

[Mr. Speaker]

expression of opinion is not good. When you come to the operative portion, whether the House can pass a resolution disapproving or not, it cannot do so under article 338.

Above all, wherever there is no specific rule, under rule 174 which relates to resolutions I can always disallow a resolution at any particular stage.

Lastly, there is the residuary rule 389. Whatever might be said in a particular rule, in a situation arising like this the residuary rule empowers the Speaker always to pass such orders as might be necessary if there are no specific provisions under these rules.

For all these reasons I have come to the conclusion that it is no longer worth pursuing. It is not a censure motion as Shri Bharucha, who wanted to have another opportunity to explain after the hon. Home Minister made his observations, wanted to say. Shri Bharucha once again reiterated that the resolution was not for the purpose of bringing about the cessation of the Ordinance, making it cease to be in operation, but for the purpose of censure. I am sorry he has chosen a wrong remedy. This is not the remedy, and I am not competent to suggest to him any remedy otherwise.

Therefore, my original order stands. This resolution cannot be moved.

#### PUBLIC EMPLOYMENT (REQUIREMENT AS TO RESIDENCE) BILL\*

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I beg to move for leave to introduce a Bill to make in pursuance of clause (3) of article 16 of the Constitution special provisions for requirement as to residence in regard to certain classes of public employment in certain areas.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to make in pursuance of clause (3) of article 16 of the Constitution special provisions for requirement as to residence in regard to certain classes of public employment in certain areas."

The motion was adopted.

Pandit G. B. Pant: I introduce the Bill.

#### ESSENTIAL COMMODITIES (SECOND AMENDMENT) BILL

The Minister of Law (Shri A. K. Sen): Mr. Speaker, Sir, I beg to move:

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

Sir, it is necessary to explain to the House why this amending Bill has been introduced, and why we want this Bill to be passed. Under the Essential Commodities Act of 1955, section 3 gives various powers to the Central Government with the necessary powers of delegation given under the Act itself. One of the powers given under section 3 is contained in clause (f) of sub-clause (2) of that section which reads as follows:

"For requiring any person holding any stock of any essential commodity to sell the whole or a specified part of the stock to such person or class of persons and in such circumstances as may be specified in the order."

In other words, the Government may require any person holding a stock to sell either the whole stock or a portion of the stock to any person or class of persons specified in the order of the Government.

One should have imagined that that provision clearly enables any Government by the very terms of the powers to direct any person holding any stock of an essential commodity

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to sell the whole or a part of the stock to the Government itself or to one of its officers or agents. One should imagine the word 'person' was wide enough to include an officer of the Government or an agent of the Government like the Director of Supplies, the Director of Food or various other officers to whom Government may consider that this compulsory sale may be made.

Since the passing of the Act, and more particularly after orders were passed by the Government of West Bengal directing sale of stocks held by certain mills to officers named by the Government in the order directing such sale, doubts have been raised by these owners of stocks challenging the authority of the Government to direct sale to one of its own officers. The contention is that the word 'person' or the words 'class of persons' would not include an officer or officers of Government. There are many lawyers in this House. I do not think there is any substance in that contention.

So far as our imagination goes, so far as our power of analysis can stretch the word 'person', certainly, we cannot exclude a Government officer. But, nevertheless, in order to make ourselves abundantly clear we have, by way of abundant caution, introduced this amendment, so that the very healthy power of enabling the Government to virtually requisition stocks of food and other essential commodities by directing compulsory sales to persons nominated by the Government may not be thwarted by all sorts of doubts being raised, and these doubts being agitated in courts of law.

While we are bringing this measure before the House, we are not for a moment contemplating interference with the course of justice under the courts of law created by the Constitution and other laws of the Country. We are only doing what belongs to us, namely, making our mind quite clear by choosing words not capable of bearing any doubts whatsoever, so that our actions taken for the interests

of the public at large cannot possibly be questioned by any allegation that we have not made ourselves clear by the words chosen by us in our legislative enactments.

13 hrs.

I do not suppose, Sir, there will be any voice of dissent so far as this measure is concerned. In times of crisis, in times of shortage of production, specially of food and other essential commodities, it is absolutely essential that the Government must be given this power. And the Government cannot carry out this work of distributing stocks of essential commodities, by procuring them through the medium of compulsory purchase provided for in the Act, except with the aid of the officers whom it can trust. It could not possibly have contemplated carrying out the object of this Act through the medium of private citizens. It is impossible to do that. The Government must have control over the persons to whom these stocks are directed to be sold, so that when they come into the possession of the purchaser and become the property of the purchaser their distribution from that point of time is assured and the public are assured that the stocks which have been procured under the Act are fairly and equitably distributed amongst the people who need them. Therefore I move that the House accept this motion.

**Shri Narayanankutty Menon** (Mukandapuram): The hon. Minister has said that the purport of the amendment was to clear a doubt that may arise at a later stage.

**Shri A. K. Sen:** Not that may arise. I said 'that may be raised'.

**Shri Narayanankutty Menon:** Yes, in the actual operation of the clause.

This morning the Food Minister who had piloted this Bill in the last Parliament said in answer to certain questions that because this House has passed this legislation which made it a condition precedent that whenever

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procurements are made we should give the average price of the three months that prevailed prior to the date of procurement, because this House has passed the legislation. We will have to conform to that standard and there is no other go except to pay that price. When the Law Minister in this session comes with an amendment because of certain very genuine doubts that may arise in the operation of the Act in the procurement of the grains, we submit that irrespective of the possibility of someone raising a doubt, a clear doubt has arisen in the minds of the people that the working of the Act runs contrary to the purpose of the Act, because, the first amendment was introduced with the specific object of procuring grains at reasonable prices in order to bring down food prices in the country. But the objects and reasons of the Bill as also the speech of the Food Minister have been nullified, because when actual procurements were effected we were called upon to pay a price which was not at all fair, and statutory recognition was given to the prices that were prevailing when procurement started.

Therefore, while welcoming this amendment so that we may avoid much litigation and doubt and procurement may go on unimpeded by any legal arguments or doubts being raised, we would submit that the hon. the Food Minister who piloted this Bill in the last Parliament and also the hon. the Law Minister, taking into consideration what the Food Minister stated before this House today in answer to questions, may kindly appreciate this fact that this House has never passed a legislation for eternity and that the real requirement of the country is to get food at prices which are at a normal level, so that we may not give statutory recognition to the average of three months' prices in a particular locality. I would request them to bring in a suitable amendment without sticking on to the prices and also the prestige of the Government, because they have

come in with a hasty legislation on 31st May. Even though that particular matter was pointed out to the hon. Minister, he did not anticipate such a situation. But the working of the last three months has convinced the Government that under the provisions of this Act we are called upon to pay very high price. The normal amendment that ought to have been brought at this stage was an amendment fixing certain prices for the procurement which prevailed at a time when normal prices were ruling in the country and not at the height of the price level.

Therefore I appeal to the Government that not only may this doubt be cleared, but the position that exists today of paying higher prices may be cleared by bringing a measure for amending that particular provision relating to the fixing of prices.

