment of four years or four and a half years? Who is to decide whether the sentence of three or four or four and a half years which he has awarded is proper or not? Even in an emergency, to stay in jail for five years continuously is not an easy thing. I do not know for how long the hon. Minister has stayed in jail. But, even otherwise, to stay continuously for five years in jail is not an easy thing. Of course, if the man has committed an offence, then there is no objection. But what is the guarantee that the judgment is a proper one? For, there is nobody even to review it. I would like to know what objection Government have got to a review of the former judgment. After all, if a tribunal can sit and award punishment, then with so much of latitude and so much of liberties, and so much of administrative mechanism in exist-

[Shri Nambiar].

ence, I think it should be possible for some authority to sit in judgment over that case. If a whole area is threatened or comes within the firing range immediately, or if a whole area is going to be bombed or is being bombed, if the wole thing is in a confusion, as we saw in Tezpur recently, then even the very constitution and the working of the tribunal will not be possible. Then, the question of awarding punishment will not be possible there. Even in Tezpur I find from the reports that the jails were thrown open, and the prisoners went off. Therefore, there is no necessity even to punish the man because even the punished fellow gets out of the jail and goes away as happened in Tezpur recently. If civil administration is not in existence, then the punishment itself has no meaning. If an administration is in existence which can punish a man for five years or up to five years, then that shows that the administration is capable of looking after the appeal also. Therefore, an appeal can be provided for. Therefore, I do not understand how it can be said that because of this emergency no appeal is possible. Therefore, there is no valid reason on the part of Government to provide for no appeal merely on the ground of emergency saying that because there is emergency anything and everything that is wanted cannot be done. I may be excused if I say that this is very autocratic in the sense that even in a democracy certain civil liberties which can be given should be given. I do not say that all the civil liberties should be given. I am only pleading for an appeal. After all, you are punishing a man with a tribunal with an additional district magistrate sitting in judgment, and without even giving the man an opportunity to be present, and without his evidence being fully recorded. When all that is said and done, why can you not provide for at least an appeal? This is the minimum that an accused can expect from this Government. Therefore, I would request the hon. Minis-

ter to accept my amendment to the effect that whatever may be the term of imprisonment or punishment, an appeal may be provided for.

Mr. Deputy-Speaker: We shall take up the further discussion of this clause tomorrow. Before I go to the next item, let us dispose of the division on amendment No. 6 to clause 15.

Mr. Deputy-Speaker: The question is:

Page 18,—

omit lines 1 and 2. (6).

I think the 'Noes' have it.

Shri Hari Vishnu Kamath: The 'Ayes' have it.

Mr. Deputy-Speaker: Division.

The Lok Sabha divided.

Dr. Ranen Sen (Calcutta East): My button has gone out of order.

Shri Hari Vishnu Kamath: Mine also.

Some Hon. Members rose—

Mr. Deputy-Speaker: Let me find out the corrections to be made. Who are the Members whose votes have to be added to the 'Ayes'? They may please mention their division numbers.

Dr. Ranen Sen (Calcutta East): No. 465.

Shri Krishnapal Singh (Jalesar): No. 460.

Shri Easwara Reddy (Cuddapah): No. 511.

Shri Sarkar Murmu (Balurghat): No. 513.

Shrimati Shashank Manjari (Palamau): No. 499.

Shri Badrudduja (Murshidabad): No. 486.

Shri Muzaffar Husain (Moradabad): No. 387.

Shri Hari Vishnu Kamath: And mine, No. 442.

Mr. Deputy-Speaker: And for 'Noes'?

Shri L. N. Bhanja Deo (Keonjhar): No. 376.

Shri Bhagwat Jha Azad (Bhagalpur): No. 286.

Shri S. N. Chaturvedi (Firozabad): No. 228.

[Division No. 6]

AYES

Badrudduja, Shri
Banerjee, Shri S.M.
Bhattacharya, Shri Dinen
Birin Dutta, Shri
Buta Singh, Shri
Chatterjee, Shri H.P.
Daji, Shri
Dassartha Deb, Shri
Elias, Shri Mohammad
Gupta, Shri Indrajit
Gupta, Shri K.R.
Ismail, Shri M.
Jha, Shri Yogendra
Kamath, Shri Hari Vishnu

Kar, Shri Prabhat
Koya, Shri
Krishnapal Singh, Shri
Mahida, Shri
Marandi, Shri
Mate, Shri
Mukerjee Shri H.N.
Murmu, Shri Sarker
Muzaaffar Hussain, Shri
Nambiar, Shri
Pandey, Shri Sarjoo
Pottakkatt, Shri
Raghavan, Shri A.V.

[14:36 hrs.]

Ranga, Shri N. G.
Reddy, Shri Eswara
Reddy, Shri Narasimha
Roy, Dr. Saradish
Sen, Dr. Ranen
Shashank Manjari, Shrimati
Singh, Shri Y.D.
Soy, Shri H.C.
Swamy, Shri Sivamurthi
Utiya, Shri
Vishram Prasad, Shri
Warior, Shri

NOES

Achal Singh, Shri
Alva, Shri A.S.
Azad, Shri Bhagwat Jha
Barupal, Shri P.L.
Basappa, Shri
Besra, Shri
Bhakt Darshan, Shri
Bhanja Deo, Shri L.N.
Bhattacharya, Shri C.K.
Brahm Prakash, Shri
Brajeshwar Prasad, Shri
Brij Raj Singh, Shri
Chaturvedi, Shri S.N.
Chaudhuri, Shrimati Kamala
Chettiar, Shri Ramenathan
Chuni Lal, Shri
Colaco, Dr.
Daljit Singh, Shri
Das, Shri B.K.
Dater, Shri
Desai, Shri Morarji
Deshmukh, Shri Shivaji Rao S.
Deshpande, Shri
Dighe, Shri
Dube, Shri Mulchand
Guha, Shri A.C.
Harvari, Shri Ansar
Jedhe, Shri
Jena, Shri
Joshi, Shrimati Subhadra

Jyotishi, Shri J.P.
Karuthiruman, Shri
Khadilkar, Shri
Kureel, Shri B.N.
Lalit Sen, Shri
Malaichami, Shri
Manaeen, Shri
Maruthish, Shri
Mathur, Shri Harish Chandra
Mchrota, Shri Braj Bihari
Mekote, Dr.
Minimata, Shrimati
Mishra, Shri Bibhut
More, Shri K.L.
Muthiah, Shri
Naik, Shri Maheswar
Nallikoya, Shri
Niranjan Lal, Shri
Pandey, Shri R.S.
Pandey, Shri Vishwa Nath
Paramasivam, Shri
Patil, Shri D.S.
Patil, Shri M.B.
Patil, Shri S.K.
Pattabhi Raman, Shri C. R.
Puri, Shri D.D.
Rai, Shrimati Sahodra Bai
Rane, Shri
Ranjit Singh, Shri
Raut, Shri Bhola

Reddiar, Shri
Reddy, Shrimati Yashoda
Roy, Shri Bishwanath
Sahu, Shri Rameshwar
Samnani, Shri
Saraf, Shri Sham Lal
Satyabhama Devi, Shrimati
Shah, Shrimati Jayaben
Shankaraiya, Shri
Sharma, Shri K.C.
Shree Narayan Das, Shri
Siddanjanappa, Shri
Singh, Dr. B.N.
Singh, Shri D.N.
Singh, Shri S.T.
Sinha, Shri B.P.
Sinha, Shri Satya Narayan
Sinha, Shrimati Tarakeshwari
Subramanyam, Shri T.
Sunder Lal, Shri
Surendra Pal Singh, Shri
Thomas, Shri A.M.
Tiwary, Shri D.N.
Tula Ram, Shri
Verma, Shri K.K.
Virbhadra Singh, Shri
Wadiwa, Shri
Wasnik, Shri Balkrishna

Mr. Deputy-Speaker: The result of the division is:

*'Ayes' : 41

†'Noes' : 90

The amendment is lost.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 15, as amended, stand part of the Bill".

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Mr. Deputy-Speaker: We now go to Shri Prakash Vir Shastri's Motion.

14.41 hrs.

MOTION RE: PRICE OF SUGAR-CANE

श्री प्रकाशवीर शास्त्री (बिजनौर) : उपाध्यक्ष महोदय, मैं अपना प्रस्ताव उपस्थित करने से पहले वर्तमान कृषि मंत्री श्री एस० के० पाटिल की सूत्र बूझ और परिचय की सराहना करना चाहता हूँ। आज से कुछ समय पहले इस प्रकार की भयंकर स्थिति हमारे देश की खाद्य समस्या के बारे में बन चुकी थी कि संसद के सदस्यों को विवश हो कर प्रधान मंत्री को यह शब्द कहने पड़े थे कि इस महत्वपूर्ण विभाग को वह अपने हाथों में ले लें। लेकिन जब से श्री पाटिल साहब ने अपने हाथ में यह विभाग लिया है और जिस प्रकार से अपनी दूरदर्शिता का परिचय दिया है—मैं उसके लिए जहां उनका सराहना करता हूँ वहां साथ ही साथ एक यह महत्वपूर्ण भाग जो इस मंत्रालय का है, उसके सम्बन्ध में भी आशा करता हूँ कि वह उसी दूरदर्शिता और अपनी कुशाप्र बुद्धि का परिचय देंगे।

आध्यक्ष महोदय : चीनी उद्योग भारतवर्ष में दूसरे नम्बर का उद्योग है और इस समय कुल मिला कर १७० चीनी मिलें भारत में हैं।

श्री हरि विठ्ठल काशत : चीनी न कहिये, शक्ति कहिये।

श्री प्रकाशवीर शास्त्री : चीनियों से डरने की आवश्यकता नहीं है। उनका हमें मुकाबला करना है।

श्री हरि विठ्ठल काशत : डरने की बात नहीं। इतनी मीठी चीज को चीनी मत कहिये।

हाँ तो मैं कह रहा था कि १७० मिलें इस समय भारतवर्ष में चीनी बनती है। द्वितीय पंचवर्षीय योजना में गन्ने की उपज ४५ लाख एकड़ से बढ़ कर ५७ लाख एकड़ हो गई है। १९६१-६२ में ६० लाख एकड़ में हिन्दुस्तान में गन्ना पैदा किया गया। लेकिन दुर्भाग्य से किसान जो गन्ना पैदा करता है, उसको उसका उचित मूल्य नहीं मिल पाता है।

आरम्भ से ही गन्ने के भाव समय समय पर इस देश में बदलते रहे हैं। सब से पहले १९३४ में शूगर केन एक्ट और उसके आधीन प्रान्तों को यह अधिकार दिया गया था कि वे जितने एरिया को चाहें कंट्रोल एरिया (सुरक्षित क्षेत्र) घोषित कर दें और क्वालिटी देख कर कीमतें तय कर दें। उसके बाद भी और कई इस प्रकार के हेर फेर गन्ने के भाव में किये जाते रहे। लेकिन किसान के हित में जो सब से पहले घोषणा हुई वह स्वर्गीय श्री रफ़ी अहमद किदवई की थी। उनके आधीन जिस समय यह विभाग था, उस समय उन्होंने किसान के हितों को ध्यान रखते हुए ही नहीं अपितु सरकार के हितों को ध्यान में रखते हुए और चीनी मिल मालिकों के हितों को भी ध्यान में रखते हुए यह घोषणा की कि मोटे तौर पर अगर इस प्रकार की व्यवस्था बना ली जाए कि जितने रुपये मन

*Ayes: the names of two Members could not be recorded.

†Noes: the names of two Members could not be recorded.

चीनी, उतने आने मन गन्ने का भाव, तो यह अच्छा रहेगा और जितनी चीनी गन्ने में से पैदा होती है, उसको देखते हुए यह उचित भी है। उदाहरण के लिए अगर ४० रुपये मन चीनी है तो डाई रुपये मन गन्ने की कीमत कर दी जाए, इससे किसान के हित में भी होगा और सरकार और चानी मिल मालिकों के हित में भी।

लेकिन अब जो नया एक फार्मूला तैयार होने जा रहा है और जिसके आधार पर बहुत कुछ दाम तै भी कर दिये गये हैं, वह यह है कि गन्ने से जितना रस या मिठास निकलती है, यानी जितनी रिकवरी होती है, उस आधार पर भाव तय होंगे। इसको कार्यरूप में परिणत करने के लिये योजना भी बना ली गई है। मैं बड़े विनम्र शब्दों में निवेदन करना चाहता हूँ कि इसका किसानों पर क्या असर पड़ेगा, इसको भी तो आप देखें। पिछले सालों के सारे आकड़े देना तो मेरे लिए जरा इस समय कठिन हो जाएगा लेकिन १९५६-६० में जो हमारे देश में गन्ने से रस या मिठास निकला था उसमें मैसूर में १०.६० परसेंट की रिकवरी थी, महाराष्ट्र में ११.७५ परसेंट की रिकवरी थी, उत्तर प्रदेश में ६.६६ परसेंट थी और बिहार में ६.४३ परसेंट। सारे देश की कुल मिला कर ६.६१ थी। इस तरह से १० परसेंट के करीब वह बैठती थी। लेकिन टैरिफ कमिशन ने गन्ने के भाव के सम्बन्ध में जो फार्मूला तै किया है, उसमें ६.८ का फार्मूला बना कर गन्ने का भाव तय कर दिया गया है, और इसी हिसाब से मूल्य भी निर्धारित किया गया है। इसी हिसाब से शुगर मिल के दरवाजे पर एक रुपया दस आने मन गन्ने का भाव दिया जाएगा और अगर कहीं बाहर से गन्ना आये जैसे स्टेशनों पर किसान ला कर गन्ने को अगर दे—तो उनको तीन आने कम यानी एक रुपया सात आने मन दिया जाएगा। जहाँ पर रिकवरी और कम है वहाँ मिल के दरवाजे पर एक रुपया आठ आने मन ही दिया जायेगा और अगर

कहीं बाहर गन्ना दिया जाएगा तो किसान को एक रुपया पांच आने का भाव ही मिलेगा। इस बारे में पहले तो सब से बड़ी बात यह है कि मैं नहीं समझ पाया कि आप की मिलों ने जो रिकवरी दिखाई है और जिस के आधार पर भाव तय किये गये हैं, उस के सम्बन्ध में सरकार ने यह कैसे सत्य मान लिया कि उन्होंने अपने आंकड़े सरकार को ठीक ठीक ही दिये हैं दूसरे फिर जो १ नवम्बर सन् ६२ का एक्स्ट्रा-आर्डिनरी गजट है इस में सारे देश की १७० मिलों के लिये भाव तय किये गये हैं कि कौन सी मिल गन्ने का मूल्य किस आधार पर देगी, उसे देख कर मैं हैरान रह गया कि तीन तीन मील के फासले पर गन्ने का भाव बदल गया है। उदाहरण के लिये जब आप यहाँ से मेरठ जायेंगे तो रास्ते में एक दौराला शुगर मिल है, उस दौराला शुगर मिल का भाव तय किया गया है १.८० ५१ नये पैसे उस से तीन मील आगे चल कर सबुती टांडा शुगर मिल है, उस के लिये भाव तय किया गया १.८० ५० नये पैसे। उस से थोड़ा और आगे चार मील के बाद खतोली शुगर मिल है, उस के लिये भाव तय किया गया है १.८० ५४ नये पैसे। इसी प्रकार रुहाना शुगर मिल के लिये भाव तय किया गया है १.८० ५० नये पैसे। उसी की बगल में देवबन्द शुगर मिल है, उस के लिये भाव है १.८० ५६ नये पैसे। मेरे निर्वाचन क्षेत्र में भी तीन शुगर मिलें हैं। लेकिन मैं इस को पढ़ कर आश्चर्य चकित रह गया कि वहाँ पर दो शुगर मिलों के लिये धामपुर और सिवहारा में १.८० ६२ नये पैसे का भाव तय किया है और उसी क्षेत्र में एक और मिल है बिजनौर शुगर मिल, उस के लिये १.८० ५६ नये पैसे का भाव तय किया है। मैं चाहूंगा कि माननीय मंत्री जी अपना उत्तर देते समय इस बात का थोड़ा स्पष्टीकरण करने की कृपा करें कि तीन तीन मील की दूरी पर जो मिल है उस में रिकवरी किस प्रकार कम हो गई। आप सीधी सादी भाषा में इसे क्यों नहीं कहते कि या तो इन मिल मालिकों के यहाँ मरीजें इतनी खराब थीं कि वे ठीक से रिकवरी नहीं

[श्री प्रकाशवर्म शास्त्री]

बतला सकी या फिर कोमिटी और इंजीनिअर्स के, जिन्होंने अपनी रिपोर्ट दी, उन के दिमाग इतने खराब थे कि वे अपनी सही रिपोर्ट नहीं दे सके ? लेकिन मशीन की खाराबी या इंजीनिअरों के दोष का प्रभाव किसानों पर जा कर पड़े और तीन तीन मील की दूरी पर भाव गन्ने के बदल जायें, मैं समझता हूँ कि यदि आप जैसे दूरदर्शी खाद्य मंत्री के द्वारा यह नियंत्रण लिया जायेगा तो देश इस को सन्तोष का विषय नहीं मानेगा ।

दूसरी बात जो मैं विशेष रूप से कहना चाहता हूँ वह यह कि किसान जो गन्ना पैदा करता है उस में एक एकड़ पर उस का कितना व्यय पड़ता है । मैं कुछ अनुमानित आंकड़े यहां दे रहा हूँ । किसान जो एक एकड़ में गन्ना बोता है उस में ६० रु० जुटाई पर खर्च होता है और एक एकड़ में ४० मन बीज बोया जाता है उस का करीब ६० रु० होता है, इन्हें की कम से कम खुदाई चार बार होती है जिस का भी ५० रु० के करीब खर्च बैठ जाता है, सिचाई का खर्च ५० रु० एकड़ लगा जें, ३० रु० सरकार का लगान, फिर गन्ने की कटाई और मिल तक गन्ने को ले जाने का खर्च करीब ५० रु० हो जाता है । एक एकड़ में जो खाद पड़ती उस का खर्च करीब ४० रु० । इस के बाद जो अतिरिक्त व्यय होता है वह भी करीब ३० रु० आ जाता है । इस तरह से कुल मिला कर लगभग ३७० रु० एक एकड़ गन्ने की खेती पर किसान का व्यय होता है । थोड़ी देर के लिये अगर मान लिया जाये कि एक एकड़ में १० टन या २६० मन गन्ना उत्पन्न हुआ और उस २६० मन पर अगर आप उस को १ रु० १० आना मन भी दें तो एक किसान को अपनी एक एकड़ की उपज पर लगभग ४५५ रु० मिलता है जिस में से लगभग ३७० रु० उस का खर्च बैठ जाता है । इस तरह से किसान को पांच बीचे की फसल पर लगभग ८५ रु० साम्र बैठता है । इस में उस की व्यक्तिगत

