

[Shri Zainal Abedin]

Besides, as a result of this large scale erosion, thousands of farmers belonging to the district of Murshidabad have been suffering from the constant shrinking of cultivable land on the one hand and loss of their valuable assets on the other and, consequently, the questions of their livelihood and rehabilitation are gradually agitating their minds.

Under these circumstances, I urge upon the Government to come forward and help the State Government of West Bengal with all necessary help to check the erosion without any further delay.

I demand that the Irrigation Minister make a statement on the floor of the House stating the steps taken by his Ministry in this regard.

MR. DEPUTY SPEAKER : Now, we take up the Legislative Business.....

SHRI BAPUSAHEB PARULEKAR (Ratnagiri) : Sir, before you take up the next item, if you permit me, I may point out that it has been published in the newspapers that the period of the session is to be curtailed by one week. We want to know whether it is true or not true or it is under consideration of the Government because we have to chalk out our programme. The Minister of Parliamentary Affairs is here. He may tell us.

श्री रामदिलास पासवान (हाजेर पुर) : पालियामेट वा सेशन एवं हफ्ता दररत्न कर रहे ?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH) : No. No.

12.30 hrs.

PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES (AMENDMENT) BILL—*Contd.*

श्री गिरधारी लाल व्यास (भोजवाड़ा) : मैंने अपना नाम दे रखा है !

MR. DEPUTY-SPEAKER : The last speaker would be Shri Chitta Basu. And the Hon. Minister will reply.

श्री गिरधारी लाल व्यास : मुझे भी मौका मिलना चाहिए। मैंने अपना नाम दे रखा है !

MR. DEPUTY-SPEAKER : Please sit down. I am not allowing you.

SHRI GIRDHARI LAL VYAS :

मैं प्रत कर रहा हूँ ।

I gave my name first.

MR. DEPUTY-SPEAKER : It is all right. You need not necessarily be called.

SHRI GIRDHARI LAL VYAS : Why not ?

MR. DEPUTY-SPEAKER : No.

(Interruptions)

MR. DEPUTY-SPEAKER : Mr. Vyas, I will tell you that we allotted 2 hours. We have already exhausted 2 1/2 hours. And even more than that.

SHRI GIRDHARI LAL VYAS : I must get my number.

MR. DEPUTY-SPEAKER : That is all right. The time allotted to your Party is also over.

(Interruptions)

MR. DEPUTY-SPEAKER : No. I am not allowing you. Next the Hon. Minister will reply. Shri Chitta Basu is the last speaker and the Hon. Minister will reply.

(Interruptions)

MR. DEPUTY-SPEAKER : No. I am sorry. I have got to see the time also. The Clock is there. We have got two more Bills to complete today.

(Interruptions)

MR. DEPUTY-SPEAKER : Not correct. Unless you cooperate with the Chair, we cannot continue the proceedings.

SHRI GIRDHARI LAL VYAS : I am a Senior Member of the House.

MR. DEPUTY-SPEAKER : But, Shri Chitta Basu is the most Senior Member. See the other Members like you.

Again I repeat that Shri Chitta Basu is the last speaker whose time is between 6 to 7 minutes.

SHRI CHITTA BASU (Barasat) : Mr. Deputy Speaker, Sir, I always speak last.

I rise to oppose this Bill. Naturally the question should arise why such an innocent Bill, as somebody has put it, is being opposed from this side.

(*Interruptions*)

The first ground for my opposition to the Bill is that the parent Bill, the Original Act, provides for preventive detention, giving no scope for trial for the accused.

Fundamentally speaking, we are opposed to any measure which provides for detention without trial.

Now in this case, you would agree and the Hon. Minister should agree that in order to curb the activities of the black-marketeers and the profiteers, there are many laws available with the Government and there is no dearth of weapons in the arsenal of the Government to curb or punish or even eliminate this process.

The original Act and these Amendments do provide for preventive detention and, we are, therefore, opposed to the idea of preventive detention.

The small amendment is all the more pernicious because of the fact—I do not think that the Hon. Minister will agree with me—that earlier the preventive detention order was to be issued under the original Act by the Government. That means, it was the Cabinet or the Ministry or the Home Secretary or the Home Minister whose clearance was necessary to take somebody under detention or arrest for detention without trial.

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT AND CIVIL SUPPLIES (SHRI RAO BIRENDRA SINGH) : Is West Bengal not enforcing this law?

SHRI CHITTA BASU : If you provoke me to say so, I shall come to that point also.