Dr. K. B. Menon (Badagara): I rise to support the amendment brought by the Government to correct some of the errors in the drafting of the Essential Commodities Act. This shows how keen the businessmen are to see, by taking advantage of any little flaw, that the evil day may be postponed. I am equally glad that the Government is on the alert and is acting with promptness and with precision.

If I may be permitted and if it would be in order for me to point out some of the difficulties that the Government would face in implementing this Act, I would like to say that since the passing of the original Act businessmen have been inventing new ways of contravening the Act by attempting to corner supplies, in the rural areas particularly. In permanently deficit areas the businessmen have been in the habit of going about and purchasing the grains brought fresh from the field as soon as they are brought, by letting loose their henchmen in the villages. The villagers are not in a position to hold on to the stock because they are always in need of cash. And unless some way is found out to meet this need of

the villager, it may be difficult to prevent the villager from selling the grain to the businessman.

They have found a new way also—I heard it is in practice in some parts of Maharashtra and other places—of forward buying of grains even before they are harvested. Many of these cultivators, most of them small holders, are not in a position to meet their cash needs for family expenses or for the expenses of cultivation. Apart from buying the paddy as soon as it is brought from the field, as I pointed out first, this new method of making forward purchase must be prevented.

The only way, as far as I can see, for preventing that kind of forward purchase is by meeting the credit needs of the villager. I would like the Government to examine this position and see whether that could be met through co-operatives.

Another leakage or a draught of the grain from the rural areas to the small towns and big towns nearby also has to be prevented. A question will soon be tabled or is being tabled in the Bombay Legislature, I believe, that considerable quantities of grain in small packages of seers are taken from Thanā to the City of Bombay. This is not taken to Bombay. It is sent to very many other places. That is also in my experience. In deficit areas the town people can afford to pay a higher price for the grain, and these small people—sometimes they may be the agents of a town merchant, sometimes they may be doing it on their own initiative, because they can make small profits out of it—collect these small bundles of grain from the rural areas and take them to the town for sale. This also has to be prevented. Very often it is connived at by the authorities because they feel that some middlemen may make some gain or profit out of it. Very often these things are collected and cornered by the businessmen in the towns and sold at higher prices. What exactly has to be done for this,

I do not know. Here again, the problem of the small credit needs of the villager comes in and if this is met, whether the flow of the grain from the rural areas to the small towns nearby can be prevented or not, I do not know. I wish to invite the attention of the Government to these facts and have the situation examined and corrected if possible.

Shri Ranga (Tenali): Mr. Speaker, even in those days when the all-round controls were enforced, I used to make a suggestion to the Government that they should publish at least once a year if not twice a year, a report on the working of the powers that are given to Government in regard to the production, purchase, distribution and sale of those commodities that come within the mischief or within the operations of an Act like this or of controls which have regulatory powers. Unfortunately, Government has not adopted that policy as yet. I would like to urge once again that proposition as otherwise it would be impossible for this House to know how these powers are being exercised in different parts of the country by different State Governments as well as the Union Government itself.

Secondly, I am very glad that my hon. friend Dr. K. B. Menon has approached this subject in a constructive way. It is a well-known fact all over the world that there is conflict of interest between surplus countries and deficit countries in regard to food-grains especially. Similarly, there is conflict of interest also between surplus States and deficit States within India, and fortunately or unfortunately, it so happens now that the very friends of the Communist Party here who were so very keen upon having more and more controls in India during the war and after the war more or less in the same way in which they have them in Soviet Russia and in other Communist countries, also happen to be today in power in that particularly deficit State of Kerala. Quite a number of them have

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also come from that State to swell the ranks of the Communist Party here in our own Parliament with the result that we seem to be getting a kind of lopsided view of the situation.

Actually, what was the position? The Food Minister himself had said—I wish he had been present on this occasion—today that three important, more or less deficit States had come up for special consideration of his Ministry, namely, Kerala, Madras and West Bengal. As between Kerala State and Madras State, there seems to be special preference to the Kerala State because the Central Government does not wish to be accused of not doing its duty by the Kerala Government which is held by the Opposition party in this House. I do not want to begrudge whatever the special considerations the Government of India shows to them. But I would like them to do justice also to the other States.

Take, for instance, West Bengal itself. Recently, there was so much trouble there because the prices of foodgrains, especially of rice, had shot up. West Bengal wants the super-fine rice of Andhra, but West Bengal cannot have it. The Andhra super-fine rice must be sent down to somewhere else. If Madras would like to have it, it would go there. But Kerala would not like to have it because the price is too high. Therefore, in between the Andhra producers on the one side and the merchants also who have purchased it, and the West Bengal consumers and the merchants who would like to buy it on the other side, these people are held to ransom. They are made to suffer and to accuse each other also. West Bengal looks to Andhra and thinks that Andhra is doing her injustice because it does not allow the rice to go to Bengal. Andhra is angry with the Union Government because she is not allowed to send her rice to Bengal and to be sold at reasonable profits—let us put it from the point of view of the mill-

owners. How is this particular difficulty to be overcome? It was sought to overcome the difficulty—the Union Minister sought to overcome it—by coming to a kind of agreement with the Andhra rice-millers some weeks ago, when he agreed to allow 40,000 tons of super-fine rice to be exported to Bombay and West Bengal. But he stipulated one condition which they did not seem to have understood in proper context; that condition was, it could be done provided that they were willing to place the rest of their surplus stocks with them, at the disposal of the Union Government so that the Union Government could divert it to Madras State as well as Kerala State.

Shri Tangamani (Madurai): What has it got to do?

Shri Ranga: It has got everything to do with what has fallen from the representatives of that party. One of my hon. friends from that side was saying this morning that the Government has done wrong in sticking to the Act that was passed here, according to which the average price prevailing over the previous three months up to the 1st of June had to be paid to the producer in Andhra. Now, that has got to be paid. On the other hand, my hon. friend wants to have it all free. They are welcome to have it just as they are having plenty of rain during the rainy season in Malabar. But unfortunately this rice has got to be produced by hard-working peasants in their small, tiny landholdings and necessarily they have got to be maintained. The agricultural workers also have got to be maintained. We are ourselves asking that minimum wages should be fixed for agricultural workers in order to enable them to live a decent life at least as human beings.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): Even then, there cannot be a red rain of grains as it was reported in Kerala some-time back!

**Shri Ranga:** We have got to pay those wages and these producers themselves have got to be maintained. Then, on the top of this, the rice-millers have got to be remunerated so that the rice-mills would be able to process the paddy into rice. All these expenses have got to be taken into consideration in fixing the prices. I do not know if any arbitrary price could be fixed at all as would be possible according to the present legislation, because the present legislation does not say whatever may be the average price that was prevalent in the markets before the 1st June, the price should not be less than remunerative price, should not be less than what my hon. friend was pleased to say, a reasonable level of prices. It does not say that. Therefore, there is always the danger that the prices that they may reap and the prices that should be paid by the Government or their agents to the rice-millers and peasants themselves may be found to be much less than the remunerative prices or much less than the normal level of prices also, in which case the producers will be held to ransom; they will be made to suffer, and when the producer suffers, the agricultural workers also suffer. Do we want the producers to go bankrupt? Do we want the agricultural workers to be starved much more than what they are now starving? Do we want all our agriculturists all over India even including the Kerala State, which is a deficit State, and all our producers to be starved and be driven to insolvency? Surely, that is not the attitude; that is not the intention of even the Communist Party if I mistake not.

