

Shri B. R. Bhagat: Sir, I made a promise to an hon. Member and I would seek your indulgence to reply to the point raised by him. He asked about a particular section, why it was there, and asked me to explain it.

The point is this. We have taken powers in the Bill so that 20 per cent of the profits will be transferred to the special reserve. That is the general power we have taken through this Bill. Therefore, by this section (2A) we are taking powers to give exemptions in case of foreign banks when we think it is necessary. We are taking similar powers for giving exemptions in the case of Indian Banks under clause 3, section 17 (1A). When we think that the banks have adequate reserve and it is not necessary that this continual transfer should take place, we can give the exemption at that stage. That is the general policy. 11 (2A) deals with foreign banks and 17(1A), with the Indian banks.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15:30 hrs.

SUGARCANE CONTROL (ADDITIONAL POWERS) BILL

The Minister of Food and Agriculture (Shri S. K. Patil): Sir, I beg to move:

"That the Bill to empower the Central Government to amend the Sugarcane (Control) Order, 1955 with retrospective effect in respect of certain matters, be taken into consideration."

First, I would like to give a brief history of clause 3A of the Sugarcane Control Order which it would be necessary to amend retrospectively and for which powers are now being

sought under this Bill. Clause 3 of the Sugarcane Control Order provides for the payment to the grower of a minimum price of his sugarcane. One of the factors required for determining his price is the price of sugar. Clause 3A of the Order was inserted in September, 1958 making it compulsory for the sugar manufacturers to pay an additional price to the sugarcane grower over and above the minimum price. Between 1953-54 and 1957-58, when sugar prices were running very high, at first voluntary schemes for these additional payments were in force in the northern and southern regions. In the southern region it used to be called the SISMA formula. These were worked out in the south between growers and manufacturers and in the north by Government in consultation with the growers and the industry. In Maharashtra, that formula not only worked then but it is working even now beautifully. There has been peace in the industry and there was a sort of an understanding between the industry and grower in the beginning of the year or periodically. In 1957-58, as a result of that arrangement, more than a crore of rupees was given as additional bonus or deferred payment, whatever you may call it, to the growers. There were complaints and disputes, and to resolve these, the Gopalakrishnan Committee was appointed in 1955—Gopalakrishnan being an officer of the Agriculture Ministry which submitted its report in 1956. That committee made certain recommendations in regard to adjustments of costs and also suggested a formula for compulsory application when there was an undue rise in the price of sugar. This report was accepted by Government and its formula was incorporated in the statute; but unfortunately in regard to one matter, namely, the determination of the share of the cultivator, the formula did not specify precisely how that share was to be determined, that is, whether with reference to any cost schedule which was operated, or whether with reference to the actual costs of each factory on the basis of recovery and duration of the season. This is an impor-

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tant point to bear in mind because in the absence of this precise definition; the position of costs itself became a point in issue. In the meantime, sugarcane prices had been controlled from July 1958 and in September of the same year only three days before the insertion of Clause 3A. The entire cost structure of the industry was referred to the Tariff Commission. The imposition of control and the reference of the determination of the cost of the industry to the Tariff Commission, introduced a new factor affecting the implementation of this formula. As the House is aware, in 1959 a scheme of incentives was devised to encourage growers to produce more cane and to induce manufacturers to produce more sugar. Under this scheme the grower began to get Rs. 1.62 per maund and some incentive was given to the manufacturers, namely, a little rebate in the excise on the average of two preceding years. That was another factor that came into the story of sugar affecting the implementation of the formula and the formula was amended in March 1960 for this purpose. To resolve all the points of dispute, the whole question of this formula was referred once again to the Tariff Commission in October 1960. When the formula was evolved there was a kind of difference of opinion on both sides. The growers claimed that it was prejudicial to them and that they should get something more and the manufacturers saying that too much was given and it should not be given. So, Government could not come to any arbitrary decision, and so they rightly took the decision to refer it to the Tariff Commission. They were asked to consider the formula in all its aspects and either suggest modifications in the formula or a new formula altogether, particularly the question of the formula being applicable to conditions when the sugar prices were controlled, and the question of rehabilitation allowance which the industry claimed and the position regarding incentives which were given from 1960-61. At the time these incentives were introduced, the position was slightly diffe-

rent because after the Gopalakrishnan Committee report, we took some decision. So, two factors came into effect. The price of sugar was controlled on the recommendation of the Tariff Commission. The second thing is that we had the incentive formula. These two things were new to the situation and that was why it was submitted to the scrutiny of the Tariff Commission. The Tariff Commission then made its report in June 1961, about a year ago and the report with the conclusions which the Government have reached on the recommendations of the Commission has been placed on the Table of the House.

From this history it will be seen that apart from the original lacuna in the schedule to which I have referred at different times, different factors in regard to sugar economy have held up the implementation of the formula. It is a pity that this is so and nobody is more sorry than I am that due to these various factors sugarcane growers have been deprived of their due all these years. The delay was largely inevitable. But now the position of finality has been reached and we have to implement the formula with whatever changes may have been felt necessary during the years 1958-59, 1959-60, 1960-61, and 1961-62. Today it is open to Government to amend clause 3A of the Sugarcane control order and the formula, but this will have effect only in 1961-62. But the question of implementing it in the earlier years would still remain and for this we need the powers that have been provided in the Bill.

Here I would like to explain that it would have been necessary to come to the House for these powers even if we were to implement the existing formula. To the extent it becomes necessary in the light of various considerations pointed out by the Tariff Commission, the power to amend retrospectively is, therefore, necessary in any case. Under the Essential Commodities Act and in the control order, we never had any power to give re-

retrospective effect or jurisdiction to whatever we do. That was not taken at that time: if that was done at that time, it would have been easy and we could have taken a decision to give retrospective effect and all these questions could have been settled. The power not having been acquired then, it has now become necessary, because we have got to stretch the formula back to four years, from 1st November, 1958, and hence has arisen the necessity of arming the Government with retrospective powers which we are seeking under this amendment.

As regards the Government's decision on the Tariff Commission's recommendations, they have been broadly indicated in the resolution which was placed before the House a long time back. The House will notice that we have not accepted the formula of the Tariff Commission largely because we felt that the growers' share in the formula was not equitable and it changed the entire character of the existing formula. There are two things: the Tariff Commission has recommended that certain things should be done in the event of these new factors that have crept in and therefore they have got to be done or they have not got to be done. Secondly, in the light of that, they have suggested a formula also. On the balance, we found that while certain things will have to be done, the formula suggested by the Tariff Commission was not according to our liking, because we felt that the growers will be prejudicially affected by that formula, and therefore we felt that we need not accept that formula *in toto* with the other recommendations.

Shri Yallamanda Reddy: You have accepted everything except that.

Shri S. K. Patil: Therefore, we felt that the more appropriate course would be to take the existing formula as the base and make such changes as may be felt necessary in order to bring it in line with subsequent developments. I may assure the House that I do not have a closed mind in regard

to changes that might be made and that I wish to ensure as far as possible that both the industry and the growers get a fair deal in the linking of the price of sugarcane to the price of sugar. While the Government resolution contains broad indications of their intentions, it is not the final word; the final word would be the formula that would be ultimately incorporated in the order. This would be settled after taking into account the considerations brought out in the Tariff Commission's report and the views of the different interests that might be available to Government.

Thus, the issue before the House is a simple one, namely, to arm the Government with powers to implement the provisions of clause 3A with such amendments as may be found necessary.

I said that long before the compulsion was introduced, in September, 1958, it was to be started from 1st November, when the season begins, and so we are now asking for retrospective powers so that it might be made. This thing was managed very well indeed by private negotiations between the manufacturers on the one hand and the growers on the other. The House will be interested to know what exactly was the benefit that was accruing during these years, before the years for which I am now asking for retrospective powers. So far as Maharashtra and Gujarat are concerned, they were never a part of this. They had their own formula then, now, and they will have it in future also, because that is their relationship by which they are governed; the State Government come in there. They merely bring the parties together; there is no compulsion; there is no law either. They managed it by sitting together, perhaps before every season, and decided what should be the price and the price was so arranged that it was much higher than other prices. We give Rs. 1.62 nP, which is our minimum price, per maund. In Maharashtra, the prices vary from Rs. 2 sometimes to Rs. 2-4-0. Therefore, what we intend to do is to give it

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by deferred payment or by share of profits. The Maharashtra Government has been doing it right from the beginning. Therefore the question does not arise as to whether they should have any bonus after that. This is being done there and I hope it will continue to be done so that the Government does not become responsible either to compel them or otherwise do anything in that regard.

Dr. M. S. Aney (Nagpur): The agreement is between the Gujarat cultivators and the Maharashtra cultivators?

Shri S. K. Patil: In Gujarat there are very few factories. Maharashtra is the main thing here, and the Governments were one till recently. I am talking of the past when it was a large, bilingual State of Bombay. The agreement is between the mill-owners on the one hand and the growers on the other. So, by persuasion, the growers have said that they will produce more; that the sugar content also will be more; it is our business as well as your business; therefore, let us consider the thing and evolve the prices which are beneficial to us and which will also help the industry. That is one of the reasons why in Maharashtra the condition of the sugar industry is the soundest, the best and which can compare with the best in the world.

Dr. M. S. Aney: The consumer's agreement was not had in the settlement of price.

Shri S. K. Patil: That is true. Between them they managed their affairs so well that the consumers had to pay a higher price. That is true. For 1957-58, the additional amount that was given was Rs. 1.37 crores. We have deducted it and we must see what must have been there in the absence of such things and then find out the difference as to what they have.

As far as Andhra Pradesh is concerned, I do not give the whole figure,

year by year, for it will take a long time. But in the year 1957-58, before the compulsion came in, the figure rose to Rs. 20.99 lakhs. There are fewer mills, and the sucrose content and also the production per acre are not as high as in Maharashtra. In Madras, it was Rs. 8.10 lakhs because the mills were less in number. In Mysore, it was Rs. 16.89 lakhs. In Uttar Pradesh, Madhya Pradesh, Punjab, West Bengal, Bihar and Orissa, they did not pay anything all these years. Of course, Uttar Pradesh paid a very large and substantial amount—Rs. 51.05 lakhs. The House will realise what would be the situation if they were continued because most of our mills are in Uttar Pradesh, and therefore Uttar Pradesh will have a major share. The others gave it for only one year under the voluntary basis. After that, they ceased to give. In Madhya Pradesh, it was Rs. 1 lakh; They paid once. Punjab paid only once—Rs. 373,000. Bihar paid once—Rs. 14,000—not even a lakh. I do not know how. Some millowners must perhaps have started it and by that time they were stopped by other people and possibly it did not materialise. West Bengal also paid once—Rs. 53,000. Orissa paid once—Rs. 15,000. In Kerala, they paid all the years just like Madras, Andhra Pradesh, etc. In Kerala there is only one factory. The last payment was Rs. 2,49,000 in 1957. For the periods after that year, I have not got the figures. They have gone on paying to the tune of lakhs and lakhs of rupees—those four Southern States and also Maharashtra, because, there, it is governed by private negotiations between the manufacturers and the growers, and they have never asked for the help of the law in order to do it.

The position has come to this. For the last four years, after it was made compulsory, of course, when one goes to a court of law, one can recover the amount. When it was voluntary, nothing could be had. Because of the

voluntary character, nobody could execute it and therefore that is a loss. Now, when we have got the power to make it obligatory, it is only from the year 1958, because clause 3A which is sought to be amended now was enacted only in September, 1958. Therefore, we cannot give any retrospective effect beyond that, and so we have stated that from the 1st November, the new season, this retrospective effect would be given.

The question is, whatever it is, whether you accept one formula or any other formula—you may wholly agree with the Tariff Commission, or partly agree or not agree at all—and what is before the House just now is, not exactly the formula, but the Government are considering, in the light of the circumstances, what that formula should be, and whether it can stand scrutiny before the court of law. This has now become not a question of one's sweet will one side or the other, or on all sides, but a point which will have to stand the scrutiny of a court of law. Therefore, whatever we do, whatever decision we take, must be so complete that the interests of the growers should not be destroyed as a result of it. So, the formula has got to be enacted and made. Whenever the formula is made, it always comes before both the Houses; according to the Essential Commodities Act, any rules, any formula, any change that we make from time to time is to be kept on the Table of the House and it becomes the property of this hon. House.

What is sought to be done now is very simple and of a very limited character. Whatever may be the formula that the Government will ultimately evolve, that formula has got to be given retrospective effect from the season of 1958-59. Such a power of retrospection is not with the Government today. Therefore, my humble submission is that the Government has to be armed with that power, so that if necessary, we may

give retrospective effect to it. Even assuming that this power is not to be used, nothing is lost. Government could have taken this power in the original Act itself. If we bring another piece of legislation, we shall be wiser to take these powers to give retrospective effect right from the beginning, so that we may not have to come before the House with measures to give retrospective effect.

The formula is most complicated and even if I try to explain it, it requires precision in mathematics and working out figures which are of a highly complicated nature. The experts will do that. Government have got to declare year after year, from time to time, the relationship of the price of sugarcane to the relationship of the final price of sugar. It appears very simple, but it is not so simple as it appears. Suppose we call this factor X. This factor X has got to be determined and announced from time to time by the Government. Having announced that, other factors come in as to what is actually the price at which sugar has to be sold, the taxes, the question of rehabilitation, profit and loss, export drive, incidental charges—whether the rates have increased during the time or not in certain respects; for instance, a gunny bag which was selling at Rs 2 might become Rs. 2½ and so on. So many figures have to be divided, multiplied and so on, and ultimately the figure comes.

Then, it has to be worked in accordance with the various mills. There are mills in this country which are so mechanically equipped that they give the best results and you have got the best contents of sugar; the losses are practically negligible. Then, there are quite a number of other mills where all these things are not there. The result is, the formula changes so drastically so far as those mills are concerned. But whether there is a good mill or bad mill, so far as voluntary distribution of these deferred payments is concerned, the mills in U.P. have uniformly not paid.

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anything. There is no difference between a good mill and a bad mill. So also, the mills in Bihar also have not paid anything at all. There is one exception in the case of U.P. In 1953-54, I think they paid well; it was possibly Rs. 53 lakhs or Rs. 55 lakhs.

Whatever formula we ultimately decide upon, we shall have to give retrospective effect to it right from 1958. Therefore, the simple object of the Bill is to arm the Government with power to give retrospective effect to it. We are seeking this power through clause 3A. With these words, I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to empower the Central Government to amend the 'Sugarcane (Control) Order, 1955 with retrospective effect in respect of certain matters, be taken into consideration."

There are some amendments.

Shri S. M. Banerjee (Kanpur): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th October, 1962."

Shri Tridib Kumar Chaudhuri (Berhampur): I beg to move:

"That the Bill be referred to a Select Committee consisting of 15 members, namely Shri Bhagwat Jha Azad, Shri S. M. Banerjee, Shri P. R. Chakraverti, Shri M. L. Dwivedi, Shrimati Subhadra Joshi, Shri Gauri Shanker Kakkar, Shri R. K. Khadilkar, Shri Bhajahari Mahato, Shri Bishwanath Roy, Shri Sham Lal Saraf, Dr. Ranen Sen, Pandit K. C. Sharma, Shri Jai Bahadur Singh, Shri Sinhasan Singh, and the Mover with instructions to report by the last day of the first week of the next session." (2).

Mr. Deputy-Speaker: The amendments of Shri Lahri Singh, Shri Jai Bahadur Singh and Shri Mandal and amendment No. 6 of Shri Tridib Kumar Chaudhuri are all the same as Shri Banerjee's amendment. They are all barred. Amendments Nos. 1 and 2 and the main motion are before the House.

Shri Yallamanda Reddy (Markapur): Sir, I have carefully heard the speech of the Minister explaining the provisions of the Bill. He has sought to take powers for the Government to give retrospective effect to the formula. No doubt we generally give powers to the Government to give retrospective effect in certain cases, but before the House gives such powers, we have to satisfy ourselves that such powers are to be used in the interests of the general public. The House must be convinced that this power which is sought to be taken under the Bill will be used in the interests of the sugarcane-growers in general.

As the Statement of Objects and Reasons says, Government propose to amend the sugarcane order in view of the recommendations made by the Tariff Commission. But we find that the whole burden of the report is to build arguments against the interests of the sugarcane-growers. The Government have said that they have accepted some recommendations made by the Tariff Commission. The Statement of Objects and Reasons says:

"...Amendments which are necessitated as a result of the acceptance by the Government of the suggestions of the Commission for inclusion of allowances for rehabilitation and export losses, for adjustment of costs and for sharing of incentive given for increasing the production of sugar."

Excepting the last one, the other recommendations may go against the

interests of the cane-growers. In view of the recommendations accepted by the Government, when Government propose to bring some amendments in the sugarcane order, one can presume that the order may go against the interests of the sugarcane-growers and the Government are now seeking to have power to give retrospective effect to it. Necessarily one should think that the Government may use this power against the interests of the growers.

If we see the recommendations of the Tariff Commission, they have tried at length to show that the price of sugar is so high because of the high price of the sugarcane. This was the burden of the report. So, Government may have a formula which will reduce the cost of the sugarcane in the final analysis. Previously, there was a formula which the Minister explained—deferred payment formula or sharing of profit formula. There were extraordinary profits made by the sugar industrialists. Recently there was a report of the Reserve Bank of India where it has been stated that these factories are getting enormous profits. The bulletin of the Reserve Bank of India, 1961 shows that 73 public limited companies accounting for 79 per cent of all public limited companies in the sugar industry earned a profit of Rs. 51.2 crores during the years 1955 to 1959. Some of them have been earning a profit of 20 per cent. annually. But this factor has not been taken into consideration by the Tariff Commission; they have never mentioned a word against the extraordinary profits made by these industrialists.

They have only tried to convince the public and the Government that the high price of sugar is due to the high price of sugarcane. For your information, Sir, I will read out one or two lines from the report:

"At the same time, the consumption of sugar in the country has remained low because of

the high price of sugar which is due partly to the high cost of cane, and partly to high taxation."

They have mentioned two factors: high taxation and high cost of sugarcane. But they have not mentioned anything about the exorbitant profits earned by the manufacturers.

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They have also tried to convince the Government by saying:

"In addition to the minimum price a deferred payment to cane-growers in accordance with average selling price of sugar during the year. The deferred payment in the price of manufactured product raises serious difficulties. In a free market when prices take their own course according to the general trends of the economy, growers of raw materials can hardly claim share in the price of the final product without sharing the risks of business."

The Commission could take into account the risks of the manufacturers, but they could not appreciate the risks of the peasantry. There are many difficulties which they have to face. Sometimes the sugarcane growers find themselves in a loss. Sometimes they find that they are not able to get a successful crop. Is there any guarantee given either by the Government or by the industry in this behalf? Therefore, no one can take any responsibility of giving any guarantee. The Tariff Commission has tried its best to show that the high price of sugar is due to high cost of sugarcane. Therefore, in the proposals that the Government are formulating on the basis of their recommendations, there is every danger of the interests of the growers being hit. They may even go to such an extent as to reduce the cost of the sugarcane.

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The Tariff Commission has recommended that the price of sugarcane must be fixed on the basis of the return that is derived. In Maharashtra they get a better return, but in other States they may not get a better return. Also, it depends mostly on the factories and their functioning. Therefore, in view of these recommendations we feel that the Government are going to fix the price of sugarcane in relation to the recommendations of the Tariff Commission. In that case, we are sure they are not going to give them any share of the profit that is derived by the manufacturers. The Commission only insist on the quality of the cane and in accordance with the quality of the cane they can take the price.

The hon. Minister told us about the SISMA formula. In South India, particularly in Andhra Pradesh, many factories have failed to pay the extra profit to the sugarcane growers. There was a big agitation among the peasants about this matter. They have made many representations to the State Government. But the State Government say that this is a central subject and therefore they are powerless and they cannot do anything.

Now, the hon. Minister did not tell us one thing. Because of this revised formula or the formula that is going to be implemented, who is going to be benefited? The Minister did not tell us whether the Government is going to use the power with retrospective effect and make the factories pay to the peasants with retrospective effect, or they will let the peasants lose the amount which is to be paid by the manufacturers. He could have come out with a statement that in view of the revised formula every factory or owner must pay the peasants their dues and that they are going to use the power with retrospective effect from 1958. In that case the ryots would have got their share.

But the Minister has not told us that. He only said: "What is wrong? Give the power to the Government. We may use or may not use it. It will be with us." It is quite absurd, because in that case there is no change at all. The House can give the power to the Government provided the House is convinced that the Government are going to use this power in favour of the sugarcane growers. In that case, Sir, I am prepared to support the Bill. But that has not been told here. Even today the Government has not come out with a revised Sugarcane Order. The Government could have come up with this Bill afterwards. They could have prepared the revised Sugarcane Order and placed it before the House. Then the House could have understood as to who was going to be benefited and who was not going to be benefited because of that revised Order. If it is in the interest of the sugarcane growers the House will readily agree to give the power to the Government. If it is in the interest of the manufacturers, I am sure a majority of the Members in this House will not agree to such a power.

Therefore, Sir, it is better to defer consideration of this Bill. First of all, let the Government prepare a revised Sugarcane Order and place it before the House. Let the House examine it and come to a conclusion whether the revised formula is going to help the sugarcane growers or the manufacturers. Then alone the House will be able to decide whether this power should be given to the Government, even if it is going to be used with retrospective effect from 1958, so that the House will be convinced that the peasants are going to be benefited. But now, as things are at present, when we see the report of the Tariff Commission, when we see the recommendations of the Tariff Commission and the acceptance of some of them by the Government, we

are unable to be convinced that the revised formula is going to benefit the peasants. I feel that it is going to benefit the industries.

Before I sit down, Sir, I would request the hon. Minister to make it clear whether according to the revised formula the factories in the country are to pay to the peasants or the sugarcane growers in the country are to pay to the manufacturers. This fact must be clearly told. Then alone the House can consider this Bill. It is very common with the hon. Minister to keep silent over such matters. When there were so many agitations over the SISMA formula throughout the country saying that the sugarcane growers were not given their due share and there were many representations to the Central Government as well as the State Governments, the Government kept silent. They never tried to use their power and see that the sugarcane growers got their due share.

I feel, Sir, that the Government has gone hurriedly with this Bill. Because, as I said, if they pass the Sugarcane Order and the House comes to know the implications of the Order, they will not get this power as the peasants are not going to be benefited.

Mr. Deputy-Speaker: The hon. Member is repeating his arguments.