This Amending Bill is pernicious because of the fact that this authority which was vested with the State Government that is, mainly the Cabinet/the Ministry/the Home Minister/Chief Minister, is now being delegated to bureaucrats and officials,

the District Magistrate, Commissioners and to the S.Ps. I think. This authority is being given to those officers. Therefore, there is every likelihood that the law would be misused.

Under MISA, many people were arrested and arrested in a way unheard of in jurisprudence. Some Forms of detention orders were printed, cyclostyled and they were kept with Police Officers only to be issued to any person whom they wanted to be arrested.

Therefore, those experiences are very much alive in our mind. If this kind of power, atrocious power, is given to authorities like Police Commissioner and District Magistrates, it is likely to be misused.

MR. DEPUTY-SPEAKER : This is not an Emergency Act.

SHRI CHITTA BASU : It smacks of Emergency. I am happy, Sir, you have reminded me of Emergency. These Acts are not being enacted during the period of Emergency. It is more pernicious because of the fact that, in peace time, this kind of atrocious laws are being enacted by Parliament. I am grateful to you for having reminded me of Emergency. Anybody having an iota of democratic idea or an iota of civil liberty cannot support this kind of atrocious measure.

The reason given by the hon. Minister is amazing, surprising. He says that 45 persons could not be arrested under the original Act and that they require this Amendment to get them arrested. Does it speak well of the State Governments who have agreed to apply this Act? If the entire Government, the Cabinet, cannot get those persons, whose number is only 45, arrested, how can they expect that simply by authorising the District Magistrates and Police Commissioners they will be able to apprehend these social criminals? Their own Governments are working in the States. If it is a Government that really works, how can it be that the Cabinet cannot get these anti-social elements arrested? And you expect that you can get them arrested only if you authorise the District Magistrates and Police Commissioners! Therefore, it is all the more atrocious. On these major grounds I oppose this Bill.

[Shri Chitta Basu]

He has raised one question which requires to be answered, and that is, why the West Bengal Government has not applied this Act. this Act. The West Bengal Government shall not apply this kind of atrocious Act. I heard somebody from that side demanding of this Government to take action against the West Bengal Government for not using this Act. I think, Sir, Emergency has not yet been promulgated. In spite of that, they say this kind of amazing things!

Secondly, the title of the Bill is 'Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Bill'. My question to the hon. Minister is this. Have you been able to maintain the supply of essential commodities to your satisfaction? If you are satisfied, then I have nothing to say. I want to give only one example to prove that the Government has failed, and failed miserably, to maintain the supply of essential commodities to the State Governments. I take the example of West Bengal Government. The food deficit for the State of West Bengal has been estimated to be 33 lakh metric tonnes annually. The Centre has to meet this deficit from the Central Pool. But the net supply from the Food Corporation of India during the last nine months, that is, from 1-10-1981 to June 1982 was of the order of 19 lakh metric tonnes. Therefore, the supply falls short of the requirements by approximately 14 lakh metric tonnes for the months of July, August and September or 4.6 lakh metric tonnes per month. The average monthly supplies from March 1982 to July 1982 ranged between 2.25 and 2.35 lakh metric tonnes. While the requirements of West Bengal Government to maintain the public distribution system is at least 3.50 lakhs MT which this Government promised to give, actually the supply did not exceed more than 2.25 lakhs to 2.35 lakhs MT. So by 11 lakh MT per month it falls short of requirements. This is the situation regarding the supply of essential commodities. Same is the question of cement and other essential commodities which are finding their way to the black-market because of non-supply, because of drying up of supplies and because there is no commodity in the supply pipeline for the public distribution system....

MR. DEPUTY-SPEAKER: Please conclude now.

SHRI CHITTA BASU I am concluding.

Regarding Tripura the Government of West Bengal agreed to supply 8,000 MT of foodgrains every month but never has been there an occasion when the Government could physically deliver more than 60% of the total requirements allotted by the Government of India to meet the food deficit.

Therefore, my point is that the Government has failed and failed miserably in maintaining the supply line with the result that the essential commodities again find their way to the black-market.

Therefore, Sir, if you are interested in curbing the activities of the black-marketeers and profiteers, supply is to be guaranteed and ensured. The Government of West Bengal have suggested 14 items that should be procured by the Government of India and announced for distribution through the public distribution system and at fixed prices and then, and then along the activities of the black-marketeers and profiteers can be curbed.

Kerala is quoted as an example as to how the public distribution system could be utilised so that the price line can be held and pegged at a particular point. Therefore, I appeal to the Government that instead of giving much more atrocious authority to the Police officers, the Government should concentrate on continuing the supply so that the public distribution system can be maintained and the activities of the black-marketeers and profiteers can be effectively curbed. That is the only way.

