

[Shri T. T. Krishnamachari]

the villages is dependent on several other factors. I do not think it would really benefit the public by reducing the duty on oil.

That brings me to tea and coffee. Both these items affect largely the urban population who are vocal. It is easy to get persons to join a hartal if a tea shop has added one anna or six naya paisa for a cup of tea. I realise the incidence of duty here is fractional so far as tea is concerned, and not very much so far as coffee is concerned. The total return that we get out of this is Rs. 325 lakhs. Still, there is the large urban population which is amenable to the influence of my friend the Leader of the Communist Group.

Shri S. A. Dange (Bombay City-Central): You had it in Calcutta yesterday.

Shri T. T. Krishnamachari: My hon. friend just says, what can I do. We had it in Calcutta. You can have a hartal in any place. If any non-compliance with a hartal is followed by consequences which are far more serious than following a hartal, if my hon. friend thinks that we do not know about it, I think he does less than justice even to the meagre intelligence that I possess.

This year, there has been a record crop in coffee. I am told that it is over 40,000 tons. It used to be 27, 28 or 29,000 tons until I was in charge of that portfolio. I envy my hon. colleague that coffee has spurred up. Even in tea, the hon. Member mentioned that the supply is slightly above normal. Therefore, Government have decided to withdraw entirely the increases proposed in the rates of excise duty on coffee and tea and I hope hon. Members and their friends will not pay anything more for their cups of coffee and tea.

The net effect of these changes will be that the yield of the proposals made in the budget will be reduced by not an insignificant sum of Rs. 578

lakhs on an annual basis and Rs. 505 lakhs for the current year. Wherefrom should I get the money, I shall wait for hon. Members to tell me.

I am very grateful to hon. Members for having listened to me with great patience. I hope they will appreciate that the Government is not altogether un-responsive to public sentiment expressed both in the House and outside.

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### ESSENTIAL COMMODITIES (AMENDMENT) BILL

Mr. Speaker: Now, Shri A. P. Jain. I see hon. Members going out of the House.

As soon as one particular item of work is over, hon. Members may leave one after another if they chose to do so, in a queue. (*Laughter*) This is not a matter for laughter. As soon as one item of work is over, this House converts itself, I do not want to say, into a market place. This is not the way to behave. Hon. Members come and sit one after another. Let them go one after another in a queue. Why should they all run in pell mell. It interferes seriously with the other work. If anybody sees this, he will take us to task for behaving like this. I appeal to hon. Members, gently, one after another, they may leave the place without causing disturbance so that immediately the next item of work may be taken up.

The Minister of Food and Agriculture (Shri A. P. Jain): I beg to move:

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

I am thankful to you for finding time to enable me to move this Bill through the various stages. This Bill is an important one, although a short one. It embodies in itself the keen desire of the hon. Members of this House to control the prices. The

scheme of the Bill is that if the Government comes to the conclusion that the prices are going upwards, or there is undue hoarding, Government shall have the power to issue a notification which shall vest the Government with some special powers. This notification will hold good only for a period of three months because this provision is meant to be in the nature of an emergency measure. Even as the law stands at present, Government have the power to requisition stocks under section 2 of the Act, but under the existing law, the Government has to pay the price prevailing on the date of the acquisition. It is obvious that a person who hoards stocks with a view to earn more profit by rising prices stands to benefit if he is given compensation at the rates or prices prevailing on the date of acquisition. This Bill proposes to amend that state of affairs. As soon as a notification is published, the compensation will be payable firstly at the rates agreed upon, secondly at rates with reference to the controlled prices and thirdly not at the rates prevailing on the date of the acquisition of the stock, but at the average market rate prevailing in the locality during a period of three months immediately preceding the date of the notification. The result would be that the hoarder will be deprived of the undue benefit which he wants to derive from his anti-social activities. This price will be worked out by an officer of the Government who will be invested with that power, and the prices so worked out shall be final. They shall not be questioned in a court of law. I believe that this power will enable the Government to check the upward trend of prices together with certain other measures which Government proposes to take.