Then, in that case, what ought to be done is for the Government to make a calculation as to what can be taken to be a normal level of price—not even that—a remunerative level of price. Having fixed that, let them also fix the minimum wages or a remunerative wage for agricultural workers. Let them enforce these two things and in that way ensure the minimum possible justice to the pro-

ducers of foodgrains. If they are prepared to do it, then, thereafter, it would be open to them to exercise the right of taking over as much of it as they want from time to time from the producers themselves or the merchants themselves or the mill-owners in the producing areas, whether they be in the deficit State or surplus State at that price and make it available to consumers all over India wherever you find it necessary to make it available in that fashion through the State agency. Nobody would object to that. But the Government is not willing to do it unfortunately and I very much deplore their inability or unwillingness to do it. As long as they continue to persist in this particular policy of negation, I wish to warn them that they would not be doing justice to the producers in the country.

The next point is that the Government now want a greater clarification of the power they already possess that their own officers should also have the power to go and take charge of the foodgrains that may be in the possession of these mill-owners. We have no objection to give this power to the Government officers. But I have an additional grouse in regard to the power that they have already taken in addition to this power that they want. I do not want the Government to exercise the power in such a way that, when we have already got the mill-owners as an intermediary taking too much profits, they would have the power to interpose between the mill-owner and the ultimate consumer some nominees of their own, maybe again a set of mill-owners or group of merchants, who may also become profiteers to exploit both the consumers at the other end and the producers at the very beginning of the sale procedure. Today they have got that power.

I would rather wish that the Government procures all these foodgrains that they want in the surplus States through their own officers and not

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through any of these private agencies. We have had very miserable and painful experience in the last period of controls of how the State Governments, the Union Government or the Government agencies had misbehaved in appointing people to simply profiteer at the cost of the producers on the one side and the consumers on the other. It was certainly not the intention of the Government as such or of Parliament, but unfortunately it worked like that. Therefore, I would like Government to take due care to see that, taking advantage of this additional clarification that we are going to empower them with, they would only utilise their own officers and those officers also ought not to be of a low standing, but officers with a sense of responsibility. They should entrust it to very high-level officers, not less than the deputy collectors in the districts, to go and purchase these foodgrains.

**Shri B. S. Murthy:** How many deputy collectors are there?

**Shri Ranga:** My friend ought to know, instead of putting this question, that last time during the control period, there were hosts of deputy collectors who were put in charge of this work and also a large number of tehsildars.

**Shri V. P. Nayar (Quilon):** Hosts all right, but he is asking, how many?

**Shri Ranga:** I do not know whether they want to prolong this discussion for a longer period than is necessary. Otherwise, these interruptions are unnecessary. There are today five deputy collectors in each district. You can have another five deputy collectors if you want for this particular purpose. But I think two deputy collectors would be enough. All they have got to do is to go and seal those stores and then give the orders to the Railway people themselves as to what quantities of foodgrains have to be transhipped from those stores through railway wagons to the consuming centres; place the

orders on the mill-owners as to by what time and in what quantities rice has to be sent by railways to the consuming centres. So, I think we would not need very many. At the same time, it does not matter how many you need, but it is worthwhile on the part of Government to have their own officers to do it rather than have these middlemen—merchants, businessmen or rice-millers themselves—who have got into the habit of not so much offering the best possible service as of making the highest possible profit. That is a suggestion I would like to make to the Government.

In addition to this, I would like to endorse the suggestion made by Dr. Menon, and that is the question of credit. It is the duty of the Government to step into the place of the ordinary merchants, who today are concluding forward contracts with the producers. Forward contracts are necessary. The peasants have got to be supplied with credit before the harvest period in order to enable them to finance the harvest and also to pay the taxes in addition to maintaining themselves. Instead of depending upon these merchants and profiteers, this can be best done through the co-operative societies and through the Government themselves. Credit can be advanced to the farmers on the condition that the specified portions of their production should be placed at the disposal of the Government at prices fixed by Government themselves.

I have already indicated that the prices to be fixed by the Government should be remunerative and should not be less than the minimum and that has to be stated very much in advance of the harvesting period, if not in advance of the sowing period. If these precautionary steps are taken by the Government either directly by themselves or through the co-operatives and if they prevent the peasants from falling into the clutches of these merchants and mill-owners, I am sure it would be possible for the Government to assure themselves of not less than 50 per cent of the total

surplus foodgrains that the peasants would be having at their disposal at the time of the harvest period. With half of the surplus being in their possession, Government would be in a position to assure all these deficit States of all the quantities of foodgrains that they would be badly in need of at prices which would also be within the capacity of the consumers.

It is quite possible that in certain States, the consumers would be so very poor and even a remunerative price that has got to be paid to the agricultural producers would be beyond their means. It is for that purpose that I want the Government to make use of that fund of Rs 25 crores to subsidise the sale of foodgrains for consumption by the vulnerable sections of our people in these deficit areas.

I do not have anything more to say, except again sounding the warning that Government will have to be extremely careful to see that in the working of this particular Act, they would not give additional opportunities for these various middlemen to exploit the consumers as well as the producers masquerading as agents of the Government.

Some Hon. Members rose—

Mr. Speaker: Unfortunately, by having allowed Mr. Menon to raise some matter, Mr. Ranga also had to reply. I think hon. Members will not enlarge the scope of the Bill. It is a simple amending Bill. The general provisions of the original Bill are not now under discussion. The House has already accepted them. The only question is, there was a doubt whether the word "person" or "persons" will apply to the State Government, etc. and therefore, they wanted to make it clear. I do not see how there is any scope for long discussions over this matter. Mr. Menon raised a point and it has been replied to by Mr. Ranga. I do not think hon. Members will continue that. I have allowed one

hon. Member from the communist party. I will allow one more. Mr. Gupta.

Shri Sadhan Gupta (Calcutta-East): Mr. Speaker, I rise to support this Bill and indeed I would wholeheartedly endorse the Law Minister's observations that there could be no dissent to this Bill. Representing a part of West Bengal as I do, I am perhaps more alive to the necessity of the Bill than many other sections of the House and many other Members of this House, because in West Bengal today, a calamity has descended in the way of famine conditions. Today the hungry peasants are trekking to the city of Calcutta for want of food. Therefore, the powers sought to be granted by this Bill are certainly very necessary. There could be no question of dissent about it. If any doubts have been raised, then those doubts should be cleared up. But the power should be untrammelled for the purpose of securing food for the people. We have no dissent to this Bill though we have some misgivings, some of which I will mention. We have misgivings about the way the power is to be used. We all think that when we grant power to the Central Government and the State Governments to seize stocks, seize hoards, those powers will be utilized energetically. When I say that these powers should be utilised energetically, I do not mean that they should take away the stocks of peasants who have kept them for their domestic consumption for the year. Of course, in our country the tiny peasants, to whom Professor Ranga has referred, do not retain their stocks. They have long sold out their stocks or consumed their stocks. But, there are certain peasants who have just sufficient store for their consumption during the whole of the year, for the purpose of seed and so on. It is absolutely necessary that their stocks, which they need for the purpose of consumption, should not be interfered with. But, it is equally necessary that where hoarding has taken place for speculative purposes, where hoarders are trying to make

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a profit out of hunger, out of starvation and death of the common people, it is extremely necessary that energetic steps should be taken to unearth the hoards.