Shri Yallamanda Reddy: Therefore, first the Sugarcane Order must be passed. The House can then know the implications of that Order. If it is in the interest of the sugarcane growers, we are ready to give such powers to the Government. Before doing that, it is not proper on the part of the Government to demand such powers. Therefore, I oppose the Bill.

Shri A. P. Jain (Tumkur): Mr. Deputy-Speaker, Sir, in order to fully and correctly appreciate the implications of this Bill it is necessary to go into the history of the formula which

is sought to be applied retrospectively. It was in the year 1953 that late Shri Rafi Ahmed Kidwai, when he tried to fix a lower price of sugarcane, came out with the suggestion that the mills which had longer crushing season, mills which were making more profit, should share their profit with the cane growers. The sharing formula was then applied on a voluntary basis. Shri Rafi Ahmed Kidwai was a dynamic personality who always acted in the interests of farmers and, therefore, he could persuade the mill-owners to part with a share of their profit on a voluntary basis. That voluntary formula continued up to the year 1955 when it was given a statutory shape and an order was passed on the 27th August, 1955 which laid down the method of calculating the price of sugarcane.

The price of sugarcane was to be calculated in the following manner. Firstly, Government laid down a minimum price. It was Rs. 1|5|- at that time. Then it came to Rs. 1|7|- and today it is Rs. 1|10|-. In addition the minimum price for sugarcane laid down by the Government, additional sums were to be paid according to a formula, which was appended to this Order, Rule 3A(1) says:

"Where a producer of sugar or his agent purchases any sugarcane from a grower of sugarcane or a growers' Co-operative Society, the producer shall,"

It is necessary to remember the word "shall"

"in addition to the price fixed under sub-clause (1) of clause 3, pay to the grower or the Society as the case may be, an amount, if found due, in accordance with the provisions of the Schedule;"

What was the position 1955? The mill-owners were put under an obligation to pay (a) the minimum price of sugarcane, as announced by the Government, plus (b) whether you call it bonus or by any other name,

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an extra price as worked out according to the formula. Both these became statutory prices. Thus in 1955 the mills were put under an obligation to pay the minimum price plus the bonus or the extra price.

Shri A. M. Thomas: Not in 1955.

Shri A. P. Jain: It was in 1955. The Minister is challenging that. Perhaps I may read out rule 3(1) also. It reads:

"The Central Government may, after consultation with such authorities, bodies or associations, as it may deem fit, by notification in the Official Gazette, from time to time, fix the minimum price of sugarcane to be paid by producers of sugar or their agents for the sugarcane purchased by them, . . ."

Later on, clause 3A says:

"Where a producer of sugar or his agent purchases any sugarcane from a grower of sugarcane or a growers' Co-operative Society the producer shall, in addition to the price fixed under sub-clause (1) of clause 3 pay to the grower or the Society as the case may be, an amount, if found the due, in accordance with the provisions of the Schedule;"

It is statutory. Anybody who has got a preliminary knowledge of law would agree that this is statutory.

In 1958 this formula was amended. In 1958 the position, so far as the statutory enforcement of this formula was concerned, remained the same, though the formula was changed. Here it is necessary to have some idea of this formula. This formula has used the expression 'X', which has been defined in this order.

"'X' is the percentage cost of sugarcane to the total cost of sugar excluding taxes as determined by the Central Government from time to time on the basis of the reco-

very and duration of season of the factory for year;"

That is to say, the value of 'X' is prescribed from time to time. In the year 1958 when this formula was revised, the mill-owners were dissatisfied with it, so were the cane-growers dissatisfied with it. I was the Minister of Food and Agriculture at that time. In order to resolve the differences, I referred the formula to the Tariff Commission. The report of the Tariff Commission has come. At this stage, I am not concerned with the report of the Tariff Commission, which has raised very many different and larger issues. I am only concerned with that part of the report which is connected with the present Bill.

The Minister has stated that because the matter was with the Tariff Commission, therefore X could not be announced in the years 1959-1960 and 1961. Now we are running 1962. I am sorry, I cannot agree with him. There was nothing to debar Government from declaring the value of X, viz. saying what portion of the price of sugar relates to the price of sugarcane.

The first question is whether this X can be declared only during the year to which it relates or it can be declared subsequently as well. Are we today by law debarred from declaring the value of X? Whatever may be the opinion of the hon. Minister, I again read out the relevant portion for the benefit of the House, though repetition is not a good thing.

"'X' is the percentage cost of sugarcane to the total cost of sugar excluding taxes as determined by the Central Government from time to time on the basis of the recovery and duration of season of the factory for the year;"

It does not lay down that the value of X must necessarily be declared during the year. So, it is open to

the Government to declare it for the years 1958-59, 1959-60 and 1960-61. There is nothing to debar Government from doing it. For that purpose, we need not take power to apply this formula retrospectively.

I understand that the Tariff Commission has recommended that where the point is in dispute the mill-owners are entitled to get rehabilitation rebate; that is to say, for renewal of machinery and for replacement of worn-out parts etc., they must get an allowance. I am not quarrelling with the proposal, because if the industry has to be in tip-top condition, if it has to be kept modern then the mill-owners are entitled to it? But the only question is whether this should apply retrospectively. Here I will refer to the Statement of Objects and Reasons. You cannot lightly pass over the Statement of Objects and Reasons which give pith and substance of the provisions of the Bill. The Bill is to be considered in the light of the Statement of Objects and Reasons. The hon. Minister has to convince the House that the Statement of Objects and Reasons is sufficiently weighty to entitle him to get support for the Bill. What does it say? After saying that the Tariff Commission has given a new formula for determining the additional price, it adds:

"This new formula has been examined and it is considered that it would be more appropriate to apply the existing formula after making suitable amendments thereto which are necessitated as a result of the acceptance by the Government of the suggestions of the Commission for inclusion of allowances for rehabilitation and export losses...."

So, there is no mention of X here. Perhaps, it is an after-thought. Why was it not said in the Statement of Object and Reasons that X could not be declared retrospectively without amending the law? The only two things mentioned in the statement are

(1) payment of rehabilitation allowance to the mill-owners and (2) recovery of export losses. Anybody who has got any knowledge of the cost-structure of sugar knows that it consists of three elements; whatever price is recovered from the consumer is made of three parts. First is the governmental taxes, second is the cost of manufacture and the third is the price paid to the sugarcane grower for sugarcane.

In this particular case, as it relates to the past, sugar has been sold. The price which the sugar fetched is fixed; it cannot be changed. You cannot raise it or reduce it. The taxes have been recovered. You cannot change them. The mill-owner has also recovered his cost of manufacture, profits etc. The sugarcane grower has received his minimum price. Now what is left over? The only thing left over is the bonus, that is, whatever extra price a farmer was entitled to get under the notification of 1955 as amended in 1958.

What does this Bill say? I am a small grower of sugarcane. I supplied sugarcane in the years 1959, 1960 and 1961 and will also supply sugarcane in 1962. I supplied it under a definite and statutory price. What was that price? It was Re. 1-7-0 or Re. 1-10-0 plus bonus. That is my money. There is deferred payment but it is the grower's money. What does this law intend to do? The Government wants to get authority to pay the canegrower's money to the mill-owner in order to reimburse his allowance for rehabilitation. Are we going to rob Peter to pay Paul? It amounts to that. I think there is no justification for the payment of rehabilitation allowance out of my money. There are various ways, if an occasion arises and even if a justification is found for the past, in which this money can be reimbursed. There have been cases where mill-owners have been paid amounts due in the past by raising the cost of sugar for future. If a suitable case is found, you can take to that device. But there is no moral or legal justification

[Shri A. P. Jain]

as to why the money that has fallen due to me, a part of which has not been paid because it was deferred payment, should be paid to the mill-owner or appropriated towards export losses.

Then there is another fundamental defect in this law and it is this. There are some 80 or 90 factories in India which are producing sugar. Out of these only some 30 or 40 factories pay this extra price or bonus; the rest of factories do not pay this bonus or extra price. Now, assuming that this power is taken by the Government what will happen? The result will be that the 30 or 40 factories which have to pay extra price or bonus to the cane-growers will get rehabilitation allowance. These are the best factories in the country which are making large profits. So, by this you are not helping even the poorer factories. You are discriminating between one factory and another factory. You can at the most benefit 30 or 40 factories and not the whole industry. Therefore, it would be wrong to accept this principle that the extra price or money which is due to the cane-grower should be appropriated towards rehabilitation allowance.

Shri Tyagi (Dehra Dun) May I obtain a clarification? How does my hon. friend feel about factories which have already paid the cane-growers their due bonus? After this change will they be authorised to withdraw their share of rehabilitation?

Shri A. P. Jain: No factory has paid any bonus because the Government did not declare X.

Shri Tyagi: I see.

Shri A. P. Jain: Now, the position is this. I consider this Bill to be totally...

श्री काशीनाथ पांडे (इलाहाबाद) : मिलों ने

अपने आप ५१ लाख रुपया दिया, क्योंकि

उन को गन्ना नहीं मिलता था, खासकर पश्चिमी यू० पी० में ।

Shri A. P. Jain: Upto the year 1955 this formula was applicable voluntarily and therefore those payments were voluntary. After 1955 it was a compulsory formula and it has been paid under the compulsory scheme.

What I am submitting is that I do not agree with the hon. Minister that in order to declare X it is necessary to pass the amending Bill. But since he is of one opinion and I am of another, let his opinion prevail. I am agreeable if he wants to have the power retrospectively only to fix the value of X. I have no objection to that, but if he wants to reimburse the mill-owners in regard to the allowance for rehabilitation or if he wants to cover export losses, I will say that this law is anti-farmer; it is anti-social; it is going to harm this country; it is going to shake the faith of the people. So, let it be made clear that if at all these powers are to be taken, they will apply only to the declaration of X so that the farmer may get what is his due and which he is not getting because of certain legal defects.

Mr. Deputy-Speaker: Shri Lahri Singh... Absent. Shri Tyagi.

Shri Tyagi: Mr. Deputy-Speaker, Sir, it is a matter of great importance for the whole nation because primarily it immediately affects the pockets of the poorer lot in the country, that is, the agriculturist. It is well-known that of whatever little addition has been made to the national wealth quite a meagre portion has gone to the villagers. It is always the industrialist who gets it; every time it is the industrialist factually. I must confess that the strain and stress of the Government has been more towards the industrialists and the urban areas than the rural areas. The rural areas have not profited much. They have been neglected in many ways, economically as well as otherwise. Al-

though quite a lot of sum is being spent on rural areas, no direct benefit has come to them and they have not been able to add very much to their income. Therefore I must warn this House, as I know the fact, that the villagers are not happy with the present way of administration of governmental affairs as far as these economics are concerned. They are unhappy because they feel that they have not been given their due share of prosperity or whatever it is. We are the guardians of the whole population and it is far us, everyone of us, to see that no injustice is done to a bigger class of people. It is not always a question of some majority party or a minority party. Everyone of us claims to be a patriot and patriotism means that we must protect the rights and privileges of the people as a whole.

It is in this background and in this strain that I beg to submit and advocate the cause of the villagers. In this case once a committee was appointed which had looked into the cost structure of sugarcane. This Report of the Tariff Commission says in so many words that under the terms of reference which were given to them they were not asked to enquire into the cost structure of sugarcane production. I have known of Tariff Commission reports where cost structure was an essential part of their enquiry. But this was not given to them and they have mentioned it in the Report that the Government had not asked them to enquire into the cost structure.

श्री विभूति मिश्र (मोतिहारी) :

रिपोर्ट में एक जगह कहा गया है कि चीनी का जो दाम मिलता है, उसका ७५ फीसदी गन्ने का कास्ट ग्राफ़ प्राइक्शन है ।

Shri Tyagi: But some time ago an *ad hoc* committee was appointed, in my hon. friend's time perhaps, which had given a report about the cost structure of sugarcane production.

From this report, I am surprised to know that that committee had given a report which has depressed the actual cost; I do not know, to what extent, but there are two instances given in this report where this committee had reported in that manner while taking account of the cost structure. That committee reported that a pair of bullocks cost Rs. 340. Now, this Commission says, and an agricultural expert says that the cost is not less than Rs. 1000. It is a fact that a pair of bullocks which used to cost, in the days of my boyhood, Rs. 80 or 90 is today costing not less than Rs. 1200 or 1400. And yet this is the kind of cost structure which they have taken into account. Have they ever cared to know how much the agriculturists have to pay for the steel that they buy, and how much they have to pay for the textiles and other things? Nobody bothers about the expense ratio of the farmer at all. Again, have they ever realised the cost of labour? The cost of labour is also increasing. In my district at least I can say that it is difficult to have an agricultural labourer for less than Rs. 2 per day, or Rs. 2½ per day.

Shri Braj Bihari Mehrotra (Bil-haur): Buffaloes formerly and bullocks nowadays.

Shri Tyagi: Again, why is it that every time care is taken to see that the margin of profit of a factory is maintained, as if all of us are wedded to factories alone and we are loyal to factories alone? Why not take into account the economics of the cultivator? He is the poorest of the lot, and, therefore, he should be our first concern rather than the factory; the factory should be our concern only after him. Therefore, the cost structure should not be calculated in such a light manner as was done by that committee. I wonder if those very figures have been the basis of the calculations and the conclusions drawn now.

[Shri Tyagi]

Another instance which they have mentioned in this report is that that committee had taken into account the irrigation charge per acre in Bihar as 45 nP. That was the rate which they took into account in North Bihar as the irrigation charge per acre, whereas actually, it is about Rs. 60 in Bihar. This is the casual manner in which the cost structure of sugarcane is calculated. This is unsympathetic, and this Parliament cannot tolerate it. I may make that quite clear. We have seen enough of it in this freedom, but we cannot allow any power to ride roughshod over villagers, and the villagers' rights should be protected.

Coming to the Tariff Commission's report, they were asked only to examine the formula of fair distribution of extra price realisation between the growers and the manufacturers. That is quite right. A commitment was already made, as Shri A. P. Jain has clearly proved now before this House. I too am at a loss to know where the legal difficulty comes. He has said that this was the right given according to this notification; the right was for the Government to announce what the value of X would be. But that has not been done. But, even so, the matter has come up now.

Then, they have recommended that the scheme of deferred payment for growers should be discontinued. I am alarmed on account of the nature of the recommendations and the substance of the recommendations of this blessed Tariff Commission. I call them the blessed Tariff Commission, because I say, may God bless them; I do not mean any abuse.

The Tariff Commission have recommended that the scheme of deferred payments for growers should be discontinued. Thus, in a word, they can dismiss all the rights of the growers; and crores of rupees which are due to the growers can be written off in that manner. We are not prepared to tolerate it so lightly.

Shri Vishram Prasad (Lalganj): This is because they do not have any voice.

Shri Tyagi: Then, they have said that the control price of Rs. 1.62 per maund of cane compares fairly with the cost of alternative crops. That seems to be a good argument that sugarcane crop gives better profits than other crops, than fodder, than maize and other things. In the same way, can I also argue that the prices of Tata's steel shares must be reduced, because that is another industry which gives better profits as compared to khadi or charkha industry? Can I come forward with this argument that because the Ambar charkha production does not give so much margin of profit as iron and steel does, therefore, the profit of the steel industry must be reduced? Can that argument apply in the case of industries? And yet, here, the learned Tariff Commission argues in this strain and says that the cultivation of sugarcane is more paying than that of other crops, and, therefore, the rights of the cane-growers need not be emphasised. They say that the cultivation of sugarcane is more profitable, and, therefore, the growers take to cultivation of sugarcane, and, therefore their rights need not be emphasised. The argument is that they are already getting a profit because they have grown sugarcane instead of the other crops.

Then, they have said that the deferred payment could be justified on the ground that the initial payment was only tentative, or that it was meant to give incentive for the adoption of better techniques of production to improve the quality so that the cost could be reduced, and also that the minimum price fixed by Government was fair and yielded better return in certain areas than what was obtained from alternative crops. So, the argument is that because the alternative crops did not pay so much, therefore, this price was all right for sugarcane.

They have further stated that the deferred price completely ignored the interests of the consumers. Yes, consumers also come into the picture, and, therefore, the consumers' interests also must be considered. Everybody is a consumer, and since his cause is a large cause, we have always to look to the interests of the consumers better. So, because the incidence on the consumer is large, therefore, they say that the sugarcane price must be reduced, but not the profit margin for the sugar industry. The consumer also suffers on account of the high prices that the sugar industry is realising, but nobody bothers about it, because they are after all, our cousins. The industry people are our cousins, urban cousins, while the rural people are step-sons or step-brothers as we might call them. This is not the manner in which we should proceed. This kind of logic is not proper. The same logic must apply uniformly to all the citizens. But the argument that is put forward is that the cultivation of sugarcane is paying more profits, and if we give a higher price for sugarcane, then the incidence of that higher price will fall on the consumers, and, therefore, in the larger interests of the consumers, the sugarcane price must be reduced but not the price of sugar; they never say that the price of sugar must be reduced.

If government felt that owing to a sheltered market, the industry was making high profits, then the proper course would have been to mop up such profits by measures other than sharing with the growers. If Government felt that the sugar factory people were realising huge profits, the best thing would have been to realise more taxes from them, but then they would not give it to the cultivators, because they will become better and they may compete with the urban citizens; and, therefore, this formula of giving additional payment over and above the minimum price should be given up. This is the recommendation which has been made. So, all these recom-

mendations go against the interests of the cultivators.

Of course, my hon. friend has said that he has the interests of the cultivators at heart in bringing forward this measure, although I have not quite understood the argument. But I do realise that there must be some hitch, legal or otherwise, to remedy which he is bringing forward this amending Bill. Perhaps, it may be that legally it may not be sound to pay the deferred payment which was promised to the cultivators at this point of time on account of the lapse on the part of Government or on account of some lacuna in legal interpretation or on account of other reasons, which I need not go into now. But I want that that payment should be made to the cultivators. If it is true, as my hon. friend has practically guaranteed in his statement, that after amending this Act he will be in a better and stronger position to make those payments which have been pending, and which have been due to the cultivators, then I would wholeheartedly support his amendment, but at the same time, I would insist that nothing in his notification should go against the interests of the cultivators.

But, I am afraid that they have said that the sugarcane price be linked with the recovery in the preceding season. But then they have said that Rs. 1.50 will be the minimum price, and the price will not go below that; if that is so, I can quite understand it. But, then, again, a difficulty may arise. Of course, I am coming to a subject which is not relevant to this. A difficulty may again arise out of the notification because the price has been linked with the recovery percentage during the past season. For, it is said that it will be on the basis of the past recovery. How can I get the incentive? Suppose I have produced a richer crop this year. I shall not be paid for the richer crop which I have produced, and I shall

[Shri Tyagi]

not be compensated for the extra expenditure that I have incurred on a lost of good manure which I have used, because I shall be paid not on the basis of the richness of my crop this year but on the basis of the average of the crops during the corresponding five or six months of the previous year. If that is the basis on which I am going to be paid, then what is the incentive for me to improve my crop? This does not give any incentive to the cultivator at all, because, after all, he is going to be paid only on the basis of the previous year's crops. After all, one has to be paid for whatever he has produced now.

Then, it must also be taken into account that the crop does not yield very good recovery in the month of October when it starts. October-November are lean months. Perhaps January/February are the best months. Then again it becomes lean. So it is only for a month or so that the highest recovery is there; for the rest of the season, the recovery is very lean.

Therefore, we shall be paid on the average. The average of the year will be taken, average of good crop and bad crop, as if the whole area is one sugarcane co-operative factory concern or a joint family. It is not so. There are individuals who have produced better crops. You are looking at it as if they have produced a rich crop not for their own personal advantage or the advantage of their own family but for the benefit of the whole area. If I produce a richer crop and there is better recovery on it, the benefit thereof will not come to me; it will go to 20,000 or 30,000 families all round. What is the incentive for me? A collective incentive is there, no doubt. But then an atmosphere has to be created to bring about that collective incentive.

I therefore appeal on behalf of practically the whole House including the

Minister that everything should be done to see that the interests of the peasants and cultivators do not suffer. I hope this hope will not be frustrated and that the assurance given by the hon. Minister will be kept at all costs.

Mr. Deputy-Speaker: Shri Tridib Kumar Chaudhuri. There are about 20 hon. Members anxious to speak. I would request hon. Members to be as brief as possible.

Shri S. M. Banerjee: May I request that the time may be extended?

Mr. Deputy-Speaker: We will see how we proceed.

Shri Bade (Khargone): The Business Advisory Committee had decided to give one more hour for this Bill.

Mr. Deputy-Speaker: We have fixed four hours.

Shri Tridib Kumar Chaudhuri: I represent one of those States which have the fewest number of sugar mills. But fortunately or unfortunately, I represent also a constituency which has a sugar mill and as Shri A. P. Jain and also the present Minister will bear me out, I also happen to be the President of the local cane-growers association and I have had occasion to communicate with the previous Minister and also the present Minister over a number of years.

Shri Tyagi: But your constituency does not appreciate 'sugar' politics.

Shri Tridib Kumar Chaudhuri: It is now four years since the price-linking formula was adopted and I have been pleading with them that it should be implemented for the cane-growers of my area. But up till now it has not only not been implemented but the blanket powers that the Minister now seeks through this Bill make one doubtful whether whatever the promises he might make here will be fulfilled at all in future.

The non-implementation of the price-linking formula over these years is really a history of broken pledge. A solemn pledge, as Shri A. P. Jain has told us just now, was given by the late Shri Rafi Ahmed Kidwai, the then Minister of Food and Agriculture, in 1953-54, according to which this formula was evolved on a voluntary basis; for that year only, that is 1953-54, could the late Shri Kidwai persuade some of the mills in UP to pay according to the previous price-linking formula. But since then, as the Report of the Tariff Commission has made it clear, and as the Minister has also said more than once today, nothing has been paid so far. Several tripartite conferences were held between the millowners, sugarcane growers and the Central Government and State Government representatives concerned. But the gentlemen's agreement was never implemented, that is, the voluntary formula which was previously said to have been in force in terms of that gentlemen's agreement.

Then after three or four years when Government came to the conclusion that it would be impossible to persuade the sugar mill owners to pay anything voluntarily, only then they went for this statutory formula making it a statutory obligation in 1958, as has been pointed out by speakers preceding me. In terms of clause 3A of the Sugarcane Control Order of 1955, this clause was inserted in 1958. Sugar producers because obliged to pay the canegrowers the deferred price according to the present formula. Since then, as it has fallen to my lot, I have been pursuing one Minister after another to implement it. In 1959, the last letter I got from Shri Jain when he was in charge of the Ministry contained his promise that he would ask the department to see that the cane growers were paid their due. Then Shri Jain left the portfolio and the matter came into the hands of Shri S. K. Patil. In March 1960, he

wrote to me with reference to the implementation of this formula:

"The extra price due for a particular season under the price linking formula can be determined only when the accounts for the season concerned have been finalised, which normally takes 3 to 4 months after the close of the season".