मेहनत भी आ जाती है । उस परिश्रम के बाद अगर उस का एक आध बैल मर जाय, जोकि आज की मंहगाई के जमाने में ५०० रु० से कम का नहीं आता है, तो वह भी सम्मिलित है, उस के बच्चों के शादी व्याह का जो कार्यक्रम है, जिस को कि वह इसी समय के लिये रोके रहता है, वह भी सम्मिलित है, बड़े बड़े दबादूर के खर्च, मुकदमे का खर्च, साहूकार से जो कर्ज लिया है, जिस के लिये सोचा करता था कि जब गन्ने का नकद दाम आयेगा तब वह दे देगा, वह भी आ जाता है । और फिर आज जो हमारे देश पर विपणि आई है उस के लिये वह गरीब उसी धन में से बचा कर वह राष्ट्रीय रक्षा कोष के लिये भी धन दे रहा है । इस तरह से आप उस गरीब किसान की हालत का अनुमान तो लगाइये ।

आप मुझ से पूछेंगे कि अगर किसान खो कोई विशेष लाभ नहीं होता तो फिर वह गन्ने की खेती क्यों करता है ? इतने थोड़े लाभ में कौन बुद्धिमान आदमी है जो इतना परिश्रम कर के गन्ना बोयेगा पर भारतवर्ष में गन्ने की खेती करने के तीन चार मुख्य कारण हैं । सबसे पहला कारण तो यह है कि किसान को और दूसरी फसलों से एक साथ नकद दाम उतना नहीं मिलता जैसा कि गन्ने से मिलता है । इस प्रकार से जिस जरूरतों की में ने चर्चा की उन की पूर्ति वह इस गन्ने के नकद पैसे से करता है । दूसरा एक बड़ा कारण यह है कि गन्ने की खेती की जंगली जानवरों से सुरक्षा के लिये किसान को उतना प्रयत्न नहीं करना पड़ता है जितना कि दूसरे प्रकार की खेती के लिये । तीसरा कारण यह है कि गन्ने का खेत प्राकृतिक कोप का उतना शिकार नहीं होता जितना दूसरे खेत उस के शिकार हो जाते हैं । अति वर्षा या बर्फ आदि पड़ जाय तो उस से गन्ने के खेत को कोई विशेष हानि एकदम नहीं होती । इस के बाद जो सब से बड़ा कारण गन्ने की खेती करने का है वह यह कि एक बार

गन्ना बोने से वह दो बार भी फसल दे सकता है जब कि दूसरे तरह के खेतों में यह बात नहीं है। इसीलिये किसान गन्ने की खेती करना पसन्द करता है।

लेकिन सरकार की ओर से किसान के प्रति जो उदारता दिखलाई जानी चाहिये थी जिससे कि किसान को अपने काम का पूरा पारिश्रमिक मिले, वह नहीं दिखलाई गई। मोटी भाषा में मैं यह कह सकता हूँ कि अगर यह मान लिया जाय कि १०० मन गन्ने के ऊपर १० मन चीनी पैदा होती है और सरकार से चीनी का मार्केट रेट इस समय ३६ रु० मन बताया जा रहा है, हालांकि वह ३६ रु० मन मिलती नहीं है, यहां दिल्ली में भी वह १ रु० २ आ० सेर बिकती है, फिर भी अगर वह रेट ३६ रु० ही मान लिया जाय, तो १० मन चीनी का मूल्य ३६० रु० हुआ। उस ३६० रु० में से १२० रु० ५० न० पै० के हिसाब से, जो कि आप ने गने का कम से कम कीमत इस समय रखी है, किसान के पास लगभग १५० रु० जाता है, बाकी २१० रु० जो रह जाता है उसमें सरकार और मिल मालिक आपस में साझीदार हो जाते हैं। अब आप ही थोड़ा बताइये कि क्या हिन्दुस्तान में और भी कोई इस प्रकार की इन्डस्ट्री है जिसमें जो मूल उत्पादन करने वाला व्यक्ति है उस के पास आमदानी का इतना थोड़ा सा भाग आये और जो उद्योगपति या सरकार जैसी टैक्स लेने वाली मशीन है यह इतना अधिक भाग लेले? सरकार उस में जो एक्साइज ड्यूटी लेती है उस एक्साइज ड्यूटी के बारे में मैं आपको बाताऊं कि सन् १६३४ में गन्ने के ऊपर ६४ न० पै० उत्पादन कर था और अब हमारे देश में सन् १६६२ में १० रु० ७० न० पै० उत्पादन टैक्स लगाया गया है। इतना टैक्स सगाये जाने के पश्चात् भी हमारे किसान को लाभ कितना मिलता है?

मैं इससे भी आगे बढ़ कर एक और बात कहना चाहता हूँ कि किसान के भाग्य

की विडंबना तो देखिये कि जिस किसान के लिये सरकार दिन रात यह धोषणा करता है कि हम किसानों के हित में ही कानून बना रहे हैं यह किसानों की ही सरकार है और किसानों के हित में सदा अच्छे नियंत्रण लेगी, उस सरकार के शासन में जलाने वाली सूखी लकड़ी का भाव तो ३ रु० ५० न० पै० मन है और किसान के गन्ने का भाव १ रु० ५० न० पै० है या १ रु० ६२ न० पै० है। दूसरी बात यह है कि जो भी नई फसल किसान के धर में आती है, जैस कि गन्ना, रुई, गेहूँ आदि वह जिस समय तक किसान के धर में रहती है तब तक उस का मूल्य आधा रहता है और जैसे ही किसान के धर से निकलकर बाजार में चली जाती है या व्यापारियों के हाथ में चली जाती है, उसी बक्त उस का दाम दुगुना हो जाता है। इस स्वतन्त्र देश में इस प्रकार के गलत कानून और इस प्रकार की परम्परायें कब तक जनता सहन करेगी? इसलिये अभी भीका है, इन व्यवस्थाओं में परिवर्तन कर लेना चाहिये।

इसके बाद जो रिकवरी के आधार पर यन्ने के दाम तय किये जा रहे हैं, अर्थात्, गन्ने में कितनी मिठास बैठेगी, इस के आधार पर जो आप उसका मूल्य निर्धारित करने जा रहे हैं उस से होने वाली हानियों की भी कुछ चर्चा में यहां करना चाहता हूँ। सब से पहली बात तो यह है कि सरकार ने जो यह धोषणा की है कि इससे किसान गन्ने की क्लिटी को मुचारेगा, उसकी नसल को मुथार्ले की कोशिश करेगा, उस के सम्बन्ध में क्या मैं अपने खाद्य मंत्री जी से यह निवेदन कर सकता हूँ और वह आपना उत्तर देते समय इस का कोई सन्तोषजनक उत्तर दें कि मान लीजिये एक किसान ने गन्ने की फसल को सुधारने का काम महेनत से किया, दूसरे किसान ने जिस तरह से वह पहले भी गन्ने की खेतों करता था उसी तरह किया लेकिन मिल में आ कर नाम सिह और श्याम मिह दोनों का गन्ना एक साथ

[श्री प्रकाशवरेश शास्त्री]

पेरा गया फिर जब उस के बाद गन्ने की रिकवरी का पता लगाया जायेगा और उस का मूल्य तय किया जायेगा तो इस तरह से दोनों के साथ न्याय कैसे हो सकेगा ? जिस किसान ने गन्ने की नस्ल को सुधारने का काम बिस्तुत किया उस को भी उतना ही दाम मिले और जिस ने नस्ल सुधारने का काम नहीं किया उस को भी उतना ही दाम मिले तो उस तरह नस्ल सुधारने वाले को क्या प्रोत्साहन सरकार की ओर से मिला ? जब सब धान २७ सेर होंगे तो फिर किस प्रकार किसानों में एक दूसरे से होड़ लगा कर आगे बढ़ने की भावना पनप सकेगी ? मैं ने दूसरे देशों के सम्बन्ध में, जहां पर गन्ना अधिक होता है या जिन देशों में मैन इंडस्ट्री शुगर की है, जैसे कि इंडोनेशिया है, पता लगाने का यत्न किया है। इंडोनेशिया में गवर्नमेंट ने नियम बनाया है कि जो भी मिले होंगी वे किसानों के साथ फसलों का ठेका कर लेंगी। ठेका करने के बाद जो वहां के अधिकारी होते हैं वे जाते हैं और समय समय पर उन की फसलों की देख रेख करते रहते हैं। देख रेख के अतिरिक्त किसानों को आवश्यक सुझाव भी वही देते रहते हैं, खाद आदि के सुविधा भी देते हैं। फिर जब फसल तैयार हो कर आ जाती है तो शुगर मिल के मालिक एक किसान का गन्ना एक साथ पेर देते हैं। उससे उनको पता लग जाता है कि उस किसान की फसल में इतनी रिकवरी हुई और उसके आधार पर उसको मूल्य मिल जाता है। लेकिन यहां तो सब का गन्ना एक साथ लिया जायेगा और उसके बाद रिकवरी लगायी जायेगी। तो मैं नहीं समझ पाया कि हर किसान के साथ किस प्रकार न्याय हो सकेगा ।

दूसरी बात में यह कहना चाहता हूँ कि इस गन्ने के मूल्य के मिलने तक किसान अपने बहुत से काम रोक कर रखता है। जहां तक रिकवरी का प्रश्न है, वह जब

गन्ने की फसल प्रारम्भ होती है और जब वह समाप्त होने को होती है तो रिकवरी कम रहती है, बीच के महीनों में जनवरी, फरवरी, मार्च और अप्रैल में रिकवरी अच्छी होती है। यदि आप शुरू से अन्त तक की रिकवरी लगायेंगे तो किसान के साथ न्याय कैसे होंगे ? आपको यह भी बताना चाहिये कि किन महीनों की रिकवरी के आधार पर उसको मूल्य दिया जायेगा। और फिर मान सीजिये कि आपने मध्य के ही तीन महीनों के आधार पर रिकवरी निश्चित कर दी । तब भी तो एक बहुत बड़ी कठिनाई यह होगी कि उसको तीन महीने तक अपने गन्ने के मूल्य के लिये प्रतीक्षा करनी पड़ेगी क्योंकि जब तीन महीने की रिकवरी के आंकड़े आ जायेंगे तब उनके आधार पर मूल्य निश्चित किया जायेगा। तो इतने समय तक उसको अपने आवश्यक कार्यों को रोक कर रखना पड़ेगा। आप यह भी जानते हैं कि भारतवर्ष के किसान की आर्थिक अवस्था कैसी है। चाणक्य ने लिखा है कि स्वस्थ राजा की प्रजा की क्या पहचान होनी चाहिये । उसकी यह स्थिति होनी चाहिये कि

आपदर्थ धनं रक्षत्

अर्थात् उसकी ऐसी स्थिति होनी चाहिये कि आपत्काल के लिये उसके पास कुछ धन जरूर बचा रहे। लेकिन क्या हम अपने हृदय पर हाथ रखकर यह कह सकते हैं कि हमारे देश के किसान की आज यह स्थिति है कि वह आपत्काल के लिये कुछ धन सुरक्षित करके रख सके। हमारे किसान की अवस्था तो यह है कि वह रोज कुंवा खोदता है और रोज पानी पीता है। अगर उसकी रिकवरी के निर्धारित होने में ही इतना समय लगेगा तो उसको और भी भारी हानि बैठेगी ।

तीसरी बात इसी सम्बन्ध में मैं यह भी कहना चाहता हूँ कि मुझे बताया गया है हिन्दुस्तान में कुछ ऐसी हलकी मनोवृत्ति

वाले व्यक्ति भी है जो कि गन्ना तोलने वालों को संकेत दे देते हैं कि गन्ना तोलने में सावधानी बरती जाये । उसका परिणाम फिर यह होता है कि सारे सीजन में किसान का साखों मन गन्ना बिना मूल्य दिये चला जाता है । यदि उस में कुछ भी सचाई है तो फिर जब रिकवरी के आधार पर मूल्य निश्चित किया जायगा तो किसान को जो कि अधिकतर अनपढ़ होते हैं, क्या पता चलेगा कि रिकवरी ठीक निकली है या नहीं । हो सकता है कि वे कम रिकवरी दिखालावें । तो इस प्रकार भी किसान के साथ अन्याय होगा ।

एक और महत्वपूर्ण बात इस सम्बन्ध में यह है कि गन्ने के रस का तो उसको मूल्य थोड़ा-बहुत मिल जायेगा लेकिन गन्ने से रस निकलने के बाद जो खोई निकलता है जोकि मिल में इंधन का काम देता है और कुछ मिसों ने इसका कागज बनाने की भी योजना बनायी है, उसका मूल्य भी गन्ने के मूल्य में सम्मिलित होगा या नहीं ?

अंत में मैं आपको यह बतलाना चाहता हूं कि दूसरे देशों में गन्ने पैदा करने वाले किसानों को किस प्रकार की सुविधायें दी जाती हैं । इंडोनेशिया के बारे में मैं बता ही चुका हूं । मैक्सिको में किसान को करीब ५० प्रतिशत फैक्टरी के माल पर तथा बाई-प्रोडक्ट्स पर ५० फी सदी दिया जाता है । फिलिपाइन्स में किसान को ५० से ६० प्रतिशत तक भाग दिया जाता है, मौरिशश में किसान को उसकी उपज का टैस्ट देख कर २/३ हिस्सा दिया जाता है ।

दूसरी बात यह कहनी है कि हमारे देश की स्थिति यह है कि पहली योजना में गवर्नरमेट ने गन्ने के सैस से ३०-५७ करोड़ रुपया बसूल किया । लेकिन केवल १० करोड़ गन्ने के विकास पर लगाया जिसमें सिचाई और सड़क विकास कार्य भी सम्मिलित हैं । दूसरी योजना में सरकार ने गन्ने के सैस से ४८-०७ करोड़ रुपया बसूल किया और खचं किया केवल ११ करोड़ । और तीसरी योजना

में गन्ने के सैस का अनुमान ६० करोड़ रुपया रखा गया है ।

कुल राजस्व गन्ना उपकर और गन्ना उत्पादक कर दूसरी प्लान में लगभग २५० करोड़ था, तीसरी प्लान में लगभग ३६० करोड़ रखा गया है । लेकिन तीसरी योजना में गन्ना और सड़क विकास में खचं सोगेरा केवल १०० करोड़ रुपये और दो अरब ६० करोड़ रुपये सरकार अपने खजाने के लिये सुरक्षित कर रही है । तीसरी योजना में जो गन्ना विकास के लिए १०० करोड़ रुपये रखा गया है उसमें लगभग ७३ परसेंट सिचाई तथा विद्युत् व्यय भी शामिल है और इसमें दूसरी खेती का उत्पादन भी शामिल होगा । हम देखते हैं कि दूसरे देशों की सरकारें अपने देश के किसानों को कितनी अधिक सुविधाएं दे रही हैं भारत की सरकार, जो कि किसान के हित का इतना जोर से नारा बराबर लगाती है, वह किसानों के हित का इस प्रकार अपहरण कर रही है, मैं समझता हूं कि यह महान दुख की बात है ।

इसलिए मेरा बड़ी नम्रता के साथ निवेदन है कि जो आपने फारमूला तैयार किया है उसको अभी इस संकटकाल में स्थगित करें और भी अनेकों कार्यक्रम इस समय स्थगित किये जा रहे हैं । और इसके बाद जब आप इस पर निर्णय लें तो किसानों के प्रतिनिधियों को भी बुलायें और मिल मालिकों के प्रतिनिधियों को भी बुलायें । प्रायः होता यह है कि मिल मालिक और सरकार के प्रतिनिधि बैठ कर निर्णय कर लेते हैं और किसान की उपेक्षा कर दी जाती है । ऐसा नहीं होना चाहिए । किसान इस उद्देश्य का सब से बड़ा भागीदार है उसकी इस प्रकार उपेक्षा होना अच्छी बात नहीं प्रतीत होती । मेरा विश्वास है कि बतंमान कृषि मंत्री श्री पाटिल उदारता और गम्भीरता से इस सम्बन्ध में निर्णय लेंगे ।

[श्री प्रकाशवार शास्त्री]

इन शब्दों के साथ मैं अपना प्रस्ताव पेश करता हूँ जो इस प्रकार है :—

"That this House takes note of the fixation of price of sugarcane on the basis of production of sugar."

15 hrs.

Mr. Deputy-Speaker: Motion moved:

"That this House takes note of the fixation of price of sugarcane on the basis of production of sugar."

There is an amendment by Shri Bibhuti Mishra. He may move his amendment and speak.

There is a large number of speakers. So, I would request the hon. Members to confine themselves to seven or eight minutes each.

Shri Bibhuti Mishra (Motihari): I beg to move:

That at the end of the Motion, the following be added, namely:—

"and resolves that the operation of the Government order fixing the price of sugarcane be stayed until Government provides the cane growers with seed, equipment etc. for production of quality sugarcane."