13.32 hrs.

[MR. BARMAN in the Chair]

I will not go into the question of the price to be paid; that may be settled later on. But I have a misgiving that the Bill may not be utilized as energetically as it needs to be utilized because we see that there is some softness in the different State Governments, as far as hoarders are concerned. I cannot think that today if we took steps to unearth hoards, we should be compelled to allow different parts of the country to face starvation, as they are doing today. Eastern Uttar Pradesh and Bihar have been facing starvation for some time. Today it has descended on West Bengal. We are told that our shortage is not much, it is a small shortage. If that is so, I don't see why so much misery should be allowed to descend. Therefore, I hope that when the power is granted to the Central Government and the State Governments, they will utilise that power and not give consideration to the hoarders, we have almost always received it.

In Bengal, on many occasions kisan organisations in different villages have supplied names of hoarders who have hoarded stock for the purpose of speculation. The other day, through raids on different rice mills, I understand, a lot of stock was unearthed. That shows that although there is acute distress, there is not as much scarcity of food as we are made to believe; food is there. And it is the experience of many villages in West Bengal—and I dare say of every other part of the country—that speculators and hoarders are sending away food to places where they can be sold at a profit. In the case of Bengal, a lot of food is being sent or smuggled out of West Bengal into East Pakistan

because there it can be sold at a profit. It often happens that from the rural areas a lot of food is sent into towns, not for the purpose of legitimate trade, but for the purpose of hoarding there and selling at high prices. Therefore, it is absolutely essential that energetic steps should be taken. Unfortunately, it is the Law Minister, who is piloting this Bill. I wish the Food Minister was piloting this Bill because it is really the acute crisis of food which has necessitated the passing of this Bill. Therefore, I hope the Food Minister will realise the extreme anxiety of the country for the de-hoarding of stocks, the extreme anger and the extreme hatred that the whole of the country feels against hoarders who hoard food for the purpose of speculating and for the purpose of profiteering when millions of our countrymen starve to death. Through starvation they lose their social morals and their families are disrupted and the whole social fabric collapses. That is why I want to support the Bill and once more urge its energetic utilisation.

**Shri B. S. Murthy:** I do not want to make a speech except to suggest an amendment. The clause reads:

"for requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to the Central Government or a State Government or to an officer or agent.."

After the word "agent", I want to add "or agency of the Government". If the word "agency" is used, co-operative societies can be brought into the arena of purchase and sale of foodgrains. As far as the history of the co-operative movement in Madras and Andhra is concerned, the history of the Triplace Urban Co-operative Society is very well-known and the history of this society has been praised all over the country. As a matter of fact, in 1955 Government was not at all willing to enter into the field of procurement as a precursor to

controls. Therefore, the words "Central Government and the State Governments" have been left out. Now the necessity has come to use the term "Central Government as well as State Governments". But I think it is better that we also make room here for certain organisations, such as the co-operative societies or other societies which are in existence in certain localities. They may be authorised by the Government to purchase and sell foodgrains. That is very essential because, if it is not done, Government will have to come again to Parliament, asking for further modification of this Act.

In this connection, I will give you an instance. Some time back, the Minister of Food and Agriculture and the Deputy Minister had been to Hyderabad. Both of them met the peasants and the mill-owners and there was an agreement. Now the mill-owners complain that the stocks have been seized whereas the Minister has today categorically stated that no seizure has taken place and that they only wanted records as to the quantity of foodgrains they store in their mills. But the Andhra mill-owners, the Minister said, did not co-operate as far as sale of foodgrains is concerned. Therefore, without having all such things and finally passing an order imposing controls, I suggest that an outside agency like the co-operative societies may be utilised for this purpose. Therefore, I think that the use of the word "agency", we may not use the exact words co-operative society or societies, will facilitate the work of the Government, as and when they think of utilising the services of the multi-purpose cooperative societies for the purchase as well as sale of essential commodities.

In this connection I would like to tell the House that during 1946, when Mr. Prakasam was the Chief Minister in Madras State he wanted to try the producer cum consumer cooperative societies. It was a success for a long time, but unfortunately because of the apathy of the Government which succeeded Prakasam's they went out

of existence. There are certain societies all over Andhra as well as in some places in Madras State, I do not know as far as Kerala is concerned. These three States form one rice zone and there are producer cum consumer cooperative societies, multi-purpose cooperative societies and also farmers' cooperative societies in this area. I, therefore, think that an amendment in this form or in a form the Minister thinks fit, will facilitate to a great extent easy procurement and easy distribution of the foodgrains.

Shri C. R. Pattabhi Raman (Kumbakonam): Mr. Chairman, the object of this amendment is clear enough and narrow enough. It seeks to substitute for clause (f) of sub-section (2) of section 3 a new clause (f).

It is only to clear the doubts that may arise with regard to the content of the existing clause (f) of sub-section (2) of section 3 of the Essential Commodities Act which has been passed by us.

The provision I submit is wide enough even without the amendment. It is just possible that in some enactments some doubts may be created as to whether a Government or an agent of Government can act as a person. But in this enactment before us, namely the *Essential Commodities Act* section 3(1) is clear enough. It says:

"If the Central Government is of opinion that it is necessary or expedient 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 is as wide as the sea. So, I submit that the amendment now sought to be made is not really necessary in an enactment of this kind which has conferred on Government very wide powers. Section 3(2) (f) says "person

[Shri C. R. Pattabhi Raman]

or class of persons". I submit, therefore, that it is really not necessary to have an amendment of this kind. But I support it because it seeks to clear a doubt, and by way of abundant caution, as the Statement of Objects and Reasons says, we may have it.

Actually, I have been revolving in my mind, as to whether we should not amend the General Clauses Act for this purpose. The word "person" is defined in the General Clauses Act. Corporations will come under the word "persons". Here we are in a fast moving society. The entire life of a welfare State will be paralysed on account of some imbalance or maladjustment in the prices of essential food stuffs and other things. I am wondering whether it would not be better to amend that definition in the General Clauses Act to include Governments or their agencies. It is likely that we are going to have many more enactments in keeping with the welfare State and unless full powers are given to the State the very life of the community will be paralysed and the Plan will be jeopardised, because if prices shoot up persons with fixed income are bound to suffer. The object of this measure is to keep prices down.