I want to make a few things clear. It is not our intention to touch the small trader, nor is it our intention to touch the farmer. We propose to confine our operations so as to prevent this hoarding by the large stockists. There is ample evidence to show that the large stockists are hoarding considerable quantities of foodgrains

with a view to make profits from the rising prices. I also want to make it clear that the main emergency for bringing forward this measure is the rise in the price of foodgrains, and for the time being until the situation takes a new turn we propose to confine our operations to foodgrains. It is not my intention to cause any panic or any major disturbance in the distributive machinery, for I am not one of those who believes that coal remains coal and potato remains potato when it passes through a trade channel. The trade plays an important role in the distributive system of the society, I would be rather chary to invoke the provisions of this law unless I am compelled to do so, but if a situation arises warranting it, I shall be prepared to go the whole hog, full steam, with the powers that are vested in Government. I hope that the trade will take a lesson and will, of its own accord, manipulate things in a manner that may help society and ensure a regular flow of the commodities in the market. They should function in the interests of the consumer and not merely for the purpose of making profit. I believe that this Bill has a large measure of support from the various sections of this House, and I commend the Bill for the consideration of the House.

Shri Bharucha (East Khandesh) rose

Mr Speaker Let me place the motion before the House first

Motion moved

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

I have received notice of an amendment by Shri Tahir for referring the Bill to a Select Committee. Is he here? He is not here. Therefore, it will not be moved.

The motion is now before the House. Any hon. Members who want to speak?

Some Hon. Members rose

**Mr. Speaker:** Shri V Raja

**Shri V. Raja (Visakhapatnam) Mr Speaker, Sir**

**Mr. Speaker:** Does Shri Dange want to speak?

**Shri V. Raja:** I have no objection if he would like to speak

**Mr. Speaker:** Yes, Shri Dange

**Shri S. A. Dange (Bombay City-Central)** I want to raise only one point and that is the question of prices that would be agreed upon and paid to the holder of the stocks

It is already admitted that a lot of speculative hoarding has taken place. In fact, it is not of very recent origin. If I am right, last year also mention was made. I think the former Finance Minister speaking an advances by banks had stated that advances were taking place on account of speculative hoarding in many lines one of the lines being also food, and therefore he was taking financial measures with regard to the bank rate in order to check the hoarding. It is known that that type of action has not helped us in stopping speculative advances which lead to hoarding. So, it is good that the Government has come forward with a Bill which will take hold of these stocks which are being held from social supply by motives of making speculative profit. So, in principle, of course, I support the Bill. There is no question of my opposing the Bill at all.

I only want to find out from the Minister how this average price of three months will help the Government to get hold of stocks at reasonable prices and not at speculative prices. That is my difficulty. It may be that you may take an average of three months and thereby get the stocks, but then you will be subsidising the hoarder's price, and though you may succeed in getting the stocks, yet your subsidy to the hoarder would be so high that your financial position may become very precarious.

For example, I wish to draw his attention to the price range of two

commodities. I have not got the latest figures from the Reserve Bank Bulletin. I could not get access to the quoted rates on the Hapur mandī or by the Gram Merchants' Association in Bombay. I think there is a representative of the Gram Merchants' Association or that trade in this House on the Congress side. He could certainly enlighten us better on this point, because it is no question of controversy. It is a question of how to arrive at a method of getting at the stocks in such a way that we do not subsidise the hoarder's price.

1½ hrs.

Now, I shall take the price of a typical commodity like rice, and show what the curve of rise in the price has been, from January, 1956 to March, 1957. The price of rice in January, 1956 was 449 based upon 100 for 1939. From 449 it started jumping, until last December it was 596 which means a rise of more than a hundred points. In January, 1957, it jumped to 562. So, from 449 in January, 1956, it has jumped to 562 in January, 1957. Such a tremendous rise is shown in the price of rice.

In February, 1957, it jumped to 607, a jump of more than 40 points. From 607, it has gone up, according to the March quotation in the Reserve Bank Bulletin to 610. I am taking these figures as they are reproduced in the issue of Commerce dated 18th May, 1957.

So, if you base yourself on the price during the last three months and go to the market to get stocks, say, in June, and if the price is hovering round 610, then over and above the 562 of January, you will be paying a price which will be about 50 to 60 points higher than what should have been the proper rate, though, I do not think that 562 is the proper rate. I do not also make an assertion that 449 is the exact rate, because these rates, of course, are not related to the cost of production of the peasant. These

rates are the rates in the market. Between these rates and what the peasant gets, there is a big margin. We need not discuss that now, and everybody accepts that as a fact. How much the margin is is another thing. But we know that the peasant does not get these prices. It is the trader or the middlemen or the landlord and in some cases a highly rich tenant who still gets some rent in kind,—though it is not really on a large scale at present, because rents have been converted into money—who gets these prices. So, this is the price of the trade, and this is the price in the market.