He also mentioned that the last release from that particular mill, about which I wrote to him, was given in November 1959. He also informed me that the value of 'X' (used in the formula) i.e. the percentage share of the cane growers in the sugar price for 1958-59 season, was being worked out and as soon as it was finalised, it would be communicated to the factories for making payment of the extra price for cane, and that this was expected to be done shortly.

That is, in March 1960, two years after the linking formula was adopted, when it was under the examination of the experts of his department, he had no doubt in his mind, or at least he was advised to that effect, that there was no complexity about the formula. All complications began to arise only, as he has told us, when the Government adopted the new control schedules of prices recommended by the Tariff Commission in the same year, and repeated pressure, it is evident, was brought by the sugar mill owners upon the Government either to abandon the formula or to give them such allowances for rehabilitation etc., which would make a nullity of that formula. Since then, I have written to him this sheaf of letters which I have here, and he wrote to me, and eventually he said that the thing appeared to be much more complicated than he had earlier supposed, but he never explained to us before, nor now, how and wherefore these complications arose. The only factor of which no account seems to have been

(Shri Tridib Kumar Chaudhuri)

taken in the formula, or in calculating the price of "X", was rehabilitation costs for the mill, but there was never any lack of power with the Government to do that even in terms of the old order.

I might draw your attention to sub-clause 2 of clause 3(a) which reads like this:

"Where the Central Government, having regard to special circumstances prevailing in any State or part thereof, and after consultation with the State Government, is of the opinion that the provisions of the schedule should, in its application to the State or part thereof as the case may be, be varied, or not applied, the Central Government may, notwithstanding anything contained in sub-clause 1, direct that in lieu of the payment provided therein, payment shall be made in accordance with such other provisions as may be notified in the Official Gazette."

That is, if they felt the necessity of varying the formula, they had already the power. It is not that they were not armed with the power. They had the power of varying, but they chose not to apply it, sat quiet for four years over the powers, the very wide powers, that they had even under the existing order. The question of giving retrospective effect has come up only because they want to vary the formula, according to us, absolutely in favour of the mill owners and of none else. The Government are not really sincere in their claim that they want to implement this formula and to realise for the farmers, the canegrowers, the money that is due to them from the industrialists who have made, as our friend Shri Yallamanda Reddi just now said, Himalayan profits, about Rs. 55 crores in one year; and

from that time onwards, several years have passed. You can easily realise what colossal amounts of profit have been made by this industry. Our only plea has been to allow the growers some part of this extra gain which the industry has realised.

Now I come to my main objections against the amendment of the Sugarcane Control Order which is being proposed. I draw the attention of everybody to clause 2 of the Bill. Although the Minister has said that he wants power for giving retrospective effect to the amendment, really if you read the clause, it is a complete blanket power. Government arms itself, is trying to arm itself, with the power even to abandon the formula, if they so choose.

Shri Tyagi: You want to protect the rights of the cultivators. Give more powers so that they can do it more successfully.

Shri Tridib Kumar Chaudhuri: That is what they say, but I remind my hon. friend Shri Tyagi, that a man of the stature of Shri Kidwai gave that pledge, and your party and your Government has failed to keep that pledge. They have sullied the memory of that great man, whom everybody, all sections of the House, irrespective of political opinion, respect and hold in high honour. It is your Government which has failed to keep up that pledge.

15.56 hrs.

[SHRI MULCHAND DUBE in the Chair]

The clause says:

"The Central Government may, if satisfied that public interest so requires,.....

—not only the interests of the cultivators—

"...by order notified in the Official Gazette, amend either prospectively or retrospectively...."

Why prospectively? Prospective power is already there; perhaps as an abundant caution they have added this to the clause, so that they might do anything they like.

Shrimati Renuka Ray (Malda): For the cultivators, I hope.

Shri Tridib Kumar Chaudhuri: You have done that for the cultivators, you have done that for eight years. You gave a pledge here on the floor of the House in 1953-54 and this is 1962, year of Grace 1962, and you have not up till now been able to realise a single naya paisa from the mill-owners. That is your achievement, that is your credit.

Shri K. C. Sharma (Sardhana): Something has been given somewhere.

Shri Tridib Kumar Chaudhuri: Only when Shri Kidwai could persuade the mill owners to do it. You could not, armed with all the powers that you had, realise anything.

So, we are not prepared to give this blanket power to the Government. If Government really mean business and if they want to keep up the pledge that the Minister is now holding out to the cultivators and Parliament, they must suitably modify not only clause 2 but also the formula in favour of the cultivators.

Thank you.

श्री विश्व नाथ राय (देवरिया) : माननीय सभापति जी, जो बिल सदन के सामने विचाराधीन है, वह देखने में और शब्दों के पढ़ने में बहुत साधारण मालूम होता है। हो सकता है कि यह बिल इस सदन के सदस्यों के लिये, चीनी मिलों के मालिकों के लिये और उपभोक्ताओं के लिये साधारण

हो, लेकिन गन्ना के उत्पादकों के लिये तो यह एक घातक चीज है। क्यों है? यह स्पष्ट है इसलिए कि जिस अनुचित मुनाफे का कुछ हिस्सा चीनी मिल मालिकों से ले कर उपभोक्ताओं को दिया गया था, उसका कुछ हिस्सा उनको नहीं मिला जिन्होंने इस उद्योग को बढ़ाने में काफी श्रम किया और श्रम ही नहीं किया बल्कि अभी भी अपना बलिदान करते हैं। इस श्रम केन कंट्रोल (एडीशनल पावर्स) बिल के विषय में आगे बढ़ने के पहले मैं सभापति महोदय, आपके द्वारा, सरकार का ध्यान इस ओर आकर्षित करना चाहता हूँ कि चीनी के उद्योग बंधे को उन्नत करने वाले वे किसान जो आज भी परिश्रम कर रहे हैं देश के उस हिस्से से आते हैं जहाँ पर कभी कभी उनका सर्वस्व प्राकृतिक प्रकोप के कारण नष्ट हो जाता है। इस समय आप पूर्वी उत्तर प्रदेश को देख लें बाढ़ के कारण कितनी ही स्थानों पर गन्ना उत्पादन करने वाले किसानों के गन्ने के ऊपर पानी बह रहा है। मैं इस बात की चर्चा इस कारण यहाँ पर करता हूँ कि जहाँ टैरिफ कमिशन की रिपोर्ट में यह कहा जाता है कि गन्ने के उत्पादक अन्य खाद्यान्न के अनुपात से कुछ अधिक पैसा पाते हैं वहाँ उन्हें इस बात का भी ध्यान रखना चाहिये कि जिस उत्तर प्रदेश के पूर्वी हिस्सों में और बिहार के उत्तरी हिस्से में गन्ना उत्पादकों की संख्या सब से अधिक है वहाँ इस तरह के दैवी प्रकोप भी आते रहते हैं। यह खेद का विषय है कि उनकी ओर टैरिफ कमिशन और यह सरकार कुछ उपेक्षा कर रही है। क्या इस चीनी उद्योग की सुरक्षा के लिये विदेशों में उसका निर्यात करने के लिये और कुछ ग्रंथ मुनाफे का मिल मालिकों के लिये सुरक्षित होने के लिये उन गन्ना उत्पादकों के हितों की तरफ उपेक्षा की जाय?

16 hrs.

अन्य प्राकृतिक प्रकोपों को छोड़ भी दें और केवल आने वाली बाढ़ों को ही लें तो

[श्री विश्व नाथ राय]

भी इनसे पीड़ित होने वाले कृषक लोगों की संख्या देश में नगन्य नहीं है। सन् १९५१ को जनगणना के अनुसार गन्ने का उत्पादन करने वाले किसानों की संख्या २ करोड़ से अधिक थी। इस समय और भी बढ़ी है। सन् १९५३-५४ में जहां ३५ लाख एकड़ भूमि पर गन्ने की खेती होती थी वहां सन् १९६१-६२ में करीब ६० लाख एकड़ भूमि पर गन्ने की खेती हो रही है। इसका तात्पर्य यह है कि देश में गन्ने का उत्पादन करने वाले किसानों की संख्या बढ़ रही है और जिस तरह से उनकी संख्या बढ़ रही है वैसे ही राष्ट्रीय आय में जिससे ५० प्रतिशत से अधिक कृषकों की देन है उस राष्ट्रीय आय में गन्ना उत्पादकों के कारण दिनों दिन वृद्धि हो रह है। इस दृष्टिकोण से सोचने पर कि देश की आय होगी, निर्यात चीनी का होगा और उस निर्यात की सुविधा के लिये मिलमालिकों को जो आमदनी हो रही है वह सुरक्षित रह जाय क्या किया जाय ? इसके लिये जो आपने किसानों के लिये अनुपात निर्धारित किया था जो भी अंश मुनाफे का निर्धारित किया था ऐलान किया था इस सदन के अन्दर एक बार नहीं कई बार उसको आप ले लेना चाहते हैं। आप कह सकते हैं कि इस बिल में वह बात साफ नहीं है जिससे यह मालूम होता है कि उनका मुनाफा ले ही लिया जायगा या नहीं लिया जायगा। जब आप निर्यात के लिये या इस चीनी उद्योग को बढ़ावा देने के लिये गन्ना कृषकों के लाभ में से कमी करेंगे तो स्वभावतः यह अनिवार्य है कि उनका हित मारा ही जायगा। इस बात का ध्यान रखिये कि अगर आप इस तरह से गन्ना उत्पादकों को बिलकुल आप अविलम्बित समझ कर उनको दबाते रहे तो निश्चय ही उनका ध्यान उबर से हटेंगा और उनके लिये जो भी मुनाफा आप की सरकार द्वारा यहां पर घोषित होता है समय आने पर वह मुनाफा मिलने के बदले यदि उसमें कटौती होती है तो इसका कोई

औचित्य नहीं है। यदि सरकार उन्हें मुनाफा दिलाने में सफल नहीं हुई और अब उनका मुनाफा ले लिया जाय तो यह किसी तरह भी इन्विटी, या न्याय के आधार पर उचित नहीं ठहराया जा सकता है। जिस काम को आप नहीं कर सकते हैं उस काम को छोड़ने के बदले कोई दूसरा उपाय करना चाहिये। जो उसका हकदार है उसके लिये जिनका हक है उनके उस हक को ही यहां पर समाप्त कर दिया जाय यह कहां का इंसॉफ है ? आप कहेंगे कि नहीं पूरा नहीं लेंगे, कुछ कमी की जायगी। हो सकता है कि भविष्य के लिये आप ठीक करें। लेकिन जिस बात के लिये आपने यहां एक घोषणा की उससे पीछे हटना एक लोकतंत्रीय सरकार के लिये प्रशंसा की बात नहीं हो सकती है।

सभापति महोदय, मैं सरकार का ध्यान इस ओर भी आकषित करना कि उद्योग-पतियों के उद्योग धंधों को बढ़ाने के लिये केवल निर्यात ही नहीं है। चीनी का निर्यात आज से दो, चार साल पहले इतना बढ़ा नहीं था। चूंकि निर्यात को स्वभवतः हम बढ़ाना चाहते हैं तो उसके लिये जरूरी है कि सरकार गन्ने की खेती को उन्नत करे और गन्ना उत्पादकों को इसके न दे। मैं यह स्वीकार करता हूं कि सरकार का ध्यान उबर है और वह इसके लिये कोशिश भी करती है। लेकिन गन्ने की रीकवरी के आधार पर गन्ने का मूल्य तय करने की जो नीति घोषित हो रही है उस की तरफ टैरिफ कमिशन ने एक बात पर विशेष तरीके से ध्यान नहीं दिया है। वर्तमान नीति को बदलकर चीनी की रिकवरी से संबंधित कर देने से किसको लाभ हो रहा है यह चीज आपको देखनी चाहिये। यह अवश्य दृष्टिकोण रहे कि इससे जिनको लाभ होना है नकी संख्या कितनी होगी। अगर इस तरह से सोचने के बदले उनके मुनाफे का जो अंश होगा उसे किसानों से

लेकर दूसरे उद्योग धंधों और दूसरे क्षेत्र में लगाना चाहेंगे तो स्वभवतः इससे गन्ने के उत्पादन पर आघात होगा ।

मुझे इस बिल का विरोध तो नहीं करना है लेकिन सरकार को यह सुझाव देना है कि जो १९५७-५८ से लेकर अब तक की बात है उसके बारे में उनके मुनाफे के बारे में कुछ ऐसा संशोधन हो जो साफ हो । वर्तमान संशोधन इस समय स्पष्ट नहीं । मालूम होता है गवर्नमेंट के दिमाग में न जाने क्या है कि बात साफ नहीं आ रही है । मैं चाहूंगा कि गन्ना उत्पादकों के मुनाफे की सुरक्षा के लिये सरकार कोई संशोधन लाये जब आप भविष्य के लिये कोई नीति अपनायें तो आपके गन्ना मूल्य निर्धारण की बात फिर सदन में आये । जब वह बातें सदन के सामने आयेंगी तब उन पर विचार हो । लेकिन इस समय तो यही है कि आप जो वादा कर चुके हैं एक वर्ष से नहीं बल्कि कई वर्ष से वादा करते आये हैं उसके बारे में कुछ थोड़ा सा आपने काम भी किया और जिस काम को कि करने के लिये आपकी नैतिक जिम्मेदारी है आप उस जिम्मेदारी को पूरा करें । इन शब्दों के साथ मैं इस बिल में आवश्यक संशोधन के लिये सरकार से अनुरोध करता हुआ अपना स्थान ग्रहण करता हूँ ।

श्री विभूति मिश्र : सभापति महोदय, सिर्फ उत्तर प्रदेश वालों को ही बोलने का चांस मल रहा है बिहार वालों को भी तो इस पर बोलने का मौका दिया जाय ।

Shri S. M. Banerjee: Mr. Chairman, Sir, I have already moved my amendment that the Bill be circulated for the purpose of eliciting opinion thereon.

Sir, I join my hon. friends whether on this side or on that side in opposing this Bill; and I fully agree with my hon. friend Shri A. P. Jain

in this case. To me, after the Land Acquisition Bill, this is the second or rather the ugliest manifestation of the procapitalist policy of this Government.

I have very carefully gone through this Order which was issued on the 27th August, 1955. It clearly says what should be the basis and how the price is to be fixed. As the hon. Minister stated, because this particular Order could not either please the mill-owners or the cane growers, so a reference was made to the Tariff Commission. It was all intentional, I believe, when this reference was made to the Tariff Commission. I will read this term 2.

"To examine whether the claim of the industry for a rehabilitation allowance in the matter of division of sugar price between the canegrowers and the industry is justified and, if so, the rate at which the allowance should be allowed in the price-linking formula(e)."

I do not know what was the necessity of referring this particular item to the Tariff Commission because in the Tariff Commission's Report itself, on page 45, it is stated:

"On the question of the application of the formula the industry drew our attention to a letter from Government of India, Ministry of Food and Agriculture (Department of Food) No., J.S. (S)P.S. 61 dated 10th April, 1961 to the Indian Sugar Mills' Association, relevant extracts from which are reproduced below:—"

[Shri S. M. Banerjee]

The Indian Sugar Mills' Association might have referred this matter to the Government of India and might have demanded some more concession of price facilities to meet their so-called losses due to export.

The reply of the Government was:

"On the basis of the Schedule for the northern region and recovery and the duration attained in 1959-60 the exfactory price in U. P. and North Bihar works out to Rs. 37.31 per maund of sugar. The price of Rs. 37.85 per maund had thus a margin of 54 nP. per maund. The current crushing season is still on and having regard to present trends and estimates of production, it is likely that the margin available this year may be somewhat larger. Government consider that the margin should suffice to enable the industry to meet not only the extra cost on account of wage board award and other factors but also the losses on export quotas so far announced."

I am quoting this to show that whatever is brought in the name protecting the interest of the farmers is for protecting the interests of the capitalists who are making fabulous profits at the cost of the consumer and farmer. The hon. Minister said that he was not a mathematician and that the new formula which was going to be evolved would be in the interest of the farmers. I am not a mathematician and I do not think we require an Indian Einstein to understand the formula in the schedule it has been well defined. Shri A. P. Jain referred to 'S'; There are 'P', 'T', etc.; all have been well defined. Government should see that the farmers do not suffer and the request of the mill owners to reduce excise duty or for more concessions in the name of rehabilitation, etc. is not taken into consideration. Farmers should not be left at

the mercy or at the feet of the mill owners or of Government.

Dr. M. S. Aney: Has 'X' been defined?

Shri S. M. Banerjee: Yes; everything has been defined. Given more time I can read out the whole thing. Hon. Members would have seen the Resolution of the Government embodying the recommendation of the Tariff Commission. It says:

"The Commission's recommendations are: the scheme of linking the price of cane with the price of sugar which is not linked with the quality of cane, which completely ignores the interests of the consumers and does not also promote good relations between the growers and the miller, is not in the larger interests of the sugar economy and should be terminated as soon as possible."

They suggest that this should be linked. It is said in U.P. and Bihar sucrose content in the cane is less; it comes to an average of 9.7 or about 10 per cent. But Shri Tyagi has correctly pointed out that in the subsequent months after the first two months, the content is increasing. I am not a farmer but I have served in a sugar factory for five years as quality supervisor and it will be impossible for the Government to fix the cane price when it is linked with the quality of the cane. It has been done simply to help the industrialists. Right from 1953, the late lamented Rafi Ahmed Kidwai had some arrangement with the employers that they will pay this amount voluntarily. Unfortunately, nobody paid voluntarily with the exception of a few. In U.P. alone, I speak subject to correction, about Rs. 4.5 crores has to be paid to the growers. The Governments of U.P. and Bihar have both opposed the linking formula and have demanded that this money should be realised from the sugar magnates and paid to the cultivators. The hon.

Minister says that he wants this power retrospectively so that he may safeguard the interest of the farmer and see that the same formula is followed by which they can get this amount which is not yet paid to them. May simple question is this. In the Essential Commodities Act is there no section under which a sugar mill owner can be convicted? Section 7 is a penal clause; if an employer or a mill-owner does not pay the grower, he can be punished with three years rigorous imprisonment. Has this section 7 been used against any mill-owner, in Bihar or in U.P. or anywhere else? They never wanted the mill-owners to be asked to pay this amount. Sugar industry in U.P. is the backbone of Congress politics in U.P.

Shri A. M. Thomas: That is here also.

Shri S. M. Banerjee: If you have contested an election from U.P. you would know what it is. I request that this Bill be withdrawn. The *Statement of Objects and Reasons* has made the whole position clear, shamelessly. You cannot segregate by saying that it is only the Bill that is to be considered and not that *Statement of Objects and Reasons* which speaks of:

“inclusion of allowances for rehabilitation and export losses, for adjustment of costs and for sharing of incentives given for increasing the production of sugar.”

I do not think that this rehabilitation allowance is necessary. No more subsidy is necessary. We have been told by the hon. Minister that the Government would incur a loss of about Rs. 12.5 crores on account of sugar export subsidy. What is the loss sustained by the sugar industry for export of sugar to the United States? This Bill simply helps the employers and mill owners. They asked for concessions when the wage board award was there or whenever there is any occasion. This time also, this Act is amended retrospectively to suit the needs of the mill owners and to give

them rehabilitation allowance. Suppose Rs. 30 crores is due from the mill owners by way of deferred and other payments, I may tell you that only Rs. 5 crores will go to the farmers and Rs. 25 crores will go to the mill owners in the name of rehabilitation, subsidy for export losses, etc. This is highly objectionable. The hon. Minister should tell us when he is going to evolve the formula, what is the formula and how does it differ from the 1958 modification or the 1955 order. Otherwise, how can we pass this Bill? The hon. Minister has given a sugar-coated pill in the form of this Bill and wants us to swallow it. We have seen the sugar-coated pill. But we want to know what is in this Bill. It is against the interests of the farmer; it is against the interests of the consumer. Everywhere, it is known that the sugarcane price should be Rs. 2. We have argued for it not once, not twice, but many times in this House. I am sure that Dr. Ram Subhag Singh, when he was not a Minister, always stood for the cause of the farmer.

The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh): I am so even today!

Shri S. M. Banerjee: I am not a farmer, but even today, I believe that Shri S. K. Patil is in favour of the sugarcane grower. But my difficulty is that either it is too deep for us to understand, or, it is all rubbish and in the interests of the mill owner. That is my point. I appeal that the interests of the cane grower should be protected. There are some provisions for the protection. The protection should be given. Under section 7 of the Essential Commodities Act, the mill owners should be dragged to the court of law and punished for three years and they should be clearly told that they cannot possibly do this sort of thing. The cannot force the Government on the basis of their political influence and I am sure that the hon. Minister will kindly withdraw this Bill and take protection under the

[Shri S. M. Banerjee]

existing law we have got and realise this amount.

I am opposed to the linking of cane price with quality. That is wrong. Even the Tariff Commission, in their various reports, have said that it will be impossible for them and at any rate it will be very difficult to arrive at a definite figure as to what should be the price of the cane with reference to its quality of sugar. I feel that this Bill is not necessary. This should be withdrawn. Heavens are not going to fall; when this Government waited patiently since 1955 up to this day, when they saw that the farmers suffered in the hands of the mill owners, when the mill owners did not pay anything, why should this Bill be so necessary now? I feel that the Bill should be circulated, if at all it is necessary, for eliciting public opinion. After the opinion is obtained, we should consider in a calm and cool atmosphere, without any leaning towards the capitalists, whether this Bill is necessary in the interests of the farmer.

I oppose this Bill and I want my amendment for circulation should be accepted.