I find some hard words said about farmers. We may be justified in attacking the middlemen, the dealers and the hoarders. But we have to be careful with regard to farmers. They form the bulk of our population and unless we have the willing cooperation of the farmers, we would not have the necessity for these agencies. It is no use bandying words at the farmers whose full, willing and active cooperation is necessary in the implementation of these enactments. Inasmuch as this enactment seeks to clear doubts, it is necessary to pass it and I support it.

सरकार अ० सि० सहायल (जंजगीर) :  
सभापति महोदय, ऐसेशियल कम्पोजिटिस  
(सेकिंड एमेंडमेंट) बिल जो कि हमारे  
विधि मंत्री द्वारा यहां प्रस्तुत किया गया है,

उस पर मैं अपने विचार रखना चाहता हूँ।  
इसके स्टेटमेंट आफ प्रान्जेक्ट्स एण्ड रीजंस  
में यह लिखा हुआ है :—

"...An order may be made requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to such person or class of persons and in such circumstances as may be specified in the order".

इसका मतलब यह हुआ कि जो  
काश्तकार है, जो कि गल्ला पैदा करता है  
उसको कोई कीमत नहीं मिल सकती है।  
इसका कारण यह है कि गल्ले के जो भाव हैं  
वे निर्धारित नहीं हैं। मुझ से पहले बोलने  
वाले कई माननीय सदस्यों ने गल्ले के भाव  
निर्धारित करने के बारे में अपने विचार  
प्रकट किए हैं। मैं तो यह कहूंगा कि जिस  
वक्त गल्ला तैयार हो जाता है उसी वक्त  
उसके जो भाव हैं वे निर्धारित कर दिए  
जाने चाहिए। इसका मतलब यह होगा कि  
जो काश्तकार है वह उस दाम पर अपने  
गल्ले को बेच सकेगा।

इसके साथ ही साथ यह भी देखना  
चाहिए कि हमारी सरकार के जो एजेंट्स  
हैं उनको गल्ला दिया जाना चाहिए या जो  
कोम्प्रोप्रेटिव बेक्स बहा पर बर्क कर रहे हैं,  
उनको दिया जाना चाहिए। मैं समझता हूँ  
कि भारत भर में आज कोई भी स्टेट ऐसी  
नहीं होगी जहां पर कि कोम्प्रोप्रेटिव बेक्स  
बर्क न कर रहे हों। इन संस्थाओं के द्वारा  
अगर किसान अपने गल्ले को बेचते हैं तो  
उनको काफी अच्छे दाम मिल जाते हैं।  
लेकिन आज होता क्या है? मैं आपको  
बतलाना चाहता हूँ कि जिस जगह से मैं  
आता हूँ वह एक सरपल्स एरिया है और  
वहां से काफी मात्रा में चावल इत्यादि दूसरे  
प्रान्तों को दिया जाता है। जिस वक्त काश्त-  
कार गल्ले को तैयार कर लेता है उसके पहले  
ही जो मिल मालिक होते हैं वे जा करके उन  
काश्तकारों को रुपया दे देते हैं इस कर्त पर

कि वे काश्तकारों से नियत भाव पर, जिस भाव को कि वे ही नियत करते हैं, गल्ला खरीदेंगे।

हमारी सरकार को इस बात का खयाल रखना चाहिए और उसको इसमें यह निर्धारित कर देना चाहिए कि जिस वक्त गल्ला तैयार होगा, हम इस भाव पर उसे खरीदेंगे या हमारे मुकर्रर किये हुए पक्के एजेंट या आदमी गल्ले को निर्धारित मूल्य पर खरीदेंगे। जब तक आप इस तरीके की व्यवस्था नहीं करेंगे तब तक आप काश्तकारों की हालत को सुधार नहीं सकेंगे।

यह जो हमारे बीच के लोग हैं एजेंट वगैरह जो कि गल्ले का काम करते हैं वे इसीलिए गल्ला खरीदते हैं ताकि सस्ते भाव पर लोगों को गल्ला दे सकें। वह जो बिल आप लाये हैं मैं समझता हूँ कि इस बिल की निहायत जरूरत थी। आज हम देखते हैं कि सरप्लस प्राविसेज से गल्ला आने के बाद बाहगों में हम पीने दो सेर का गल्ला बेच रहे हैं। यह कोई अच्छी चीज नहीं है और हम चाहते हैं कि वह उचित भाव पर बिके और इसीलिए मैं चाहता हूँ कि आप उसके बेचे जाने के लिए भाव निर्धारित करें। जब तक आप भाव निर्धारित नहीं करेंगे तब तक यह चीजें चलेंगी और बीच के लोग अनइय् प्राफिटियेरिंग करेंगे और काश्तकार को उससे कोई फायदा नहीं होगा।

एसेंशियल कमोडिटीज ऐक्ट में जहा लिखा हुआ है "For securing their equitable distribution and availability at fair prices", तो काश्तकार से तो उसके गल्ले को यह ब्यापारी लोग सस्ते दाम पर खरीद लेते हैं और कह देते हैं कि यह ही फ़ैर प्राइस है और वह प्रचलित हो जाती है लेकिन वही गल्ला बाजार में आकर यह ब्यापारी लोग १८ रुपये और २० रुपये मन के हिसाब से बेचते हैं और इस तरह काफी मुनाफ़ा कमाते हैं जब कि किसानों को कोई फ़ायदा नहीं होता है और वे नुकसान में रहते

हैं। इसलिए मैं मन्त्री महोदय से धर्जे करूंगा कि आप इस तरह की व्यवस्था करें ताकि सरकार ही सीधे किसानों से उनका गल्ला उचित कीमत पर खरीद ले। आप मध्य प्रदेश की सरकार को इस बात की इजाजत दें कि वह सीधे किसानों से बाजिब कीमत पर गल्ला खरीद ले। नई फ़सल आने वाली है और आपको अभी से इस बात का इन्तज़ाम करना चाहिए कि गवर्नमेंट बज़ात खुद या उसकी तरफ़ से मुकर्रर पक्के एजेंट्स गल्ले को किसानों से मुनासिब कीमत देकर खरीद लें। ऐसे एजेंट्स ही उस गल्ले को खरीद सकें जो कि स्वयं खरीद कर दूसरों को न बेचें। आज होता यह है कि बहुत से मिल मालिक एजेंट्स से ज्यादा दाम पर गल्ला ले लेते हैं और इस तरह काश्तकारों को नुकसान होता है। मैं चाहता हूँ कि ऐसी व्यवस्था की जाय ताकि काश्तकारों को उनके गल्ले की उचित कीमत मिले और इसीलिये यह जो प्रमोडिग बिल लाया गया है, मैं उसको सपोर्ट करता हूँ।