When there is a jump from 440 to 610, would it be really a just legislation if we say that in order to get these speculative hoards from the merchant, we should allow them the average of these three months, during which period they have put up the rates by more or less 150 or 160 points? Of course, I do not know how Government would get at the hoards by paying a price of 470 or even 550 points. It is for Government to think over and then revise the means. But what I would like to point out is that if you take the average of these three months, if you take it as it is today, it would amount to a subsidy to the hoarder and the speculator on the grain market. What is the solution to this problem?

I have quoted the rice price. Now, I shall quote the price of a coarse grain which is in short supply. You will find that curiously enough, the price of rice, which has gone up in production according to the Ministry and the supplies of which are easier, has risen faster than even the price of jowar which is a coarse grain. Here, we had the statement that the coarse grain production had gone down, and, therefore, there was a crisis in the food market. The price of jowar was 191 points in January, 1956, it has jumped up to 229 in 1957, which means a rise of more or less 50 points. So, that is also subject to rise in prices. But the price of this coarse grain which is in short supply has more or less risen in

sympathy with rice, and rice is jumping at a faster rate.

I would like the Minister to consider this question, namely whether we cannot avoid paying the average price during these three months, in order to get the stocks, which would amount to subsidising at the hoarder's price. I would like him to examine whether we cannot get the gram supply at the normal market rate and not at the rate in the speculative market. That is my suggestion, and I hope that some provision will be made in this Bill to solve this problem.

**Mr. Speaker:** Only one amendment had been tabled, and that was by Shri Mohammed Tahir, for referring this Bill to a Select Committee. So, I read out his name, after formally placing the motion before the House. I expected any other Member also, who had tabled similar amendments, to rise in his seat.

Shri Mohamed Imam has now sent me a notice that he has also got an amendment in his name. Notice of this amendment was received today at 12 noon. It reads

"That the Bill be circulated for the purpose of eliciting opinion and the opinion of the State Governments thereon by the 15th June 1957."

I am prepared to waive notice, because this Bill was introduced only yesterday. So, I shall not stand on formalities in this matter, and I shall give ample opportunity to hon. Members. But I did not see Shri Mohamed Imam rise in his seat even.

**Shri Mohamed Imam (Chitaldrug):** My name was not called and, therefore, I did not stand. You called only Shri Mohammed Tahir.

**Mr. Speaker:** Anyhow, I shall waive notice. I shall allow the hon. Member to move this motion for circulation. He can speak also on both the original motion and the motion for circulation.

[Mr Speaker]

Before I call upon Shri V. Raju, I shall allow this amendment also to be moved. I shall give an opportunity to the mover of this amendment to speak later on both the amendment and the original motion before the House. I shall give him time in due course.

**Pandit Thakur Das Bhargava (Hissar)** May I take it that notice shall be waived in respect of all the amendments of which notice has been given today, because the motion has been moved only today?

**Mr. Speaker:** I would not raise any objection, and I shall waive notice. I shall accept notice of all the amendments that have been tabled even today, and allow discussion on them after allowing them to be moved.

**Shri Mohamed Imam:** I beg to move

"That the Bill be circulated for the purpose of eliciting opinion and the opinion of the State Governments thereon by the 15th June, 1957"

**Mr. Speaker:** Amendment moved

"That the Bill be circulated for the purpose of eliciting opinion and the opinion of the State Governments thereon by the 15th June, 1957"

**Shri V. Raju:** It was with an element of surprise that I saw that this Bill was being introduced in this House. One of the main reasons given for the introduction of this Bill was that a Cabinet meeting had decided that this piece of legislation be introduced, because the situation in the country had begun to deteriorate badly, that food stockists were hoarding foodgrains, and that conditions were developing in such a manner that if Government did not take action immediately, a very ugly situation may be created in the country. You, Sir, had also mentioned that the importance of this Bill was such that if this House did not take it up today, Gov-

ernment would have been obliged to issue an ordinance, because the matter was so important and urgent.