श्री विभूति मिश्र : सभापति महोदय, पेशतर इसके कि मैं आगे कुछ कहूँ, सब से पहले मैं डेफेंड प्राइस के सम्बन्ध में थोड़ा सा कहना चाहता हूँ, उसका थोड़ा सा इतिहास आपको बतलाना चाहता हूँ। जब हम १९६२ में चुन कर आए उस वक्त एक रुपया तीन आने और एक रुपया पांच आना मन गन्ने का दाम रखा गया था। इस के बाद हम किदवई साहब के पास गए और उनसे हमने इस के बारे में आग्रह किया और उनको बताया कि गन्ना पैदा करने वालों को कम दाम दिया जा रहा है तो किदवई साहब ने बहुत सोच विचार करके कहा कि हम आपको डेफेंड प्राइस देंगे। हमें विश्वास नहीं हुआ कि मिल वाले डेफेंड प्राइस देंगे। श्री डी० एन०

तिवारी यहां नहीं हैं और अगर वह होते तो वह भी आपको बताते कि हम दोनों रात को किदवई साहब के पास गए और उनसे कहा कि मिल वाले आपको ठग लेंगे और यह डेफेंड प्राइस किसानों को नहीं मिलेगी तो किदवई साहब ने, अपनी उत्तर प्रदेश की भाषा में कहा कि विभूति मिश्र तुम देखना कि मिल वाले ठगते हैं या मिल वालों को मैं ठगता हूँ। यह इस डेफेंड प्राइस का इतिहास है। उसके पंद्रह रोज के बाद किदवई साहब का स्वर्गवास हो गया। उसके बाद दूसरे फूड एंड एग्रीकल्चरल मिनिस्टर साहब आ गए और कभी भी डेफेंड प्राइस नहीं मिली।

मैं आपको यह भी बतलाना चाहता हूँ कि यह डेफेंड प्राइस शुरू कैसे हुई। १९१४ से १९१८ तक की जो फर्स्ट वर्ल्ड वार थी, उस वक्त हमारे जिले में एक चकिया शूगर फैक्टरी है जिसे अंग्रेज चलाता था और उसने डेफेंड प्राइस दी। चूँकि उसको लाभ हुआ था, उसको फायदा हुआ था इस वास्ते उसने शोअर्ज को हिस्सा दिया। लेकिन आज जो मिल वाले हैं वे न तो अपने आप देते हैं और न सरकार उनसे दिलवाती है। जब एक बार कानून में यह तय कर दिया गया कि उनको डेफेंड प्राइस मिले तो क्या वजह है कि उनको दिलवाई नहीं जाती है। १९५८ के बाद से जब डेफेंड प्राइस नहीं मिली और इसके लिए सरकार को कम्पेल किया गया तो सरकार ने जो यह झगड़ा था इसके बारे में तय कर दिया है कि यह टेरिफ कमिशन के पास चला जाना चाहिए। जब यह मामला टेरिफ कमिशन के पास चला गया और उसने इसकी छानबीन की तो उस छानबीन के बाद उसने अपनी रिपोर्ट के पेज ४८ पर लिख दिया :

"As regards 'X' the percentage share, the growers claimed that it

should be exactly in proportion of the cost of cane to the cost of sugar which at current levels is, according to them, not less than 75·25. The representatives of the mill industry who had been advocating a share on 50:50 basis after payment of taxes and meeting cost incidents were agreeable to raise the ratio to 60:40 in favour of the grower."

यह जब तय हो गया तो उसके बाद तो सरकार को कम से कम इतना तो देना चाहिये था, ६० परसेंट तो ग्राहकों को दिलाना चाहिये था। लेकिन यह ६० परसेंट भी सरकार ने नहीं दिलाया है। मैं समझता हूँ कि सरकार इस लिए है कि वह देश का नियंत्रण करे, देश का पालन पोषण करे, देश के जो कानून हैं, उनको ठीक तरह से लागू करे। आपके ऊपर यह इनकम्बेंट था कि हमें ६० परसेंट दिलायें। यह आपने क्यों नहीं दिलवाया। हम लोगों के रिप्रिजेंटेटिव यहां पर आ कर बैठते हैं और हर साल हम सरकार का बजट पास करते हैं। पिछले चार साल से हम सरकार का बजट पास करते आ रहे हैं और सरकार को चलाते आ रहे हैं लेकिन ग्राहकों का पैसा आज तक भी उनको नहीं दिला पाए हैं।

मैं एक खतरे की बात आपके सामने रखना चाहता हूँ। टेरिफ कमिशन की जो रिपोर्ट है यह भानुमती का पिटारा है। इसमें बहुत ही बातें लिखी हैं। हमारे पाटिल साहब एक योग्य कुशल वकील हैं। मैं उनको बताना चाहता हूँ वह बात जो कि इस बिल के स्टेटमेंट आफ आब्जेंट्स एंड रीजन्स में लिखी हुई है :—

"This new formula has been examined and it is considered that it would be more appropriate to apply the existing formula after making suitable amendments thereto which are necessitated as a result of the acceptance by Gov-

ernment of the suggestions of the Commission for inclusion of allowances for rehabilitation and export losses...."

मैं बतलाना चाहता हूँ कि इसी रिपोर्ट में लिखा है कि बारह परसेंट जो फॅक्ट्री वालों को दिया है उसमें सब कुछ आ जाता है, मुनाफा, खर्चा, सूद वगैरह। अब मैं पूछना चाहता हूँ कि इस बारह परसेंट में रिहैबिलिटेशन क्या नहीं आता है? हमारे पाटिल साहब भी किसानों के भक्त हैं। मैं उनसे प्रार्थना करता हूँ कि वह इस बात को देखें कि १९३४ में जो शुगर मिल लगाई गई थी, उसने आज तक कितना मुनाफा कमाया है? अगर उन्होंने इसको देखा तो उनकी आंखें खुल जाएंगी। आज चीनी का जो कंट्रोल रेट है वह ३७ रुपये ८५ नए पैसे है जिस में ३७ रुपये ३५ नए पैसे तो कीमत है और ५० नए पैसे उनको और दे दिए गए हैं कि अगर घाटा वगैरह हो तो उसको वे पूरा कर लें। जो भाई कलकत्ता के रहने वाले हैं वे इसको अच्छी तरह से जानते हैं कि वहां पर ४१ रुपये मन चीनी बिकती रही है। अब चीनी की एक किस्म नहीं है, उसकी कई किस्में हैं। जो मोटा दाना होता है उसका दाम ज्यादा है और जो पतला दाना होता है, उसका दाम कम होता है। जो कारखाना दार हैं वे अब तक अपना मुनाफा बराबर लेते आए हैं। मैं, सभापति महोदय, आपका ध्यान उन गवाहियों की ओर दिलाना चाहता हूँ जो कि टेरिफ कमिशन ने ली हैं। उसने किसी भी किसान की गवाही नहीं ली है। इस हाउस में पांच सौ से ज्यादा मੈम्बर हैं, जिस में से कुछ किसान भी हैं और बड़े बड़े किसान भी हैं। लेकिन एक भी लोक-सभा के मੈम्बर की टेरिफ कमिशन ने गवाही नहीं ली है। मेरे जिले में नौ शुगर फॅक्ट्रियां हैं, मेरे बगल वाले जिले में, सारन में आठ शुगर मिले हैं लेकिन वहां पर किसी की गवाही नहीं ली गई है।

[श्री विभूति मिश्र]

गवाहियां ली गईं हैं, लखनऊ में बैठ कर के, पटना में बैठ करके, कलकत्ता में बम्बई और मद्रास में बैठ करके और उन गवाहियों के आधार पर उसने अपनी रिपोर्ट दे दी है। उस टैरिफ कमिशन की रिपोर्ट के आधार पर हमारे पाटिल साहब ने भी अपना बिल बना कर इस हाउस के सामने पेश कर दिया है। इस तरह से जब रिपोर्ट दी जाती है तो स्वाभाविक है, कि उस पर शक हो और शक होता है सरकार पर भी कि वह क्या करेगी। २२ अगस्त १९६२ को एक रेजोल्यूशन सरकार की तरफ से पब्लिश किया गया था। उसमें सरकार ने कहा है कि रिहैबिलिटेशन की कास्ट वगैरह सब चीज रहेगी। उस में यह लिखा हुआ है :

"Government consider that it would be more appropriate, equitable and reasonable to apply the existing formula set out in the Sugarcane (Control) Order 1955 after suitable adaptations and amendments in order to incorporate the suggestions of the Commission for the inclusion of allowances for rehabilitation and export losses."

हमें इसमें सब से बड़ा खतरा यह मालूम देता है कि पहले अलाउंस फार रिहैबिलिटेशन एंड एक्सपोर्ट लासिस, यह करार नहीं था। हमारा आपका करार तो पहले से यह है कि आप हमको एक रुपये दस आने और एक रुपया आठ आने देंगे। इस करार के मूताबिक सरकार का कर्तव्य है कि इतना पैसा वह हम किसानों को दिलाये। अगर सरकार इतना पैसा किसानों को नहीं दिलाती है तो मैं समझता हूँ कि सरकार अपने कर्तव्य का भली प्रकार पालन नहीं कर रही है। माननीय त्यागी जी ने तथा माननीय जैन साहब ने अपने भाषणों में कई बातें कही हैं। लेकिन मैं समझता हूँ कि आज सवाल इतना सा ही है कि जब किसान को चार पैसे

मिलने की बात आती है तो पचासों बखड़े उसमें नजर आने लग जाते हैं, कई झड़गे लगाये जाते हैं। मैं समझता हूँ कि अगर टैरिफ कमिशन में इस सदन का एक भी सदस्य होता, चाहे वह कोई भी होता, लेकिन वह किसानों के, काश्तकारों के दुख और दर्द को जानने वाला होता, तो यह जो टैरिफ कमिशन की रिपोर्ट है यह दूसरी हो होती।

हमारे भाई ने कहा है कि कानून नहीं है। मैं नहीं कहता कि कानून नहीं है। लेकिन कानून को बदला जा सकता है और इसमें कोई मुश्किल बात नहीं है। हमारे जिले में अंग्रेजों के किसानों से जबर्दस्ती लिया गया था कि वे मालगुजारी बढ़ा सकते हैं और किसानों ने बढ़ी हुई मालगुजारी देना भी शुरू कर दी थी। लेकिन मोहन दास कर्मचन्द गांधी जी के नाम से सब जानते हैं, उन्होंने जाकर उस कानून को बदलवाया और किसानों को उस सारे जिले में जो सुविधायें थीं, सब को सब दिलाईं। क्या उनके नाम पर राज करने वाले, उनका ही नाम लेने वाले और उनको पी बताने उमूलों पर चलने वाले कांग्रेसमैन चार बरस तक किसानों का जो पैसा अटका पड़ा रहा मित्र वालों के पास, १९५८ से लेकर, उसको उन्हें वापस नहीं दिला सकते थे? टैरिफ कमिशन के जिम्मे यह काम पड़ा रहा। लेकिन यह नहीं हो सका। मैं पूछना चाहता हूँ कि यह कौन बड़ा बात थी जो कि नहीं हो सकती थी। ५०, ६० फैंक्ट्रियों से पैसे लेने हैं। लेकिन चार वर्ष तक यह चीज टैरिफ कमिशन के जिम्मे रही। गांधी जी ने सत १९१८-१९ में एक साल के अन्दर सारे चम्पारन भर में

सभापति महोदय : अब आपका समय समाप्त हो गया।

श्री विभूति मिश्र : हमारे जिले में ९ फैंक्ट्रियां हैं। हमारी लाईफ लाइन जो है वह भूगर फैंक्ट्रीज हैं। अगर हमारे जिले चम्पारन

से शूगर फैक्ट्रीज को हटा दिया जाये तो हमारी मृत्यु हो जायेगी। हमारे लिये जीवन में आम-दनी का कोई जरिया नहीं है अलावा शूगर फैक्ट्रीज के। इसलिये मुझे पांच मिनट का समय और दिया जाये।

यहां हमारे उत्तर प्रदेश के भाई बोले है और ठीक बोले हैं। मैं बतलाना चाहता हूँ कि उस समय गांधी जी ने कानून बदलवा दिया और किसानों को राहत दिलाया। लेकिन आपने चार वर्षों तक किसानों को डेफर्ड प्राइस नहीं दिलवाई। आप कहते हैं कि हम ने कानून बना दिया है। कानून के बारे में मुझे शक है कि आप जो कानून बना रहे हैं उस में किसानों को डेफर्ड प्राइस न मिल कर रिट्रिब्यूटेशन अलाउंस और एक्सपोर्ट टैक्स जो हैं वही मिलेंगे। मैं आपको बतलाना चाहता हूँ कि आप ने फैक्ट्रियों के मालिकों के फायदे को देखा नहीं है। उनसे हमको ४ आना मन छोआ का मिलता है। मैं पाटिल साहब को चैलेन्ज करता हूँ कि वह दिल्ली के बाजार में या बम्बई के बाजार में जाकर देखें कि ४ आना मन छोआ कहीं है। लेकिन किसानों को ४ आना मन ही उसका दाम मिलता है। दूसरे प्रेस मड ४ आ० से ८ आ० तक हर एक फैक्ट्री वाला बेचता है, जो कि खाद के काम में आता है। लेकिन इसका दाम भी नहीं जौड़ा जाता है। उनके पास बगास है, उसका पैसा भी उनके पास बचता है।

टैरिफ कमिशन को लिखना चाहिये या अपनी रिपोर्ट में कि इतना रुपया किसानों का हर साल अनपेड रहता है, मिल वाले गन्ने का दाम नहीं दे पाते हैं। लेकिन टैरिफ कमिशन ने इस रिपोर्ट में कुछ नहीं लिखा। मैं आपको बतलाना चाहता हूँ कि हर साल किसानों का दाम मिल वालों के पास बच जाता है। दो, चार या दस बार ग्रोअर मिल वाले के पास जाता है तब भी उसका पैसा पूरा नहीं मिलता है। इसके बारे में टैरिफ कमिशन ने कुछ लिखा ही नहीं। टैरिफ कमिशन ने ऐसी बातें लिख डालीं पर आप कानून बना रहे हैं। यहां पर

कानून इस तरह से सरकार बनाती है कि सन् १९५८ से लेकर सन् १९६२ तक जो ग्रोअर को डेफर्ड प्राइस है वह नहीं मिली। उनको मय सूद के वः डेफर्ड प्राइस दिलाई जाय। आपने कहीं लिखा है कि डेफर्ड प्राइस सूद के साथ दिलायेंगे ? मिल वालों के यहां हमारी डेफर्ड प्राइस बाकी है। अगर उन्होंने उसे नहीं दिया है तो हम उसे लें। लेकिन आप कहते हैं कि ऐसा नहीं होगा। इसी सुदन में आलापुर मिल के बारे में कांस्टी-ट्यूशन को अमॉड किया गया, दस बजे रात में अमॉड किया गया। मैं समझता हूँ कि यहां पर ७५ फी सदी आदमी ऐसे हैं जो कि ग्रोअर्स के, गरीब किसानों के वोट पर चुन कर आये हैं और यहां पर उन के हित के लिये बैठे हैं। आप ने संविधान में भी लिखा है कि सोशल जस्टिस होनी चाहिये। चार साल तक गरीब का पैसा नहीं मिला, उस ने सूद का हर्ज करके अपने कर्जदारों को दिया। लेकिन चार साल तक आप चुप बैठे रहे। टैरिफ कमिशन ने कहीं भी नहीं लिखा कि जिन मिल वालों ने पैसा नहीं दिया है उन्हें सजा देनी चाहिये। आप कहते हैं कि झगड़ा हुआ। झगड़ा तो हुआ, लेकिन जैसा पेज ४८ पर लिखा हुआ है ६० फीसदी पेजेन्ट्स को, किसानों को और ४० परसेंट मिल वालों को मिलना चाहिये। और जो झगड़ा हुआ वह नहीं होना चाहिये। लेकिन वह भी नहीं हुआ।

पाटिल साहब त्यागी और तपस्वी हैं और किसानों के भक्त हैं। मैं उनसे कहना चाहता हूँ कि जब कोई जुआ खेलता है तो कंठ पर लगाता है। सारी चीजें यहां कंठ पर रखी हुई हैं।

मुझे एक और बात कहनी है। आप ने लिख दिया है कि रिकवरी के ऊपर आगे जा कर दाम तय होगा, कोमल ठीक होगा मगर यह खतरनाक बात है। इस रिपोर्ट में खुद लिखा है कि इस का संचालन होना मुश्किल है। लेकिन इस के बावजूद भी सरकार

[श्री विभूति मिश्र]

ने तय कर दिया कि रिकवरी के ऊपर कीमत रक्खी जायेगी। यह सब से खतनाक बात है। जब हमारे हाथ में सरकार आई तो किटवई साहब ने कहा कि डेफंड प्राइस मिलेगी, आप कहते हैं कि डेफंड प्राइस तो नहीं मिलेगी। मैं पूछना चाहता हूँ कि आखिर क्या इन्सेन्टिव है किसानों के लिये ? एक दो, तीन, चार या पांच एकड़ जमीन किसान जाता है। मैं आज चैलेंज करके कहता हूँ कि डा० राम सुभग सिंह जो एक किसान मिनिस्टर हैं, खेतों करते हैं, वे हिसाब लगा कर बतायें, उन में हिसाब लिया जाय, कि खेतों में उनको क्या बचता है। उन को खेतों में कितना खर्च होता है और कितना बचत होती है, इस का हिसाब वे सदन को दें। अगर किसान को कुछ बचता हो तो किसान से पैसा लिया जाय नहीं तो न लिया जाय।

एक माननीय सदस्य : वह हिसाब देंगे क्यों?

श्री विभूति मिश्र : देंगे क्यों नहीं ? यहाँ चेअर पर बैठे हैं तो क्यों नहीं देंगे, आप भले ही न दें ? आप एक किसान की फसल को देखिये। आप को पता होगा कि सुबह से शाम तक परिश्रम करने के बाद वह अपना गन्ना फेक्ट्री तक ले जाता है, लेकिन उसके बाद भी उस को पूरा पैसा नहीं मिलता। हमारी सरकार जो है वह टैक्स लेती है। केन्द्रीय सरकार और स्टेट की सरकार दोनों मिल कर १४ रु० ६ आ० टैक्स लेती हैं। मैं बहुत अदब से पूछना चाहता हूँ कि आप ने क्या केन डेवेलपमेंट किया ? जो पैसा आप लेते हैं उस में से कितना पैसा आप ने उस पर खर्च किया ? मेरा मतलब केन्द्रीय सरकार और राज्य सरकार दोनों से है। स्टेट गवर्नमेंट जो ३ आ० लेती है केन सेम वगैरह का वह जनरल फंड हों गथा, केन्द्रीय सरकार जो एक्साइज लेती है वह भी जनरल फंड हों गथा, जब सभी कुछ जनरल फंड हों गथा तो किसान बेचारा कैसे डेवेलप करे।

हम यहाँ बैठते हैं, ४०० रु० महीना तन-स्वाह लेते हैं और २१ रु० रोज लेते हैं, अगर कडिशन जगह में बैठते हैं, इस लिये हम को किसानों का हालत का पता नहीं चलता। गांधी जी ने जो शर्त रक्खी थी कि जो जिस काम पर जाय पहले उस काम को करे, उस तरीके से काम होना चाहिये। अगर हमारे फूड और ऐग्रिकल्चर मिनिस्टर अपने हाथ से खेतों करते, अपने हाथ से हल चलाते, कुदाय चलाते, तब उन्हें पता चलता कि किसान का दुःख और दर्द क्या चीज है।

एक माननीय सदस्य : अब खेती करने वाले मिनिस्टर हैं ?

श्री विभूति मिश्र : इत लिये मैं चाहता हूँ कि अगर पाटिल साहब किसानों को पैसा दिलाना चाहते हैं तो रिट्रैक्टिविटीशन अला-उस और एक्स्पॉर्ट लासेज को बात न करें। सब से बड़ी बात यह है कि हमें मंत्री महोदय से बहुत आशय है, उनकी मिनिस्ट्री से आशय है, आगे चल कर हमें देखना है कि क्या होता है।

श्री विश्राम प्रसाद : सभापति महोदय, बड़े दुःख और शर्म की बात है कि हमारे कृषि मंत्रालय के द्वारा, जहाँ पर रोज कृषकों के फायदे की बात कही जाती है, ऐसे बिल लाये जाते हैं जिन से किसानों का बहुत बड़ा अपहित होने वाला है। अभी कल परसों लैंड ऐक्विजिशन बिल आया, जिस के ऊपर इतना हाहाकार मचा। उसमें अग्रेडमेंट हुए और अब यह दूसरा बिल आया है गन्ना प्राइस कंट्रोल के बारे में। मैं श्री जैन से और श्री त्यागी की बातों से सहमत हूँ। फार्मूला छोड़ दिया जाय जो इस में दिया हुआ है। मैं एक सिम्पल फार्मूला आप के सामने रखता हूँ। एज ऐन ऐग्रिकल्चरिस्ट मैं ने ऐग्रिकल्चर पढ़ा और उस के बाद यू० पी० गवर्नमेंट में ऐग्रिकल्चर डिपार्टमेंट में १४ साल तक काम किया। मैं आपको

एग्रिकल्चर डिपार्टमेंट के फिगर्स दे रहा हूँ। अगर १०० मन गन्ना पैदा होता है तो उस में से ६० मन जूस निकलता है, १५ मन गुड़ निकलता है और १० मन चीनी निकलती है। जैसा कि सरकार ने फिक्स किया है, अगर किसान को प्राइस १ रु० १० आ० मन हो, तो १०० मन का दाम करोड़ १६० रु० हुआ। अगर उस में से १० मन चीनी बनी तो उस का दाम लगभग ४०० रु० हुआ। उस के बाद मिल मालिकों को ४ या ५ मन चोटा, जिस को आप मोलैसेज कहते हैं, मिलता है, खोई भी मिलती है। अगर उस का दाम ज्यादा नहीं, १० रु० ही रख लें तो कुल ४१० रु० हो गये। उस में से १६० रु० गन्ने की कोमत निकाल दें, तो भी मिल मालिक को २५० रु० बचा। उस में से मिल मालिक का प्राफिट, सेस टैक्स, एक्सपोर्ट टैक्स, यवर्नमेंट टैक्स वगैरह का जितना हिसाब चाहें लगा कर निकाल लीजिये। १६० रु० तो किसान को मिला, फिर २५० रु० में से कुछ कास्ट आफ प्रोडक्शन वगैरह निकाल दीजिये। अगर किसान को १०० फी सदी मिलता है तो मिल ओनर को १५० फी सदी मिलता है। लेकिन होता क्या है कि जब किसान को दाम देने की बात आती है तब इस तरह के बिल आ जाते हैं कि जिस में किसानों को ठीक दाम न मिल। जब १९५५ के ऐक्ट में १ रु० १० आ० दाम फिक्स हुआ था उस के बाद किसान को बोनस देना था तो वजह क्या है कि इस तरह का बिल लाया जाय? इस बिल को लाने का मकसद क्या है? मकसद यह है कि बोनस न दिया जा सके। मंत्री जो ने बताया कि महाराष्ट्र और गुजरात में जो मिलें हैं वह गन्ने का दाम दो रुपया और सवा दो रुपया देने के बावजूद किसानों को एक करोड़ ३७ लाख रुपया बोनस के रूप में दे सकें। लेकिन उत्तर प्रदेश में जहां ४० से ज्यादा चीनी मिले हैं और जिन्होंने ५५ करोड़ मुनाफा किया, उसमें से किसानों को केवल ५१ लाख