MR. DEPUTY-SPEAKER: Now the Minister will reply.

THE DEPUTY MINISTER IN THE MINISTRIES OF AGRICULTURE AND CIVIL SUPPLIES (SHRI MOHAMMED USMAN ARIF): I am thankful to the hon. Members who have participated in the debate. they have made very valuable suggestions.

Most of the hon Members have supported the Bill.

Sir, as you must have seen, most of the hon. Members opposing this amendment have dwelt on the parent Act and have not said about this small amendment whose scope is very limited.

Members who participated on this side or that side have laid much stress on the implementation of the Act. We agree that the implementation of the Act should be made vigorously.

The implementation lies with the State Governments and the Central Government also feel the responsibility to get it implemented vigorously. Instructions have been issued from time to time to the State Governments to implement this Act very vigorously and to check this evil in the society which the black-marketeers are indulging in.

About the implementation clause some of the hon Members have put questions as to how far this has been implemented and what action has been taken under the National Security Act or under this Act. About the National Security Act I may submit that this rests with the Home Ministry and we are not concerned with it.

About the Prevention of Black-marketing and Maintenance of Supply of Essential Commodities I may bring to the notice of the hon. House the action taken by the different State Governments. Till 12-7-82, 522 persons were ordered to be detained by the various State Governments under the Prevention of Black-marketing and Maintenance of Supply of Essential Commodities Act, 1980, out of which, 45 persons are absconding and 49 persons are under detention. Under the Essential Commodities Act, 1955, during 1980, about 1.36 lakhs raids were made, about 25,000 persons were arrested, about 2,700 persons were convicted and about Rs. 38 crore worth essential commodities seized.

Similarly, as per—reports received, till now, in 1981 about 69,000 raids were made, about 15,000 persons were arrested, 2300 persons convicted and Rs. 17 crores worth of essential commodities

were seized. Both these Acts are being implemented by the State Governments, who are requested from time to time, to take vigorous action in this regard. Sir, this is the kind of action taken by the different States. Here, I must stress the point that the laws made by the Governments can be effectively acted upon only with the cooperation of the people.

Also, it is the duty of all of us in the House irrespective of party affiliations to cooperate with the Government. It is a crime against society and, I must request the hon. Members opposing this Bill or amendment and the people of India outside the House, that they should co-operate with the Government in this respect. Our national character should be built up and sentiments should be roused to condemn such blackmarketeers and hoarders and institutions such as educational and other social institutions should cooperate with the Government side by side with the implementation of the law. The Government is very much particular about it. Some hon. Members have gone to the length of saying that the Government is encouraging the black-marketing and hoarding. I dismiss this charge as futile, frivolous, baseless and politically motivated.

Sir, it is the duty of all of us to join together to eliminate this social evil from our country. Then, Sir, there are certain suggestions made by the hon. Members. It would be difficult for me to accept all those suggestions. But, I may refer to certain relevant suggestions and I might say that Government is very much particular about eradicating this evil. One hon. Member while supporting, said that Government should take over the whole sale trade of fourteen commodities such as rice, sugar, edible oil supplies etc. My hon. friend, Shri Chitta Basu has also referred to the same thing just now. I may say that already, the supply of rice, Levy sugar, wheat and kerosene is being handled by the Government and its agencies and these are issued at prices below the market rates generally. Taking over of wholesale trade of fourteen commodities listed by the hon. Member would be totally beyond the resources of the Government and may, in fact, be counter-productive.

[Shri Mohammed Usman Arif]

Another apprehension made by the hon. Member was that the Act would be used against political leaders and trade unionists. I may assure that all political leaders or trade unionists either belong to the ruling party or to other parties, if they do not indulge in such crimes, they would not be harassed and the law would not apply to them. It is applied only to these who are criminals; they will have to face this law. I can assure you that no innocent person would be harassed under this Act.

Then, Sir, one hon. Member from our side also suggested that display of price-lists of all essential commodities should be made compulsory in all the States, throughout the country. In this respect, I must submit that to prevent overcharging of prices, all the States/U.Ts have issued orders for display of price lists of essential commodities in all the shops conspicuously at a prominent place of the business premises. Besides, the Standard of Weights and Measures (Packaged Commodities) Rules, 1977 also provide for display of the name of the commodity, name and address of the manufacturers/packers, net contents in terms of weight, measure or number, month and year of manufacture and the retail sale price, to ensure that the traders do not exploit the consumers by over-charging.