उपाध्यक्ष महोदय, पाटिल साहब ने गन्ने का मूल्य दिसम्बर से मार्च तक की रिकवरी पर जो निर्धारित किया है उसके लिए मैं उनको धन्यवाद देना चाहता हूँ। लेकिन इसके सम्बन्ध में मैं एक खास बात बतलाना चाहता हूँ। मेरे अपने जिले में नौ शुगर फैक्टरियां हैं। इन नौ शुगर फैक्टरियों में से एक में किसान को एक रुपया आठ आना मिलेगा, एक फैक्टरी में एक रुपया सवा बस आना मिलेगा। हालत यह है कि एक ही

जगह में कुछ भील के फासले पर मिलें हैं। मैं आपको बतलाना चाहता हूँ कि सुगौली शुगर फैक्टरी में एक रुपया ५१ नये पैसे मिलेंगे, उसी की बगल में बारह भील के फासले पर मोतिहारी शुगर मिल है उस में १ रुपया ६३ नया पैसा मिलेगा और उसके ६ भील के फासले पर मझबलिया शुगर मिल है जिसमें एक रुपये ६३ नये पैसे मिलेंगे। तो आप देखें कि एक मिल में १ रुपया ५१ नया पैसा मिलेगा और उसी के बगल में ६ भील के फासले पर दूसरी शुगर मिल में १ रुपया और ६३ नया पैसा मिलेगा। ऐसी स्थिति में यह स्वाभाविक है कि किसान अपना गन्ना सुगौली मिल में नहीं ले जाना चाहेगा और मोतिहारी और मझबलिया मिलों में ले जाना चाहेगा। इस में फी एरियावालों को फायदा होगा और रिजर्व एरिया वालों को घाटा होगा। इस साल पिछले साल से गन्ने की फसल ३५ परसेंट कम हुई है। इसलिए हर मिल वाला यह चाहेगा कि वह ज्यादा से ज्यादा गन्ना खरीद ले। नतीजा यह होगा कि जो फी एरिया वाले हैं वे अपना गन्ना सुगौली मिल को नहीं ले जायेंगे और मोतिहारी और मझबलिया मिलों को ले जायेंगे। और इस प्रकार जो रिजर्व एरिया वाले हैं उनको दो आने मन कम मिलेगा। रिजर्व एरिया वालों पर काननन पाबन्दी है इसलिए उनको नुकसान होगा। मेरा स्थान है कि किसान को कहीं दो आने मन, कहीं सात पैसे मन और कहीं एक आने मन कम मिलेगा, उस किसान को जो कि रिजर्व एरिया वाला है। यह कहाँ तक उचित है। आपने जो अपने एक नवम्बर सन १९६२ के नोटिफिकेशन के अनुसार मूल्य निर्धारित किया है उससे मेरे जिले की जो नौ मिलें हैं उनके द्वारा दिये जाने वाले मूल्य में फर्क रहेगा और इससे रिजर्व एरिया वाले किसानों को हानि पहुँचेगी। एक किसान को अपने गन्ने का मूल्य एक रुपया ५१ नये पैसे मिलेगा और दूसरे को एक रुपया ६३ नये पैसे। और इन मिलों में ६ भील का फासला है।

तो इसमें किसान का कैसे भला होगा । जो किसान रिजर्व एरिया का है उसको मन पीछे दो आना गन्ना का दाम कम मिलेगा । सरकार ने रिकवरी के आधार पर यह फैसला तो कर दिया लेकिन किसान को अभी तक कोई सुविधा नहीं दी है, न अच्छा बीज दिया है, न अच्छा खाद दिया है और न कोई और सुविधा दी है । इस प्रकार रिकवरी पर मूल्य निर्धारित करके सरकार ने किसानों के साथ उचित बर्ताव नहीं किया है ।

इसके आगे मैं बतलाना चाहता हूं कि हमारे यहां हरिनगर शुगर मिल में गन्ने का दाम १ रुपया ६६ पैसा प्रति मन मिलेगा, बगहा में १ रुपया ५७ पैसा मिलेगा और लौरिया में १ रुपया ५३ नया पैसा मिलेगा । नतीजा यह होगा कि जितना फी एरिया का किसान है वह हरिनगर में अपना गन्ना ले जाएगा । इस साल गन्ने की फसल कम हुई है । इसलिए बगहा और लौरिया को गन्ना नहीं मिलेगा और जहां तक रिजर्व एरिया के किसानों का सम्बन्ध है उनको प्रति मन दो ढाई आने का धारा रहेगा ।

एक ही सरकार है एक ही किसान है, एक जगह उसको ज्यादा पैसा मिलता है दूसरी जगह कम पैसा मिलता है ।

एक बात मैं बतलाना चाहता हूं कि रिकवरी के साथ साथ दो चीजों का रूपाल नहीं रखा गया है । एक तो प्रैसमड है और दूसरी छोओरा है जिसको कि अंग्रेजी में मोलासेज कहते हैं । मैंने देखा है कि टायरका प्रैसमड १२ रुपये का मिलता है । अब इन चीजों की कीमत इसमें नहीं जोड़ी गई है । रिकवरी के ऊपर दाम रखने में यह छोओरा और प्रैसमड का दाम किसानों को नहीं मिलता है । मैं चाहता हूं कि सरकार इसको भी देखे ताकि किसानों का भला हो ।

आगे मैं आपको बतलाना चाहता हूं कि किसानों को गन्ने का दाम यह जो रिकवरी के ऊपर देने का सिद्धान्त रखा गया है, दूसरे देशों में बड़े बड़े फार्म्स हैं, सरकार ने पसन्द किया कि फलाने आदमी का गन्ना हम लेंगे और उसका गन्ना लेने के बाद वहां की सरकार कश करती है और उसकी रिकवरी के ऊपर उसकी कीमत ठीक करती है । ऐसिन हमारे यहां छोटे छोटे किसान हैं और छोटे-छोटे किसान अपना गन्ना देते हैं । सब किसानों का गन्ना एक साथ पेरा जायेगा । अब इसमें जिस किसान का अच्छा क्वालिटी का गन्ना है और जिस किसान का खराब क्वालिटी का गन्ना है, सब गन्ना मिलाकर एक साथ पेरा जायेगा । नतीजा यह होगा कि एक साथ रिकवरी निकाली जायगी और एक साथ कीमत तय की जायेगी । हमारे यहां कहावत है :—

“अंधेर नगरी चौपट राजा, टके सेर भाजी,
टके सेर खाजा ।”

यह कहावत गन्ने के बारे में चरितार्थ हो रही है । अच्छे और खराब गन्ने को इकट्ठा करके एक साथ पेर दिया और खराब गन्ना पैदा करने वाले दोनों किसानों को एक ही दाम दिये जायें, यह कोई उचित बात नहीं है । इसलिए मैं कहूंगा कि पाटिल साहब इसके ऊपर ध्यान दें और इसको कम से कम रोक दें ।

हमारे यहां ६ शुगर फैक्टरीज हैं । अब यह रोजगार हम लोगों का प्राण है । मेरे जिले में जहां पहले १०, १० मील तक पक्के मकान नहीं दिखाई देते थे, इन नौ शुगर फैक्टरीज के आने के परिणामस्वरूप आज पक्के मकान दिखाई देते हैं । किसानों की हालत बदल गई है ।

मैं आपको बतलाना चाहता हूं कि बहुत से कारखाने ऐसे हैं जो कि पुराने ढंग

[श्री विभूति मिश्र]

के हैं। उनके यहां रिकवरी अच्छी नहीं निकलती है। बहुत से कारखाने ऐसे हैं जो कि नये ठंग के हैं और जिनके यहां रिकवरी अच्छी मिलती है। इसलिए सरकार को चाहिए कि जो कारखाने पुराने और बुराव हैं उनको मौडरनाइज करे।

मैं आपको बतलाना चाहता हूं कि कोई तो किसान २० मील से गन्ना लाता है, कोई किसान ५ मील से गन्ना लाता है। जो २० मील से गन्ना लाता है उस किसान का गन्ना सूख जाता है और उसमें रिकवरी अच्छी नहीं आती है लेकिन वह किसान जो ५ मील से गन्ना ले आता है उसके गन्ने में अच्छी रिकवरी आती है। अब दोनों को एक साथ में मिला कर पेरा जाय और दोनों को एक कीमत दी जाय यह किसान के साथ गैर मुनासिब काम किया जाता है। हमारे पाटिल साहब ने यह सिद्धान्त रखा हुआ है लेकिन मैं उनसे चाहूंगा कि कम से कम आज की संकट-कालीन अवस्था में इसको रोक दें। अगर वे इसको नहीं रोकते हैं तो मैं आपको बतलाना चाहता हूं कि जिस फैक्टरी में कम दाम मिलेगा वहां वह न ले जाकर उस फैक्टरी में अपना गन्ना ले जायेंगे जहां कि उन्हें अच्छा दाम मिल सकता है। अब इससे मिल वालों और किसानों में बड़े झगड़े पैदा हो जायेंगे और फौजदारी होगी। मिल वाले उनके कपर मुकदमा करेंगे। इसलिए मैं चाहता हूं कि हमारी सरकार और पाटिल साहब जो कि किसानों के बड़े शुभचिन्तक हैं, इस प्राइस फ़िक्स करने के आंदर को अभी स्थिगित करे।

श्री सरबू पाण्डेय (रसड़ा) : उपाध्यक्ष महोदय, मैं इस प्रस्ताव के समर्थन में खड़ा हुआ हूं। इस सदन में पिछले कितनी बार गन्ने के दाम के निर्धारण के बारे में बहस

हुई है। खाली बहस ही नहीं हुई है अपितु उत्तर प्रदेश में और दूसरे सूबों में कई बार आन्दोलन हुए। पिछली दफ़ा मेरठ, गोरखपुर और देवरिया में तमाम गन्ने के इलाकों में किसानों की बहुत बड़ी तादाद जेल में गई और बराबर इस बात के लिए लड़ाई होती रही कि गन्ने का दाम दो रुपये मन किया जाय। हमारी उत्तर प्रदेश की असेम्बली ने और बिहार की असेम्बली ने प्रस्ताव भी पास किये। इसके अलावा पिछली दफ़ा जब इस एकट के ऊपर बहस हुई तो सरकारी पक्ष के लोगों ने और विरोधी पक्ष के लोगों ने, सब ने इस बात के लिये खाद्य भंती महोदय से निवेदन किया कि गन्ने का दाम तय करने से पहले तमाम लोगों को बुलाया जाय और रिकवरी के आधार पर गन्ने का दाम तय न किया जाय। लेकिन कुछ समझ में नहीं आता कि खाद्य भंती क्यों इस के ऊपर अड़े हैं? स्वातार बात करने के बाद भी उन्होंने अपनी मनमानी का और नतीजा यह हुआ कि आज किसानों के गन्ने के दाम रिकवरी के आधार पर तय कर दिये गये हैं। मैं समझता हूं कि हमने अपने देश में समाजवादी समाज की स्थापना का जो लक्ष्य निर्धारित किया है और हम यह ऐलान करते हैं कि हम देश में से अभी और गरीब का भेद समाप्त करेंगे, वह सरकार की गन्ने की मौजूदा रिकवरी की पालिसी से पूरा नहीं होने वाला है।

आज किसानों की एक मात्र मनीषीय गन्ना है और गन्ने की खेती के अलावा दूसरी कोई पैदावार नहीं है जिससे कि किसान अपनी मालगुजारी और लगान अदा कर सके। सिर्फ़ गन्ना ही है जिसकी कि बेचकर वह मालगुजारी और लगान बर्गरह अदा कर सकता है। आज किसान के गन्ने के दाम बढ़ाने के नाता प्रकार के कुचक बराबर रखे जा रहे हैं जिसके कि फलस्वरूप यह फल हम

को देखने को मिलता है। मेरा यह स्थाल है कि माननी मंत्री महोदय को किसानों की तरफ मूल्य रूप से ध्यान देना चाहिये क्योंकि हमारे देश की रीढ़ किसान ही हैं और अगर किसानों की आपदनी गिरती है अगर उन के पास खरीदने की शक्ति कम होती है तो लाजमी तौर पर इसका बुरा प्रभाव सारे देश की अर्थ व्यवस्था पर पड़ेगा। इसलिये जिद से काम न लेकर दरअसल सरकार को गन्ने के मूल्य के सम्बन्ध में ऐसी नीति अपनानी चाहिये जिससे किसानों को नुकसान न हो और उनको उनकी काश्त के वाजिब दाम मिलें।

पिछली दफे टैरिफ़ कमीशन की रिपोर्ट की चात कही गयी। टैरिफ़ कमीशन जब बिठाया गया तो उस क टम्स आफ रेफेंस में यह नहीं दिया गया कि गन्ने का उत्पादन मूल्य क्या है, गन्ना उत्पादन करने में खर्च कितना पड़ता है इस का टैरिफ़ कमीशन की रिपोर्ट में जिक्र नहीं है। खुद टैरिफ़ कमीशन की रिपोर्ट के तीसरे पन्ने में कहा गया है:—

"Nor we are called upon to determine a fair price for sugar-cane on the basis of their cost of production."

उन को यह भी नहीं कहा गया कि वह इस चीज़ का पता करते कि दरअसल गन्ने की पैदावार पर खर्च कितना पड़ता है। इसलिये मेरा यह स्थाल है कि मंत्री महोदय इसको फिर से टैरिफ़ कमीशन के सुपर्द करें और वह इस बात को देखें कि गन्ने की पैदावार का खर्च क्या पड़ता है और तब भाव के बारे में तय करें। अगर ऐसी बात नहीं होती है तो लाजमी तौर पर रिकवरी के आधार पर जो गन्ने का दाम तय किया गया है उस से हमारे देश के किसानों का बड़ा नुकसान होने वाला है।

जैसा कि हमारे साथी श्री प्रकाशवीर शास्त्री ने आप को बताया गन्ने की पैदावार करने में कितना खर्च पड़ता है, फहले से ज्यादा बैलों के दाम, सिचाई मंहगी, खाद मंहगी

और लेवर मंहगी है जिसका कि नतीजा यह है कि लाजमी तौर पर किसानों का पहले गन्ना पैदा करने में जितना खर्च होता था अब उस के मुकाबल उन को ज्यादा खर्च करना पड़ रहा है। किसानों की जो हालत हो रही है अगर उन के गन्ने के दाम इस तरीके से गिरते जायेंगे तो उन की परेशानियां और बढ़ेंगी।

सब से आश्चर्य की बात यह है कि मंत्री महोदय ने पिछली दफा भी अपनी स्पीच में कहा कि हम किसानों के हित में रिकवरी बाली पालिसी बना रहे हैं। लेकिन मैं उन को बतलाना चाहता हूँ और जैसा कि एक भाई ने बतलाया कि एक किसान अच्छा गन्ना पैदा करता है और दूसरा किसान खराब गन्ना पैदा करता है उन दोनों को एक साथ पेरा जायेगा और दोनों को मिला कर प्राइस फिक्स की जायेगी और इस में सबसे कमाल की बात यह है कि रिकवरी जो होगी वह पिछले साल के पांच, छँट महीने के आधार पर दी जायगी, इस साल की ईल्ड के ऊपर नहीं दी जायेगी। इस साल चाहे कितना अच्छा गन्ना पैदा हो लेकिन गन्ने के दाम पिछले ५, ६ महीने में जो रिकवरी है उस के आधार पर तैयार किये जाने हैं। मैं समझता हूँ कि यह बड़ा अन्यायपूर्ण मामला है और इस को सरकार को किसानों का हित ध्यान में रखते हुए तय करना चाहिये। यह मोटी बात है और जैसा कि अभी शास्त्री जी ने भी कहा कि यह एक आम बात होती है। किसान भी इस बात को जानते हैं कि जितने आने मन गन्ना होगा उतने ही रुपये मन चीनी होगी। अगर चीनी का दाम ३७ रुपये या ४० रुपये मन हो तो गन्ने का दाम ढाई रुपये मन होना चाहिये और अगर ढाई रुपये मन न हो तो कम से कम दो रुपये मन तो होना ही चाहिये। अगर गन्ने का दाम २ रुपये मन हो तब भी मिल वालों को मुनाफा रहता है।

अब यह रिकवरी के आधार पर जो गन्ने के दाम तय किये जाने हैं तो रिकवरी शुरू

[श्री सरूज पाण्डेय]

के महीनों में कम होती है। नवम्बर में कम होगी, दिसम्बर में भी कम होगी। जनवरी में कुछ होगी, फरवरी में होगी और फिर मार्च के दूसरे पब्लिक और अप्रैल में गिर जायेगी। महीने, दो महीने में कितना गन्ना दे पायेंगे? इससे किसानों को इतना दाम भी नहीं मिल सकेगा जितना कि वह पैदा करते हैं। इसलिये हम को सोचना चाहिये कि गन्ने का दाम जब हम तय करते हैं तो इन सारी चीजों को देखें कि दरब्रसल गन्ने का दाम तय करते समय हम सारी चीजों का हिसाब लगायें।

आज चूंकि मुल्क संकट-कालीन स्थिति से गुजर रहा है इसलिये यह और भी जरूरी हो जाता है और जैसा कि माननीय सदस्य श्री विभूति मिश्र के अमेंडमेंट में कहा गया है सरकार का शुगरकेन की प्राइम फिक्स करने का आईंडर फिलहाल उस बत तक स्थगित रखा जाये जब तक कि सरकार गन्ने के काशकारों को आवश्यक मुविधायें उत्पन्न नहीं कर देती। जब तक उनको आवश्यक मुविधायें नहीं देती हैं तब तक यह रिकवरी के आधार पर गन्ने की कीमत तय न की जाये। मैं माननीय मंत्री जी से कहूँगा कि इस संकट-कालीन स्थिति में वह ऐसी स्थिति उत्पन्न न करें, जिसमें हमारे देश के किसानों को—विशेषकर पूर्वी उत्तर प्रदेश के किसानों को, जहां कि भयानक गरीबी है—परेशानी उठानी पड़े। इस सदन में ही एक माननीय सदस्य ने पूर्वी उत्तर प्रदेश की दशा का चित्र उपस्थित किया था। मैं निवेदन करना चाहता हूँ कि पूर्वी उत्तर प्रदेश, गोरखपुर, देवरिया, ये तमाम जिले ऐसे हैं, जहां बहुत गरीबी है और उस गरीबी में गन्ना ही एक सहारा है। इसलिये माननीय मंत्री जी इस प्रस्ताव को तब तक के लिये स्थगित कर दें, जब तक कि फिर से टैरिफ कमीशन को न विठाया जाये और सब वर्गों के प्रतिनिधियों से विचार-विनिमय कर के और इस बारे में

पूरी तरह से जांच कर के गन्ने का उत्पादन-मूल्य निर्धारित न कर दिया जाये।

Shri Shivaji Rao S. Deshmukh (Parbhani): Sir, I welcome the motion moved by Shri Prakash Vir Shastri. I come from a State which has got the largest number of cooperative sugar factories and the cost of sugarcane and sugar adversely affects an average cultivator in Maharashtra more than it affects Punjab, U.P. or Gujarat, because in Punjab, U.P. and Gujarat, the cultivator can cultivate cash crops which match sugarcane in profits or which give even more profits. But in Maharashtra, the pattern of cultivation is such that if the cultivators switch over from the pattern of sugarcane cultivation to any other pattern of cash crop, it is certain to affect adversely the interests of the cultivators and this switch-over can be damaging also. So, the question of sugarcane price fixation is most vital for Maharashtra.

As pointed out by Shri Prakash Vir Shastri, it is really strange that whereas the price of dry wood in this country is about Rs. 3.8 per maund, sugarcane should fetch Rs. 1.62 per maund. In the 1959 season, I have seen several cultivators whose cane could not be sold at the factory site converted it into raw sugar or *gur* and the cost of *gur* per maund was such that the total cost recovered by them did not even exceed the cost of fencing which the cultivators had to incur to cultivate the sugarcane.

The majority of cultivators in Marathwada depend on well irrigation, which is by any standard the costliest form of irrigation for any cultivator. When a cultivator cultivates about 10 acres of sugarcane with two wells, he has to incur expenses which amount to ten times the sugarcane cost which he gets if it is converted into *gur*, as the *gur* prices were the lowest in 1959-60. It can be easily imagined as to what would be

the fate of the cultivator. The price of sugarcane has been linked with the percentage of sugar in a way which is not ordinarily explainable.

When the minimum price of sugarcane rose from Rs. 1-7-0 to Rs. 1-10-0 per maund, there was a record increase in the areas under sugarcane cultivation. There was a record increase of 5.9 lakh acres and the production was something like 2.9 million tons of sugar. It was claimed that there has been a phenomenal rise in sugarcane cultivation and sugar production because the minimum price of sugarcane was increased from Rs. 1-7-0 to Rs. 1-10-0. But when the minimum price remains at Rs. 1-10-0 in the current year, Government fails to explain why there has been a fall in the total sugar production from 2.9 million tons in 1959-60 to 2.66 million tons. The only explanation is the strange phenomenon linking the price of sugarcane with the percentage of sugar recovery.

The Minister of Food and Agriculture (Shri S. K. Patil): It has not yet been linked.

Shri Shivaji Rao S. Deshmukh: The moment Government published its plan to link the cost to the irreducible minimum of Rs. 1.62 or something like that, it resulted in a net fall in production from 2.9 million tons to 2.66 million tons. I think any Government should learn the lessons which are very evident and crystal clear.