दिया। इसका मतलब यह है कि जितना रुपया उनको बोनस के रूप में देना चाहिए था उतना आज तक नहीं दिया। मैं इस बिल को लाने की आवश्यकता तो तब अच्छी तरह समझ सकता जब मिल ओनर्स की ओर जो किसानों का पैसा निकलता है उसको इसके द्वारा दिलाये जाने की बात होती। मिल मालिकों ने जो २० पर सेंट और २५ पर सेंट मुनाफा करके जो ५५ करोड़ रुपया कमाया है उसको वसूल करके अगर किसानों को दिलाने की बात होती तो यह बिल सपोर्ट करने के काबिल होता।

आज किसान को अपने गन्ने का मूल्य एक रुपये और दस आने मन मिलता है। आप देखें कि किसान कितने परिश्रम से गन्ना पैदा करता है। यहां बहुत कम लोग होंगे जो यह जानते हों कि किसान किस प्रकार घूप में और सू में गन्ने को सींचता है और किस प्रकार जाड़े को रातों में उसका रखा करता है, और फिर उसको काट कर किस प्रकार उसको मिल के दरवाजे पर तीन तीन दिन तक रकना पड़ता है। उसके बाद उसको एक मन गन्ने का मूल्य १ रुपया १० आना मिलता है। मेरी प्रार्थना है कि एक दिन मंत्री जो बैलगाड़ी में बैठ कर गन्ने के खेत की हवा खा लें, ताकि उनको अहसास हो जाये कि किसान जो पैदा करता है उसमें उसको कितना परिश्रम करना पड़ता है।

यह बिल जो लाया गया है यह रिट्रेबिलिटीशन के लिए और एक्सपोर्ट लासेज को पूरा करने के लिए है। पर इन चीजों से किसान का क्या सम्बन्ध है? उसका क्या फायदा है? अगर आप गन्ने का भाव १ रुपया दस आने मन रखते हैं तो चीनी का दाम ८ आने सेर रखिये और अगर आप चीनी का भाव एक रुपये सेर रखते हैं तो किसान को अपने गन्ने का दाम ढाई रुपये मन मिलना चाहिए। आपने बताया कि

[श्री विश्राम प्रसाद]

महाराष्ट्र और गुजरात में किसानों को गन्ने का दाम सवा दो रुपये दिया गया तो भी मिल मालिकों ने उनको एक करोड़ ३७ लाख रुपया बोनस का दिया

श्री स० का० पाटिल आप गलत कह रहे हो, यह बोनस उस गन्ने के दाम से अलग नहीं है, यह उस में शामिल है।

श्री विश्राम प्रसाद : तो भी ज्यादा है।

मैं कहना चाहता हूँ कि आपके पास एग््रीकल्चरल एक्सपर्ट हैं, रिसर्च स्टेजन्स हैं, आप देख लें कि किसान जो गन्ना लाता है उसमें एकचुअल सूक्रोज कंटेंट कितना पड़ता है, दस परसेंट पड़ता है या पांच परसेंट पड़ता है, चीनी का कास्ट आफ प्रोडक्शन क्या पड़ता है और आपका शेयर क्या पड़ता है, और उसके बाद किसान को जो कीमत मिलती है वह उचित है या नहीं। अगर आपके हिसाब के बाद किसान का गन्ने का मूल्य कम आता है तो कम दीजिए, लेकिन अगर आप किसान के फायदे की बात करते हैं

श्री क० ना० तिवारी (बगहा) : यह आप क्या कह रहे हैं। जब ५ परसेंट सूक्रोज कंटेंट होगा तो वह कम दाम देंगे, इससे किस का नुकसान होगा और किस पर इसका असर पड़ेगा ? आप किस का काज एडवोकेट कर रहे हैं ?

श्री विश्राम प्रसाद : मैं जानता हूँ कि पांच परसेंट कभी नहीं जाएगा। नवम्बर में कम होता है, लेकिन दिसम्बर, जनवरी और फरवरी में और मार्च तक ज्यादा होता है, अप्रैल में जाकर कम होता है। लेकिन पांच परसेंट कभी नहीं जाता।

मैं इस बिल का इसी शर्त पर समर्थन कर सकता हूँ कि इस के द्वारा किसानों का जो पैसा सन् १९५८ से आज तक का बाकी है वह उनको दिलाया जाए। आपने कहा कि

किसानों को महाराष्ट्र और गुजरात में इतना मिलता है। उसी हिसाब से अन्य किसानों को भी दिलाया जाए तो मैं इसका समर्थन कर सकता हूँ। वरना इससे किसानों को नुकसान होगा और मिल ओनर्स को फायदा होगा जिनका, मुझे विश्वास है, आपके ऊपर प्रेशर है। अगर इस बिल के द्वारा आप यह करना चाहते हैं कि मिल मालिकों को किसानों का जो बोनस देना है वह माफ कर दिया जाए, तो आप इसको वापस ले लीजिए।

Dr. P. S. Deshmukh (Amravati): A lot of points have already been urged, and I would not like to repeat what has already been said.

The formula itself came into existence because it was found that sugar was being sold at prices higher than what Government had determined, and the price of sugarcane was determined in relation to a particular price of sugar. When it was found that the millowners were making larger profits and selling the sugar at higher prices, it was my senior colleague, at that time, Shri Kidwai who considered it unreasonable for the millowners to appropriate the whole profit and not to share it with the cane-growers. The genesis of this formula and all these various other things that have arisen out of it is this.

So far as the present Bill is concerned, it looks fairly innocent, and I believe it is, because all that Government seek by this Bill is to get the power of retrospective action, so far as the application of the formula is concerned. On the other hand, Shri A. P. Jain has urged with considerable force, I believe, that no such retrospective power or authority is necessary because there is in the Order itself the necessary power with Government. All that they have to do is to determine the percentage, namely the value of x, and to work out the profits that should go to the cane-growers. If that suggestion is accept-

able, then there will be no need for this Bill. But he also said that in case Government differed from this view and thought that without this power they would not be able to act, then he had no objection, nor do I have any objection, to the Bill being passed. But I have the strongest possible objection to the Government's acceptance of the recommendation of the Tariff Commission so far as rehabilitation and export losses are concerned, and I have taken this opportunity to say a few words by way of protest against this acceptance by Government of the Tariff Commission's recommendations, so far as these two points are concerned.

This is fantastic. I think that it is unheard of. I have not been able to get the time to study how far in any industry the man who supplies raw material is made to contribute to the rehabilitation of the industry, however foolishly it is run by those who are the owners and the managers of the industry. It is apparent that it does not apply only to sugar but it applies to all the industries in India; they are run by people who cannot distinguish one thing from another and have no expert knowledge whatsoever. All that they have is the thousands of rupees which they have accumulated through usury and other things, and they have become industrialists with that money; they never take any precaution to see that the industry from which they get the profit functions properly, adequately and scientifically so that it could last long, and also see to it that the machinery is repaired continuously to the adequate extent. When the condition of our industry is this, Government have accepted, somewhat blindly, I believe, at any rate without proper thought that the people who are supplying sugarcane and thus are doing an innocent job of supplying the raw material for an industry, this recommendation of the Tariff Commission. The growers are now going to be retrospectively subjected to the charges for rehabilitation of that industry, for the upkeep of which the industrialists

have not at any time paid much attention because all the time they are interested only in profits, high profits, exorbitant profits and unreasonable profits, and profits day and night and every time, without caring to see whether the machinery can bear that much strain, whether it is properly repaired, and whether it is kept in proper trim.

So I think the Government ought to revise this decision even after the acceptance of this recommendation, and they should come forward and say that it is unreasonable to expect the sugarcane growers to bear any portion of the cost of rehabilitation of the industry, because they have had no share in the management of the industry. I could have understood if they had any say in the management, if they were represented on an advisory board or some such thing connected with the management. But there is no such relationship between the suppliers of cane and the management of the industry.

Similarly as regards export losses, why should the growers bear the same. There are many other agencies coming into play. For instance, Government have given the whole monopoly of export not to the co-operatives but to the Sugar Mills Association. If they have to bear any losses and if Government think that they should not bear so much loss, they might contribute out of the taxation they get from the industry which pays very heavily in terms of taxation. The sugarcane grower has to pay the sugarcane cess, the industry has to pay; I have calculated some of the figures put before me and I find that a new factory pays in a year about the whole investment in that factory by way of taxes including, of course the sugarcane tax. If a new mill costs those people who set it up about Rs. 1½ crores, I think the factory has to pay minimum in one year about Rs. 90 lakhs by way of taxes to Government, Central and State. Therefore, I submit it is very unreasonable for the Government which make so

[Dr. P. S. Deshmukh]

much out of the sugarcane grower and the industry to except the small sugarcane grower to be made responsible for these export losses.

Secondly, I agree with the contention that the linking of the price with the sucrose content will not be a practical thing to do. I hope the Minister of Food and Agriculture will see that this matter is considered, because as has been mentioned in another place by Shri A. P. Jain, there are so many factors; it takes a lot of time for the sugar factory to crush the cane which lies in the yard for a day or two—the cane grower is not responsible for that—he is also not the authority to choose his own time to cut the cane; as soon as it is ready—there may be no water in his well—he has no alternative but to cut it and bring it to the factory. These are all the circumstances and it would be penalising the sugarcane grower to link it with the sucrose content.

Here I must also say that circumstances relating to cane growing differ from place to place. The situation in U.P. and Bihar does not obtain so far as Maharashtra is concerned. Probably something else may therefore be proper in Maharashtra which would not be proper to be applied to U.P. and Bihar. For instance, even the period of maturity of sugarcane differs. In U.P. and Bihar the crop is mostly annual while in the south it is 18-month crop. In the south they get two crops in three years; therefore the sucrose content is higher. There are so many other factors also.

My main point is however against the rehabilitation charges being put on the shoulders of the sugarcane growers. I may also say that I wish Shri S. K. Patil every success in his attempt because I think it is his desire that the sugarcane growers should not be put to a loss. I hope as a result of this Bill which he is piloting he will be able to pay the growers what they are entitled to and so far as the future

is concerned, he will support my contention, namely, that the sugarcane growers should not be burdened with the cost of rehabilitation and export losses. To put this burden on the sugarcane growers, who have no hand in the management of the industry or in the export of sugar, would be unjust. Therefore, even if a decision has been taken before, I hope it will be revised and the sugarcane growers will not be saddled with these charges.

श्री गौरी शंकर कक्कड़ (फतेहपुर) :
सभापति महोदय, आज जो संशोधन बिल हाउस के सामने रक्खा गया है उस के इतिहास पर आप गौर करें तो शुरू में जैसा कि अभी बतलाया गया है सन् १९५५ के पहले दो दफा आपस में एग्रीमेंट होकर यह रक्खा गया था कि जो प्राइस जो कोमत सरकार की मिनिमम हो उसके अतिरिक्त बोसरन के रूप में भी जो गन्ना पैदा करते हैं उनको पंसा दिया जाय। इसके बाद सन् ५५ में एक आर्डर बना कर उसको एक स्टैचुटरी पोजीशन दे दी गई। सन् १९५८ में भी उसको पुष्ट किया गया और उसके बाद अब उसकी बहुत साफ पोजीशन है। जब एक चीज यह कानूनो तौर पर बन गई कि जो गन्ना पैदा करते हैं उनको गन्ने की कीमत मिलेगी। जो भी एकोनामिक कौस्ट होगी उसके अतिरिक्त उन को वहां बोनास के तौर पर ऐक्स्ट्रा पेमेंट भी दिया जायगा। मेरी एक बात समझ में नहीं आ रही कि क्या दिक्कत थी और क्या आपत्ति थी जबकि एससिसायल कमोडिटीज ऐक्ट १९५५ में बना और उस कानून को एनफोर्स किया गया तो उस कानून में सम्बन्धित धारा में यह बड़ा साफ दिया हुआ है कि अगर किसी तरीके से कोई इन आर्डर्स की वीच करता है, नहीं मानता है तो पीनेल क्लाइज उसमें तीन साल की सजा के लिए दिया हुआ है। खाद्य मन्त्री महोदय ने सदन के सम्मुख जो यह बात रक्खी कि जो भी रुपया काश्तकारों को जिन्होंने कि गन्ना पैदा किया उन को पाना है उनको वह पैसा देने के लिये लीगल सैक्शन नहीं है।

में उनसे इसमें सहमत नहीं हो सकता। मेरा तो यह विचार है कि कानूनी दृष्टिकोण से जब एसोसियल कमोडिटीज ऐक्ट एनफोर्स है तो जो भी पैसा ड्यू है और जिसको कि आपने स्टैंचुटरी शेष सन् १९५८ मे दे दी है, कोई कानूनी आपत्ति नहीं है और वह पैसा मिल मालिकों से वसूल किया जा सकता है। यह खाली सिविल लायबिलिटी नहीं है क्रिमिनल लायबिलिटी भी है क्योंकि एसोसियल कमोडिटीज ऐक्ट के अन्तर्गत यह आर्डर गवर्नमेंट आफ इंडिया ने पास किया है और इसके ब्रीच करने पर जैसा कि मैंने अभी निवेदन किया उनको तीन साल की सजा है। मेरी तो यह समझ में नहीं आता कि जब सरकार एक नरक तो यह आवाज उठाती है कि हम देश में समाजवादी आर्थिक व्यवस्था चाहते हैं परन्तु जब सदन के सामने कोई संशोधित बिल आता है जब सदन के सम्मुख कोई भी कानून आता है तो इस बात का प्रदर्शन होता है कि इस देश के रहने वाले मुट्ठी भर जो पूंजी वाले लोग हैं जो मिल मालिक हैं उनको प्रोत्साहन देने के लिये और उनकी दौलत को और जल्दी और ज्यादा बढ़ाने के लिये काम किया जा रहा है।

मुझे तो यह देख कर बड़ा हर्ष होता है कि हमारी खुद रूनिंग पार्टी के बहुत से माननीय सदस्य भी इस की मजमूत करते हैं और बुराई करते हैं परन्तु बाद में जब मत देने का प्रश्न होता है तब मालूम नहीं क्या बात हो जाती है कि वह प्रजातन्त्रवादी भावनाएं उनमें उस समय नहीं रह जाती हैं। मैं यह समझता हूँ कि अगर यह भावनाएं जिनका कि वह प्रदर्शन सदन में करते हैं और यह सिद्ध है कि वह समाजवादी आर्थिक व्यवस्था के बिल्कुल विपरीत चीजें होती हैं तो फिर उनको उस तरीके पर मत देने में भी बाधा होनी चाहिये।

समापति महोदय, मुझे आप के द्वारा माननीय मन्त्री से यह निवेदन करना है कि

यह शक्कर का प्रश्न बड़ा गम्भीर प्रश्न है। आज तो हमने शक्कर के मामले में इस कदर प्रगति की है कि शक्कर एक ऐसी चीज है जिसको कि हम विदेशों में भी भेजते हैं। जब शक्कर के उत्पादन में मिल मालिकों को इस कदर मुनाफा होता है जैसा कि रिजर्व बैंक की रिपोर्ट से विदित है कि उन को एक वर्ष में ५५ करोड़ रुपये के करीब मुनाफा हुआ तो ऐसा व्यवसाय जिसमें कि इतना अधिक मुनाफा होता हो, तो जो मेहनत करते हैं जो किसान गन्ना पैदा करते हैं, सुबह से शाम तक खून पसीना एक करते हैं उनके अधिकार की जो चीजें हैं जिनका कि आप ने उनको अधिकार दिया है, जो पैसा उनको पाना है कानूनन जिसके कि वह अधिकारी हैं, एनटाइटिल्ड हैं उस पैसे के लिये भी आप उनको इस तरह के संशोधन लाकर एक ऐसी जगह पर ले जाते हैं कि उनको पैसा न मिल सके।

17 hrs.

यह बात मेरी समझ में तो नहीं आती है। इस बिल के स्टेटमेंट आफ आबजैक्ट्स एण्ड रीजन्स में यह कहा गया है कि यह संशोधक विधेयक इसलिये लाया जा रहा है कि अगर पैदा करने वाले मिल-मालिकान के विधेय पुनर्वास और एक्सपोर्ट पर होने वाले खर्च, एक्सपोर्ट लासिज, को पूरा करने की व्यवस्था की जाये। स्टेटमेंट आफ आबजैक्ट्स एण्ड रीजन्स से इस बिल का उद्देश्य बिल्कुल स्पष्ट और साफ जाहिर होता है। इस लिए अगर सरकार इस सदन को यह विश्वास दिलाने का प्रयत्न करे कि हम गन्ना पैदा करने वाले किसानों के हितों की रक्षा के लिये यह कानून बना रहे हैं, तो यह बात मेरी समझ में नहीं आती। मैं समझता हूँ कि कोई मामली कानून जानने वाला भी इस बात से सहमत नहीं हो सकता। अगर यह प्रश्न कभी भी किसी न्यायालय में जायगा, तो स्टेटमेंट आफ आबजैक्ट्स एण्ड रीजन्स के आधार पर कभी भी इस प्रकार का कोई निर्णय नहीं हो सकता, जिससे अगर-

[श्री गौरी शंकर कक्कड़]

केन पैदा करने वाले किसानों को फ़ायदा हो सके। स्टेटमेंट आफ़ आबजैक्ट्स एण्ड रीज़न्स से विल्कुल साफ़ जाहिर होता है कि सरकार ने यह संशोधक विधेयक देश के कुछ मुट्ठी भर मिल वालों को फ़ायदा और लाभ पहुंचाने के दृष्टिकोण से इस सदन के सामने रखा है, जो कि ख़ूब मुनाफ़ा खा रहे हैं और जिनका मुनाफ़ा दिन-प्रति दिन बढ़ रहा है।

मुझे एक बात और कहनी है। सरकार इस बात की कोशिश कर रही है कि इस संशोधक विधेयक को बिद रेट्रोस्पेक्टिव इफ़ेक्ट लागू किया जाये और इसको पिछले सालों के सम्बन्ध में भी एन्फोर्स किया जाये। जैसा कि मैंने अभी आपसे कहा है, जिन किसानों ने मेहनत करके गन्ने का उत्पादन किया है, जिन्होंने १९५५ से लेकर अब तक का रुपया प्राप्त करना है, जो कि उनका कानूनी राइट, टाइटल और अधिकार है, उन किसानों को कानूनी रूप से हमेशा के लिये उस से वंचित करने के लिये सरकार यह विधेयक ला रही है। मेरी समझ में नहीं आता कि अगर यह अर्मेंडिंग बिल न लाया जाये, तो सरकार को इसमें क्या आपत्ति है। अगर किसी व्यक्ति को कोई कानूनी टाइटल या अधिकार प्राप्त है, तो इस अर्मेंडमेंट के बिना उसका प्रयोग हो सकता है और वह पैसा वसूल किया जा सकता है, यहाँ तक कि उस कानूनी राइट का ब्रोच करने पर क्रिमिनल प्रासीक्यूशन हो सकता है। यह सब होते हुए भी सरकार की ओर से यह कहा जा रहा है कि गन्ना पैदा करने वालों के हितों की रक्षा के लिये यह संशोधक विधेयक लाने की आवश्यकता हुई।

मुझे खेद है कि १९५५ से लेकर अब तक सात वर्ष हो गए, लेकिन सरकार को अभी तक न तो इस बात की क्षमता रही और न हो शायद उस को इस बात का समय मिला कि

वह एक मर्तबा भी कीमत निर्धारित कर सके। जहाँ तक उस फार्मूले का सम्बन्ध है, जिसके द्वारा मूल्य निर्धारित किया जाना है, उसके बारे में भी सरकार ने अभी तक कोई निर्णय नहीं लिया है। जब सात वर्ष का समय व्यतीत हो गया और अब तक उस तरफ़ कदम नहीं उठाया गया है, तो फिर यह कैसे समझा जाये कि सरकार के हृदय में उन गरीब किसानों के लिये किसी तरह की हमदर्दी है, किसी तरह का खयाल है, जो कि रात-दिन खून पसीना एक करके गन्ने का उत्पादन करते हैं ?

अभी एक सप्ताह भी नहीं गुज़रा है, जब कि इस सदन के सामने लैंड एक्वीज़ीशन बिल पेश किया गया था। उस समय भी ऐसा मालूम होता था कि इस सदन के समस्त माननीय सदस्यगण इस राय के हैं कि उस बिल के द्वारा शरीबों के ऊपर एक बड़ा कुठाराघात हुआ है। उस समय मैंने देखा कि कांग्रेस पार्टी के हमारे मित्रों और बुजुर्गों ने बड़े जोर के शब्दों में उस राय का समर्थन किया, जैसा कि आज इस विधेयक के बारे में हो रहा है। परन्तु मुझे यह आशा करनी चाहिये कि जो माननीय सदस्य इस बात को समझते हैं और इस संशोधक विधेयक को पूरे तौर से देख कर इसके यही माने निकालते हैं, दूसरे माने नहीं निकालते हैं, कि इस विधेयक को पास कर देने से उन करोड़ों किसानों का बहुत बड़ा अहित होगा, जिन्होंने गन्ने का उत्पादन करके मिलों में भेजा है और शूगर तैयार करने में इतना बड़ा भाग अदा किया है, मतदान के अवसर पर वे माननीय सदस्य, श्री चौधरी, और दूसरे सदस्यगण के द्वारा पेश किये गये इस संशोधन का समर्थन करेंगे, जिस का आशय यह है कि इस विधेयक को पास करने से पहले इसको जनमत की राय जानने के लिये बाहर भेजा जाये। जहाँ तक इस संशोधन का प्रश्न है कि विधेयक के बारे में जनता की राय लो जाये, मैं उस का समर्थन करता हूँ।

मैं इस सदन को विश्वास दिलाता हूँ कि इस तरह के अर्मेन्डिंग बिल पास कर देने से इस देश में समाजवादी आर्थिक व्यवस्था के सूत्रधार इस बात का प्रदर्शन करते हैं कि वास्तव में समाजवाद से उन का कोई सम्बन्ध नहीं है, बल्कि उन का सीधा-सीधा सम्बन्ध इस देश के मुट्ठी भर, इने-गिने पूंजीपतियों से है और उन्हीं को फायदा पहुंचाना उन का उद्देश्य है। इसी अधिवेशन में हम लोगों ने यह सुन लिया कि दस पंद्रह साल से पीपल्स कार के बारे में जो चर्चा चल रही थी, जो विश्वास दिलाया जा रहा था कि पांच, साढ़े पांच हजार रुपये में वह कार मिल सकेगी, उस के बारे में हमारी कैबिनेट ने आखिरी फ़ैसला कर दिया और उस योजना को शैल्व कर दिया। उस का क्या कारण है? उस का कारण यह है कि भारतवर्ष का एक परिवार है, जिस को हमारी सरकार फायदा पहुंचाने के लिए प्रोत्साहन देना चाहती है और अगर लोगों को सस्ती कार मिलने लग जायें, तो उस परिवार की इस बारे में कोई मानोपली नहीं रह जायेगी।

मैं निवेदन करता चाहता हूँ कि आज इस तरह के संशोधक विधेयक, जिस से कि आम जनता और मेहनत करने वालों का शोषण होता है, उन लोगों के द्वारा लाये जा रहे हैं, जो कि आजादी से पहले, १५ अगस्त, १९४७ से पहले, इन बातों का कट्टर विरोध करते थे। आज उन लोगों का सामने आ कर इन बातों को अपनाना कहां तक उचित होगा ?

