

"that this House do agree with the Twelfth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th March, 1986."

The motion was adopted

15.30 hrs

PAYMENT OF BONUS (AMENDMENT) BILL*

(Amendment of section 1, etc.)

[English]

DR. DATTA SAMANT (Bombay South Central) : Sir, I beg to move for leave to introduce a Bill further to amend the Payment of Bonus Act, 1965.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Payment of Bonus Act, 1965."

The motion was adopted.

DR. DATTA SAMANT : Sir, I introduce the Bill.

15.31 hrs

**REGIONAL RURAL BANKS
(AMENDMENT) BILL***

(Amendment of section 2, etc)

[English]

DR. SUDHIR ROY (Burdwan) : Sir, I beg to move for leave to introduce a Bill further to amend the Regional Rural Banks Act, 1976.

MR. DEPUTY SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Regional Rural Banks Act, 1976."

The motion was adopted.

DR. SUDHIR ROY ; Sir, I introduce the Bill.

15.32 hrs

CONSTITUTION (AMENDMENT) BILL*

(Amendment of article 368)

[English]

PROF. MADHU DANDAVATE (Rajapur) : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

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

The motion was adopted

PROF. MADHU DANDAVATE : Sir, I introduce the Bill.

15.33 hrs

CONSTITUTION (AMENDMENT) BILL*

(Amendment of articles 75 and 164)

[English]

PROF. MADHU DANDAVATE (Rajapur) : Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. DEPUTY SPEAKER : The question is :

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

The motion was adopted.

PROF. MADHU DANDAVATE ; Sir, I introduce the Bill.

15.34 hrs

**HOARDING AND PROFITEERING
PREVENTION BILL***

[English]

PROF. MADHU DANDAVATE (Rajapur) ; Sir, I beg to move for leave to introduce a Bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use.

MR DEPUTY SPEAKER : Motion moved :

“That leave be granted to introduce a Bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use.”

Prof. Ranga.

PROF. N. G. RANGA (Guntur) : I would like to offer a few observations on this. I do think my hon. friend, Prof Madhu Dandavate, has a very good intention in thinking of introducing such a Bill to control profiteering.

In preparing this Bill, he seemed to have neglected the interest of hundreds of millions of agricultural producers in this country. I do not wish to go into details. But if you look into Clause 1, you will find that he includes producers also in his definition of the term ‘dealer’. I do not know whether he gave sufficient attention to the significance of this inclusion. For 20 years it was my unpleasant duty to go on fighting against the system of controls, especially over agricultural producers, which came into existence during the War and was later on continued by Pandit Jawaharlal Nehru for years and years. Millions of the peasants came to me harassed by the corrupt control administration that had gone on gaining strength from year to year and then exploiting the people in the name of preventing profiteering, hoarding, and so on. We had to organize, in fact, over the whole of India an ‘All India Decontrol Day’ in order to protest against the kind of exploitation that was carried on against our farmers in our country. Every farmer produces foodgrains not only for his own consumption in the year but also something more to be sold, so that he would be able to maintain himself and then purchase various other things that he needs. I do not want such producers to be brought within the mischief of this Bill or any such law. We had bitter experience of the kind of control regime we have had and I do not want its repetition once again. Various efforts were made in order to relax its rigours, but with very poor results. In the end, Government was obliged to drop that control regime, and fortunately for us the country has been growing more and more self-sufficient ; now we have reached a stage

when the country is faced with surpluses in the production of both paddy, rice, and wheat. I don’t know why my hon. friend wanted to introduce the producers also in his definition. I have no objection if controls are introduced in regard to spices, edible oil—in regard to sugar I am doubtful—baby food, paper, drugs, medicines, skimmed milk powder and kerosene. Even here also the right thing to do for the Government is to establish an efficient and satisfactory system of procuring these commodities and then distributing them through fair price shops and cooperatives. We have had some experience of the work of the fair price shops and cooperatives. It has not been quite satisfactory. But nevertheless through such means it should be possible and it would be possible provided there is sufficient co-operation from the public themselves to make these commodities available at reasonable prices. At prices anyhow that are fixed by the Government.

In regard to foodgrains we have been fighting over remunerative prices. My hon. friend also is very much in favour of that demand. We have not succeeded in this so far. We are still going on negotiating and pressing and fighting with State Governments as well as with the Central Government in order to see that our producers especially of paddy, rice and wheat get remunerative prices. We are on the way of achieving success in that direction.

15.38 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

My hon. friend thinks of fixation of maximum prices. Who is to do it—the Central Government or the State Governments ? According to the Essential Commodities Act it is the Government of India ; but on the advice of the State Government. Have we reached a stage when maximum prices have got to be fixed in so far as wheat and rice are concerned ? Where is the need ? Are they to be fixed in the notional manner ? Then where is the guarantee that they would remain as notional ? That kind of a restriction or definition would be taken advantage of by officers. You know that such officers are there in our country.

Only yesterday the Minister in charge of Railways was realistic enough to say that he would only try to minimise the

corruption in the Railways and that applies to every other aspect of the Government, whether it is the Congress Government, Janata Government or the Central Government either at the State level or at the Central level. It has become more or less a part of our life. Those who give bribe and those who take all of them, are there. At some stage or the other each one of them is likely to come under the mischief of this kind of restriction and this kind of definition.

Therefore, I would like my hon. friend to give us an assurance that he would be willing to drop this term 'producers' in Clause 2 (a) and then satisfy himself with importers, wholesalers and retailers. Otherwise I would have to totally oppose his Bill not because I don't want to tackle these wholesalers and profiteers; but because I want to protect the farmers all over India who produce wheat and rice.