In Maharashtra, we have got nearly 12 per cent recovery of sugar. One Maharashtra industrialist, Mr. Dahanookar, has got as much as 15 per cent of sugar yield. A man who has got 15 per cent yield, which is the maximum, gets Rs. 2 or Rs. 2.25 per maund of sugarcane. To achieve this yield of 15 per cent, as compared to the all-India average of 9.8 per cent, he has to invest at least ten times the increase in cost which he gets. So, the only thing that Government should look

into is that the cost of sugarcane and sugar should be remunerative to the cultivator. Even if it is not remunerative, at least he should be able to make good the losses which he incurs. The cost of irrigation in Maharashtra is anywhere between Rs. 40 and Rs. 140 per acre, whereas it is only Rs. 14 in U.P. The cost of irrigation, the cost of fertilisers, the cost of transport, etc. are all to be taken into consideration.

The formula of sharing the profits out of sugarcane yield has not been satisfactorily worked out to the benefit of the cultivator. On the one hand Government wants to stay the programme for sharing profits of sugar industry and on the other, wants to link price of sugarcane with the recovery. This is not ordinarily explainable.

श्री यशपाल सिंह (केराना) : उपाध्यक्ष महोदय, मैं उस इलाके से आता हूँ, जो हिन्दुस्तान में सब से ज्यादा गन्धा पैदा करता है। माननीय खाद्य मंत्री अभी तक हमारी दिक्कतों को समझ नहीं सके हैं। हमारी सब से पहली दिक्कत यह है कि जब हम दस दस, बीस बीस मील के फासले पर अपना गन्धा ले कर जाते हैं, तो बजाय इसके कि हम को इनाम मिले, गवर्नरमेंट, सोसायटी और ठेकेदार हम से दो आने, चार आने मन काट लेते हैं। सब से पहले तो हमारी यह दिक्कत हल की जानी चाहिये—किराया मिल-मालिक दें, हम को किराया न देना पड़े।

सरकार की ओर से कहा जाता है कि रिकवरी के ऊपर गन्ध की कीमत दी जायगी। क्या मिल मालिक हम को रिकवरी के सही दाम दे सकता है? इसी सदन में यह बात मान ली गई थी कि हिन्दुस्तान का पूँजीपति सरकार को दिये जाने वाले टैक्सों में २५० करोड़ रुपये इवेंड करता है। जो आदमी गवर्नरमेंट की आखों में धूल झोक कर इतनी बड़ी रकम चुरा लेता है और गवर्नरमेंट को टैक्स नहीं देता है और आज तक गवर्नरमेंट जिस से किसी भी हालत में वह टैक्स वसूल

[श्री यशपाल सिंह]

नहीं कर सकी है, क्या वह अनपढ़ काश्तकार से यह उम्मीद करती है कि वह उस मिल-मालिक से रिकवरी के पूरे दाम ले लेगा और मिल-मालिक उस को रिकवरी के पूरे दाम दे देगा ।

इसलिये "रिकवरी" लपज को हटा कर गन्ने की कीमत दो रुपये मन कर दी जाये । प्राइस को रिकवरी के साथ लिंक करने का मतलब तो यह है कि हम को मिल-मालिक के रहमो-करम पर छोड़ दिया गया है और हमें मिल-मालिक की मर्सी पर जिन्दा रहना होगा । इसलिये गन्ने की कीमत कम से कम दो रुपये मन होनी चाहिये ।

जब मैं यू० प० असेम्बली में था, तो वहां भेने कोशिश की थी और वहां से १ रुपये १२ आने मन का भाव तय करवा कर भेजा था । उसको वहां की कांग्रेस गवर्नरमेंट ने भेजा था और उस पर गवर्नरमेंट के दस्तखत थे । जब वह मामला यहां पर सरकार के हजूर में आया, तो हमारी उस मांग को ढुकरा दिया गया और १ रुपये १२ आने मन के बजाय १ रुपये ७ आने मन का दाम तय किया गया ।

मैं यह निवेदन करना चाहता हूं कि हम लोगों की दिक्कत को समझा जाये । जब हम लोग दिन-रात मेहनत कर के गन्ना पैदा करते हैं, तो हम को उस का पूरा मूल्य मिलना चाहिये । अगर माननीय खाद्य मंत्री चाहें, तो वह इस मामले को दो दिन में हल कर सकते हैं । पिछले दिनों जब इस सदन में डिफेंस पर बहस चल रही थी, तो मैंने कहा था कि खाद्य मंत्री ने यह साबित कर दिया है कि उन के दिलो-दिमाग का दूसरा आदमी हिंदुस्तान में नहीं है और अपनी प्रतिभा और बेमिसाल बहादुरी से उन्होंने खाद्य के उस मसले को हल कर दिया है, जिसके बारे में यह समझा जाता था कि वह हल नहीं हो सकता है । पिछले हफ्ते मैंने

भी कहा था कि अगर श्री एस० के० पाटिल के हाथ में इस देश का डिफेंस होता और वह हमारे डिफेंस मिनिस्टर होते, तो हम को यह बुरा दिन न देखना पड़ता । जब इतने बड़े बड़े मसले हल किये हैं तो गन्ने का यह छोटा सा मसला कैसे हल नहीं हो सकता है । किसान आज दुखी है । एक तरफ आप कहते हैं कि आप किसान के बन्धु हैं, आप किसान के हमदर्द हैं, किसान के खिरखावा हैं दूसरी तरफ आप किसान को उसके गन्ने का उचित भाव नहीं देते हैं । किसान दिन रात खून पसीना एक करके गन्ना पैदा करता है, पैदावार करता है उसको तो उसकी उपज का उचित मूल्य नहीं मिलता है मगर दूसरी ओर जो मिल मालिक हैं वे करोड़पति होते जाते हैं, अरबों रुपया वे कमा चुके हैं और अमीर होते जा रहे हैं । मिल मालिक को जो शूगर कैन से फायदा होता है, जो लाभ मिल मालिक शूगर कैन पर लेता है, उस में किसान का एक बड़ा हिस्सा होना चाहिये और यह हिस्सा उसको मिलना चाहिये ।

उपाध्यक्ष भहोदय, हमारे देश में ८० फीसदी किसान हैं और बीस फीसदी मिल मालिक भी उसके रिस्तेदार । इस लिये प्राफिट का जो रुपया है उसका ८० परसेंट किसान को मिलना चाहिये और बीस परसेंट मिल मालिक के घर में जाना चाहिये । सेकिन यहां उल्टा हिसाब होता है । मैं भी गन्ने की काश्त करने वाला एक छोटा सा काश्त कार हूं । न मुझे सरकार की तरफ से बीज मिलता है, न खाद्य मिलती है, न पानी का इतजाम किया जाता है । गन्ने को ढोने में मुझे रात रात भर बर्फ में चलना पड़ता है, अपने बैलों की गाड़ी को जिस पर गन्ना लाद कर मैं ले जाता हूं, वहां पढ़ने वाला लाद कर भी तक खड़े रखना पड़ता है, तब जा कर कहीं नम्बर आता है । मेरे बैल, मेरे मवेशी, मे

नोकर तबाह होते हैं, कुछ बर्फ पर होते हैं और कुछ तब जब उनको ४८-४८ घंट खड़े रहना पड़ता है। लेकिन इस तरफ किसी का ध्यान ही नहीं जाता है। ऐसा किसी देश में नहीं होता है। जिनको गन्ना देना होता है वे बर्फ पर ठिठुरते रहते हैं और बहुत देर तक उनको इंतजार करना पड़ता है। ऐसा न हो इस तरफ भी आपका ध्यान जाना चाहिये।

उपाध्यक्ष घटोदय, मैं समझता हूँ कि अगर खाद्य मंत्री चाहें तो एकदम इस सब का इलाज कर सकते हैं। लेकिन हमारी तरफ उनकी हमदर्दी कम है और मिल मालिकों की तरफ ज्यादा है, ऐसा मालूम होता है। हम गर्वीब हैं, मिल मालिक करोड़पति हैं। हमारी हालत यह है कि हमारे पास पैसा नहीं होता है कि हम अपने बैलों को दाना दे सकें, हमारे पास पैसा नहीं होता है कि अपने लड़कों की फीस आदा कर सकें, उनकी किताबों का खर्च जुटा सकें और उनको हमें वापिस बुलाना पड़ता है, लेकिन मिल मालिकों का यह हाल है कि एक मिल के मुनाफे से वे चार चार मिलें खड़ी करते जा रहे हैं लेकिन सरकार का उधर कोई ध्यान नहीं जाता है। मेरा निवेदन है कि अगर वाकई में आप मजदूरों के प्रति हमदर्दी रखते हैं, किसानों के प्रति हमदर्दी रखते हैं तो किसानों की इमदाद बढ़नी चाहिये, किसानों की हालत बेहतर करने की तरफ आपको ज्यादा ध्यान देना चाहिये। जो मिल मालिक हैं, वे इतना रुपया इन मिलों से कमा चुके हैं कि उनको और ज्यादा मुनाफे की इस बक्त जरूरत ही नहीं है। जो मुनाफा है वह किसानों को जाना चाहिये और अगर किसानों को नहीं दिया जाता है तो हिन्दुस्तान के फायदे के लिये उसका इस्तेमाल होना चाहिये, हिन्दुस्तान की रक्षा के लिये उसका उपयोग किया जाना चाहिये। अकेले मिल मालिकों को इस रुपये का हिस्सेदार नहीं बने रहने दिया जाना चाहिये।

इसके अतिरिक्त मैं यह भी कहना चाहता हूँ कि हम मिल मालिकों को गन्ना देते हैं

लेकिन उन मिलों में हम किसानों का एक लड़का भी नीकर नहीं रखा जाता है। मैं इकवालपुर में लक्सर में गन्ना देता हूँ, और वहाँ की हालत यह है कि कोई किसान का बेटा न तो वहाँ बल्कि लगा हुआ है और न ही इंजीनियर लगा हुआ है और न ही एडमिनिस्ट्रेटर के तीर पर रखा गया है। जमीन हमारी इस्तेमाल होती है, गन्ना हम देते हैं लेकिन इसका मुनाफा हमको न मिल कर दूसरे ही उठा ले जाते हैं इसलिये यह जरूरी है कि गन्ने की कीमत आज बढ़ाई जाय और कम से कम उसकी कीमत दो रुपये मन कर दी जाय। रफी ग्रहमद किंदवई जी के समय में जब २८ रुपये मन चीनी बिकती थी तब लोगों को दो रुपये मन का भाव दिया जाता था लेकिन आज जब ३८ और ४० रुपये मन चीनी बिकती है तो कोई बजह नजर नहीं आती है कि क्यों हम को दो रुपये का भाव न दिया जाय। जहाँ तक गन्ने की सप्लाई का संबंध है, मैं चाहता हूँ कि कानून बनाया जाय कि खेत से गन्ना लिया जाय, वहाँ से इसकी सप्लाई ली जाय, जहाँ मेरा गन्ना खड़ा है, वहाँ से मिल मालिक या सरकार उठाने का इंतजाम करें, वहाँ से गन्ना लावे। बैलों की आज हालत यह है कि वे मिल नहीं रहे हैं, न परबतसर मंडी में मिल रहे हैं और न पुष्कर मंडी में मिल रहे हैं। ट्रैक्टरों की हालत यह है कि जिन्होंने ट्रैक्टर लिये थे वे उनके बेच कर दिवाल कर बले गए हैं।

अन्त में मैं इतना ही कहना चाहता हूँ कि जहाँ तक गन्ने की सप्लाई का संबंध है, हमारे खेतों में से गन्ना मिल मालिकों को दिया जाये और हम को कम से कम दो रुपये मन का भाव दिया जाये।

Shri D. D. Puri (Kaithal): Mr. Deputy-Speaker, Sir, in the very short time at my disposal I shall not attempt to address myself as to what the level of cane prices should be, whether it should be Rs. 1.5 or Rs. 1.10 or it should be Rs. 2. All that we are concerned with, so far

[Shri D. D. Puri]

as this discussion is concerned, is whether that price of cane should be irrespective of the quantity of sugar that the cane yields, that there should be a link between the price of cane and sugar content.

Now, the first criticism of the new scheme that has been made is that with the application of the new scheme of things the price of cane in nearby factories, factories five or six miles from each other, is likely to vary. I would respectfully submit that practically in every agricultural commodity that position is exactly the same. Take wheat or cotton. If the quality of wheat varies from one field to the other, they fetch different prices. Take any agricultural commodity or non-agricultural commodity. There is no question of the entire produce of an area within 10 or 15 miles fetching the same price. It will have to depend upon the quality of the stuff. And, better qualities of sugarcane, like better quality of wheat, better quality of cotton and other things, should fetch a better price.

My hon. friend from Maharashtra took very serious objection to cane yielding 15 per cent being paid for at only Rs. 2. That is exactly the basis of the scheme, that 'cane yielding 8 per cent sugar and cane yielding 10 per cent sugar shall attract different prices. That is exactly what the scheme seeks to rectify. It seeks to rectify the existing state of affairs.

The second criticism that has been levelled against this scheme is that the incentive given to growers is collective and that an individual grower does not get enough encouragement as compared to another grower. The criticism is that if one grower is progressive his individual incentive should be recognised. I would respectfully submit that this scheme is a first step, a long step and a step in the right direction.

15.30 hrs.

[SHRI MULCHAND DUBE in the Chair.]

I do not say that the scheme is the last word on the subject. We have moved forward. The state of affairs hitherto was, whether the recovery was 8 per cent, as in the case of Punjab, or it was 10 per cent, 10.5 per cent or 11 per cent, all that cane was sold at the same price. The first step that has been taken is, we shall work out recovery factory by factory and then reward the grower in an area attached to a factory where the sugarcane content is higher.

They have not gone to the full extent in this direction. They have still fixed a minimum price of cane; i.e. Rs. 1.50 n.P. no matter how low the recovery may be. That minimum price has to be paid in any case. I will not go into that question of the minimum price. But to say that either we should introduce a scheme only after the scheme for individual growers is recognised or we should do nothing at all is, I think, a counsel of perfection leading to a counsel of despair. All that I am saying is, this is a first step taken in the right direction.

My hon. friend Shri Bibhuti Mishra quoted the saying: "*andher nagari chaupat raja*". He said that is the state of affairs today where cane prices are concerned, that the best cane and the worst cane in this *andher nagari* fetch the same price. That is exactly what the scheme seeks to rectify. That is exactly the intention of this scheme.

Shri Bishwanath Roy (Deoria): What about the best managed factory and the worst managed factory?

Shri D. D. Puri: The difference in factory efficiency is not a great deal. If you take the case of a best managed factory and a worst managed factory, the difference will be very very

small because of the retention of the price. The worst managed factory makes lower profits. Even the Tariff Commission does not guarantee every factory a minimum profit. If a factory is badly managed it will make a lesser profit.

Then, we were told that recovery only for the best part of the season should be taken into account. This argument is not correct. The boot is on the other leg. The Government is already leaving out some unremunerative parts of the season in so far as calculation of cane price is concerned. It is known all over that earlier in the season, in the months of November, and late in the season, in the month of April, the recovery goes down. Government proposes to leave that part of the season out. That is the complaint of the industry, because in November, April and May when the factory is run only with a view to benefit the growers, that part of the season is left out. It is clear that the recovery is low and it is unremunerative. The industry runs into loss. But this the factory recognises, that good must be taken with the bad, and therefore to benefit the grower they do not want to leave the cane standing. So the factory runs during the unremunerative part of the season also. That also should be taken into account when you fix the prices.

Shri Shivaji Rao S. Deshmukh: All that I said was, where the yield is 15 per cent, nearly double, the increase is only eight annas.

Shri D. D. Puri: I do not want to go into those calculations. If I am given the time I can go into that. We are concerned only with acceptance of the principle whether cane price should be flat or linked with recovery. This is exactly what the scheme seeks to do. Hitherto, in Northern India, leave alone Maharashtra, even if there was a factory which was to get 15 per cent recovery, it will still be, under the old system, asked to pay at the rate of Rs. 1.62 nP., the same price which a

factory getting 8 per cent would pay. That is exactly what the proposal seeks to rectify.

I would respectfully state, very briefly, that the basic fact of life as far as sugar industry is concerned is this. When cane is sold, it is the sugar in the cane that is paid for; the rest is completely trash, literally and metaphorically. Therefore, any price of cane which ignores the sugar content thereof is wholly unscientific and arbitrary.

Then I would like to refer to another aspect. Shri Prakash Vir Shastri has, in his admirable speech, mentioned Indonesia, Mexico and other parts of the world and made out a case that the percentage of sugar price that the grower gets there is higher than in India. Let me correct that impression. No. 1, the sugar industry in India bears the highest tax that any sugar industry bears in any part of the world outside the Communist block. If you leave the taxes out of account, both the cess and the excise duty—leave it out of account there and leave it out of account here—I dare say that the percentage of price that is paid to the cane grower in India is higher than in Indonesia, Mexico or any other country in the world. I make bold to say that taking into account the recovery of sugar, taking into account the sugar-content of the cane, the price of cane paid in India is one of the highest in the world, rather it is the highest in the world, leaving out Pakistan perhaps. If we take the taxes into account, the position continues to be the same.

I will briefly refer to another point. Shri Prakash Vir Shastri stated that short-weight of cane might create difficulties so far as the determination of the recovery etc. are concerned. Arithmetically, if a factory short-weighs the cane, then the recovery of the factory will go up to a certain extent. Then, sugar is much under the closer scrutiny of the excise staff than cane can be. For 24 hours of the day

[Shri D. D. Puri]

the staff is there. It is under much closer scrutiny than the weighment of the cane. Therefore, to a certain extent, the linking of the recovery to the cane price acts as a corrective to a temptation that the factory might have to wrongly weigh cane.

I will briefly state that over the years, over the last thirty years, cane price has been moved up and pushed up on an entirely unscientific *ad hoc* basis. Sometimes, the Government of India made an assessment and thought Rs. 1.5 was a fair price for cane. Then they moved it to Rs. 2. Then they brought it down to Rs. 1/10/-, Rs. 1/7/- etc. There was no scientific basis for it at all. It always moved in isolation. I respectfully submit that this is the first time that a scientific outlook is being brought to bear on the problem and the grower is being made quality-conscious. This is the first attempt. I would congratulate the Government of India and the Food Minister for introducing it, for bringing a more scientific outlook to the problem. While I say so, I am not addressing myself as to what the price of cane should be, whether it should be Rs. 2 a maund or Rs. 1/10/- a maund. That is a separate subject. All that I am saying is that the only scientific and correct way of determining the price of cane is to link it up with recovery.