इस लिए मैं आप के द्वारा मंत्री जी से प्रार्थना करूंगा कि या तो वह कृपा कर के इस अर्मेन्डिंग बिल को वापस ले लें, या, जैसा कि माननीय सदस्य, श्री बनर्जी, या श्री चौधरी के संशोधनों में कहा गया है, इस बिल के बारे में जनमत ले लिया जाये, ताकि देशवासियों को यह मालूम हो सके कि इस विधेयक के द्वारा किस तरह उन गरीब किसानों का गला घोंटा जा रहा है, जिन्होंने

मेहनत कर के शूगरकेन का उत्पादन किया है, और इस विधेयक के बारे में हम लोग उन की राय जान सकें।

Shri K. N. Pande: Mr. Chairman, I have to say a few words about this Bill. So many points have been touched by hon. Members.

Mr. Chairman: The House will be sitting up to 6-30 till this Bill is finished.

Shri Harish Chandra Mather (Jalore): It should be with the consent of the House. The decision should not be taken in the Chamber.

Mr. Chairman: Government is under some difficulty.

Shri Hari Vishnu Kamath (Hoshangabad): Parliament is supreme here, Sir; it can even revoke what Government has decided.... (Interruptions.)

Shri S. K. Patil: With due respect, I would say that Government has no part in it.

Shri Tyagi: He says Government has no part in it. If you are pleased to extend the time of the House, you may kindly take the formal sanction.

Shri Hari Vishnu Kamath: On a point of order, Sir. The Order Paper says that the item listed at 5 O'Clock is the half an hour discussion. What has happened to that? I find Shri Malhotra also waiting here.

Mr. Chairman: It will be taken up on some other day.. (Interruptions.)

Shri Bade: Sir, a point of order has been raised by Shri Kamath.

Mr. Chairman: I see the point. But let us proceed for the present.

Shri Bade: It is a point of order. Please give us a ruling whether you accept the point of order or not.

Mr. Chairman: One may or may not accept it. It is a different matter.

[Mr. Chairman]

But the House is sitting till this Bill is finished. Please go on. Let us see.

Shri Hari Vishnu Kamath: Does it mean that the half-an-hour discussion will be taken up at 6 O'clock instead of at 5 O'clock?

Mr. Chairman: Yes; or at the time that the House wants.

Shri S. M. Banerjee: Before this Bill was taken up and even after that, some of the hon. Members including some on that side requested the Deputy-Speaker who was in the Chair at that time that the time for this Bill should be increased. It appears that as in the case of the Land Acquisition Bill, they want to pass this Bill today. It is really strange why this Bill should be passed today itself.

Shri Tyagi: I formally propose that the House should sit up to 6 O'clock and finish this Bill. You might take the consent of the House.

Shri Hari Vishnu Kamath: Let that motion be put to the House.

17-11 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Gauri Shanker Kakker: I rise to a point of order. According to the Order Paper, at 5 O'clock, we have to take up the half-an-hour discussion. I cannot understand how it can be changed and discussion on this Bill continued.

Mr. Speaker: The House is master of its own procedure. If it wants to proceed with the Bill and finish it, certainly we can make adjustments. We are not ruling out that we cannot take it.

Shri Hari Vishnu Kamath: The point is whether it is agreeable to the House.

Mr. Speaker: I have just put that point. I am not saying that I can do it. The House can do it. I will have to explain the position to the House

also. We have just had a meeting of the Business Advisory Committee. Shri Kamath was also present there. We had just seen the business which we have. We want to rise on the 7th September, definitely, as has been programmed already. Therefore, we have to adjust the business. There is some business with the Government and the Government is very anxious to finish it. Again, there was a very strong demand that the flood situation should be discussed because it had caused so much damage to the country and a grievance was made the other day also. So, we have to find some time for that also. Then the discussion about the law and order position is there, so far as Delhi is concerned. Some hon. Members feel that that also must be taken up. We had all these considerations in the Committee just now and we have come to the conclusion that every day we shall have to sit longer in order to finish the work that we have got. For today, we wanted that—and it was our desire—this Bill should be finished. It is for the House to decide.

Shri Hari Vishnu Kamath: We sit longer from tomorrow. That was what we decided.

Shri S. M. Banerjee: When the Deputy-Speaker was in the Chair, some of us requested that this Bill is a controversial Bill. As you can ascertain from the proceedings, almost all Members who spoke wanted to oppose the Bill in one way or the other. My submission is, since this Bill has raised a public controversy, the time should be extended. This Bill, after all, is not replacing any ordinance. Therefore, what is the hurry that this Bill should be passed at this point of time?

Shri Rane (Buldana): This difficulty would not have arisen had the Land Acquisition Bill not taken such a long time. Additional time of ten hours or more was taken by it. That is why the difficulty. (Interruption).

Shri Hari Vishnu Kamath: But then Shri K. C. Reddy's motion was dropped.

Mr. Speaker: We are faced with a situation in which we have to finish some business that is before us within the last four days of this session. We need not go into the causes: whether we spent more time on the Land Acquisition Bill or whatever else was the reason. Now, we are faced with a situation that if we want to adjourn the House on the 7th, then, we must sit longer. We shall have to bear that in mind and I think we should agree to do that.

It is for the House to decide whether we want to take up the half-an-hour discussion just now and then, after half an hour, take up again the discussion of this Bill. If that be the wish of the House, we can spend half an hour on that discussion and then come back to the discussion of this Bill and continue with it and finish it. Or, we might continue this Bill and fix the half-an-hour discussion for some other day. I think hon. Members will also agree to that.

Shri Tyagi: In this Bill, there are no other amendments to the clauses; there is only one amendment that the Bill should be circulated for eliciting opinion.

Shri S. M. Banerjee: There is an amendment that the Bill be referred to a Select Committee.

Shri Tyagi: Therefore, this Bill is not going to take any time for the second reading. We have had our say and if there are a few other Members who want to have their say, they may do so. We may sit till 6-30 and finish this Bill. I formally move that we sit till 6.30.

Mr. Speaker: That would be my request also, that we might sit up to 6:30. I would give time to those who want to express themselves. Whatever decision the House takes ultimately, that is a different thing,

whether the House then feels like throwing it out or whatever it is.

Shri S. M. Banerjee: There is an amendment for referring the Bill to a Select Committee. Some of the Members, thinking that it would be put to vote tomorrow, have left and they are not here.

Mr. Speaker: So far as the amendments or clauses are concerned, when we come to them, if there is any real difficulty, we can have the voting postponed. But let us first finish the discussion on the Bill and then take up the clauses. If there is some practical difficulty, we will see what can be done.

Shri Hari Vishnu Kamath: May I make an earnest appeal to you? There is a seminar in the Central Hall today. Secondly, I have found unfortunately—it is a matter for regret—that several times in the last session and in this session also, half-hour discussions fixed on several items have been postponed and sometimes not taken up at all. Again it is going to happen today. It is very unfair to the House. I do not blame you nor the Minister of Parliamentary Affairs wholly, but collectively the Government and the Ministers. (*Interruptions*). Today let us have the half-hour discussion. From tomorrow, let us sit till 6.30.

Some Hon. Members: No.

Shri Hari Vishnu Kamath: If the Minister is agreeable, he might withdraw the Bill and bring it for the next session.

An Hon. Member: Why should he withdraw?

Shri Hari Vishnu Kamath: He might postpone the Bill.

Mr. Speaker: The time that we can usefully spend in discussing the Bill is spent in other directions.

Shri Sinhansan Singh (Gorakhpur): 4 hours have been fixed for the Bill and the Bill began at 2:30. Even if we sit till 6, it will be less than 4 hours.

Mr. Speaker: We are sitting till 6:30. It comes to 4 hours, unless he wants to exclude the time that he is now taking.

Shri Sinhasan Singh: Then, you have discretion to extend the time by 1 hour more.

Mr. Speaker: There is a formal motion by Shri Tyagi that we might sit up to 6:30 and finish this Bill today. I think that is the pleasure of the House.

Some Hon. Members: Yes.

Shri Inder J. Malhotra (Jammu and Kashmir): What about the half-hour discussion?

Mr. Speaker: We can have it tomorrow or the day after. I shall see that it is taken up tomorrow or day after.

Shri Inder J. Malhotra: All right.

Mr. Speaker: Was any Member in possession of the House?

Shri K. N. Pande: Yes; I have been called.

Mr. Speaker: There are a large number of hon. Members who want to speak. They might make their points as strongly as they want, but take as little time as possible.

Shri K. N. Pande: I do not want to mention many points in this connection, because many points have been stressed by Shri Jain, Shri Tyagi and others. I want to say something as to why this Bill was brought and what effect it is going to have so far as the practical working is concerned. The reason given for bringing this Bill before the House is that the Commission has recommended that something should be given towards rehabilitation and also for losses incurred against exports. But I fail to understand as to how the Bill is going to be brought into practical action. The same Tariff Commission had recommended that the factories were not entitled for rehabilitation in 1959

though the Indian Sugar Millowners' Association had put its claim for the same before the Tariff Commission. But they rejected it. First of all, it has to be understood first as to what rehabilitation is. Every factory has got some machinery which has a certain life. Taking into consideration the lives of those machineries, depreciation has to be allowed. Most of the factories were established in 1934. At that time the price of machinery was very much less. As such, the depreciation money realised by those factories cannot be sufficient to meet the higher prices prevailing at the moment. Therefore, the factories represented their case before the Commission and said that as the prices have gone up, they should be given some margin so that they can replace their machinery. The Commission pointed out that the condition of the factories was not uniform. They said that some were established in 1924, some in 1934 and some in 1940, and therefore the rate of rehabilitation allowance for each factory was different. The Commission therefore asked the factories to put up their case so that they could understand how much money was required for rehabilitation. The case was represented before the Commission, but in the end the Commission did not favour it, and when the report of the Commission came before the Government they also did not accept the proposal of the industry. An order was passed and Government accepted the report of the Tariff Commission.

What new thing has come up at this moment that the same Tariff Commission has suggested that the factories require support for rehabilitation? This is reasonable. That the machineries have to be replaced, and as the prices have gone up naturally they require some help. But how is this Bill going to meet the requirements of those factories which were not required to pay extra price for cane to the cultivators? This was not

based on sound reasons. This formula was applicable only in north where the factories had earned more money by selling sugar at a higher price. The price of sugar is also not uniform in all the factories. Not all the factories have realised the same price. Therefore, the formula was based on this, that if a factory realised certain results beyond what was fixed by the Government they will be liable to give something out of that and share, it with the cultivators. This was under examination for four years. Anyhow, his Bill has come and I agree that if the case of these factories who were required to pay higher prices is considered to allow them something for rehabilitation, let the same be done.

But what is going to happen with those factories which were not required to pay anything to cane growers? You cannot discriminate among factories. You cannot say that one factory is going to get rehabilitation charges and the other factory is going to be deprived of it. I do not think that anybody can say that this formula or this reasoning is rational.

What is the other alternative? I am not referring to the amount of money that will be collected. I am referring to the principle. Once the Government is agreeing that the factories are entitled for rehabilitation without ascertaining as to how much the factories require in order to rehabilitate themselves. This question has to be examined first, and if the Government comes to a decision that such and such factories require so much money for rehabilitation they have to take decision for all the factories in the country. Now what is going to happen? Out of the 172 sugar factories only a few factories are going to give this extra price according to this Bill. If it is accepted that the whole money is going to be pooled and the Government will share it equitably among all the mills in order to enable them to rehabilitate themselves, then it is all right. But is the money going to be pooled?

1730 (Ai) LS—8.

Coming to the export losses, there is no doubt about it that there are losses on exports done by this country. But the factories have got a margin to adjust that loss and something is allowed in the sugar price against export loss. How is it going to be utilized? Is it going to be refunded only to those factories which were required to pay the extra price or is it going to be pooled for others too? That is the question which has to be examined. If you accept the principle of rehabilitation then those factories which are not going to get any refund even they will claim to be rehabilitated. Then what will happen? You will have to increase the price of sugar. Is it possible? If you simply say that you are going to collect this money for rehabilitation and export losses, it is a very dangerous thing which will invite so many complications. Therefore, I would suggest to the hon. Minister to reconsider the whole matter, because it is very complicated, and refer it to the Tariff Commission for examination so that we may not become a laughing stock before the country.

Coming to the linking formula, although the hon. Minister says that the formula evolved just now by relating it to the recovery is very rational and the present *ad hoc* arrangement is very irrational, still I fail to understand the logic. It may be anything, but the new formula is not rational. Why? What was your basis for evolving this new formula? You want to encourage that cultivator who produces better type of sugarcane. But by the introduction of your formula what is going to happen? Bad and good cultivation will be mixed together and the payment will be on the average. Then there will be no encouragement to a good cultivator to produce better cane. The result will be that the quality of cane will deteriorate at the end and you will not achieve what you want to achieve. Therefore, if after two years you will have to come to the same conclusion, why not you examine the

[Shri K. N. Pande]

formula in the beginning itself. What is wrong with the *ad hoc* formula? By that the cultivators were at least assured that they will get so much price. Now, according to this formula, what is going to happen for the last two years or seasons, the factories have been running upto the month of July. Naturally, after March the recovery goes down and the average is very low. It is only in the end of December and January and February that there is high yield, but it is consumed by the low recovery in the beginning and the end of the season. As the factories in the last two seasons have been running up to the month of July, the recovery on the whole has gone down. So, if you are going to take the average figure, naturally, the cultivator is not going to gain anything, unless you fix some minimum price as the limit. Therefore, there is no difference between the old formula and the new formula, if you fix that a certain minimum has to be paid to the cultivator in spite of the fact that the quality of the sugarcane is not good. So, my suggestion is that before you start this new experiment try to improve the quality in the first two years. Your new formula has a history behind? Your own department has conducted some experiments in some factories but that is not sufficient. As long as the cane of each cultivator is not being analysed in the factory, what is the difference between the good and bad cultivator? So, the result is not going to be very good. Therefore, as I said in the beginning, I hope you will give some thought to it and do the needful, as required by the cultivators.

17.30 hrs.

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

Mr. Deputy-Speaker: Shri Thomas.

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): Mr. Deputy-Speaker, Sir..

Shri K. N. Tiwary: Sir, I gave my name much earlier.

Shri D. D. Puri (Kaithal) and Shri Sinhasan Singh (Gorakhpur) rose—

Mr. Deputy-Speaker: He is not giving the final reply. He is only intervening. We will continue the debate after his speech.

Shri Inder J. Malhotra (Jammu and Kashmir): Let the the intervention be final.

Mr. Deputy-Speaker: The hon. Minister will be replying to the debate at the end.

Shri A. M. Thomas: I am only intervening.

Shri S. K. Patil: I will be replying at the end.

Mr. Deputy-Speaker: The hon. Deputy Minister will have to be very brief.

Shri D. D. Puri: We must be given some time.

Mr. Deputy-Speaker: He will be brief.

Shri A. M. Thomas: This is only an enabling measure which authorises the Central Government to apply the price linking formula, whatever it may be, with retrospective effect, that is, from the year 1958-59. A lot of issues have been raised in this debate which are, to me, alien to the consideration of the issue in question. It has even been stated that this measure is anti-farmer and anti-social. Very strong expressions have been used by Shri A. P. Jain and Shri Tyagi. But I humbly submit that they have not carefully read either the Tariff Commission's Report or the Resolution of the Government of India on the Tariff Commission's Report. If they had carefully read the Report as well as the decision of the Government of India, I think, they would not have rushed with the expressions that they have used on the floor of the House today.

Shri Tyagi said that we should always be ready to protect the interests of the peasant and the farmer. I would like to recollect what exactly has been the minimum price of sugarcane. A lot of things were said about the late Shri Rafi Ahmed Kidwai and how he tried to protect the interests of the growers. He had done a great lot for the farmer and for this country but we have to bear in mind certain facts. When Shri Kidwai was the Minister of Food and Agriculture the minimum price of sugarcane was Re. 1|3|- and Re. 1|5|-.

Shri Tyagi: And of sugar?

Shri A. M. Thomas: I will tell you.

Shri Inder J. Malhotra: In which year?

Shri A. M. Thomas: In 1952-53. The increase in sugar prices mainly arose because of the excise duty. I remember, in the First Lok Sabha, when I was a private Member, hon. Members led by Shri Lal Singh fought for an increase in sugarcane prices.

Shri K. C. Sharma: We may take it that Shri Rafi Ahmed Kidwai was as bad as you are.

Shri A. M. Thomas: When we consider the minimum price we have certainly to take into consideration the prices of competing crops; and according to Shri Kidwai even at the rate of Re. 1|3|- and Re. 1|5|- sugarcane cultivation was profitable. Then, after Shri Kidwai, Shri A. P. Jain was the Minister of Food and Agriculture. The price of cane was Re. 1|5|- and Re. 1|7|- till he left in August, 1959. Every Session, so to say, there was a debate on the price of sugarcane and it was said that this must be raised from Re. 1|5|- and Re. 1|7|- to at least Re. 1|8|- and Re. 1|12|-. But then it was consistently being resisted saying that it was a reasonable price and that even with this price acreage under sugarcane was increasing.

Shri Tyagi: Ministers always do like that.

Shri A. M. Thomas: I do not want to say that. It was in 1959 that the minimum price of sugarcane was raised from Re. 1|7|- to Re. 1|10|-. Is it an anti-farmer measure? Is it an anti-social measure? I respectfully ask. Without knowing the background it is very easy to blame and say that the measures brought by Government are all anti-farmer or anti-social and something like that.

I am afraid, there is a lot of misunderstanding as to what the Government intends to do in this matter. The Government has published its resolution on the Tariff Commission's recommendations. Hon. Member's think, and I think Shri Tyagi still entertains that doubt, that we are going to enforce the recommendations contained in the Tariff Commission's Report, and it is for that purpose that we have brought forward this Bill.

Shri Tyagi: Yes, my hon. friend is right.

Shri A. M. Thomas: The main recommendation of the Tariff Commission is this:

"A new formula should be applied on an all-India basis for the seasons 1958-59 to 1961-62 for computing the deferred price payable to the growers. In this formula, the share of the cultivator has been fixed at 45 per cent of the additional sugar price and that of the miller at 30 per cent, the balance 25 per cent being represented by taxes on the share of the miller."

This is the crux of the recommendation of the Tariff Commission. What have Government done on that? Government have not accepted that recommendation. Government have said that the existing price linking

[Shri A. M. Thomas]

formula will continue with certain modifications.

Shri S. M. Banerjee: What are those recommendations?

Shri A. M. Thomas: The question now is whether those modifications are necessary or not. Shri Tridib Kumar Chaudhuri has been saying that for the last four or five years, we have not been enforcing this price linking formula, but now we have brought forward a measure which might take away those very rights which have accrued to the sugarcane growers, and he wanted to know the reason for it.

Now, what is the real position? It was in the month of September, 1958 that this schedule making compulsory the payment of a deferred price had been incorporated in the Sugarcane (Control) Order. Shri A. P. Jain said that it had become obligatory from 1955. I interrupted him at that time and said that he was wrong, but he persisted in his remark. Now, Sir, what exactly is the correct position? The Sugarcane (Control) Order is of the year 1955, but the Sugarcane (Control) Order from which he was reading had this heading 'Sugarcane (Control) Order as amended up to 2nd March, 1960'. The price linking formula by which the sugarcane grower gets a deferred payment has been incorporated in it only in September, 1958. That notification is also with me, and it is dated 23rd September, 1958, and it reads thus:

"In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955, the Central Government hereby makes the following further amendments:.....".

It is in that notification that this clause 3A has been inserted. So, it is only from the season 1958-59 that this deferred payment has become compulsory. Before that it was only voluntary; the sugarcane

growers and the factories, and in order to keep up the good-relationship, Government also, were trying to see that payment was made, but that was purely on a voluntary basis.

Shri Sinhasan Singh: No.

Shri A. M. Thomas: I do not understand how my hon. friend Shri Sinhasan Singh says 'No'. When the legal position is like that, when I quote from facts and figures, from the statute itself, I do not know how my hon. friend says 'No'.

Shri S. K. Patil: My hon. friend has not read the order.

Shri A. M. Thomas: I was saying that it was only from the year 1958-59 that this deferred payment had become obligatory.

Shri Yallamanda Reddy: I have got the 1955 Order with me, and I can read out from that.

Shri A. M. Thomas: I do not know how with so much of legislative experience my hon. friends are saying like this. The Order was issued in 1955, but whenever an amendment is made to any enactment or any order, that will take effect only from the date of that amendment. This Order of 1955 has been amended by the order dated the 23rd September, 1958. Further, this clause has been called clause 3A. If it had been in the original order, it would have been numbered as 3, 4, 5 or 6 or something like that, and not as 3A, so that this was something new and this was something which came into force from the season 1958-59. So, this was enforceable only from the year 1958-59.