पंडित ठाकुर दास भार्गव (हिसार) : सभापति महोदय, यह जो एसेंशियल कमोडिटीज प्रमोडिमेंट ऐक्ट, १९५५ का था इसमें सरकार ने अपने हाथ में प्रोडिक्शन, सप्लाई, डिस्ट्रीब्यूशन आदि की पावर्स ले ली थी। उस वक्त भी इस तरीके की बातें इसमें थीं कि सरकार चाहे जिस शक्ति को हुकम दे दे कि वह अपना जो गल्ला है फ़नां भाव से बेचे या फ़नां शक्ति को दे दे और वह इस भाव से बेचे। उस वक्त भी यह ऐतराज किया गया था और गवर्नमेंट का ध्यान हमने दिलाया था कि इस बिल के अन्धर कई ऐसे नुकस हैं जिनको कि गवर्नमेंट को टांक कर लेना चाहिए। उनमें से एक नुकस यह भी था कि गल्ला खरीदने की जो बात इसमें थी वह दूसरे प्रशासक के वास्ते थी और मैं नहीं समझता कि उस का इस तरह स इंटरप्रेटेशन हो सकता है कि सरकार खुद गल्ला खरीद ले और अब चूकि एमरजेंसी है और सरकार खुद या अपने एजेंट्स के माफ़त

[पंडित ठाकुर दास भागवत]

गल्ला खरीदना चाहती है, इसलिये वह जो यह प्रमोविंग बिल लाई है वह ठीक ही लाई है बरना यह नुक्स कानून में बाकी रह जाता।

इसके अलावा जो दूसरा नुक्स इस में है वह यह है कि इसमें स्टाकिस्ट्स की डेफ़िनिशन नहीं दी हुई है। यही ऐतराज मैंने पहले भी जब यह बिल आया था तब किया था और वही चीज आज मैं दुबारा दुहराना चाहता हूँ और सरकार को काशन कर देना चाहता हूँ कि उसने पुराने या नये बिल में कही पर स्टाकिस्ट्स की तारीफ़ नहीं दी है। और यही कारण है जो बार बार छोटे काश्तकारों की तरफ़ से बोलने वाले इसके खिलाफ़ आवाज़ उठाते हैं क्योंकि उनको डर है कि इस तरह की डेफ़िनिशन न होने से छोटे काश्तकारों को नुक़सान पहुँचने का अन्देशा है। भारतवर्ष के हर एक प्रदेश के हालात जुदा जुदा हैं। जो हालात केरल, मद्रास, कलकत्ते या दूसरे प्रान्तों में है वे पंजाब में नहीं है। मुझे इस बात की खुशी है कि पंजाब के अन्दर भाखड़ा डैम होने से और गवर्नमेंट द्वारा कुछ ऐसी स्कीम और व्यवस्था की गई है जिससे वहाँ के काश्तकार काफ़ी फ़सल पैदा करते हैं और अपनी जरूरत पूरी करने के बाद बहुत से ऐसे काश्तकार हैं जो अपनी फ़सल को रख लेते हैं और मौक़ा आने पर बेचते हैं। स्वयं हमारी गवर्नमेंट काश्तकारों को सुविधा देने के लिए यहां पर बेयरहाउसेज और क्रेडिट आदि के सम्बन्ध में बिल लाई है और उसका नतीजा यह होगा कि किसान लोग अपनी फ़सल को बेयरहाउसेज में रख सकेंगे, उनको क्रेडिट भी मिलेगा और अपनी फ़सल को जब उसकी मर्जी होगी तब बेचेंगे। गवर्नमेंट ने बतलाया था कि वह चाहती है कि काश्तकारों को उनकी फ़सल की मुनासिब कीमत मिले और ऐसा न हो कि फ़सल के वक़्त वह सस्ते से सस्ता अनाज बेच देने पर मजबूर हो जायें और मिडिलमैन और स्टाकिस्ट्स तो प्राफ़िटियरिंग करें और बेजा फ़ायदा उठाये और उन बेचारे किसानों को उचित

मुनाफ़ा भी न मिले। यह बड़े अफ़सोस की बात है कि मिडिलमैन और दूसरे लोग जो तिजारात करते हैं वे कीम से जायें। अगर वे काश्तकारों वाजिब मजदूरी भी न पायें। अगर ऐसा इन्तज़ाम हो जिस में गल्ला पैदा करने वालों के साथ पूरा इनसाफ़ हो और वितरण करने वालों को भी वाजिब उज्जरत मिले तो किसी को ऐतराज नहीं होगा क्योंकि सरकार की ग्रेन मर्चेन्ट्स से कोई अदावत तो है नहीं। हाँ अलबता सरकार यह जरूर चाहती है और उसी के लिए यह क़ानून बना रही है और प्रमोविंग कर रही है कि जैसा मेरे भाई श्री साधन चन्द्र गुप्त ने कहा कि गोदामों में गल्ले के अम्बार क अम्बार लगे रहते हैं और लोग बिना अनाज के भूखों मरते हैं, इसको रोकने के वास्ते सरकार क़ानून बना रही है और उसमें आवश्यक तरमीम कर रही है। आज चूँकि एमरजेंसी है इसलिए ऐसा होना ही चाहिए लेकिन जैसा कि मैंने पहले भी कहा था और आज फिर कहता हूँ कि आपको इस क़ानून में स्टाकिस्ट्स की तारीफ़ जरूर दे देनी चाहिए ताकि हमारे वे छोटे छोटे जमींदार जो अपनी जरूरत से कुछ अधिक गल्ला पैदा करते हैं, वे प्रोटेक्ट हो सकें। पहली दफ़ा जब मैंने ऐतराज किया था तो हमारे फ़ूड मिनिस्टर साहब ने यह फरमाया था कि हम इस बिल को छोटे काश्तकारों पर लागू नहीं करेंगे और मैं जानता हूँ कि उनके मन में भी यही है कि इसको छोटे काश्तकारों पर लागू न करें। मैंने उस समय यह अर्ज किया था कि जो काश्तकार १०० टन गल्ला पैदा करते हैं, उन पर यह क़ानून लागू न किया जाय। लेकिन मेरी यह सपना मैं नहीं आता कि उस चीज़ को क़ानून में लिखते हुए वे क्यों हिचकते हैं? जो बात गवर्नमेंट के दिल में है और जो होना उचित है उसको कागज़ पर नह नहीं लिखती है इसी वजह से यह सारा अगड़ा पैदा होता है।

यह जरूरी है कि आप साफ़ तौर से अपनी पालिसी का ऐलान करें। अपने पहले

एक प्राइस कमेटी मुक्ररर की थी, अब मेहता कमेटी चलती है। प्राप उसकी रिपोर्ट पाने से पहले ही इस बिल को यहां पर ले धाये। अगर प्राप एक ऐसा कानून जारी करें जिसकी कि रू से हर एक काश्तकार को उसके गल्ले की जो रैम्युनेरेटिव कीमत हो मिल सके और उचित मुनाफ़ा मिल सके तो वह स्वागत योग्य होगा। काश्तकार को उसकी फसल की रैम्युनेरेटिव कीमत मिले ताकि उचित मुनाफ़ा मिलने के साथ साथ उसकी मेहनत भी बसूल हो जाय। ऐसी कीमत सरकार कानून द्वारा मुक्ररर करे। प्राज जैसे इमर-जेंसी है उसमें यह जरूरी है कि इस तरह की कोई कानूनी व्यवस्था हो जिसमें काश्तकारों से एक मुक्ररर कीमत पर फसल ले जाई जाकर जरूरतमन्द लोगों को मुनासिब कीमत पर दी जा सके। मैं समझता हूँ कि प्रशोक मेहता कमेटी कोई न कोई ऐसी तरकीब निकालेगी। जिससे यह दोनों बातें हो सकें। सारे बड़े बड़े मुल्कों में इस किस्म की पालिसी चली हुई है जिसके कि अन्दर उन्होंने मुनासिब कीमत मुक्ररर की हुई है और अगर प्राप उसके लिए आवश्यक कानूनी कार्यवाही करते है तो उसमें किसी को ऐतराज नहीं हो होगा।