श्री विद्याम प्रसाद (लालगंज): सभापति महोदय, १ नवम्बर के गजट को देख कर मुझे दो प्रकार के आश्चर्य हुए। पहले तो यह कि जहां से हमारे खाद्य और कृषि मंत्री आते हैं वहां गन्ने का दाम १ रु ६३ न० पै० से लेकर २ रु १३ न० पै० तक है और जहां से हमारे कृषि मंत्री आते हैं, अर्थात् विहार, वहां १ रु ५० न० पै० से लेकर १ रु ६६ न० पै० तक है। इसी तरह से गुजरात में १ रु ७८ न० पै० से १ रु ६२ न० पै० तक, आंध्र में १ रु ५७ न० पै० से १ रु ६२ न० पै० तक, मद्रास में १ रु ५० न० पै० से १ रु

८१ न० पै० तक, यू० पी० में १ रु ५० न० पै० से १ रु ७५ न० पै० तक और पंजाब में १ रु ५० न० पै० तक है। मेरी समझ में नहीं आता कि विहार के किसान ने और यू० पी० के किसान ने क्या गलती की है कि उसको पैसे कम मिलते हैं और महाराष्ट्र के किसान को पैसे ज्यादा मिलते हैं।

इसके साथ जो दूसरा आश्चर्य होता है वह यह कि एक मिल से दूसरी मिल की दूरी सिर्फ तीन मिल की है। मैं बस्ती जिले में डिस्ट्रिक्ट एग्रिकलर आफिसर रह चुका हूँ। बाल्टरगंज और बस्ती में सिर्फ तीन मील का अन्तर है। वहां पर दो मिलों में गन्ने का भाव १ रु ६३ न० पै० बाल्टरगंज में और बस्ती में १ रु ७५ न० पै० है। बाल्टरगंज और बस्ती में १२ न० पै० का फर्क है। आप इस चीज को सोचें कि बाल्टरगंज और बस्ती में ऐसे किसान भी होंगे जो कि एक एरिया से दूसरी एरिया में इधर उधर गन्ना ले जाते होंगे। इसके माने यह होते हैं कि चीनी बनाने में, मिल के एक्स्ट्रैक्शन में कोई फर्क है, इसमें किसान का कोई दोष नहीं हो सकता। एक जमीन पर गन्ना बोने का एक किसान को १ रु ६३ न० पै० मिले और दूसरे किसान को १ रु ७५ न० पै० मिले तो मिल की मशीनरी में कोई फर्क है। ऐसा करने के लिये यह मंत्रालय मजबूर कर रहा है। इसी तरह से आगर आप देखें तो जितनी भी फैक्ट्रीज शुगर की हिन्दुस्तान में हैं उनकी रिकवरी की परसेंटेज में भी फर्क है। आंध्र प्रदेश में ६.८५ परसेंट शुगर निकलती है, विहार में ६.४३ परसेंट निकलती है, महाराष्ट्र में ११.७५ परसेंट शुगर निकलती है। मद्रास में ६.२० परसेंट, पंजाब में १.१४ परसेंट और यू० पी० में ६.६८ परसेंट निकलती है।

इसके साथ साथ मैं आप को दूसरे देशों को मिलों के नामे में बतलाता हूँ। साउथ अफ्रीका में सुगर का एक्स्ट्रैक्शन ११.३३

परसेन्ट होता है, ब्वीन्सलेंड में १३.८१ परसेन्ट, पोट्रिको में १०.७१ परसेन्ट होता है और फिलिपीन में ११.६५ परसेन्ट होता है।

अगर मिलों की खराबी की वजह से किसान मारा जाय तो यह अनुचित होगा कि इस तरह की चीज एक्स्ट्रूक्शन के ऊपर सागू की जाय। अगर आप इस को एक्स्ट्रूक्शन पर ही लागू कर देते हैं तो आप यह बतला दीजिये कि वह कहां तक न्यायसंगत है। अगर मैं अच्छी तरह खेती करता हूँ और अच्छे किस्म के गन्ने की खेती करता हूँ और अच्छी बैराइटी पैदा करता हूँ तो मैं भी १ रु ६२ न० प० पाऊं और मेरे ही क्षेत्र में एक किसान जो है वह देसी गन्ना बोता है और पुराने ढंग से बोता है तो वह भी उतना ही पाये तो इस देश में इम्प्रूब्ड एथीकलचर कैसे हो सकता है, कहां तक मैं अपनी खेती को बढ़ा सकता हूँ? सरकार के पास या मिल के पास कौन सी ऐसी मशीनरी है जो कि हर लाट और हर बैलगाड़ी की टैर्स्टिंग कर सके कि इस में इतना सक्रोज का परसेन्टेज है और इस में इतना परसेन्टज है? सीजन से बाहर जब गन्ना पेरा जायगा, जिस में कि सक्रोज परसेन्टज कम होता है तो उस नुकसान को कौन सहेगा? सरकार या मिल बाले? फिर बैराइटी के ऊपर भी गन्ने के सक्रोज के परसेन्टज में कमी या ज्यादती होती रहती है। दो बैराइटी होती हैं: सी० ओ० ४१६ की जो बैराइटी है उस में बिहार में ६.१२ परसेन्ट शुगर निकलती है, आंध्र प्रदेश में १०.१६ परसेन्ट, महाराष्ट्र में १२.४२ परसेन्ट, मैसूर में १२.१४ परसेन्ट, मद्रास में ८.२५ परसेन्ट शुगर निकलता है। इसी तरह से दूसरी बैराइटी सी० ओ० ४४६ में आंध्र में ६.५७ परसेन्ट, मैसूर में ८.६७ परसेन्ट और मद्रास में ६.२ परसेन्ट निकलती है। इसी तरह से

प्रदेश प्रदेश में गन्ने की बैराइटी में भी कफ़ है। जैसा हमारे मंत्रालय ने दिया है कि जिस की ६.८ परसेन्ट रिकवरी होगी उस को १ रु ६२ न० प० मिलेगा। जब रिकवरी १ परसेन्ट बढ़ेगी या घटेगी तो उस के हिसाब से १।। न० प० बढ़ेगा या घटेगा। लेकिन जहां पर गन्ना दूर के सेन्टर को सप्लाई होगा वहां पर १ रु ३८ न० प० दाम होगा। इस में कौन सी मशीनरी हर किसान के हर लाट की टैर्स्टिंग करेगी कि किस के शुगरकेन से कितना परसेन्ट शुगर निकलती है।

मेरे पास "इंडियन शुगर इंडस्ट्री" की अनालिसिस है। उसमें लिखा हुआ है कि एक मन चीनी बनाने में १ रु ६२ न० प० के हिसाब से किसान को गन्ने का दाम १६.२० रु ० मिलता है। कोआपरेटिव्स उस में से ४६ न० प० ले लेती हैं, सरकार का टैक्स १०.६६ रु ० है, गन्ने का सेस १.६४ रु ० होता है, मैनुफैक्चरिंग चार्ज ५.६३ रु ० और प्राफिट ४ परसेन्ट, उस तरह से कुल मिला कर ३७ रु ० ८५ न० प० प्रति मन गन्ने का दाम फिक्स किया गया है। अगर इस तरह से हिसाब लगाया जाय तो किसान को सिर्फ ४३ परसेन्ट मिलता है बाकी ५७ परसेन्ट मिल मालिक और सरकार ले लेते हैं। जब कि इंडोनेशिया में ५५ परसेन्ट, क्यूबा में ५५ से ६० परसेन्ट, मैक्सिको में ५० परसेन्ट और बाई प्रोडक्ट्स का दाम, फिलिपाइन्स में ५५ से ६० परसेन्ट और मारीशस में ६६ परसेन्ट किसानों को दिया जाता है।

अगर एक किसान ने एक एकड़ गन्ना बोया और उरामें ४०० मन गन्ना पैदा हुआ, तो इस प्रकार किसान को ६४८ मिलेगा, कोआपरेटिव १८-४० ले लेगी, गवर्नरमेंट ५०५ ले लेगी और मिल ३४६ रुपये ले लेगी। तो इस प्रकार एक एकड़ के गन्ने पर सरकार ५०० रुपये से ऊपर ले रही है। यह करीब ३३ परसेन्ट के होता है। मैं नहीं समझता कि किसी और इंडस्ट्री के कच्चे

[श्री विश्राम प्रसाद]

माल पर सरकार इतना टैक्स लेती हो -। अगर किसान की मेहनत, उसकी जुटाई गुडाई आदि का खर्च निकाल दिया जाए तो भेरी समझ में नहीं प्राप्ता कि किसान के पास क्या बचेगा ।

कहा जाता है कि मिल वाले ४ परसेन्ट मुनाफा लेते हैं । कहने को तो यह मुनाफा ४ परसेन्ट है लेकिन वास्तव में मिल वालों को १८-८ परसेन्ट का मुनाफा पड़ जाता है । इसके अलावा भी मुनाफा होता है । दस परसेन्ट चीनी के अलावा चार पांच परसेन्ट मोलासेज निकलता है जिससे पावर एलकोहल, एलकोहल, रेक्टीफाइड स्पिरिट, कंट्री स्पिरिट और दूसरे पदार्थ बनते हैं जो दवाओं में काम म आते हैं । तो इससे उनको फायदा होता है । इसके अलावा जो खोई होती है उसको पेपर बनाने के काम में लिया जाता है और उसका पैसा भी मिल मालिक को बच जाता है । अगर इस सब को जोड़ा जाय तो आप देखेंगे कि मिल वालों को बहुत ज्यादा मुनाफा होता है ।

मेरा सुझाव है कि या तो सरकार अपने ३३-३ परसेन्ट के टैक्स को कम करे या मिल वालों के मुनाफे को कम करे लेकिन किसानों को गन्ने का दाम दो रुपये मन दिया जाय जैसा कि अन्य जगह दिया जाता है । महाराष्ट्र में किसान को दो रुपये १३ नये पैसे मन मिल रहा है ।

अगर मिल की खराबी की वजह से गन्ने में से कम रस निकलता है और चीनी कम बैठती है तो उसके लिये किसान को न मारा जाय यह मेरी प्रार्थना है ।

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

Shri Surendra Pal Singh (Bulandshahr): Mr. Deputy-Speaker, Sir, the Government's new policy to link the price of sugarcane with sugar reco-

very may be a very sound proposition on scientific grounds. But we feel that in actual practice it will harm the interests of the farmers of the North and I very strongly object to its application to those States which lie in the Northern sugarcane belt where the average recovery of sugar is never more than 9.5 or 9.6 per cent at the most.

In my opinion there are two main reasons why the scheme is likely to affect the farmers of the North adversely. Firstly, there are certain handicaps in our way, some man-made and some natural, which will always hamper our efforts to increase our per acre yield of sugarcane and to increase the sugar recovery.

These handicaps are: first of all, our climate. Our climate is not at all suitable for the successful growth of the sugarcane. We all know that sugarcane requires a hot and humid climate whereas our climate is dry and of the extreme type which is not at all congenial for the healthy growth of the sugarcane plant. This fact is conclusively proved by the fact that all the high-yielding hybrid varieties of sugarcane that are grown in the north of India come mostly from Coimbatore in South India, and they do not thrive here so well as they do in the southern climate and their yield in the north is very much poor when compared to what they are capable of giving in the South.

The second handicap is the inadequacy of water for irrigation. Despite the fact that the Government has made enormous efforts to increase the irrigation potential in the country, there is still a great shortage of water. I can say from personal knowledge that practically 80 per cent of the farmers in the western districts of UP are not able to give even two waterings to their sugarcane crop during the period March to June when actually at least four to six waterings are required for the successful growth of sugarcane.

The third handicap is our State Governments' apathy and reluctance to spend any substantial amount of money on the development of sugarcane. The State Governments collect enormous sums of money, lakhs and lakhs of rupees, as cane cess each year which is supposed to be spent entirely on the development of sugarcane, but we all know that hardly 4 or 5 per cent of that amount is spent on that particular item and the rest of the money is spent elsewhere.

The second reason as to why we feel that we will not get anything more than the bare minimum—it may be called a hypothetical reason by some—is that rightly or wrongly we feel that the real recovery of sugar will never be revealed to the farmers and tampering will take place. Of course, the Government has assured us that they will appoint inspectors and other officials at factory sites to keep a check on this, but we know fully well how these Government functionaries perform their duties. We fear that they will soon be purchased by the mill-owners and all they will do will be just to ditto the pronouncements of the mill-owners in this respect. The mill-owners are a very well organised and financially powerful fraternity and our farmers have begun to feel that these people have got such a strong hold on our Government that they can get practically anything they want at the expense of the farmer. This feeling has been gaining ground for various reasons which I have not the time to enumerate here, but I will mention one or two important reasons. The first reason is our Government's failure upto date to force the mill-owners to pay the deferred price to the farmers. Some efforts are now being made in this connection but we feel that these efforts are rather feeble and half-hearted and I do not think, anything tangible will be achieved in the near future.

The second reason is our Government's indifference towards the farmer's constant and legitimate com-

plaint of not getting the price of the sugarcane paid to them by the sugar factories in time. Because the money is not paid to them in time the farmers have to suffer a great deal.

The third reason is this very policy of the Government which we are discussing on the floor of the House now. This scheme has been introduced in a very hurried and arbitrary manner, and naturally, the farmers are rather suspicious of the whole thing. They feel that this measure has been brought merely for the benefit of the mill-owners because they argue, that the consumer will not benefit from it; the Government is not getting anything out of it; so, naturally, the question arises as to into whose pocket these extra two annas, the difference between Rs. 1|8|- and Rs. 1|10|- are going? We all know where they will go. We know, they will go into the pockets of the mill-owners.

Our suspicion is further strengthened by the fact that the Ministry of Food and Agriculture had convened a conference of sugarcane experts, which was to take place in Poona on the 6th and 7th July last to decide this very question but before this conference could take place, I think, a day or two before that, that is, on or about the 4th or 5th July, the Government came out with the declaration of this policy. Naturally, we want to know as to what was the hurry for the Government to declare this policy before actually having had this matter thoroughly discussed by the Expert Committee, which would have given them their proper opinion on the matter. Such a hasty action, naturally, creates a suspicion in the minds of the people.

Sir, we understand that this measure has been brought into operation, firstly, for putting our sugar industry on a sound and scientific basis and, secondly, to reduce the cost of production of sugar so that we are able to sell our sugar in the international market with ease. The ideas at the

[Shri Surendra Pal Singh]

back of the scheme are laudable and I support them. But we feel that in this respect we must emulate the example of other foreign countries who could achieve these ends by much better and more rational methods, for instance, by not levying too high a tax on sugar, by selling their sugar in the international market at below cost price with the help of Government subsidy, by encouraging the formation of large mechanised farms, run on commercial lines, which can increase sugarcane production; by their hundred per cent efficiency in the production of sugar; and, lastly, by their having by-product industries to utilise every bit of waste material for some useful purpose.

These facts clearly indicate that in my opinion, the onus of reducing the cost of production of sugar in this country lies wholly and squarely on either the Government or on the mill-owners who take off enormous amounts of profits every year in one form or the other, and certainly not on the farmer who, in my opinion, is the weakest member of this combine.

Sir, In the end, I will say just this that, in view of the special difficulties prevailing in the Northern States, and particularly in view of the present national emergency when we are calling upon our farmers to make all sorts of sacrifices for the sake of the country's defence, it will be in the fitness of things for the Government to come forward and revise this policy and at least the minimum price of sugarcane from 1 Rupee 50 naya paise to 1 Rupee 62 naya paise; at least this must be done so that the farmers do not feel so utterly disappointed as they are now. On the other hand, I feel sure, that if the Government insists on enforcing the present policy, the farmers will be greatly disappointed and they will feel badly let down by Shri S. K. Patil who has, on more occasions than one declared himself to be the champion of the poor peasantry

of India. With these words I support the motion.

श्री शिवमूर्ति स्वामी (कोप्पल) : उपाध्यक्ष महोदय, मैं इस सदन में विशेष रूप से तुंगभद्रा प्रौजेक्ट ऐरिया का यहां प्रतिनिधित्व कर रहा हूँ। मैं वहां के हालात थोड़े शब्दों में आप के सामने रखना चाहता हूँ।

उपाध्यक्ष महोदय, माननीय सदस्यों ने बतलाया कि ३, ३ मील और ४, ४ मील के अन्तर पर गन्ने के मूल्य बदल जाते हैं लेकिन मैं सदन को बतलाना चाहता हूँ कि मेरे वहां तुंगभद्रा नदी के इस पार और उस पार जो दो चीनी मिलें हैं उनमें गन्ने की प्राइस में अन्तर हो जाता है। तुंगभद्रा नदी के इस पार सालारजंग शुगर मिल्स लिमिटेड, मुनीराबाद, डिस्ट्रिक्ट रायचूर है और नदी के उस पार दी इंडिया शुगर एंड रिफाइनरीज लिमिटेड, हॉस्पेट, डिस्ट्रिक्ट बिलारी है। अब रायचूर वाल मिल में गन्ने का भाव जहां १.६३५ रुपये प्रति मन है वहां हॉस्पेट वाली मिल में भाव १.८१५ रुपये प्रति मन है अर्थात् करीब २० या २२ नये पेसे का फर्क है। अब दोनों मिलों में कोई फर्क नहीं है। एक ही भूमि है एक ही किस्म का गन्ना बोया जाता है और एक ही तरह की ईल्ड होती है और पहले भी यहां का गन्ना उस मिल में और उधर का गन्ना इधर की मिल में आया करता था। दोनों मिलें बाजू बाजू हैं। दोनों मिल के मालिक और एजेंटी भी एक ही हैं और कोई बजह नहीं मालूम होती है कि यह २० या २५ नये पेसे का फर्क क्यों किया जाये और इस तरह का फर्क करना बिलकुल नाइंसाफ़ी है।

तुंगभद्रा ऐरिया में १०-१२ चीनी मिलें हैं लेकिन कोआपरेटिव में सिर्फ़ एक ही मिल है। यह दोनों मिलें जिनका कि मैंने

ममी जिक्र किया यह दोनों पूजीगतियों के हाथ में हैं अर्थात् प्राइवेट सैक्टर में हैं। यहां की एक ही कोआपरेटिव शुगर फैक्टरी कम्पनी है जहां कि किसानों से से १७७० रुपये प्रतिमिन के भाव से गन्ना लिया जाता है। किसानों ने इस क्षेत्र में और कोआपरेटिव्स की मांग आप के सामने रखी है। यह शायद मौका नहीं है कि मैं उस की बाबत यहां पर कहूँ लेकिन इतना मैं कहना चाहता हूँ कि यहां पर लोकलाइजेशन स्कीम के तहत किसानों के साथ जबरदस्ती की जाती है कि उन्हें वहां पर गन्ना बोना चलता है। इस लोकलाइजेशन स्कीम के मातहत चंद जमीनों को रिजर्व कर दिया गया है कि यह केन ग्रोइंग ऐरिया है और बाकी दूसरे हिस्से हैं। मेरा कहना है कि आज के इमरजेंसी के हालात में किसानों को गन्ना बोने के लिये जो मजबूर किया जाता है और जो गन्ना नहीं बोते हैं उनको जुर्माना किया जाता है, यह चीज़ फिलहाल बंद कर दी जाते। लोकलाइजेशन स्कीम को इमरजेंसी के हालात में सख्त किया जाये। जो किसान गन्ना नहीं बोते हैं और पैडी बगैरह उगाते हैं उनको जुर्माना किया जैता है और बहुत परेशान किया जाता है, यह चीज़ बंद होनी चाहिये। या तो आप इस लोकलाइजेशन स्कीम को सर्पेंड कीजिये वरना उस ऐरिया में ज्यादा से ज्यादा मिलों के लगाने के लिये लाइसेंस दीजिये। इस के अलावा मेरा यह भी कहना है कि पैडी ग्रोइंग भी तो ग्रो मोर फूड का एक कैम्पेन है और उसको प्रोत्साहन किया जाये ताकि देश में खाद्यान्न का उत्पादन बढ़ सके।

मैं मंत्री महोदय से अन्त में निवेदन करूँगा कि इतने नजदीक दो, दो और चार, चार फॉर्लैंग के फासले पर लगी मिलों में गन्ने की प्राइस में फर्क नहीं होना चाहिये और नदी के इस किनारे और दूसरे किनारे पर लगी

मिलों में जो २० या २५ नये पैसे का फर्क है वह जरूर प्राइस पालिसी में कुछ नुस्ख होने के कारण है। अब प्राइस की कोआपरेटिव मिल वालों से भी शिकायत आती है। परसों मैंने एक खत मंत्री महोदय की सेवा में भेजा कि उनको यहां तक मालूम नहीं है कि प्राइसेज़ कितनी फिक्स हो गयीं। वहां के कोआप-रेटिव के प्रसीडेंट ने खत लिखा है कि उनको प्राइसेज़ का कोई इलम नहीं हालांकि एक महीना प्राइसेज़ फिक्स किये हो गया है। अब इस की जानकारी कराने में इतनी देर नहीं होनी चाहिये और हर एक किसान को समझना चाहिये कि उसके गन्ने की क्या कीमत तय की गई है और अधिकारी उसे दाम देगा और कितनी उन की ईलड है ताकि दूसरे साल वे अपनी पैदावार बढ़ा सकें। कीमत कितनी मिलती है यह भी उनको बता देना चाहिये और ऐसा होने से वह ज्यादा उत्साह से गन्ना पैदा करेंगे। बस चूँकि मेरा समय खत्म हो गया है इसलिये और अधिक न कह कर मैं अपना भाषण समाप्त करता हूँ।

16 hrs.