I may now explain why this Bill is necessary. Although the price linking formula was devised from the year 1958-59, in that very same year, the question of the price structure of the sugar industry was referred to the

Tariff Commission. The Tariff Commission in its report prescribed four regional schedules applicable to four regions. That was a revised cost structure. So that when this 'X' had to be declared, we have necessarily to take into account the Tariff Commission's report which was accepted by Government and which was laid before this hon. House. No Member raised any objection to that price formula which has been adopted by us on the recommendation of the Tariff Commission. That had necessarily to be adopted. In order to enforce this price linking formula, in order to arrive at 'X', we have necessarily to adopt this revised price schedule drawn up by the Tariff Commission, accepted by Government and laid on the Table of the House. It is necessary that two or three points be made clear in this matter.

So that that has to be done. Then the Gopalakrishnan Committee, the report of which was responsible for introducing this price linking formula, recommended a rehabilitation allowance of 52 nP for every factory.

Shri S. M. Banerjee: Did you accept it?

Shri A. M. Thomas: If you had to go according to this price linking formula, that is the Gopalakrishnan Committee's formula, you had necessarily to adopt the price structure adopted by that Committee; so that you had necessarily to give 52 nP by way of rehabilitation allowance. And what is it that the Tariff Commission has recommended? The Tariff Commission recommended 40 nP rehabilitation allowance for factories in certain regions. What have the Government of India done? They said it would be given only in those cases where as a matter of fact factories had set apart an amount for rehabilitation allowance and in those cases where amounts have been spent in rehabilitation. Only in those cases would the rehabilitation allowance become payable. Is this a case where justice is being denied?

Shri Tyagi: Why did you not clarify it in the very beginning?

Shri A. M. Thomas: This is the case with regard to rehabilitation allowance.

Then with regard to export losses, it is true that in certain seasons when exports started the export losses were met by raising the internal price of sugar. But afterwards that was stopped. Then Government itself came in and said they would bear the export losses. The industry was also asked to bear a part of the loss from the fair price that has been fixed for it. But when you want to share in the margin, you would necessarily have to take into account for that particular loss that has been borne the industry. That is only proper and fair.

Shri Yallanmanda Reddy: What is the recommendation of the Tariff Commission?

Shri A. M. Thomas: You will find that although the Tariff Commission had only recommended 45 per cent to the grower—when Government commit a matter to such an impartial and competent body, Government usually accept all the recommendations—here some modifications have been made and it was only for this purpose, namely, to see that as far as possible the existing formula was kept on which the expectations of growers have been based. At the same time, we must try to be fair to the industry in order to cover the actual expenses that the industry was legitimately entitled to.

Considering all these aspects, Government have come to the conclusion that they have. The Resolution makes the matter clear. I am very sorry that several Members have used very strong words which had absolutely no relevance. If they read the Resolution of the Government of India I think these words would not have been used.

17.44 hrs.

[MR. SPEAKER in the Chair]

श्री विभूति मिश्र : अध्यक्ष महोदय, मैं आप की भाषा से मंत्री महोदय से एक प्रश्न पूछना चाहता हूँ। गन्ने की जो कीमत फिक्स की जाती है उस में चार आने मन छोआ (मोल्लेसेज) का दिया जाता है जबकि बाजार में मोल्लेसेज ३ रुपये मन विकता है तो इस के बारे में टैरिफ कमिशन ने अपनी रिपोर्ट में क्यों नहीं कुछ लिखा है ?

श्री सिर्हासम सिंह : अध्यक्ष महोदय, आप ने जो मुझे थोड़ा सा समय इस बिल पर बोलने को दिया उस के लिए मैं आप का आभारी हूँ।

उपमंत्री महोदय ने सन् १९५५ के आर्डर की बात जो कहा है कि वह वालियेटरि था मैं समझ नहीं सकता कि जो आर्डर गवर्नमेंट के एसेंशियल कमोडिटीज ऐक्ट के अन्दर निकले वह आर्डर वालियेटरि है या कम्पलसरी है ? एसेंशियल कमोडिटीज ऐक्ट का संकशन ३ प्रोवाइड करता है कि गवर्नमेंट अपने आर्डर को एसेंशियल कमोडिटीज ऐक्ट के अन्दर ईश्यू करे। संकशन ३ यह है:—

Section 3 provides:

"If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices it may by order provide for regulating or prohibiting the production, supply and distribution thereof, and trade and commerce therein."

It includes the prices at which they may be bought and sold. This order was issued on 27th August, 1955 under this very provision of section 3 of the Essential Commodities Act. My hon. friend has been mentioning section 3A. Sections 1 to 3 of the order mention the minimum price of sugarcane, the price payable to the producer of sugarcane. Then the addi-

tional price is given in 3A. He has misconstrued this 3A. This 3A has been again referred to while modifying the very order in 1958. It is not that a new order was issued in 1958. The 1958 order is only a modification of the order issued in 1955. The order of 1955 says:

"Where a producer of sugar purchases any sugarcane from a grower of sugarcane or from a growers' co-operative society, the producer shall unless there is an agreement in writing to the contrary between the parties, pay within fourteen days from the date of delivery of the sugarcane, to the seller or tender to him the price of the cane sold at the rate fixed under sub-clause (1)."

This was a mandatory order issued by the Government under the provisions of section 3 of the Essential Commodities Act. It is not voluntary. Not only this. This particular order specifies how the minimum should be settled. The amount payable to the growers may be at such time and in such manner as the Central Government may from time to time determine. The Central Government has not taken recourse to this clause 3 of the order, in which they have stated that they will fix the price from time to time and try to see that it is enforced.

Under section 7 of the Essential Commodities Act, if the order is not complied with, there is a penalty. Fortunately, two ex-Ministers have spoken against the Bill.

भूतपर्व खाद्य मंत्री श्री श्री कि एक जनाने में इस मंत्रालय के लिए जिम्मेदार थे वह कहते हैं कि वह आर्डर मिनडेटरी था जब कि मौजूदा मिनिस्टर कहते हैं कि वह वालियेटरि है।

Shri S. K. Patil: Why change the language now? First English, then Hindi.

Shri Sinhsan Singh: Section 7 clearly says that if any person contravenes any order under section 3, he will be punishable with imprisonment which may extend to three years and also be liable to pay a fine. This was a mandatory order for compliance by the factory owners, and if they failed, there was the penal clause, but have Government punished any one in a court of law, can Government say they have tried to enforce it?

Now, the Minister comes with an apology. He says he wants to enforce it now, he could not do so till now because he did not have the power to do it retrospectively. There is no question of taking a retrospective right from this law. The right was given to him under the Essential Commodities Act. All orders were issued for compliance under that Act, and the penal clause was not applied. The same order of 1955 was modified in 1958. Between 1955 and 1957 nothing was paid to the growers. In 1958 the order was modified, but nothing has been paid in U.P. except some lakhs as the hon. Minister said.

Coming to the substance, what is the purpose of the present Bill? My hon. friend has read out a portion, but left out another portion which is applicable.

Recommendation (d) is the recommendation of the Commission about the distribution of the deferred price and recommendation (e) is the recommendation about the incentives. There are two prices to be paid to the growers, one, the incentive price ratio the other the deferred price. About the deferred price the figure fixed by the Tariff Commission is between 45 and 55; 45 to the growers and 30 to the mill-owners and 25 as value of taxation. Government does not agree to this.

"Government consider that it would be more appropriate, equitable and reasonable to apply the existing formula set out in the Sugarcane (Control) Order 1955 after suitable adaptations and amendments in order to incorporate the suggestions of the Commission for the inclusion of allowances for rehabilitation and export losses, for adjustment of costs and for the sharing of incentives, than to accept the new formula for retrospective application.

All these recommendations of the Commission have not been accepted because they have fixed the proportion of 45 to the grower. As regards incentives, (e), they say:

"As regards item (e) of paragraph 2 above, the Government of India, having regard to the background of the scheme of incentives and to given effect generally to the recommendation of the Commission, have decided that out of the incentives allowed by Government for increasing production of sugar by way of 50 per cent rebate in basic excise duty, 25 per cent should be left with the industry to meet taxes and other outgoings and only 75 per cent of the amount so earned should be taken into account for determining the additional cane price payable to the growers."

They want that 25 per cent should be ear-marked for the industry and 75 per cent distributed. But the Commission said that out of 100, 30 should go to the industry and 70 to the growers. This is specific recommendation. But Government said let 25 per cent be ear-marked for the industry and let the 75 per cent be distributed between the two. Is it in the interests of the grower?

Lastly, they say, the law is coming. The Bill has come; and we have seen it; we have seen the Objects and Reasons of Bill. They say that they are going to give relief by way of allow-

[Shri Sinhasan Singh]

ances for rehabilitation and export losses.

I will further quote an old recommendation of 1961, wherein they said clearly that the sugar mills could not have incurred any losses and that they were earning lots. In view of this, I do not know how the hon. Minister could go against his own writings, against his own letters.

In 1955, the Government came forward to take powers under section 3 of the Essential Commodities Act and asked those people to pay who have not already paid.

This law is unnecessary unless the Government want to take some money out of the pockets of the growers and give it to the mill-owners.

Mr. Deputy-Speaker: Shri Puri. The hon. Member should be very brief.

Shri D. D. Puri (Kaithal): Sir, I will be ver brief; but I have a lot of ground to cover. The Government of India, for the first time in 1950-51 assumed power to fix the price for sugar-cane. It was in 1952 that sugar was de-controlled except to the extent of 25 per cent, which was reserved to be allotted by Government. The bulk of the sugar produced was de-controlled for the first time in 1952.

As soon as that happened, the price of sugar started going up. But, it was in the year 1952 itself that the minimum price of cane was brought down from Re. 1|75 nP to Re. 1|31 nP. The two things happened at the same time. the price of sugar went up and the price of cane came down. The statutory minimum price of cane came down. At that time introducing control again was very seriously considered by the Government. I say that

from personal knowledge. This deferred payment was devised for the first time as an alternative to control. Government of India felt it was no use introduce control again because it would inhibit production or to vary the price of cane with the varying price of sugar. It was the genius of late Kidwai who said: it does not matter, let the factories make excess profit and I shall mop them up and I shall make the grower a partner in those profits. It must be clearly understood that it was the excess profit that was sought to be mopped up; it was the alternative to control. The hon. Minister has today spread the net so as to include the period in which the industry was controlled and the control was confined to northern zone and this problem also arises there. Deferred payment was confined to any realisation by a factor over and above what was considered to be a reasonable price. Today what is happening? The period to which the Bill relates is from 1958 to 1961. Control was first introduced in Punjab, U.P. and North Bihar on the 30th July, 1958 and it was extended in April 1960 to South Bihar. This continued till November 1961 when sugar was de-controlled. In this period, what was happening? Government referred this question to the Tariff Commission. There have been two reports of the Tariff Commission, and that has created some confusion. First, they were given a simple exercise, to work out the cost of production of sugar. They sampled 42 factories all over the country and they sent their cost accountants to examine very closely all the figures of the sugar industry and examined them and then the cost was worked out for the northern zone and also for the other zones. They also recommended that in addition to the actual cost, there was to be an incidence of 12 per cent: this was to cover a multitude of items including bonus to labour, gratuity also to labour, interest on debentures, etc. That is all given in the Tariff

Commission report. This was to be the cost of production, plus, they recommend 12 per cent return on the capital employed to be given to the industry to cover items I detailed before. That is what the Tariff Commission said. Throughout the period of control the price fixed was on the basis of cost as worked out by the Tariff Commission plus 12 per cent, not a penny more, nor a penny less. So, there are no excess realisations. There may be individual factories which made more and others which made less. When we take an average, certain factories will work better than the average factory, certain others will work less than the average factory. But the point I am making is that throughout the period for which powers are now being sought the industry realised only the cost plus 12 per cent that was awarded by the Tariff Commission and accepted by the Government of India in their resolution. The price of sugar was fixed on that basis. Certain adjustments were made because of the various things such as duration, recovery, etc.

The point that I am seeking to make is that the price-linking formula was conceived to mop up the profits made above a certain point, as an alternative to control, and there was no question of the price-linking formula being applied during the period when the sugar industry was under control. That is the first point I want to make.

18 hrs.

Mr. Speaker: How many more points has he got? He said this is the first point.

Shri D. D. Puri: I have quite a few more points. It is true that some complexity was introduced in this matter because the sugar industry was given certain concessions. The country was short of sugar and an incentive was devised for the industry even as an incentive was devised for the grower. The minimum price of cane was raised from Rs. 1.7 Rs. 1.10.

There was an incentive for the industry; they said: "you go on; extend the area beyond the area that you normally operate if you incur some extra cost, you will get a rebate by way of half the excise duty. That was a new factor. The industry readily agreed. When the second reference went to the Tariff Commission, they said, "Yes; we get this incentive; let the price-linking formula be applied; we will give the calculation." But the Minister is going beyond that. He is not going to confine himself merely to the realisation of the incentive. He has cast his net much wider even during the period when the price of sugar was statutorily controlled—

श्री विभूति मिश्र : जब चीनी मिल मालिकों को लासिस हुए तो इस हाउस में बठ करके उनको हम ने कम्पेंसेशन देने की बात की । चीनी का जब शार्टेज हुआ तो चीनी हम को बाहर से इम्पोर्ट करनी पड़ी और उसकी हम ने इजाजत दी ।

Shri D. D. Puri: I can answer that very easily. But I do not go beyond the period before 1958 that is covered by the Bill. There has never been any question of any compensation paid to the industry in this period. Then a point has been made that the Bill is not necessary. If the growers do not want it, the industry does not certainly want it, because, after all, the position is very clear. Unless the Government themselves take powers, what will be the result of this? Nothing could be realised as deferred payment of cash. You are going back to the season 1958-59. In respect of 1959-60 and 1960-61 seasons, the cost was worked out by the Tariff Commission, and any element that did not go into those costs cannot legitimately be put upon the shoulders of the sugar industry. At that period, certain details were gone into by the Tariff Commission and the cost of the cane was put at the actual minimum price at that time. That is the price that has to be realis-

[Shri D. D. Puri]

and. Any other elements were not taken into account by the Tariff Commission.

Shri Tyagi: For instance?

Shri D. D. Puri: For instance the extra payment in question itself was not taken into account by the Tariff Commission at that time. They said: "This is the control period; why do you want anything more?" So, it was not allowed. The point is that any element of cost which did not go into the calculation of the Tariff Commission cannot now be imposed on the industry.

Shri Bibhuti Mishra: What about molasses?

Shri D. D. Puri: I will come to molasses. The sale price of molasses as sold by the industry figures prominently in the Tariff Commission cost calculation. Credit has been duly given for it, and if my hon. friend Shri Bibhuti Mishra bears with me, I shall show him the report.

Mr. Speaker: If he just listens to the interruptions and gives an answer, he might miss his own points!

Shri D. D. Puri: I am sorry. The second point is, all items which were not taken into account in the cost structure by the Tariff Commission cannot now be imposed. The Tariff Commission, in their earlier report, refused to enter into it and said that there was no question of the deferred payment, because that was meant for mopping up the excess profit. They did not allow it.

In regard to rehabilitation, the Gopalkrishnan formula had it as an item of cost. Even on a voluntary basis, when the first calculation was made, there was an element of rehabilitation. I will not go into the details of that; when that formula comes and if it is ever discussed by this House, I will place the entire case before the House. Rehabilitation was taken into account by the Gopalkrishnan formula as an item of cost.

In regard to export losses, again it is up to the Government. For a certain period, they have met the export losses out of general revenues or the excise duty which they have levied. But for this period, they have not paid. Apart from this loss, the industry has borne its own share of export losses and even today when exports have been subsidised, the industry is still bearing a certain loss. That apart, it is up to the Government to make good the loss out of general revenues. For that, it need not come here at all.

Shri S. M. Banerjee: What about profits made by the industry?

Shri D. D. Puri: The industry is not the profit on sugar export. Some parts of the industry are making profits, but on sugar export the industry is not making profits.

Profit-sharing through price-linking was devised as an alternative to control and there is any amount of evidence to show that there was no question of introducing price-linking during the period that sugar was controlled. Secondly, any item that was not taken into account as part of the sugar price as determined by the Tariff Commission and as accepted by the Government cannot be imposed on the industry now.

श्री शिव नारायण (वांसी) : अध्यक्ष महोदय, सब से पहले मैं यह कहना चाहता हूँ कि मैं उस इलाके से आता हूँ जहाँ पर दो शूगर फैक्ट्रीज़ हैं और पानी के नीचे हमारा गन्ना रहता है। हमारे भाइयों ने यहाँ पर बहुत ही विद्वत्पूर्ण भाषण किये हैं और किताबों में से कई बातें बतलाई हैं। लेकिन मैं किसानों में जो बात है उनमें जाना नहीं चाहता। मैं खुद एक किसान हूँ और खेती करता हूँ। मैं आपको जो प्रैक्टिकल बात है, वह बतलाना चाहता हूँ। एक मन गन्ने में से

चार सेर चीनी निकलती है। लेकिन मैं पीने चार सेर ही रखता हूँ। मैं खुद भेली बनवा कर चीनी तयार करने के परिणाम को जानता हूँ। उस आघार पर मैं आपको यह बात बतला रहा हूँ। अब आप चीनी के भाव को देखें। यहाँ दिल्ली में चीनी एक रुपया बीस नये पैसे सेर बिकती है। आप देखें कि एक रुपया दस आने तो हम को गन्ने के मिले जिस में से तीन आने या चार आने हमारा किराया पड़ गया और इसको निकाल दिया जाये तो हम को एक रुपया चार आना के करीब ही मिला। चार रुपये के करीब तो उस की कीमत हुई और हमें मिले कितने एक रुपया चार आने। बाकी जो पैसा है, वह इसका मतलब यह हुआ कि मिल मालिकों को जा रहा है। आज हमें उसके मेंटेनेंस के लिए खर्च करना पड़ता है। हम आपको गन्ना बिना दाम लिए हुए दे देते हैं, बिना पैसा लिए हुए दे देते हैं। माल तो आपके घर चला जाता है और हम को छः महीने तक इंतजार करना पड़ता है। आज भी लाखों रुपया जो असली दाम का है वह हमारा बाकी है। डेफेंड प्राइस को तो आप छोड़ दें लेकिन जो असली दाम हैं और जो बाकी हैं, वे तो आप हम को दिलवा दें। किसान भूखों मर रहे हैं, उनको अपना पैसा नहीं मिलता है। कमलापति जी का स्टेटमेंट आया कि लाखों किसान भूखों मर रहे हैं। ऐसी दशा में मैं गवर्नमेंट का अनुगृहीत हूँगा अगर वह इनको पैसा दिला दे। जब इस चीज को स्टेट गवर्नमेंट के नोटिस में लाया जाता है तो स्टेट गवर्नमेंट कहती है कि सेंट्रल गवर्नमेंट इसको देखे और जब सेंट्रल गवर्नमेंट के नोटिस में लाया जाता है तो वह कहती है कि स्टेट गवर्नमेंट देखे। इस घपले में हम पड़े हुए हैं। मैं चाहता हूँ कि इस ओर आपका तत्काल ध्यान जाना चाहिये।

आप देखें कि तीन पैसा तो गवर्नमेंट ले लेती है डिब्लेपमेंट के नाम पर लेकिन उसमें से एक पैसा भी हम को नहीं मिलता

है। मैं फूड मिनिस्टर साहब को दावत देता हूँ कि वह नवम्बर महीने में आ कर देखें किसी मिल को हमारे इलाके में कि क्या गति बलों की होती है। अब बलों की कीमत को भी आप देखें। आज एक हजार में एक बैल मिलता है जब कि पहले जमाने में दो सौ में जोड़ी मिल जाया करती है। इससे आपको पता चल जायेगा कि हमारा कास्ट आफ कल्टीवेशन और कास्ट आफ ट्रांसपोर्ट कितना बढ़ गया है। पहले हमें मजदूर चार आने और आठ आने में मिल जाया करता था और आज डेढ़ रुपये में मिलता है और खाना उसको हमें अलग से देना पड़ता है। हमारे गन्ने की प्राइस नहीं बढ़ती है, मिल मालिक का सब कुछ बढ़ता जा रहा है। हमें जो पब्लिक को पैसा फेस करना पड़ता है, उसको हम हीं जानते हैं। मान्यवर, मैंने गन्ने की बोवाई अपने यहाँ कम कर दी है। चार बीघे के बजाय मैंने दो बीघे हीं मैं गन्ने की बोवाई करवाई है। अच्छा गन्ना हम पैदा करते हैं तो एक पुर्जी तो मिलती है नवम्बर महीने में और एक मिलती है जनवरी में.....