इस बिल के अन्दर जो अलफाज हे वे इतने लम्बे चौड़े रख दिये गये हे कि मेरी तो समझ में नहीं आया कि गवर्नमेंट चाहती क्या है और किस तरह अपनी मंशा को इन लफ्जों के रखते हुए पूरा कर सकती है। अब इसमें है "sell.....to the Central Government or a State Government or to an officer or agent of such Government or to such other person or class of such persons and in such circumstances". पता नहीं कितनी दफा "सब" लफ्ज का इस्तमाल होगा? इतना लम्बा चौड़ा यह बिल है लेकिन स्ट्राकिस्ट्स की तारीफ़ नवारद है। मैं अब से अर्ज करता हूँ कि इस कानून की श्रुति में गरीब से गरीब आदमी आ सकता है।

इसलिए मैं चाहता हूँ कि प्राप इस बिल को ऐसा बनायें ताकि गरीब आदमियों को कोई नुकसान न पहुंचे। मैं यह मानता हूँ कि गवर्नमेंट की मंशा उनको नुकसान पहुंचाने की नहीं है लेकिन प्राप उसको इस बिल में साफ़ क्यों नहीं कर देते और बिल क्यों नहीं देते ताकि बिल्कुल तसल्ली हो जाय।

प्राज देश के इमरजेंट हालात के अन्दर मैं इस बिल के प्रिसिपल्स को प्रपोज नहीं कर सकता। यह तो हमको इमरजेंसी लेजिस्लेशन मालूम होता है। इमरजेंसी लेजिस्लेशन के तौर पर हम इसे भले ही पास कर लें वरना इतना लम्बा चौड़ा कानून जिसके कि अन्दर किसी किस्म का सेफ़गार्ड नहीं रक्खा गया है, वाजिब नहीं है।

इन अलफाज के साथ मैं इसे इमरजेंट समझ कर सपोर्ट करता हूँ।

14 hrs.

Shri V. P. Nayar: When I read this Bill I thought it was a very simple measure, and especially when very important Bills had been sent to Select Committees even without a single Member speaking, I thought this Bill might take only a few minutes. But when I heard the Law Minister I remembered what the late Shri Mavalankar told us when he assumed office. He said that it is very difficult to break away from old moorings. A clever lawyer, we know, can make even a very small point appear big, and my hon. friend the Law Minister has not broken away from his moorings. He is new to this House and probably he thought his formulations require a sort of different way than what is usually done.

My complaint is not on the provisions of the Bill or against its principle. I have a little complaint against the Law Minister who, in his anxiety to flavour his formulations with understandable phrases, has resorted to the use of an expression like *ex-abundanti cautela*. He will do well to remember that 90 per cent. of

[Shri V. P. Nayar]

our Members do not understand Latin phrases and unfortunately the Parliament Library has only one or two Latin dictionaries for us to find out what it is. Any one of us, even including the lawyers, would have understood it at least as much as this if he had said that it is by way of abundant caution, or to make assurance doubly sure.

**Shri A. K. Sen:** You have translated it perfectly.

**Shri V. P. Nayar:** I do understand it. Hereafter I would request him that in such cases, especially in the Statement of Objects and Reasons, since we are not addressing the Supreme Court, we must understand what he means, and other hon. Members who did not have the good fortune to go to Oxford or Cambridge must also be in a position to understand what the Statement of Objects and Reasons really connotes.

Then I was really amazed to hear Shri Ranga, and when I heard him, again a statement of the late Shri Mavalankar came to my mind. There was hardly any subject under the Sun which Shri Ranga did not touch on this very simple and innocuous measure. He travelled throughout India, he honoured Kerala with a visit, then he flew to Russia and came back and accused the Communist Party and waxed eloquent for the Andhra peasant whom also he introduced. What is all this? When I heard him I thought that the highest tax which we had to pay was not Shri T. T. Krishnamachari's taxes, but a tax on patience.

This is a very simple measure. What is there to object to in it? I would say that it was the hon. Law Minister who set the ball rolling. Normally this Bill ought to have taken only five to ten minutes.

With these words I say that I do welcome the Bill. There are many other matters in the Essential Commodities Act as it exists today which

require revision. Certain orders have been questioned, I do not remember which order it is; probably in Calcutta there has been some case about it. Government should therefore, as he rightly pointed out, take all precautions and must be armed with enough power to take all necessary action in such matters.

I would once again urge the hon. Minister to make a note of this mild protest from me that at least in future, because he will have to pilot so many Bills and we shall have to read his Statements of Objects and Reasons for the next four or five years, he should not come forward with a repetition of Latin phrases, and let him also bear in mind that all of us do not have the good fortune to understand such phrases.

**Shri A. K. Sen:** I agree entirely with the observations which have fallen from my hon. friend Shri V. P. Nayar that this simple measure should not have really evoked such elaborate arguments on the floor of the House, but I disagree with him, if he will permit me to do so, about the reason for evoking these rather large outbursts on the floor of the House. He has blamed me for starting the ball rolling. If I remember aright, I did not take more than three minutes to support my motion for consideration, and I said exactly what the hon. Member has said that we are really clarifying some provisions which have already been accepted by this House, that it being an Act passed by both Houses of Parliament I had no doubt that Parliament had very good opportunity of expressing itself on the relative merits or demerits of the various provisions contained in the Act. But I do plead guilty to the charge that possibly this insertion of a Latin phrase could have been avoided.

**Shri Sadhan Gupta:** Latin is Greek to many!

**Shri A. K. Sen:** It does not appear so. Everybody seems to have understood and nobody asked the meaning of this phrase. That shows the great intelligence of this House and falsifies.....

**Shri Feroze Gandhi (Rai Bareilly):** May be Latin is Hindi to many!

**Shri V. P. Nayar:** I said it so that later on you may not come out with bigger and more ununderstandable phrases.

**Shri A. K. Sen:** I cannot give him the assurance that Latin will be completely banned, because it may be necessary to use certain Latin phrases for which we have not got equivalents in all the 14 languages in India, and possibly the Hindi equivalent might be objected to as much as the Latin phrase.

14.06 hrs.

[*MR. DEPUTY-SPEAKER in the Chair.*]  
Nevertheless, I am sure this charge has been made in good humour and I accept it.