श्री द्वारा नां तिवारी (गोपालगंज) : उपाध्यक्ष महोदय, कुछ वर्ष पहले जब श्री जैन मंत्री थे हाउस में एक प्रस्ताव प्राया था कि गन्ने का दाम २ रुपय प्रति मन कर दिया जाए। मैं उन लोगों में से एक था जिन्होंने कि इस बड़ोतरी की मांग का विरोध किया था। मैं चाहता था कि गन्ने के दाम न बढ़ाये जायें। लेकिन आज जब किसी भी तरीके से किसानों के पास गन्ने के दाम के रूप में कम पैसा मिलता है तो मुझे प्रफसोस होता है और मैं चाहता हूँ कि किसी भी हालत में किसानों को गन्ने के बदले जितना पैसा पहले मिलता था उस से कम नहीं मिलना चाहिये। कारण यह है कि हर एक चीज़ के दाम बढ़ते जा रहे हैं। किसानों की जीवनोपयोगी चीजों के दाम बढ़ गये हैं और ऐसी हालत में यदि आज किसानों के गन्ने के दाम घटाये जायें तो उनको कितनी

[श्री द्वादश नाम तिवारी]

दिक्कत उठानी पड़गी, इसको शायद पाटिल साहब महसूस नहीं कर रहे हैं।

मैं इस सिद्धान्त का विरोध नहीं करता और जैसा कि पुरी महाशय ने कहा है यह बहुत उम्दा सिद्धान्त है कि गन्ने का दाम रिकवरी के साथ लिक हो। अब जहां तक सिद्धान्त का सवाल है सिद्धान्त तो अच्छे हुआ करते हैं जैसे कि यह सिद्धान्त अच्छा है कि हर एक मनुष्य को काफ़ी कपड़ा, खाना और दवादारू की व्यवस्था मिले लेकिन अमली रूप में हम देखते हैं कि वह सिद्धान्त चलता नहीं है। एक आदमी अपनी बीमारी में लाखों रुपय खर्च करता है जब कि एक गरीब आदमी अपनी बीमारी में दो पैसे भी नहीं खर्च कर सकता है। सब को ठीक से खाना, रुपड़ा और दवादारू मिलनी चाहिये सिद्धान्त रूप में यह बहुत अच्छी बात है लेकिन यह सिद्धान्त चलना कहा है? एक जबदेस्त आदमी और एक गरीब आदमी दोनों के सामने सिद्धान्त रख दीजिये तो वह चलता नहीं है। इसलिये आपको यह अनुभव करना होगा कि जो हम कायदे कानून बनाने जा रहे हैं वे भले ही कितने अच्छे हों लेकिन उन का दरअसल असर क्या लोगों पर पड़ता है। यह ठीक है कि आज हमारे गरीब किसान सरमायदारों ने न तो बुद्धि में न छल में और न प्रपंच में पार पा सकते हैं। उन के यहां इन गरीब लोगों को हुड़विक करने के बहुत तरीके हैं। मैं यह भी मानता हूं जैसा कि श्री पुरी ने कहा कि सिद्धान्त रूप में एक एरिया की रिकवरी के ऊपर दाव लगाय जाते हैं अब यदि तीन, चार या पांच मील की रिकवरी के ऊपर दाम लगते हैं तो वह किसान जो अपने खेत में खाद डाल कर ज्यादा अच्छा गन्ना पैदा करता है और उसका परसेटेज ज्यादा होता है और वह किसान जो कि नेगेलेक्ट करता है और फलस्वरूप कम परसेटेज की रिकवरी

करता है, दोनों को बराबर गन्ने के दाम मिलेंगे तो यह उस ऐरिया में इंसेटिव होगा बराबर गन्ने को उपजाने के लिये और यह अच्छा गन्ना उपजाने के लिये इंसेटिव नहीं होगा। इस प्रकार जब यह बात सिद्धान्त रूप में आती है तो इस को पूर्ण रूप से करना चाहिये। आप ऐरिया को लेते हैं यह उचित नहीं होगा। हर किसान को लेते तो मैं समझता हूं कि यह आप न्याय करने जा रहे हैं। आप से न्याय नहीं हो रहा है बल्कि उन किसानों के प्रति जो कि अच्छी रिकवरी दे सकते हैं उन के हो रहा है। कोई भी नया फार्मूला बने, तो उसके लिये कोई टाइम निर्धारित किया जाना चाहिये कि इन टाइम के बाद उस फार्मूले पर आधारित कानून लागू होगा। इस साल जिस बक्त सरकार की ओर से प्राइस को रिकवरी के साथ लिक करने की घोषणा की गई, उस बक्त किसानों का गन्ना या तो बोया जा चुका था, या बोया जा रहा था। परिणाम यह हुआ कि वे चेत न सके। सरकार को कम से कम दो बरस का टाइम देना चाहिये, ताकि किसान मजेत हो जायें और अच्छे बीज और ब्राद आदि का उपयोग कर के अच्छी उपज प्राप्त करें, जिससे ज्यादा रिकवरी हो। सरकार ने बीच में ही व्यवस्था को बदल दिया है, जिससे किसान सजग नहीं हो सके और उनका गन्ना कट गया।

जैसा कि श्री विभूति मिश्र के अमेडमेट में कहा गया है, अभी इस व्यवस्था को स्थिरित किया जाये। गवर्नरमेट कम से कम दो बरस का नोटिस किसानों को दे, ताकि वे इन बातों को पूरी तरह से समझ सकें। इस समय तो स्थिरित यह है कि देहातों में किसान यह समझते नहीं हैं कि रीकवरी क्या होती है और कैसे उसको प्राइस से लिक किया जायेगा। जब किसान अच्छी तरह समझ जायें कि गन्ना बोने से हमको फायदा हो सकता है या नहीं हो

सकता है, तो इस फार्मूले को लागू किया जा सकता है।

माननीय मंत्री, पाटिल साहब, बड़े मैथडिकल आदमी हैं और बड़े सिद्धांतवादी हैं, लेकिन केवल गन्ने के किसानों के साथ यह मैथड लागू किया जाये और दूसरे लोगों के साथ नहीं, यह ठीक नहीं है। मैं यह भी मानता हूँ कि एक फसल के दाम जगह जगह पर अलग अलग होते हैं। गन्ने का भाव उत्तर प्रदेश में एक है, तो विहार में दूसरा है। लेकिन एक मिनिमम भाव, एक कम से कम भाव, निश्चित कर दिया जाये कि किसी भी रूप में १ रुपये ६२ नये पैसे से कम किसानों को नहीं मिलेगा। सरकार ने १ रुपया ५० नये पैसे मिनिमम कर दिया, लेकिन उसको यह तय कर देना चाहिये कि १ रुपये ६२ नये पैसे से कम नहीं मिलेगा, उससे ऊपर चाहे मिल जाये। कम से कम इतना तो अवश्य करना चाहिये। ताकि किसान सन्तुष्ट रहें और माननीय मंत्री जी का मैथड भी ठीक तरह से चले।

Mr. Deputy-Speaker: Shri Jagdev Siddhanti, He is absent. Shri Kachavaiya. He is also not in the House.

Shri S. M. Banerjee (Kanpur): When the Sugarcane Control (Additional Powers) Bill was being discussed in this House, almost all the Members, with the exception of two or three, one of them being Shri D. D. Puri, opposed this procedure of linking sugarcane price with the quality. Nobody can dispute the need for there being proper quality control. If we have to improve the industry, it is necessary to increase the quantity as well as improve the quality. It will be an incentive to the cane growers. They will know that by producing good quality cane, they will get more money.

But this proposal is coming at a time when there is no machinery to check

it. I make this categorical statement because I have served in sugar factories for five years at various places and I know that to check a particular quality of sugarcane, they do not take it separately from each cart or each wagon. What is crushed may be different qualities, 210, 213 and 334. When it goes to the laboratory, the raw juice of all these qualities is combined together. I would like to know from the hon. Minister who knows about this problem much more than I do how he is going to analyse in a particular place a particular quality of cane. In one locality there is a particular quality grower. In the same locality, there is another grower who is growing a different quality. The cart in which the sugarcane comes at the factory gate or the wagon which is loaded consists of cane of so many qualities. Will the quality control be at the field level? Is there any machinery at present in U.P., Andhra, Bihar or any other State to check the quality of the sugarcane at the field level or of the sugarcane in a particular field? So, unless that machinery is there, I am sure that this formula is going to be nothing more a fiasco, it is not going to benefit the sugarcane growers.

At the time when the Sugarcane Control (Additional Powers) Bill was discussed in this House, the hon. Minister assured us in this fashion:

"Government will apply it mind and will take into consideration all the good and useful suggestions that have been made here."

And what were the useful suggestions? —to see that the deferred payment due to the growers was paid. In U.P. alone, I made a statement in the House, of course subject to correction, that nearly Rs. 4.5 crores were to be paid to the cane-growers, and I am sure in all the other States, equally large amounts must be outstanding. I would like to know from the hon. Minister whether effective steps have been taken to see that the mill-owners have cleared their arrears of this de-

[Shri S. M. Banerjee]

ferred payment, whether they have actually paid. On the top of it, bringing this notification and fixing the sugarcane price, linking it with the sugarcane quality, will be entirely injurious to, and will not be interests of, the growers, whose interests, the hon. Minister has assured us definitely, is very dear to him. He has said:

"If the formula can be made impregnable and with that the largest amount of money could be given to the growers, Government will be second to none in their anxiety to do so.

Therefore, my appeal to those Members not to press their amendments. Let Government be given this power. It is only power to give retrospective effect to the legislation, to the formula that will be evolved. I think that is where the interest of the growers will be protected."

I welcome this bold statement which is in the interests of the cane-growers that the hon. Minister made in this House. But what has happened? I would like to know whether the various organisations representing the interests of the cane-growers were consulted before this formula was accepted, whether certain Members of this House, Shri Bibhuti Mishra and others who are keenly interested in this problem who come from Bihar, U.P. and Andhra, were consulted, whether this was discussed in the informal consultative committee. I would like to know all this because we are answerable to our people.

I come from a State where the largest number of sugar mills is situated, and naturally at this hour when we want more production, when we are asking everybody to produce more I do not know whether the sugarcane grower is going to be enthused. If he is going to be enthused by a reduction in the sugarcane rate, I do not know whether that is a correct picture.

Then, in the Gazette it is said:

"If the Central Government is satisfied that during any year a factory has made no profit or has made inadequate profit, then Government may by order in writing exempt either wholly or partially any producer of sugar from payment of the additional price due....with respect to the sugarcane purchased for that factory during that year."

Any magnate can come forward and say that he has not made any profit and is unable to pay the additional sugarcane price.

I fully support the contention of my hon. friend Shri Prakash Vir Shastri and the very valuable amendment moved by Shri Bibhuti Mishra, that this should be at least suspended. The minimum price cannot be less than Rs. 1.62 which is, according to us, less than what it should be. We have demanded in this House Rs. 2 as the minimum price. But it goes further down now, and in many factories it may be only Rs. 1.50. So, it will not be in the interests of the grower. The minimum price of sugar is Rs. 36 but we are not getting it in the market at that price. It is somewhere between Rs. 40 and Rs. 42.

I am yet to know any sugar factory which is producing sugar of bad quality and which has fixed a price of Rs. 34 or Rs. 35. The minimum price has been Rs. 36 always and they are allowed to sell at a higher price in the name of emergency or in the name of any other thing. I fully agree with the hon. Mover of the Resolution. I refute what Shri D. D. Puri has said. He says that the cane price is the most in the country. I say the profit also is the maximum in this country; the profit is not the maximum in Indonesia or anywhere else. I would request the hon. Minister to give effect to our

request. Otherwise it will injure the sentiment of the canegrowers when production is the need of the hour.

श्री ब० प्र० सिंह (मुंगेर) : उपाध्यक्ष महोदय, जहां तक गन्ने के दाम देने का संबंध है, मैं समझता हूँ निकट के एक ही जगह पर दो तरह की दरें ही नहीं हो सकती हैं । रिकवरी पर दाम देने का यदि उद्देश्य है तो जो किसान ज्यादा सिचाई करता है, ज्यादा काड़नी करता है, उसकी ज्यादा रिकवरी होती है बनिस्बत उसके जो बैल से खेती करता है, उसकी ज्यादा जहां पर पूरी सिचाई की व्यवस्था नहीं है और जो पूरी बौनी नहीं करता है । साथ ही साथ जहां तक ऊख का संबंध है, उसकी बढ़त सी वैराइटीज होती है और उसके हिसाब से ही उसकी रिकवरी होती है । कोई ऐसी वैराइटीज होती हैं जिनका बेट तो ज्यादा होता है लेकिन रिकवरी कम होती है और दूसरी और ऐसा भी होता है कि बेट तो कम होता है लेकिन रिकवरी ज्यादा होती है । यह बात समझ में नहीं आती है कि क्या खाद्य मंत्री जी ने पूरी जानकारी प्राप्त करके इस सिद्धांत का निश्चय किया है या यों ही अधेरे में रह कर इसके बारे में निश्चय कर लिया गया है ।

अभी एक मित्र ने कहा यहां पर "अंधेर नगरी चौपट राजा, टके सेर भाजी टके सेर खाजा" वाली बात है । एक दूसरे मित्र ने उसको दूसरे तौर पर इंटरप्रेट किया है । इसको इस तरह से इंटरप्रेट करना चाहिये था कि ऊख कई किस्मों की होती है, उसकी अलग अलग किस्में होती हैं और किस्मों के माधार पर रिकवरी भी अलग अलग होती है । किस सिद्धांत पर यह सब कुछ तय कर दिया गया है, समझ में नहीं आता है । मेरा यही र्घात है कि न्यायपूर्वक किसी सिद्धांत को नहीं बरता जा रहा है ।

ऊख की खेती किसान इसलिये करता है कि यह मनी क्राप है । अगर यह मनी क्राप न होती तो किसान इसकी तरफ मुखातिब न होता । उस हालत में दूसरी फसलों में उसको

जितना पैसा मिलता है, उससे अधिक ही पैसा इसमें मिल जाता है । जहां तक रिकवरी के आधार पर गन्ने की कीमत तय करने की बात है, यह सबाल भी पैदा होता है कि कौन से समय को आधार मान कर चला जायेगा । शुरू शुरू में जो गन्ना पेरा जाता है, उसमें से जो रस निलकता है, उसमें से जो रिकवरी होती है वह कम होती है और अन्त में जो पेरा जाता है, उसमें भी रिकवरी कम होती है । बीच में ज्यादा होती है । इस बात का भी निश्चय नहीं किया गया है कि किस समय की रिकवरी को सरकार ध्यान में रखेगी और गन्ने के दाम तय करेगी ।

आज कहा जाता है कि सरकार किसान के लिये सब कुछ कर रही है, उसको सहूलियतें नाना प्रकार की दे रही है । लेकिन मैं समझता हूँ कि स्वाधीनता प्राप्ति के बाद से आज तक उस के पर-कैपिटा इनकम में कोई भी वृद्धि नहीं हुई है । जहां किसान को हर तरह की सहूलियतें दी जानी चाहिये वहां उसके रास्ते में तरह तरह की कठिनाइयां पैदा करने की कोशिश की जाती है । अभी भी ऐसा देखा जाता है कि मिलें किसान को पूरा पूरा चुकता एक साथ नहीं करती हैं और बहुत पीछे का पैसा अपने पास रख लेती हैं । अब जो निश्चय किया गया है कि रिकवरी के आधार पर उसको गन्ने का मूल्य दिया जाये, उसके आधार पर जो इस बक्त रिकवरी होगी, उसमें और भी अंधेरगदी की जायेगी । किसान को पैसे की जरूरत होती है । किसान अपनी फसल को तुरन्त बेच कर तुरन्त पैसा चाहता है । यों ही मिल वाले उसको पैसा देने में देरी करते हैं, लेकिन अब तो और भी देरी से पैसा देने की गुंजाइश हो जायेगी, जोकि किसान के हित के प्रतिकूल होगा । समझ में नहीं आता है कि इसके पीछे कौन सी तथ्य की बात देखी गई है, किसान का कौन सा हित सोचा गया है ।

मैं सरकार से निवेदन करना चाहता हूँ कि सरकार इस सिद्धांत को मान ले कि जितने

[श्री व० प० सिंह]

रूप मे भन र्वनां हेर्गः उतने श्राने भन गन्ना ही गन्ने के दाम होंगे । यदि आप वास्तव मे किसान का हित चाहते हैं और चाहते हैं कि किसान उत्साह से कार्य करे तो आपको इस सिद्धांत को मान लेना चाहिये ।

हमारे एक मित्र ने अभी बताया है कि नदी के इस पार और नदी के उस पार के गन्ने के दाम मे भी फर्क रखा गया है । इसके पीछे कोई सिद्धांत की बात मालूम नहीं पड़ती है । यह भी नहीं है कि जो किसान ज्यादा मेहनत करेगा, बढ़िया तरीके से खेती करेगा, ज्यादा पटावन करेगा, ज्यादा कोर्नी करेगा, उसकी रिकवरी भी ज्यादा होगी । अपनी इस सारी मेहनत का भी पैसा उसको नहीं मिल सकेगा । मैं नहीं समझता कि जो फार्मूला तय किया गया है, उसके पीछे कोई सिद्धांत की बात है । मैं खाद्य मंत्री जी से निवदन करूँगा कि वह निश्चय करें कि चीनी की कीमत के आधार पर ऊख की दर निश्चित करें । ऊख की बैराइटीज पर यह होना चाहिये ।

मिल मालिकों का आप जितना रुयाल रखते हैं उतना ही रुयाल आपको किसानों का भी रखना चाहिये । जब उनको चीनी विक नहीं सकती है, तब आप जितमें उनका हित होता है, वैसा ही करने हैं । फोरन कंट्रीज में जो उनका माल जाता है, उस पर गवर्नर्मेंट उनको बेटेज देती है । अगर उनको धाटा होता है, तो उसकी पूर्ति करती है । हर संभव तरीके से उनको प्रोत्साहन देने का प्रयत्न किया जाता है । लेकिन किसानों के लिये कोई प्रोत्साहन की बात नहीं की जाती है । आज चीनी की जो दर है, वह कल अगर बढ़ जाती है तो किसान को जो पैसा पहले मिला करता था, उसी पर उसको सन्तोष मान कर बैठ जाना पड़ता है । उसके सामने इसके सिवाय कोई दूसरा विकल्प नहीं है । ऐसा नहीं होना चाहिये । उसको भी बढ़े हुये दाम का लाभ मिलना चाहिये ।

हमारे मित्र ने बताया है कि ऊख वाले अधिकतम टैक्स हिन्दुस्तान मे देते हैं । वे इतना टैक्स देते हैं, जितना दूसरे नहीं देते हैं, दूसरे मुल्कों वाले नहीं देते हैं । मैं समझता हूँ कि किसानों की जो यह एक अच्छी मनी काप है, उत्तर प्रदेश और बिहार मे जो मुल्य तौर से ऊख की खेती होती है, इसमें जितनी भी सहूलियतें हो सकें, उनको देने की व्यवस्था की जाये । आप किसानों को कहते हैं "ग्रो मोर" हम कहते हैं कि "ग्रो मोर एंड पे मोर" । आपको चाहिये कि आप उनको अधिक से अधिक दें ।

इन शब्दों के साथ मैं इस प्रस्ताव का तथा जो संशोधन पेश किया गया है उसका समर्थन करता हूँ ।

The Minister of Food and Agriculture (Shri S. K. Patil): I can quite understand the anxiety of the hon. Members that the farmers who number quite some millions in the country should not suffer if it is possible for us to avoid their suffering. I think at the end of my speech, every Member will agree that what I am doing helps the farmer and he will get more. Many Members do not know as to what exactly is the formula and what they are talking about. My friend, Shri Prakash Vir Shastri, who made a very beautiful speech, also suffers from the same thing. He has not taken into consideration many things that have been done and published. Had he done so, he would not have come to the conclusion to which he has come.