अध्यक्ष महोदय : पार्लियामेंट का काम भी आप कर रहे हैं, इस लिये गन्ने की बोवाई कम कर दी है।

श्री शिव नारायण : पार्लियामेंट गन्ने की प्राइस फिक्स करती है। लेकिन मैं आपको बतलाना चाहता हूँ कि यू०पी० असम्बली ने कांग्रेस और अपोजीशन वालों सब ने मिल कर एक रेजोल्यूशन पास किया था कि गन्ने का दाम पीने दो रुपया कर देना चाहिये लेकिन उसको मंजूर नहीं किया गया है। यह प्रस्ताव आपके पास भेजा गया है लेकिन इसको आपने कार्यान्वित नहीं किया है इसको आपने मंजूर नहीं किया है। एक रुपया दस आने ही हम लोगों को मिलता है।

आप टैरिफ कमिशन की रिपोर्ट की बात करते हैं। कोई मन्बर भी इस हाउस का उस कमिशन में नहीं है। एक भी किसान को उसने

[श्री शिव नारायण]

एग्जिमिन नहीं किया है। पटना, लखनऊ, बम्बई, कलकत्ता वगैरह में एयरकंडिश्नड कमरों में बैठ करके उसने अपनी रिपोर्ट तैयार कर ली है। यह हमको मान्य नहीं है। इस कमीशन को खत्म करें। मैं मिनिस्टर साहब से रिक्वेस्ट करता हूँ कि वे एक नया कमीशन बनायें और उसमें किसानों को शामिल किया जाये। किसानों पर तो गवर्नमेंट मुन-हसिर है। आज उनके अन्दर एक आह है, उन गरीबों की हालत खराब है। आखिर आप किसानों से किटना लेना चाहते हैं? असल में सारी कीमत में से तीन चौथाई तो हम किसानों को मिलना चाहिये, लेकिन आज हमें आधा भी नहीं मिलता। अगर हम को आधा मिलता होता तो हम बढ़िया गन्ना पैदा कर के दे सकते हैं। मैंने क्यूबा में देखा कि ज्यों ज्यों चीनी के दाम बढ़ते हैं वैसे ही मजदूरों की मजदूरी बढ़ती है, गन्ने के दाम बढ़ते हैं। लेकिन यहां पर कुछ नहीं होता। मुट्ठी भर लोग बैठ कर टैरिफ कमीशन बना लेते हैं। मेरी रिक्वेस्ट है कि आप टैरिफ कमीशन फिर से बिठलायें। उस में किसानों को भी बुलाइये उन जगहों पर जहां पर आज बड़े बड़े लोग बैठे हुये हैं, तब आप को सारा पता लग जायेगा। मैं भी खेती करता हूँ और असलियत को जानता हूँ। पंजाब और बिहार के लोग भी जानते हैं। व्हाई यू आर नाट गोइंग टु फिक्स द प्र इंस फर आल इंडिया? आप एक प्राइस सब जगह के लिये कीजिये। १०० मन गन्ने में १० मन चीनी होती है, चाहे मद्रास का रस हो चाहे विहार का रस हो। रस तब होता है जब पानी जल जाता है। पानी जलने के बाद प्यर रस रहता है। इस लिये उस का दाम ठीक से और एक तरह से मुकर्रर करना चाहिये।

इन शब्दों के साथ मैं पुनः आग्रह करके कहना चाहता हूँ कि इस विधेयक के जो आव्-जेक्टस एंड रीजन्स हैं, उन से शंका पैदा होती है कि आप मिल मालिकों को प्रोटेक्शन

दे रहे हैं, किसानों को नहीं। इस लिये मैं इस का विरोध करता हूँ।

Shri K. C. Sharma: Mr. Speaker, Sir, I have to make only one or two observations. This Bill is to have retrospective effect from 1st November, 1958. My submission is this. Supposing a commodity has been sold away and the price has been fixed, afterwards it is not up to the purchaser to say: "Well, I purchased your cow for Rs. 100; unfortunately my wife and children were asleep and a thief came and stole away all the money". That is no argument to say that he is not in a position to pay and therefore he would not pay. The same is the case here. It is up to the Minister or to the industry to make a proposition or to devise a formula. If it is acceptable, it is all right. If they can enforce it, they may do so. Let the power be balanced. The situation in 1950 or 1955 was different from what it is now in 1962, and we know to our cost in the elections what the public pulse is. We cannot say: "You have given the cow to us. We have nurtured our children on the basis of the milk of that cow. But because a theft has been committed I do not want to pay the price of the cow." Sir, you are a lawyer. A gentleman promised some money to a mosque. On the basis of that promise certain material was bought and a building was coming up. The case went to a High Court. I am referring to the famous Calcutta case. The man said: "Well, there was no consideration for this promise. I do not mean to pay". The court held: "You made the promise, and on the basis of that promise certain things took place; you are responsible for that change in the situation and therefore you shall have to pay."

Therefore, having given the crop, now the industry or the Government cannot stand in the way. It is an impossible proposition. There is a thing which I regard as essential ingredient in the freedom of the country.

What is freedom to me if justice is denied to me? What is freedom? Is freedom a kala saheb?

Mr. Speaker: The hon. Member may turn this side and address me.

Shri Tyagi: He cannot talk in that tone towards you.

Mr. Speaker: That is why I wanted him to look this side.

Shri K. C. Sharma: Sir, I want to make my position clear. I am second to none in sacrifice, suffering or in doing anything that a young man in my position can do.

Shri A. M. Thomas: Young man?

Shri K. C. Sharma: I was young then, and I am comparatively young even now too.

Mr. Speaker: Why should hon. Members dispute this claim of his?

Shri K. C. Sharma: My point is this that justice must be given to everybody. I appeal in the unalterable nature of justice that justice to the peasant must be done. I ask a person with conscience, a person with honesty: can he say that the position from 1958 can be changed retrospectively? Suppose I sold a commodity to a person in 1958 and the price was settled. How can anybody now say that he has got the right to modify the conditions of that sale? That is an impossible thing. I again submit that there is such a thing as the unalterable nature of justice, and that will stand for ever. On that the human society has been nurtured and established.

All over the world it has been accepted that wherever the peasant produces something, because the community lives on the production of the peasant, the peasant in relation to the non-peasant community will get 68 per cent of the income of industrial sector. Suppose the industrial income increases by 10 per cent, then

for the same belong and investment income of the peasant increases to 6·8 per cent. Here in India the position is, and that is the tragedy of it, when the national income increases by 5 per cent, the income of the peasant increases by 2 per cent. That is to say, if the income of the nation is Rs. 200 today, it would be Rs. 210 next year. For the peasant, because he is half the shareholders, his Rs. 100 will become Rs. 102. So, Rs. 210 minus 102, that is, 108 is the portion which will go to the non-agricultural community for every 100. But the peasant gets only 25 per cent.

The position now is that if the industry gets Rs. 100, for the same labour, for the same intelligence, for the same investment, the peasant gets only Rs. 35. This is an impossible proposition, and this has been possible for two reasons. The peasant was ignorant and he was unorganised. Now, in the coming years the peasant is going to be neither ignorant nor unorganised. You have to meet the situation as it is. My friend says he shall not pay. Who is he not to pay? I will get money through his nose.

Mr. Speaker: He should not extort demand in this manner.

Pandit K. C. Sharma: They have to pay through their noses and he is no exception. With these words, I want to express my gratefulness to you for giving me this opportunity to take part in this debate.

Mr. Speaker: Shri Lahri Singh. Hon. Members should not take more than five minutes each.

श्री सहरो सिंह (रोहतक) : अध्यक्ष महोदय, हमें बड़ी खुशी है कि कांग्रेस बेंचेंज से कांग्रेस के माननीय सदस्यों ने भी, मेरा क्याल है कि एक के सिवा सब ने. इस बिल के खिलाफ आवाज उठाई है।

श्री त्यागी : जानबूझ कर ?

श्री लहरो सिंह : जान बूझ कर नहीं । ऐसे ही लैंड ऐक्विजीशन ऐक्ट पास करने के वक्त उठाई । इस लिये मैं चाहता हूँ कि कम से कम अपनी पार्टी को तो मिनिस्टर साहब कन्विन्स कर देते ।

अध्यक्ष महोदय : बड़ा अच्छा होता कि आप खामोश रहते और यह काम उन्हें ही करने देते ।

श्री लहरो सिंह : मैं अर्ज करूँ कि यहां पर कुछ ऐसे मालूम होता है कि अपोजीशन की तरफ से भी और कांग्रेस वाले भी सारे लोग एक व्यू कं हैं कि गरीब किसान को न मारो । गरीब किसान के जो पेमेन्ट्स एरिअर्स में हैं, उसका जैसा हिसाब लगे, उस हिसाब से दे दो । जब आगे का हिसाब आप करेंगे तो उसके बारे में मैं आगे बतलाऊंगा । जो खेती करने वाले लोग हैं उनका सन् १९५५ से लेकर इस वक्त तक का जो रुपया रुका हुआ है वह किसान को नहीं दिया गया है, हालांकि एक प्रोवाइड करता है कि वह जरूर दिया जाना चाहिये और न देने पर उसके लिये पैनलिटि प्रोवाइड करता है । वह कहता है कि तमाम रुपये का पेमेन्ट होना चाहिये और गरीब किसान को तकलीफ नहीं होनी चाहिये । लेकिन उससे लिये वह हिसाब कैसे करे ? किसान को इतना हिसाब नहीं आता, लेकिन इस पर भी आपने एक क्लोज इसमें डाल दिया कि सारी चीजों का हिसाब में लगाया जायेगा । “फार इन्क्लूजन्ड आफ अलाउसेज फार रिहैबिलिटेशन” इसमें रख दिया गया । यह इतना बेग क्लोज है कि इसमें बहुत लेटिट्यूड मिल गया है इंडस्ट्री वालों को । अलाउसेज फोर रिहैबिलिटेशन वगैरह की एक लम्बी लिस्ट बनी हुई है । रिहैबिलिटेशन इतना बेग क्लोज है कि कहां तक इसका अकाउंट किया जा सकता है । कौन किसान उसको देखेगा । आडिटर्स आयेंगे उनके गाइडेंस के लिये भी कुछ नहीं है । तो मिनिस्टर साहब को

चाहिये था कि टैरिफ कमिशन ने जो रिहैबिलिटेशन के लिये कहा है, उसकी कोई लिमिट तो रख देते । यह तो बड़ा वाइड टर्म है । अगर किसान का गन्ना खराब हो जाता है या उसका बैल मर जाता है, तो कौन उसको रिहैबिलिटेट करता है । उससे तो हर हाल में लैंड रेवेन्यू वसूल कर लिया जाता है । आप देखें कि जो किसान खेती करता है क्या वह मिल मालिकों की तरह कार रखता है, या कोठियों में रहता है । जिनको इतना मुनाफा है उनको और फायदा पहुंचाने की कोशिश की जा रही है कि उनको डेफेंड पेमेन्ट न देना पड़े । टैरिफ कमिशन की यह सिफारिश नहीं मानी जानी चाहिये । चार आदमी बंठ पये और चाहे कुछ कर दिया । टैरिफ कमिशन की सिफारिश को मंजूर करना कोई लाजिमी नहीं है । उसकी तो आपके लिये एक गाइडेंस भर है । रिहैबिलिटेशन के एलाउसेज का कोई हिसाब रखना चाहिये कि कितना मिनिमम होगा । आपकी जो एक्साइज ड्यूटी है वह भी बहुत ज्यादा है ।

किसी और इंडस्ट्री के लिए इस तरह का रिहैबिलिटेशन एलाउंस नहीं रखा गया है सिर्फ इसी का इंडस्ट्री को रिहैबिलिटेट करने के लिए यह चीज रखी गई है और इसको डिफाइन भी नहीं किया गया है, न यह कहा गया है कि यह इतने से ज्यादा नहीं होगा । इसके लिये कोई फार्मूला नहीं बताया गया है । आपने तो सेठ जी के हाथ में कलम दे दी, वह होशियार आदमी है और पढ़ा लिखा है, वह कहता है कि हमारे ऊपर जुल्म हो रहा है ।

मेरी अर्ज तो यह है कि जो आज तक के हमारे एरियर्स हिसाब से होते हैं वह दिलवा दो और यह रिट्रास्पेक्टिव रहने दो, आगे के लिये हिसाब करो और इस रिहैबिलिटेशन एलाउंस के लिए कोई फारमूला हो सकता हो तो उसको बना दो तो इसका कोई जस्टिफिकेशन भी हो ।

श्री त्यागी : ऐसा ही करेंगे ।

श्री लहरो सिंह : इन लफ्जों के साथ मैं उम्मीद करता हूँ कि मिनिस्टर साहब इस पर गौर करेंगे और बेजुबान किसानों का खयाल रख कर और सोच विचार कर काम करेंगे । वह अभी तक तो बहुत पापुलर रहे थे लेकिन अब अनपापुलर होते जा रहे हैं । तो उनको सोच समझ कर काम करना चाहिए ।

अध्यक्ष महोदय : तीन सदस्य और बोलना चाहते हैं । अगर उनको वक्त दिया गया तो सात बजे तक बंठना होगा ।

श्री लहरो सिंह : तब तो आप इस बूढ़े आदमी को मार दोगे ।

अध्यक्ष महोदय : मैं भी तो बूढ़ा हूँ ।

Shri Tyagi: We are more or less repeating the argument.

Mr. Speaker: The arguments are being repeated. The same thing has been said so forcefully by so many hon. Members. If they want that their names should be included in the list, I will put their names in that. May I call the hon. Minister then?

Some Hon. Members: Yes, Sir.

Mr. Speaker: But if the House is prepared to sit longer, I have no objection.

Shri S. K. Patil: Mr. Speaker, Sir, I would appeal to the House that on this very important, not the Bill but the subject, let us not be guided by mere sentiment.

Mr. Speaker: I might be excused one interruption. Shri Shastri and one other Member stood up. I will certainly accommodate them when we take up the clauses.

Shri Tyagi: That can be done during the third reading stage, if you like

Mr. Speaker: I will accommodate them. Now the hon. Minister might continue.

Shri S. K. Patil: As I have abundantly made clear in the very beginning, this particular legislation has nothing to do directly with any of the things that have been said here. They may be for my guidance when the formula is made. They may be for the guidance of the Government or when we consider many of those things, but so far as this enactment is concerned, it has nothing to do either with this formula or with that formula because such a formula is not before the House just now. Many Members have asked—I would like to ask them whether they are really serious in that—“Why do you have this Bill?” I would be most pleased to withdraw this Bill just now. But do they know the consequences of the withdrawal of this Bill?

Here, a situation has arisen where everybody gets up—and naturally, I can quite understand that—and says that he is the protector of the rights and privileges of the poor people, and the poor Minister is merely somebody who wants to grab from the kisan etc. If that is the claim, I respectfully say that no gentleman should advance that type of claim. We are all here, the Members of this great House, and the members of this country, interested in protecting the growers' interests. If the slightest harm is going to come to the kisans or to the growers by passing this Bill, I would not be the Minister to do it here.

But, here is a case in law, where we have not done something for reasons that have been explained by my hon. colleague. We could not determine the thing because so many commissions were sitting. Therefore, a doubt has been created that if I want to give retrospective effect, as I must give retrospective effect, there is no formula worth the name that we can think of or that this House can think of for doing so, other than having this Bill passed. Here, those who profess the interests of the producers or the growers must understand that if the

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growers have got to get anything out of this, the formula has got to be made, and they have to get it from the time that the formula has been made compulsory.

Now, for the information of the House, I would say this. I was going through this Bill, and I found that it was such a Bill or such a proposal which meant that the grower was going to take part in the sharing of the profit etc. as we intended him to do, or get the deferred payment or whatever else you like to call it. Has any Government, any progressive Government anywhere in the world ever enacted such a thing? The answer is an emphatic 'No'. There is no legislation of that kind anywhere, because these things are done generally by the sweet will of the other side, call it sweet will or the power of the growers, because they have got power, and many things are done because of that power. How did they do it in Maharashtra? Do you mean to say that the Government of Maharashtra is so angelic that there is no trouble about it, and things happened smoothly? There are many things that do not happen in Maharashtra, but because of the power of the growers, it happened.

An Hon. Member: Our Gujarat also.

Shri S. K. Patil: Or Gujarat also, because Gujarat was also part of the Bombay State.

Why did it so happen in Bombay? It happened because of the cumulative or collective power of the growers, because they threatened that if this thing were not accepted, they were not going to give sugarcane to them, and that unless they became participants in the excessive profits that the industry was earning, they would not part with their sugarcane. When that was the situation, the sugar producers themselves thought that it was in their interest that they should have the co-operation of these growers and they should have some kind of arrangement with them; Gov-

ernment came in only as the third party just to give their blessings and say that what they were doing was the right thing to do, and the growers should also be benefited. What was open to the then Bombay State and the growers there was open to the States and the growers elsewhere also. All the time, it was open to all the growers and all those people whose interests have been represented in this House today. What prevented them from doing so? As I have pointed out, all the southern States were giving something, and they have been giving up till now. But what prevented UP, Bihar and all these other States from giving it? I am talking of those years when there was no compulsion at all. What prevented the people in all those States where there were growers from doing such a thing? Even after coming to the conclusion that it was necessary to give something to the growers, not a single factory in UP, good or bad, has paid anything to the growers except for one year; only for one year out of the four years before, they have paid, and for the other three years, they have not paid even a single naya paisa; there was no difference whatsoever between one factory and another in this respect. (*Interruptions*) I am not yielding, Sir. What I am saying that it is not for me or for the Government to do it, but I was pleading and I was expecting that it would have been really much better if the governmental machinery had not come into the picture and Government had only used their good offices in bringing the growers and the sugar producers together and done it as in the vast world, everywhere, in every country including the Hawaii, and Cuba and Indonesia where these things are done day in and day out. But we thought in the plenitude of wisdom that this was perhaps the best way of doing things, and we have done it. Now, let us consider it. Given good-will, all things will be all right. But the point is what is to happen during those four years, be-

cause, there was not such a formula before them? If we make the formula now, it will be very difficult to apply it to those four years, unless there is retrospective effect; unless there is retrospective effect to this it will not be possible for the growers' interests to be protected. My hon. friend Shri D. D. Puri made a statement giving an account. Apart from that account, I am afraid that he would be the man who will be most happy if this Bill is withdrawn, because there is nothing that remains, and there is no legal stand for anyone to go to a court of law. My hon. friends here may merely talk, but do you mean to say that simply because it is said that the grower is a poor person, he would not go to a court of law? There is a growers' association, and would they not go to a court of law especially when crores of rupees are involved? They could not have gone to the court for those four years. I am not talking of the period when the formula became compulsory but the period before that. They knew that because the formula was voluntary before, going to the court would be of no avail, because they would not get anything out of it. If during these four years they had not gone to court, it is because there was no formula and there is nothing legally by which they could go. What I am seeking to do, I would respectfully submit, is in the largest interest of the growers themselves and it is the only way in which their interests could be protected. I am giving legal legs to it; when the formula is enacted that formula would be placed on the Table of the House, as is usually done. If there is anything in that formula which requires amendment, there will be time enough to amend it or change it or do anything. But what is sought to be done in the present legislation is very limited, namely, that whatever formula that Government may enact, it should be given retrospective effect.

Therefore, I would make a humble appeal to those hon. Members who

have moved for circulation of this Bill for eliciting opinion or for reference to Select Committee. I cannot understand it. I want this Bill passed as early as possible so that if any action is going to be taken my hands should be free. I am not prepared to wait. I waited for long. Do you suggest that so much time should be taken on it? The Commission was sitting on it. Is it now suggested that I should spend another two years on it to find out....

An Hon. Member: Only one month.

Shri S. K. Patil: Do you think it is in the interest of the growers that you are trying to protect by this move?

Dr. M. S. Aney: Is the hon. Minister telling us that he is going to create a legal right in favour of the peasant which can be enforced in the court?

Shri S. K. Patil: Legal right may exist, but I do not want to be in a court at all, when the formula is made.

We have not accepted *in toto* the proposals of the Tariff Commission. But I respectfully submit that the derogatory remarks which were made against a Commission of that type which Government have appointed should not have been made. The Commission is not present here to protect itself. It is the responsibility of the Minister to see that when Government appoint a Commission,—you may accept their proposals or you may not—they should not be held to ridicule in the manner some Members have sought to do.

But even after the Commission had made their proposals, there is the Government Resolution, which was read out by my hon. colleague. There we have not accepted *in toto* what the Commission has said. According to the Commission, they would not get more than 45 per cent. I am trying to bring it up to 65 per cent. I have not taken every word

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of what the Commission has said. If you want to do more and you can sustain it in a court of law, I do not mind if you make it 100 per cent. The formula is not before the House. I have not made it. Government will apply its mind and will take into consideration all the good and useful suggestions that have been made here. 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 to the legislation, to the formula that will be evolved. I think that is where the interest of the growers will be protected.

Sir, I move:

Mr. Speaker: There are two amendments. One is by Shri S. M. Banerjee.

Shri S. M. Banerjee: I press it.

Mr. Speaker: I will put to vote. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th October 1962."

Those in favour may kindly say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Speaker: Those against will kindly say 'No'.

Several Hon. Members: 'No'.

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

Some Hon. Members: The 'Ayes' have it.

Mr. Speaker: Let the Lobbies be cleared.

श्री प्रकाशवीर शास्त्री (बिजनौर) :
on a point of order. अध्यक्ष महोदय,
लंक सभा का अपना नियम है कि सभा

के विसर्जन का ५ बजे जो नियमित समय है उस के बाद अगर सदन चले तो उस प्रतिरिक्त समय में कोई बोटिंग नहीं होगी ।

अध्यक्ष महोदय : माननीय सदस्य, श्री बनर्जी, क्या कहना चाहते हैं ?

There is already a point of order. Is he going to say something different, or the same that has been mentioned by him?

Shri S. M. Banerjee: Same

अध्यक्ष महोदय : माननीय सदस्य, श्री शास्त्री, ने यह प्वायंट ऑफ़ ऑर्डर उठाया है कि चूंकि यह एक्सटेंडिड आवर है, इसलिए इसमें कोई बोटिंग नहीं हो सकता ।

श्री प्रकाशवीर शास्त्री : यह कन्वेनान है ।

अध्यक्ष महोदय : असल बात यह है कि हमने यह तय किया हुआ है कि १ बजे से ढाई बजे तक हाउस को फाउंट नहीं किया जायगा । इसका मतलब है कि उस वक्त चाहे क्वोरम न भी हो, तो भी हम कार्यवाही जारी रखेंगे और अगर कोई मेम्बर साहब स्पीकर के नोटिस में यह बात लायेंगे कि इस वक्त क्वोरम नहीं है, तो उस वक्त स्पीकर हाउस में हाज़िर मेम्बर साहबान की गिनती नहीं करेगा, ताकि ऐसा एलान करने का सवाल न उठ सके कि चूंकि क्वोरम पूरा नहीं है, इस लिए कार्यवाही नहीं चल सकती । मैंने पिछले स्पीकर साहब का रुलिंग देखा है । वह यही है कि जिस तरह हम १ बजे से ढाई बजे तक फाउंट नहीं करते, उसी तरह हम एक्सटेंडिड आवर में भी वह शुमार (फाउंट) नहीं करेंगे । वह रुलिंग क्वोरम के बारे में है, लेकिन क्वोरम इस वक्त मौजूद है । लेकिन चूंकि मैंने हाउस का टाइम मेम्बर साहबान को नोटिस दिये बग़र एक्सटेंड किया था, इसलिए मैं इस प्वायंट ऑफ़ ऑर्डर को ओवरःइड नहीं करना चाहता । अगर मेम्बर साहबान को इस बारे में बहुत एतराज

Bill

हो, तो मैं इस वोटिंग को इस वक्त नहीं लूंगा ।

कुछ माननीय सदस्य : इसको कल ही लिया जाये ।

अध्यक्ष महोदय : बहुत अच्छा । इस वक्त हम हाउस को मुलतवी करते हैं और कल हम इसको लेंगे ।

Shri S. K. Patil: When do you take the vote?

Mr. Speaker: Tomorrow morning, I think.

Shri Tyagi: The debate has been closed. It is only voting.

Mr. Speaker: Yes. It is voting that has to take place.

Shri S. M. Banerjee: No, no; the debate on the general discussion has concluded.

Mr. Speaker: Whatever the stage is, from here we start tomorrow. That is all right.

BUSINESS ADVISORY COMMITTEE
SIXTH REPORT

Shri Rane (Buldana): Sir, I beg to present the Sixth Report of the Business Advisory Committee.

Mr. Speaker: The House will now stand adjourned till 11 A.M. tomorrow.

18-41 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, September 4, 1962/Bhadra 13, 1884 (Saka).