The more important features of the arguments which were addressed are concerned with the question of price control and with the question of the silent support which we are alleged to be extending to hoarders. I am really concerned only with the powers to be granted to Government under this Bill. I am not concerned with the food policy directly. I have no doubt that the hon. Food Minister has in the past explained his policies, his activities, and will in future take every occasion to appraise the House with his activities and how he proposes to deal with the food situation as it develops from month to month or from day to day. But it is necessary for me to say this at least, that the hon. Food Minister here and in the State of West Bengal, from which State my hon. friend Shri Sadhan Gupta hails, have done an excellent job of the whole thing. They have dealt with an extremely difficult and complex situation most energetically, selflessly and with all the sincerity

that one could imagine. I cannot imagine a better handling of the situation.

Apart from vague and general allegations regarding failures or omissions or commissions here or there, I have not really heard in the course of the debate today any serious condemnation of the broad outline of policy which has been accepted and followed by the Government here and also in the State of West Bengal in the matter of food. The very fact that in spite of shortages which are acute in parts, in spite of various difficulties and in spite of our unwillingness to adopt a completely controlled policy so far as food is concerned, the food situation has been kept well within control and excepting in a few parts of India food prices have shown a tendency to decline, is enough testimony for that. It is not for me to answer that point, it does not really arise out of the present measure, but it is certainly necessary for me to support my colleague the hon. Food Minister here and the hon. Food Minister of West Bengal who have, I repeat, done an excellent job.

But I do object to the general charge levelled by my hon. friend Shri Sadhan Gupta, who is usually very restrained in his attacks, that we have throughout shown a bias in favour of hoarders.

The Act, first of all, negatives it as a matter of policy. It gives abundant powers to Government to control all essential commodities including the power to direct compulsory sales. As a matter of general policy, that certainly refutes any charge of bias in favour of hoarders. But he says that we have refrained from touching big hoarders and as a result, they have been engaged in their anti-social activities.

Let us come to realities. This charge has often been repeated here and in the State of West Bengal. All the mills were cordoned off. All available stocks were seized and

[Shri A. K. Sen]

directed to be sold to agents of Government. The total amount seized was less than 100,000 maunds, which is less than 4 days' supply for the city of Calcutta alone. This fact has proved, if more proof was necessary, that there is no large scale hoarding, far less support by Government of hoarding. The quantity of rice found in the godowns of these big mills was less than the normal quantity kept in the godowns in previous years. As I said, from all the mills round about Calcutta—very large in number—only about 90,000 maunds—I speak subject to correction, because I am not dealing with food—were seized, which is less than three or four days' supply for the whole city of Calcutta.

Whether it is a matter of policy or it is a matter of reality, I think the Government here, as also in the State of West Bengal, have given ample proof, if proof was necessary, of their sincere desire to make available every ounce of vendible rice or other commodities or foodgrains necessary for providing the people with food. We shall certainly watch with interest; I am not saying so with any spirit of attacking any State Government, but since the Government of Kerala was introduced somehow or other, we shall watch with interest what they do in the matter of hoarding or in the matter of price control. As far as we are aware, they have not seized any stocks of rice, as the Government of West Bengal have done. As far as I know, they have taken no steps up to now to control prices; they are remaining quite satisfied with the supplies they expect from the Centre. Yet, my hon. friend would not accuse them of bias in favour of hoarders, but would accuse a Government which have taken all active steps possible to seize available stocks as having a bias in favour of hoarders.

I hope that it will be possible for us to deal with these urgent and national problems by keeping ourselves as much free as possible under

the circumstances from a spirit of recrimination, because after all, the Party to which my hon. friend belongs, is now running a Government and they do appreciate the very difficulties facing a government. They have their own problems of hoarding there and also price control and if they can set a better pattern, we shall certainly watch with interest. But we shall certainly refrain from hurling accusations against them simply because they have done nothing by way of any demonstration of publicly seizing stocks or things of that sort.

I think that really finishes the main core of what I call an attack. The debate has really been conducted with a spirit of bringing about improvements, if any, in the measures we have enacted or are going to enact relating to food and other essential commodities.

There is only one word more necessary to answer Shri B. S. Murthy's suggestion that the word 'agency'—I do not find him here—should be introduced. The word 'agent' is enough; it is open to Government under the Act as it is with the amendment, to appoint anyone as its agent so long as he is not a minor or so long as he does not suffer from other incapacities.

With regard to Pandit Thakur Das Bhargava's point, I have really failed to see the relevancy of his attacks. We have taken powers to direct any person holding any stocks of an essential commodity to sell it to Government or its agents. He says that only big stockists should be affected. It is difficult to draw a line between big and small stockists. But I have not the least doubt that these powers will be exercised with caution and restraint with a view to seeing that the real purpose of procuring supplies of foodgrains at equitable and fair prices is achieved and that no unnecessary harassment is caused. Powers are given to the Government in the honest

belief that they will be exercised properly, and I am convinced that it has not been shown yet that the Government have abused these powers at any time anywhere. These fears are really hypothetical and are not sustained by any facts.

I am sorry I forget to answer one point. I ought to have remembered it. It is necessary to mention it now because it might crop up again. Shri Menon suggested that we should not really give a price, the fixation of which is indicated in the Act, but some price which, according to him, will be a slashed down price. He forgets that we are working under a Constitution which limits the powers of any Government to requisition stocks either by compulsory sale or otherwise except on what the court regards as fair compensation. That is under article 31 of the Constitution. So long as we work under these constitutional limitations, it is not open for us to fix any and every price or the pittance of a price. This amendment was necessitated because certain courts had condemned our law on the ground that the price fixed was arbitrary and that the seller was entitled to fair compensation under the Constitution.

We are proud to say that we are functioning under the rule of law and the executive cannot function arbitrarily. Every action of the executive has to be backed by the authority of law. One thing is quite clear, that through the tangled web of our Constitution one golden thread runs, namely, expropriation by executive fiat is not possible.

**Shri Panigrahi (Puri):** Has the attention of the hon. Minister been drawn to a report published in the *Anand Bazar Patrika*, a prominent daily of Calcutta, which says that hundreds of maunds of rice and wheat despatched from government godowns in Calcutta for supply to the ration-shops have fallen in the hands of profiteers?

**Shri A. K. Sen:** I do not know. I am not concerned with Food.

**Mr. Deputy-Speaker:** I shall now put the motion that the Bill be taken into consideration to the vote of the House.

The question is:

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

*The motion was adopted.*

*Clauses 2 and 1, the Enacting Formula and the Title were added to the Bill.*

**Shri A. K. Sen:** I beg to move:

"That the Bill be passed".

**Mr. Deputy-Speaker:** I shall now put the motion to vote.

The question is:

"That the Bill be passed."

*The motion was adopted.*

#### RESOLUTION RE. RATIFICATION OF UNIVERSAL COPYRIGHT CONVENTION

**The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrivastava):** I beg to move:

"This House approves the Universal Copyright Convention and the Protocols thereto as adopted at Geneva on the 8th September, 1952, and recommends that the said Convention and Protocols should be ratified by the Government of India".

I should like to make a few preliminary remarks with regard to the objects of this Convention and some of its special features.

In our world where there is so much of misunderstanding and conflict, if literary, scientific and artistic works are disseminated widely, they