Nowhere in the wide world, not only in India, sugarcane is paid merely for the stick. Everywhere in the world, sugarcane is paid on the sugar content, because it is the sugar that is to be paid for and not the stick. My friend, Shri Shastri says that for the dry stick, the price is more. If you take the bagasse and take the wet contents out of it, instead of Rs. 3-8-0 it would not be worth even 1 anna. It is

the water—60 or 70 per cent—which accounts for the weight of the sugarcane. Therefore, let us not compare something with the sugarcane. I would tell you scientifically how much of it is water.

I quite agree that there is nothing sacred that it must be done from this year or that year. But when it has got to be done, the emergency should not come in the way. As I have pointed out, because of the emergency, I have gone to the extreme, to which nobody would have gone, so that the farmer should not suffer. When I shall explain the formula, I shall convince even the people from Bihar and some parts of U.P., that even they will get ultimately more according to this formula apart from the incentive that we will give thereafter.

There is no agricultural produce in this country or anywhere else in the world which is not paid for according to quality. Let us take rice, wheat, jute, oil seeds, tea, coffee or millets. Let anybody say that the price is not paid according to quality, but according to the weight. Nowhere it is done. So far as cane is concerned, this question did not arise before, because the people used to pay and it was a transaction between the mills and the growers. They used to pay according to the quality something which was much less. Since the Government has started taking interest during the last 10 years, this industry has become very big and vital for India, where we earn—the total price of sugar I am talking, about Rs. 350 crores—and we also earn as much as Rs. 50 crores by way of excise duty. Out of it, we have to spend Rs. 25 crores because in the international market, for 5 per cent of the sugar, which means about 5 lakh tons, the price has got to be supported. Therefore, we are trying to do some kind of a scientific thing by which every grower shall get some incentive, because if he produces better and better type of sugarcane, he will get more and more.

I am increasing the incentive that is given to the farmer. Hitherto the

incentive was nothing, because it was merely the weight of the sugarcane that was there. When we made it Rs. 1-5 Rs. 1-7 or Rs. 1-10, it was not because it was bad or good sugarcane but because we had to give something more; it was a blind incentive. That was the *andher nagari*. If there was any *andher nagari*, it was when we were really paying something without knowing what we were buying. Therefore, I want the farmer to get at least Rs. 2 per maund and that is possible by my system and not by the system of which the hon. Members have spoken. Unless I raise the price even of the sugarcane with 8 per cent recovery or 9 per cent recovery or with 13 per cent recovery, even the worst with the best of it, there cannot be any incentive that I am in a position to give to the cane grower, because I want that the cane grower should get increasing incentive both in the sugar content having risen and the per acre yield having risen. That is why scientifically I am solving this problem.

Sir, it is really a good thing for India that so far as sugarcane is concerned, we have turned the corner once for all. Instead of being a deficit country we have become a surplus country, and I can assure the House that India shall always maintain this position of a surplus country in sugar.

Not only that, in spite of all these difficulties, I have been able to sell during the last two years somewhere about 6 to 7 lakh tons of sugar bringing crores and crores of foreign exchange. In an emergency like this it is very vital and very important.

I want also that more and more sugarcane should be produced in the coming years with better sugar content. The yield per acre should be increased. If we are in a position to sell ten lakh tons or even up to a million tons, surely we can get Rs. 50 crores of foreign exchange which is very vital and very necessary for the country.

[Shri S. K. Patil]

Do the Members want that we should not make any progress at all, and in the name of emergency they tell me that we should do it if not this year at least next year after waiting for one year. I shall explain the formula and then you will find how much I have changed that formula.

Before doing that, I shall dispose of another argument. Many people ask: how do you distinguish between one sugarcane grower and another; one may be honest and the other may not have tried equally. What is that argument, I do not understand. What are we doing today? We are doing it in the whole country. At least from "country" I have brought it to the "area", to the "mill". Today in the whole country, if a farmer really produces sugarcane which has quality sugar content, which is good sugarcane, he gets the same price as another farmer whose sugarcane has got merely water and bagasse and very little of sugar content. Therefore, from the "whole country", I have reduced it to the area of a mill. My hon. friend Shri Prakash Vir Shastri wants that we should go further and we should also encourage a particular farmer if he does something more. I assure him that I am doing that. It is being done in five mills today. If one farmer or several farmers grouped together in a co-operative society bring somewhere about $2\frac{1}{2}$ tons to 3 tons of sugarcane—you cannot say that even for a maund it should be done, because it must be at least five minutes' crush in a mill and for five minutes crush in a mill it requires somewhere about $2\frac{1}{2}$ tons to 3 tons of sugarcane—we give them a separate price. That is being introduced little by little. In a year or two you will find that it will be introduced everywhere. Today the country is paying, as I said, for water and bagasse and not for sugar content. Irrespective of the sugar content we are paying the price. Sugarcane is the only agricultural produce which is paid irrespective of quality.

Therefore, you will find that in the international market we suffer, in spite of the fact that we are good producers. It is not that we are bad producers. Even Uttar Pradesh is not a bad producer. Even Bihar is not a bad producer. I am telling you this because a comparison is not on all fours. You compare the sugarcane there with the sugarcane of Maharashtra. Many people do not know that in Maharashtra sugarcane is a crop of two years and not of one year as in Uttar Pradesh. Therefore, you must double the U.P. crop. If it is 15 tons in U.P., you must call it 30 tons when you compare it with Maharashtra. Then again, the cost of production in Uttar Pradesh, even according to the figures supplied by Shri Shastri, it does not go beyond Rs. 200 or Rs. 300 whereas in Maharashtra sometimes it goes to Rs. 750. When you spend more money, put more fertiliser and other things, make use of tractors etc., naturally you get more. Therefore, there is a proportion to that.

Again, in the Uttar Pradesh, sometimes it is possible that after taking a crop of sugarcane you can have another crop immediately. In the same year, you can have another crop, not of sugar but of something else, whereas in Maharashtra in two years you can get a little more crop. So, if you make out a total and calculate the expenses that are really incurred in both U.P. and Bihar on the one side and Maharashtra on the other, you will find that the difference does not remain as big as it is pointed out. Therefore, it is not there.

I can understand what the members are suggesting. They are not opposed to the principle of linking the price of sugarcane to sugar. But they feel that if in this blind *raj* a sugar-cane grower was getting Rs. 1:62, he should not get less. I can understand their anxiety. I share it. Therefore, I am trying to give as near as it so that they will not really suffer, as they are supposed to be.

The original formula was that the next year's crop should be paid on the basis of this year, whatever might be the recovery. But that formula was based on an entire season. As Shri Puri has pointed out, that begins in November and ends in May. If you take the whole season, then what happens? In November the recovery is the lowest. In April and May, again the recovery goes on fading and fading; ultimately, it is the lowest. Therefore, if you take the whole year, then naturally the average will be a little smaller. Under that, possibly, 5 or 6 nP would have been less, so far as U.P. and Bihar are concerned. Therefore, because of the appeals that have been made by many members—not here now but even before—I have changed that formula; I have altered it for this year. What I have said is that I shall not take the month of November. Neither would Shri Puri like it, because it ill mean that he will have to pay a higher price. Neither shall I take the months of April and May. I shall take the four months of December, January, February and March and based on the average of that I will calculate the price for the whole period.

Now may I ask my friends in Bihar, and my friend Shri Bibhuti Mishra in particular; did the cane-growers in Bihar get Rs. 1.62 for the whole period last year? I remember that from April to May the recovery went down very much and not only did they not get Rs. 1.62 but they did not get even Rs. 1. Therefore, if you take the whole period beginning with November and ending with the season, no farmer in Bihar has got Rs. 1.62 even according to the old formula; because, if the mills had to pay that much, they would not take that sugarcane, because it is dangerous to take it when it had no sugar content. Now, according to my formula, you take the average of four months and make it the price for the whole period; right from the beginning to end that price will have to be paid.

I will now point out to you that there is hardly any loss to anybody, either in UP or in Bihar because of this formula. Now most of the mills are being converted into co-operatives and if they make an effort to have excellent seed, excellent strains by which they can get more of recovery and also per-acre yield through irrigation, fertilisation and other things that are necessary in order to increase the per-acre yield, may be, instead of Rs. 1.62 each one will get Rs. 2.

I was wonderstruck when my hon. friend, Shri Deshmukh quoted the figure of 15. I do not know from where he got his figure but nowhere in the world is it really 15. I have visited that place more often than my hon. friend.

Shri Shivaji Rao S. Deshmukh:
rose—

Shri S. K. Patil: Nowhere in the world is it so. In Indonesia the figure has been 13 or 13.5; not even in Hawaii, not even in Puerto Rico is it 15, nor is it likely to be . . .

Shri Shivaji Rao S. Deshmukh: May I point out . . .

Shri S. K. Patil: No, he need not correct me. I will correct him. Because the recovery is more than 12 per cent—that is in Malegaon, not in Dahannokar's factory—the average per-acre yield is 80 tons. Just like Hawaii, in Maharashtra the average per-acre yield is 80 tons. Therefore, 80 tons of higher recovery makes for 10 tons of sugar per acre; not of sugar-cane.

Shri Shivaji Rao S. Deshmukh:
rose—

Shri S. K. Patil: No, I am not yielding. When I do not yield, the hon. Member has to sit down.

Therefore, one need not have this idea. Then, he is talking of Marathwada. I can understand that Marathwada has not got the same position. I am talking of the other parts of Maharashtra. So far as Marathwada is concerned, I am doing my best to give a sugar factory. But if he really

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opposes things like that and says that he must get 15 per cent, then who on earth will recommend a sugar factory in such a place? I do not know what the yield in Marathwada is, but that is not the question.

Therefore the question today is this. The formula that we have evolved I have amended because of the appeal of the people. People complained that their average will not be during the whole season but the average will be from December to March. I have gone further and made further amendments. When more people said, "No; even then we shall get a little less", I said, "I will give you a little more". Therefore I have said that from 9.8 per cent recovery, I am giving Rs. 1.62. But 9.7 could get a little less, so I say that if you make 9.71, I would regard it as 9.8 and will pay you accordingly. Therefore the hundredth part I have made it at Rs. 1.10. Now, the House will realise what arithmetically it means. If your recovery is 9.61, it is regarded as 9.7; if it is 9.71, it is regarded as 9.8; but not afterwards because afterwards I have to pay more. Therefore it will be paid according to what the recovery is. What the result of it will be. When all these things are done, when the season is changed, as I have said, when the basis is changed, you will find that there will be no difficulty at all.

Many people have argued that because the mill-owner is always a bad man, he must be hammered. They may be bad men, I do not know, but they are sufficiently thick-skinned and it is impossible to hammer them. But it is not the mill-owner that I am looking at. We must improve our machinery so that the cane grower should not be defrauded of his legitimate profit to which he is entitled. Therefore what have we done? It is not left to the mill-owner alone. It is to be the mill-owner and the Government because the excise man is sitting there all the time. Then

I am associating with it the trade unions also. Let the trade union man constantly sit there whenever the recovery is made as also the cane growers' representative. So, with the trade union's representative, the cane growers' representative, the mill-owner's representative and the Government's representative, where is the chance for any *andher nagari* in this business when four people with all these telescopes constantly watch as to what is going to be the effect of this sugar? There is no chance whatsoever for anything to be done. But there is a chance. What will happen hereafter is this.

As Shri D. D. Puri has pointed out and somebody else has also pointed out, even in the same area there may be difference. Why in the same area? I would give you one example: I had gone to see an experimental farm in the United Kingdom, that is, the Rothamstead Farm. It is one of the best in the world. It is being run now for the last 160 years. They have got a plot of eleven acres and in each acre they have different strains of wheat. From acre to acre in the same plot the yield is different. Sometimes it is a difference which is too big. It is in order to prove what blend of fertiliser produces a better strain and a better yield so far as wheat is concerned. They have gone to the extent of producing on one acre something like 75 hundredweights of wheat, that is, nearly 3 3/4 tons of wheat per acre. Therefore it is no wonder that hon. Members should tell me here that between three and six miles this is the change. I am telling them that between one acre and another this is the change. Within eleven acres things change because of the fertiliser and because of the care that a particular farmer gives to his farm.

Therefore you will find that in all these things it is the farmer that counts along with the technical details, that is, there must be sufficient irrigation, there must be sufficient fertiliser, there must be proper

plant food and so on, the storage must be given, it must be planted at a particular time, it must be cut at a particular time and so on. There are all these thousand and one processes in the sugarcane industry. If you do that, surely the results will be better. Therefore I cannot understand how the emergency comes into the picture at all.

Is anybody suffering at all? The Governments concerned, that is, all the Governments in India except those of UP and Bihar, have agreed and UP and Bihar also will do so when they are shown this new formula. I have received no complaint whatsoever from the Governments themselves, but hon. Members feel that somehow or other the interests of the farmers are not really looked after by the Minister or the Ministry concerned.

I would tell them one thing. Not because I boast or tell them this. Any Minister would be unwise and a mad Minister in this country, if, in an emergency, he does not take 100 per cent co-operation of the farmers. It is the farmer; that are going to win this war as well as the soldiers who are going to win it. Because, unless this food front is satisfactory, unless everybody is satisfied produces more, unless there are sufficient incentives given to the farmers, it is not going to help.

Somebody was saying, supposing in some mill, something less is paid, what happens? Where does the money go? You can understand the money does not go into the pocket of the mill-owner. I know how to take that money. Because, after that, an account is made. Any excess profit that is shown, that has got to be shared. Seventy per cent of it has to go to the cane grower.

My hon. friend here raised the same old problems: what about bagasse, what about molasses, what about this, what about that and the oft-trumpeted argument of my friend Shri Bibhuti Mishra was how is molasses sold here,

how it is sold there. He has not seen the formula which this House passed some days ago. It is not only this; there are about 8 to 10 by-products out of sugar. Every bit of it is taken into consideration, accounted for and the cost is added and the profit has been shown, so, that that profit the mill-owner has got to share. That is the formula that we have passed only some days back.

The hon. Member Shri Prakash Vir Shastri said to which Shri D. D. Puri replied, that in India we get the lowest price for sugarcane. His information was wrong. I will give the figure of what he gets. You should take away the taxes. Taxes are knowingly put. The Government puts them. I told you that the Government gets Rs. 50 crores in excise duty. Possibly the other local taxes may be several crores also. If you remove the taxes and take the pure price without taxes, out of the price. 70 per cent goes to the sugarcane grower. Seventy per cent. India is the only country that pays the highest to the cane grower in proportion to the total yield or total profit or whatever it is. If anything more is to be paid, that also we pay. In other countries it is not paid. We pay. How do we pay? If the mill-owners make any profit—that profit also is according to the schedule which we have declared and which we have passed—that has got to be calculated. All other by-products have to be added. Everything has got to be added and ultimately the sum total has to be arrived at. Therefore, it becomes more than 70 per cent also because other things are added, as Shri S. M. Banerjee said, U. P. alone has got to pay, etc.

Other elements have been brought into this discussion that some people have not paid. These are different things, although I do not say that they are not germane to this particular debate. There are bad mill-owners; there are good mill-owners. I know there are about 10 or 20 mills like that which are bad: not only in composition, but the management also is bad. As a

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result of that, the cane growers suffer. There is a remedy for that. If they become sufficiently bad, I take it over and appoint Government machinery. Where Government machinery is appointed, I have found by experience that many of the factories which had never paid any dividend or profits, start making profits because the Government is not interested in it except that it should work satisfactorily and the cane grower should not suffer. All these other things have come in. They do not arise out of this particular linking of the price with the sucrose content of the sugarcane. But, they are general. They would be looked into.

I would like to pin-point what exactly is going to be done. There is a famous Dutchman, whose by remarks on this question are very worth noting. They are very brief and therefore I am quoting him. He says:

"Sugarcane in India is paid on the basis of weight irrespective of quality. In a crop containing 10 per cent recoverable sugar, the remaining 90 per cent is made of water and fibre plus a negligible amount of other organic and inorganic compounds.

One can see, compared with lakkadi at Rs. 3-8-0, it is 10 per cent of the sugarcane which is really sugar and the rest of it is water etc. That is exactly what we pay for.

"Under the system in force, a unified price is paid for the cane whether it contains 6 or 12 per cent recoverable sugar. Thus the same price is paid for water, bagasse as for sucrose."

Therefore, this has been the most un-scientific way in which the price is paid. Therefore, Committee after Committee, Commission after Commission have gone into this and made recommendations. The Gopalkrishnan Committee said that the price must be linked with that.