Sir, he says that there is a provision that there can be reasonable excuse. But this reasonable excuse is again conditioned by the explanation he has himself given to Clause 5. (*Interruption*). Therefore, I don't want to castigate it that way. I know, my hon. friend Shri Dandavate is as good a friend of farmers as Mr. Daga or myself. It is by mistake, I think, he has included these clauses. Now, this explanation says:

"The possibility or expectation of obtaining a higher price for a scheduled article....."

That is with regard to foodgrains which would be there with the farmers. Surely it is not his intention that the farmer should not keep his produce with himself in the expectation of a price rise later on in the year. He must have been thinking of the other commodities and not foodgrains. If he thinks of foodgrains and their producers and it is going to apply to crores and crores of our farmers in our country then I am totally opposed to this kind of drafting.

I would like to give a warning to the Government that they have to be extremely careful not to take advantage of this kind of approach from the Opposition that they themselves come forward afterwards and introduce this kind of a mischievous con-

trol raj once again. Mahatma Gandhi had to fight against control raj day after day in his evening prayers. He had to carry on an All India tirade against that control regime. Farmers in their hundreds and thousands of meetings over a number of years had to go on demonstrating against this control regime. Therefore, I would like my friend to give satisfactory response to my criticisms and then offer to go ahead with this Bill otherwise I have got to oppose this Bill.

PROF. MADHU DANDAVATE (Rajapur): Sir, by way of explanation I may say only this much that even if the entire House supports the Bill but it does not enjoy the support of Prof. Ranga I would not like that Bill at all. I would like to see that the viewpoint that he has expressed is accommodated. In fact, he has slightly misunderstood on account of drafting. I want to make it explicitly clear that the entire structure of the draft is directed against hoarding and profiteering. The entire emphasis is not against 'Kisans' at all. Therefore, I have talked in the earlier clauses about the fixation of maximum prices or rates for scheduled articles. But even after this draft some doubts are left that some burden is likely to fall on the producers and the 'kisans' will not be able to retain the surpluses the necessary wording can be altered. There is no difficulty. The thrust is not at all anti-kisan but pro-kisan. That is why I have talked of fixation of maximum price and I can give him that assurance. Even after giving the assurance, I know, the request will come from the hon. Minister that I accept the spirit of the draft. He may withdraw it and we will think about it. I know that is going to happen. But even then because my point of view and Prof. Ranga's point of view is identical as far as kisans are concerned, I am prepared to say that the necessary structural changes can be made to ensure that this Bill will not hit the legitimate activities of kisans and their interests and the remunerative prices. The necessary structural changes can be made but Prof. Ranga should allow this Bill to be introduced at this stage and at the stage of discussion and consideration we can consider these details.

MR. CHAIRMAN: The question is :

"That leave be granted to introduce a Bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use."

The motion was adopted.

PROF. MADHU DANDAVATE : Sir, I introduce the Bill.

15.43 hrs.

CONSTITUTION (AMENDMENT)

BILL—*Conid.*

(Insertion of New Part XA)

[*English*]

MR. CHAIRMAN : Now, the House will take up further consideration of the following motion moved by Shri Ananda Pathak on the 6th December, 1985, namely :—

"That the Bill further to amend the Constitution of India, be taken into consideration."

Shri S. B. Chavan was on his legs.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Mr. Chairman, Sir, last time I had tried to explain as to why the Government cannot accept what the hon. Member. Shri Pathak, has stated in the Constitution (Amendment) Bill. This Constitution (Amendment) Bill contemplates introduction of new Part XA in the Constitution, amending Articles 244 and 275 with a view to grant autonomous status to Darjeeling area. I have gone through the Statement of Objects and Reasons which the hon. Member has attached to his non-official Bill. It very clearly states that somehow or the other, they have a feeling of frustration; they are not able to identify themselves with the mainstream; they have been languishing behind in matters of social, cultural and political also ; they have not been getting proper representation etc. Somehow or the other, the West Bengal Assembly seems to have passed some kind of a resolution in 1981.

SHRI AMAL DATTA (Diamond-Harbour) : Unanimously.

SHRI S. B. CHAVAN : Therefore, it becomes all the more serious. The West Bengal Assembly passed a resolution unanimously recommending to the Government of India that they should set up some kind of a committee which should go deep into the matter and find out as to how the autonomous status could be given to the Darjeeling and other areas which are predominantly Nepali speaking.

First of all, if I have understood correctly, they are not saying that they are tribals, or they are scheduled castes, only on the basis of language they are saying that since they are a Nepali speaking people, they would like to have an autonomous character.

First of all, the Bengal Government will have to explain to us because it is the West Bengal Government which will have the special responsibility for the development of the backward areas in their own State. Not only in West Bengal, for that matter, in every State, there are backward areas and backward areas are the special responsibility of the State Government ; by the mechanism of planning, they have to plan in such a manner that the internal and regional imbalances are removed and they are given fair treatment. They have not succeeded in doing themselves. I do not know, whether they have, but they have not because of the very fact that this kind of a suggestion has come from the Assembly itself. I am at a loss to understand as to how it is that being fully incharge of the development of this region, they themselves thought it advisable to pass a resolution and pass on the buck to the Central Government.

SHRI AMAL DATTA : You have only to set up a Committee only. You can then consider their recommendations.

SHRI S.B. CHAVAN : I understand the implications of this. But we are opposed to the principle of it. I have to put before this august House the implication of such a kind of step. Are we prepared to accept the responsibility of having such backward areas in different States to be developed by some kind of a mechanism ? So far as Darjeeling is concerned, they are not only to get the normal