Sir, some hon. Members wanted the commodities dealt with by the FCI to reach different States in time and in enough quantities. Both the Central Government and the FCI review from time to time the arrangements made for supply of food articles by the FCI to the various States. It has recently been decided that the monthly allocations of foodgrains to various States would be made well in advance, for FCI to plan its movement and supply of these grains to the various States in time. An hon. Member suggested that norm of one fairprice shop per 2,000 families should be relaxed in the case of North Eastern region. The various States have been told a long time back that in far-flung and remote areas which are thinly populated, it might be necessary to have a fair-price shop for a population even smaller than 2,000 families. In fact under the New

20-Point Programme, the States have been told to consider opening mobile shops for such far-flung areas.

There was a suggestion for setting up of vigilance committees. Instructions have already been issued to State Governments to form Vigilance Committees to keep a watch on the working of the public distribution system. A suggestion was also made to build up buffer stocks in every place specially North-Eastern States. Regular coordination is maintained between the Central agencies responsible for supply of essential commodities to the North-Eastern region like the Railways and the FCI and the States of that Region to ensure adequate stocking of these commodities in that Region, particularly during monsoons.

Sir, there is again a suggestion that action should be taken against Government officials involved in the rackets in the public distribution system. Anybody who would commit such crime shall meet the punishment provided under the law and officers are no exception to it. Lastly, a suggestion was made that there should be no discrimination in supply of rice and wheat to a particular area. Sir, let me assure the House that there would be no such discrimination.

Sir, Shri Bapusaheb Parulekar in his speech wanted to know how much have the prices of essential commodities come down after the passing of the Act. It may be mentioned that the prices of such commodities depend on a number of factors including their production, the local availability, the demand by the consumers at any particular time, etc. In order to improve the local availability, it has to be ensured that the traders do not hoard the stocks or otherwise create obstacles in the maintenance of supplies of these essential commodities. It is with that end in view that this legislation was originally passed and, through the proposed amendment, action under it is now sought to be strengthened. The extent to which this legislation has helped in improving the availability of any particular commodity and keeping its price at a reasonable level would differ from State to State and area to area, depending on how effectively has this legislation been implemented by the

concerned State Government. There is no direct relationship between this Act and the price level of essential commodities, as it is only one of a package of measures to maintain the prices.

Sir, one hon. Member suggested that a parliamentary committee should be constituted. In this respect I may submit that there is already a National Advisory Council on Public Distribution. It is headed by Union Minister of Civil Supplies and includes, among others, one Member from Lok Sabha; one Member from Rajya Sabha; all State Food and Civil Supplies Ministers and representatives of Central Ministries connected with public distribution. Hence there should be no apprehension in the mind of the hon. Member that distribution work will suffer. Then there are certain other minor things which have been suggested. I may submit to this House that the whole debate was on the parent Act; and the amendment which is so small and limited in scope, did not warrant all that discussion which has taken place. However, I am grateful to the hon. Members that they have made useful suggestions; and I have tried my level best to reply to those questions.

Now the last point : hon. Member Shri Chitta Basu said that the supply of foodgrains and other things were short. Essential commodities were not made available. I say that West Bengal has got the highest allocation of foodgrains.

In the end, I submit that though the hon. Members coming from West Bengal oppose the Bill, they at the same time press the Government that blackmarketing should be eradicated. Now I pose the question : what measures are they proposing to take in West Bengal, where they have their own Government ? If they have evolved any formula, or if they have evolved any method or if they are taking any measures which have effectively worked, we can also adopt them. But I think no such measures are being taken to eradicate the evil.

Objections are made; and Government is criticized. But merely criticizing does not pay. In the end, I again thank the hon. Members, and end my speech.

MR. DEPUTY-SPEAKER : The Question is :

"That the Bill further to amend the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980, as passed by Rajya Sabha, be taken into consideration."

The Motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill. The question is :

"That Clause 2 stand part of the Bill."

The Motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

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

MR. DEPUTY-SPEAKER : Now the Minister.

SHRI MOHAMMED USMAN ARIF : I beg to move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

SUPPLEMENTARY DEMANDS* FOR GRANTS (RAILWAYS), 1982-83.

MR. DEPUTY SPEAKER : Now we take up next item, namely, Discussion and Voting on the Supplementary Demands for Grants for Railways.

Motion Moved :—

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of India to defray the charges that will come in course of payment during the year ending the 31st day of March, 1983, in respect of the heads of Demands entered in the second column thereof—

Demand Nos. 2 and 16."

*Moved with the recommendation of the President.