Then, there was the Tariff Commission which went into it. In fact, there is no committee that we have appointed which has not come to the unanimous verdict that hereafter this unscientific thing would not do. We have to link this with the sucrose content of the sugarcane. So, the Tariff Commission had suggested that from 1962-63 when the control and other things go, everything will go wrong unless in time we link the two together. Therefore, we had to hurry up in linking the price, so that the cane-grower is not defrauded or he does not get less than what he is getting today.

Then, I shall point out how much the mills are getting or are losing, because hon. Members are interested in knowing that also. In UP, which has got about 70 or 71 factories, 18 factories out of 71 will pay a higher price. UP is not uniformly bad. There are factories in UP which are very nearly like those in Maharashtra; there, the cane-grower will get not only Rs. 1.62 but he will have somewhere about Rs. 1.71 or Rs. 180 or Rs. 1.85. There are such factories. What can be done in one factory surely can be done by another factory also, if the same methods are followed. Then, in Bihar, 7 out of 28 will pay a higher price. The average price payable in UP ultimately will be Rs. 1.59, and the average price in Bihar will be Rs. 1.57. This is the average price only. When I talk of the average, my hon. friends must not forget that even in November, and even in April and in May, when the distress price comes to nearly one rupee, if you calculate over the whole year, you can never get more than Rs. 1.59 or Rs. 157. Therefore, this is not something of a damage which I am doing.

Shri D. N. Tiwary: Last year was an exception. That is not so always.

Shri S. K. Patil: Next year also will be an exception because no sane man or mill is going to take our sugar-

cane if the sucrose content goes down to 7 per cent or 8 per cent, because it will be dangerous for him or for them to take it. Therefore, a beginning has to be made. Now, it may be said that some people may suffer. Even assuming that some people will suffer, say, five per cent suffer a little bit, say, to the tune of four or five naya paise, we should not forget that 95 per cent will still get more. In Maharashtra they are getting more today. They get more than Rs. 2 or Rs. 2·2·0 or Rs. 2·3·0; the average there is about Rs. 2·4·0. Also, in Andhra Pradesh or in Mysore, the average is more than Rs. 1·62. It is only a question of some mills in Bihar and in UP.

Therefore, I want to prove that if they also try and improve their per-acre yield and also increase the sucrose content, they will get more. I am also introducing improved methods. In fact, in two mills in UP they have already introduced them. If you bring about 2½ to 3 tons of sugarcane by means of a co-operative or with the help of two or three farmers joining together who are really going ahead, and who are progressive type of farmers, who use better methods of cultivation, better techniques, better fertilisers and so on and get a yield with a higher content, then that would be a good thing.

My hon. friend imagines that all this thing is done in a laboratory. This is not done in any laboratory; this is done actually in the mill. When the sugarcane comes there, it is weighed; then the sugar is weighed, and the contents are found. I have got there a machinery consisting of four people who will be constantly watching and seeing that no fraud is committed and nothing is done by which the mill-owner or anybody else gets any advantage out of it.

Therefore, the House will realise that this is the method that we are following, and if we follow that, not only is there nothing wrong in it, but ultimately it will help the industry.

India will be scientifically placed on the soundest footing so far as the sugar industry is concerned, and we shall have positively turned the corner, and the better it will be for us, and we shall also get crores and crores of rupees in foreign exchange.

I understand the feelings of my hon. friends. After my explanation, I hope that there would be no doubt left in anybody's mind, and everybody will be convinced that this is not done in order to punish anybody.

There is one amendment by my hon. friend Shri Bibhuti Mishra. But after this explanation from me, I hope he will be kind enough to withdraw his amendment. There is no harm and there is no danger to anybody. After working this for one year, ultimately I am sure he will come to congratulate me for what I have done. But, if in spite of this, he finds that by this method anybody has suffered,—by this method, not by other methods—I am prepared to consider and reconsider the matter a hundred times. After all, there is no rigid attitude on the part of anybody. This has been done in order to do it in a scientific manner.

श्री ब० प्र० सिंह (मुंगेर) : उपाध्यक्ष महोदय, क्या खाद्य मंत्री महोदय को इसकी जानकारी है कि एक प्रकार का ऊख जिसकी पैदावार का वजन अधिक होता है और रिकवरी कम होती है और इनकीरियर क्वालिटी की शुगर होती है और एक प्रकार का ऊख जिसकी कि पैदावार का वजन कम होता है लेकिन रिकवरी ज्यादा होती है और उसकी शुगर भी मुपीरियर क्वालिटी की होती है? क्या इन दोनों प्रकार के ऊखों के मूल्यों में कोई अन्तर रखने की बात उन्होंने सोची है?

श्री स० का० पाटिल : मैंने बताया ऐसा तो होगा नहीं। जो दो, ढाई टन गन्ना एक, दो मिल लेवे तो ऐसा बन्दोवस्त किया जाये मिल में उसका एक परसेटेज वर्गरह

[श्री स० का० पाटिल]

निकाला जाये और उस परसेट की बेसिस पर उसको पैसा मिलेगा और यह इसलिये किया जायेगा ताकि जो प्रोप्रेसिव फारमर हैं उसको इसमें कोई हानि न हो।

Shri Shivaji Rao S. Deshmukh: The 15 per cent yield is in Dahanukar's farm, not in Dahanukar's factory.

Mr. Deputy-Speaker: Order, order.

श्री प्रकाशबीर शास्त्री : उपाध्यक्ष महोदय, खाद्य तथा कृषि मंत्री जी के इस भाषण को सुनने के पश्चात् और किसानों के प्रति जो आत्मीयता भरी कुछ घोषणायें उन्होंने की हैं उसके लिये जहां मैं उनको वधाई देना चाहता हूँ वहां साथ ही साथ पुनः मैं कुछ निवेदन करना चाहता हूँ जिससे वे एक बार अपने निर्णय पर विचार करें।

अभी उन्होंने अपने वक्तव्य में कहा कि प्रकाशबीर शास्त्री यह कहते हैं कि तीन, तीन मील के ऊपर मिलों के भावों में अन्तर क्यों किया गया। अब एक एकड़ में भी अगर किसान कुछ में खाद न दे या पानी लगाये तो एक एकड़ में ही अन्तर हो जाता है। मैं स्वयं एक किसान बापू का बेटा हूँ और मुझे इन तमाम स्थितियों की जानकारी है कि तीन, तीन मील में जब वही नहरें हैं, वही खाद देने का ढंग है और वही किसानों का परिश्रमी स्वभाव है लेकिन इतना सब कुछ होने के पश्चात् भी अभी जिस प्रकार से आप अपने भाषण के प्रवाह में यह कह गये कि उत्तर प्रदेश में १ रु० ८१ नये पैसे और १ रु० ८५ नये तक भाव है। सो १ रुपये ८१ भी वहां नहीं और न ८५ ही हैं। हाल तो भाव बहुत छोटे हैं और उनमें भी मैं कहना चाहता हूँ कि तीन, तीन मील के अन्तर पर, बिना कारण के भाव बदले गये हैं एक सदस्य मित्र कर्नाटक से जो बैठे हुये हैं

उन्होंने कहा कि नदी के इस पार एक भाव है और नदी के दूसरे किनारे पर दो फलांग के फासले पर दूसरा भाव वहां भी हो जाता है। इसमें थोड़ा और गहराई में जाने का यत्न किया जाते। यह केवल रिकवरी के आधार पर नहीं है बल्कि जो मशीनरी है रिकवरी बताने वाली उसके मस्तिष्क का परिणाम भी हो सकता है।

दूसरी बात जो मैं विशेष रूप से कहना चाहता हूँ वह यह है कि आपने यह कहा कि देश की अपेक्षा क्षेत्र छोटा होता है जब देश के भाव लग सकते हैं तो अगर क्षेत्रों को लोग सब मिल कर बांट लें और कोआपरेटिव ढंग पर गन्धा तैयार करें तो अच्छा हो। तो क्या मैं पूछ सकता हूँ इस स्कीम को लागू करने के पीछे कोआपरेटिव फार्मिंग की घोषणा जो गवनमेंट ने की है वह तो आप के मस्तिष्क में छिपो हुई नहीं है? अगर वह भावना छिपी हुई है और उसको ऐसे ढंग से लाना चाहते हैं तो भी स्पष्ट भाषा में आप देश को बताइये ताकि उस आधार पर देश सोचना शुरू करे . . .

श्री स० का० पाटिल : दो, ढाई टन गन्धा दो, तीन आदमी बना सकते हैं। उसमें कोई कोआपरेटिव सोसाइटी की जरूरत नहीं है। मेरे मस्तिष्क में वह चीज नहीं है।

श्री प्रकाशबीर शास्त्री : एक मिल में एक मन गन्धे का रस निकाल कर उसके आधार पर मूल्य निर्धारित नहीं किया जा सकता यह ठीक है लेकिन जिस तरीके से इंडोनेशिया में है कि एक किसान का बहुत बड़ा फार्म है। उसको पूरी सुविधायें दी जाती हैं और एक बार में ही उसका गन्धा ले लेते हैं फिर उसकी रिकवरी के आधार पर उसकी कीमत दे दी जाती है तो फिर मैं यह भी जानना चाहता हूँ कि इस प्रकार की सुविधायें भारत में भी आप किसानों को

दें तो मैं समझता हूं कि उसमें एक अच्छी स्थिति उत्पन्न हो जारेगी ।

अन्तिम बात जो मैं निवेदन करना चाहता हूं वह यह है कि मैंने यह चाहा था कि आप संभव हो तो इस बात का उत्तर भी दें कि तृतीय पंचवर्षीय योजना में गन्ने से होने वाली सरकारी आमदनी का ३६० करोड़ रुपये अनुमान लगाया है यानी ३ अरब और ६० करोड़ रुपया । गन्ने की उन्नति के लिये जो रकम आपने निर्धारित की है वह केवल १ अरब रुपया है । २ अरब और ६० करोड़ रुपया सरकार अपने खजाने में रखना चाहती है । उसमें भी हर प्रांत की स्थिति भिन्न-भिन्न है । जिस समय सरकार ने गन्ने के ऊपर सैस लगाया था उस समय घोषणा की थी कि इससे जितना भी पैसा आयेगा वह सब किसानों के गन्ना उत्पादन या उसके डेवलपमेंट पर खर्च किया जारेगा । लेकिन मैंने आपकी जानकारी के लिये पैसे भी बतलाया था कि ऐसे आपके आंकड़े बताते हैं कि ३६ करोड़ रुपया आपको आया और १० करोड़ रुपया केवल व्यय किया गया । अपने उत्तर प्रदेश की ही बात बतलाता हूं कि उत्तर प्रदेश की गवर्नरमेंट जितना सैस लेती है और उसके बाद केन डेवलपमेंट पर जो खर्च करती है वह ३७ न० पै० प्रि० एकड़ है । पहले तो मिलों के भावों में अन्तर फिर सरकार इतना पैसा लेकर और जिसके लिये वह प्रतिज्ञा कर चुकी है कि इतना पैसा हम केवल गन्ने के विकास पर लगायेंगे, उसमें हाय खोंच कर काम करती है ।

दूसरी जरूरी बात मुझे यह भी निवेदन करनी है कि जहां किसान मिलों पर अपना गन्ना ले जाते हैं और उनके लिये आपने १ रुपये १० आने या १ रुपये ८ आने का भाव नियत किया है तो उसमें इतना तो कम से कम अवश्य करें जैसा कि हमारे किसान को बैलगाड़ी लिये हुये मिल के दरवाजे पर खड़े खड़े, दो दिन हो जाते हैं और ठंड में खड़े हुये

किसान के बैलों का जीवन आधा हो जाता है और फिर उनके साथ मनुष्य को भी कितनी कठिनाई का सामना करना पड़ता है इसका अनुमान आसानी से लगाया जा सकता है । किसान मिल के दरवाजे पर अपना गन्ना लेकर जब आये तो जरूरत इस बात की है कि उसको ठंड के मौसम में मिल के दरवाज पर बैलों को लेकर दो दिन इंतजार न करना पड़े ।

तीसरी एक सबसे जरूरी बात यह है कि आप क्यों नहीं इस प्रकार का निर्देश मिलों को दें अगर वह यह नहीं कर सकते कि खेत से गन्ना लेना आरम्भ कर दें तो कम से कम मिल जिस एरिया में है उस एरिया में सड़कों का इतना जाल विद्या दिया जारे कि कच्ची सड़कों पर जिसमें बैलों को बैलगाड़ी खीचने में काफी दिक्कत पड़ती है और जिससे बैलों की आयु आधी रह जाती है, वह दिक्कत हट जाये । मिचाई की ओर भी अन्य जिस प्रकार की मुविधायें उन्हें आप दे सकते हैं वे भी दें । जब आप यह शुगरकेन का नया फारमूला बनाने जा रहे हैं तो कम से कम उसके साथ एक ऐसा भी फारमूला तो निश्चित किया जाये जिससे किसान और उसके बैलों की कठिनाई बचे ।

अन्त में मैं यह कहना चाहता हूं कि माननीय मंत्री जी ने एक अच्छा आश्वासन दिया है और यह कहा है कि हम ऐसा करेंगे कि रीकवरी का पता लगाने के लिये जहां मिल के प्रतिनिधि हों, सरकार के प्रतिनिधि हों, ट्रेड यूनियन के प्रतिनिधि हों, वहां केन-ग्रोअर्ज के भी प्रतिनिधि हों । पर मैं उनकी जानकारी के लिये कहना चाहता हूं कि यह सब व्यवस्था होते हुये भी किसानों के साथ न्याय नहीं हुआ है । इस संबंध में मैं यह सुझाव देना चाहता हूं कि केन-ग्रोअर्ज के प्रतिनिधियों को सरकार एप्लायर्ट न करे और न ही मिल मालिक यह कहें कि अमुक आदमी गन्ने वालों का प्रतिनिधि रहेगा, बल्कि गन्ने

[श्री प्रकाशवीर शास्त्री]

वालों को यह पूछा जाये कि वे किस को अपना प्रतिनिधि रखना चाहते हैं।

Shri S. K. Patil: I would do that.

श्री प्रकाशवीर शास्त्री : ठीक है। अगर ऐसा किया जायेगा, तो मैं समझता हूँ कि इस संबंध में कुछ न्याय हो सकेगा। जैसाकि मैंने आरम्भ में कहा है, उसे दोहराता हूँ कि वर्तमान में परिस्थितियां इस प्रकार की नहीं हैं कि सरकार किसानों को इस बारे में तत्काल वाधित करे। यह तो शांति काल में बड़े स्थिर मस्तिष्क से सोचने की बात है। इस लिये अभी इसको कुछ समय के लिये स्थगित कर दिया जाये।

उपाध्यक्ष महोदय : श्री विभूति मिश्र, आप अपने अमेंडमेंट के बारे में क्या चाहते हैं?

श्री विभूति मिश्र : उपाध्यक्ष महोदय, मैं माननीय मंत्री जी से दो बातों की कल्पिकेशन चाहता हूँ।

एक हो जिसे मैं—हमारे जिसे मैं—पांच तरह की रीकवरी है और पांच तरह की कीमत रखी हुई है। रिंजर एरिया के किसानों को कहीं दो आने कम मिलेगा और कहीं एक आना कम मिलेगा। उसके बारे में माननीय मंत्री जी का क्या आश्वासन है?

उन्होंने कहा है कि रीकवरी की देखभाल के लिये चार तरह के आदमी रखेंगे। मिल वाले जो रीकवरी निकालते हैं, उसमें कोई दूसरा आदमी नहीं होता है। माननीय मंत्री जी उसके बारे में क्या आश्वासन देने हैं?

श्री स० का० पाटिल : मैंने चार आदमियों की बात कही है। गवर्नर्मेंट का आदमी तो वहां एक्साइज के लिये होता है और मिल का आदमी भी होता है। उनके साथ ही ट्रेड यूनियन का और गज्जे वालों का आदमी भी होना चाहिये। मैं मानता हूँ कि गवर्नर्मेंट उनको नियुक्त न करे, बल्कि वे खुद चुन कर भेजे और हम उनको मान्यता दें। मैं यह नहीं चाहता कि कोई ऐसी परिस्थिति पैदा हो, जिसमें रीकवरी को कम बताने की कोशिश की जाये और किसी का नुकसान हो। जहां तक रिंजर एरिया का ताल्लुक है, मैं उसके बारे में देखूँगा।

श्री विभूति मिश्र : माननीय मंत्री के आश्वासन के बाद मैं अपना संशोधन वापस नेता हूँ।

Mr. Deputy-Speaker: There is an amendment by Shri Mishra. Has he the leave of the House to withdraw his amendment?

Hon. Members: Yes.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That this House takes note of the fixation of price of sugarcane on the basis of production of sugar."

The motion was adopted.

16.58 hrs.

The Lok Sabha then adjourned till Twelve of the Clock on Wednesday, November, 28 1962/Agrahayana 7, 1884 (Saka).

[Tuesday, November 27, 1962/Agrahayana 6, 1884 (Saka)]

SHORT NOTICE QUESTION	COLUMNS	PAPERS LAID ON THE TABLE— contd.	COLUMNS
3415—17			

Short Notice Question No. 2 regarding Indians in Nyasaland addressed to the Prime Minister was orally answered.

PAPERS LAID ON THE TABLE 3517—18

The following papers were laid on the Table :—

- (1) A copy each of the following Notifications under sub-section (4) of section 43B of the Sea Customs Act, 1878 and section 38 of the Central Excises and Salt Act, 1944, making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960:—
 - (a) G.S.R. No. 1483 dated the 10th November, 1962.
 - (b) G.S.R. No. 1534 dated the 17th November, 1962.
- (2) A copy of the Central Excise (Nineteenth Amendment) Rules, 1962 published in Notification No. G.S.R. 1522 dated the 17th November, 1962, under section 38 of the Central Excises and Salt Act, 1944.
- (3) A copy each of the following Notifications under sub-section (4) of section 43B of the Sea Customs Act, 1878 :—
 - (a) G.S.R. No. 1481 dated the 10th November, 1962.
 - (b) G.S.R. No. 1529 dated the 17th November, 1962.

(c) G.S.R. No. 1530 dated the 17th November, 1962.

(4) A copy of Government Resolution No. WB-3(53)/62 dated the 24th November, 1962 on the recommendations of the Central Wage Board for Coffee Plantation Industry, Calcutta, regarding the grant of interim wage increase to workers.

BILL UNDER CONSIDERATION

3518 89

Clause-by-clause consideration of the Defence of India Bill was resumed, but the discussion was not concluded. Consideration of clause 18 was put off till the next day.

MOTION RE : FIXATION OF PRICE OF SUGAR-CANE

3589—3662

Shri Prakash Vir Shastri moved the motion regarding fixation of price of sugarcane on the basis of production of sugar. He also replied to debate. One amendment to the motion moved by Shri Bibhuti Mishra was withdrawn by leave of the House. The motion was adopted.

AGENDA FOR WEDNESDAY, NOVEMBER 28, 1962/AGRAHAYANA 7, 1884 (SAKA)—

Consideration and passing of (i) Defence of India Bill, (ii) State Associated Banks (Miscellaneous Provisions) Bill and (iii) Employees' Provident Funds (Amendment) Bill.