I am in complete agreement with this view point that this question is very important. But I fail to understand two things. The first is whether this Bill as such would achieve the objective that Government are having in view. The second is whether a separate and a more comprehensive Bill is not necessary to bring completely under control the question of food production and also the hoarding of foodgrains that is taking place throughout the country.

On the 14th May, the Food Minister had made a statement on the food situation. As you know, many hon. Members in the Opposition had felt that the situation in the country was deteriorating, that in Bihar, UP, West Bengal etc. famine conditions had arisen, and that Government should, therefore, take very firm and expeditious action.

However, in his statement which was made in this House on the 14th May, and in the course of the debate on the President's Address, we were informed that generally the food situation had not deteriorated to that extent, that production had gone up to 54.8 million tons—that is, all cereals put together—and that there has been a rise of over 11 million tons during the last five years which synchronised with the First Five Year Plan period. Therefore, it is not a question of there not being sufficient food stocks in the country, but a question of the prices that are going up. Hence the attempt that is being made is to control prices. If that is the case, I find that the Bill by itself would be of very little use. It is a question of the people not having the necessary purchasing power to buy food, and as such, Government should develop some system under which foodgrains can be released to the consuming public.

My hon. friend, the Leader of the Opposition Shri S. A. Dange, had said

that essentially the Bill aimed at procuring stocks from urban areas. In addition to that, I find that the provisions of the Bill also aim at procurement of stocks from the rural areas, and as such, when we go into the question of the rural areas, the basis of cornering these stocks would be a proposition vastly different from that involved in procuring very large stocks.

Here one definite factor seems to arise. Assuming that the Food Minister's figures of increased agricultural production are correct—of course, we could dispute them—assuming also that the total amount of money spent in the First Five Year Plan period has gone into the increase of these food supplies, one must first be absolutely clear in one's mind as to at what point these food supplies are today accumulating, and if so, what action Government is taking in the rural areas to corner or get hold of these stocks. Government is very keen to inform us, and has given us many statistics; over 220,000 villages have come under the Community projects. Now, a vast amount of money is being pumped into the rural side. Food production has been going up and it is my submission that a new type of middleman is today developing in the country. He is not the traditional stockist who buys foodgrains for the purpose of trading. But smaller agriculturists are today coming into the field. They have got additional prosperity in their hands. The cheap money policy that Government has put through, the money that is given to them in terms of short-term loans, in terms of co-operative finance loans that are being handed over to the farmers, and also the money that is being put in through the National Extension Schemes and the Community Projects—all these allow a type of farmer to develop who previously did not hold on to his stocks.

I come from a rural State—Andhra Pradesh. During the course of one of the answers, I think the Food Minister gave figures about loans having been given to peasants in Krishna and Godavari districts—I forget the exact amount of loans that were given. But

there is an example where on the one side, the peasants are being given ample and adequate loans by Government....

**Sardar Iqbal Singh:** (Ferozepur): Only 9 per cent. loans are given from co-operative societies throughout India.

**Shri V. Raja:** That may be so. I am giving a particular instance. I am referring to the double dose that is being given in these instances. On the one hand, Government is developing Community Projects. So to that extent, improved implements, better seed etc. are automatically going to these Community Development areas. On the other, the self-same peasantry is being given loans. Suppose previously a peasant owning 25 or 30 acres of land could stock foodgrains; today a smaller peasant owning 5, 10 or 15 acres could also stock foodgrains. So between the harvest time, say, January, and the monsoon period, say, July or August, the smaller peasant is today holding stocks which are not going into the hands of the stockists.

Therefore, to get hold of these hoarded grains—I won't use the word 'hoarded' because, after all, a man owning 5 or 10 acres does not hoard it; he keeps it for marginal profit five or six months later—no attempt can be made, unless Government makes up its mind to envisage a fundamental policy regarding these Community Development projects and generally its attitude to rural credit facilities to these peasants.

14-15 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

In the process of money being lent out to the peasantry, it is at that point that, I believe, some attempt should be made to collect grain in terms of these projects. Also this huge amount of money that is being pumped into the rural areas is crystallising itself at some point in the present land tenure system.

Therefore, I cannot see any possibility of this legislation being able to solve the problem because in years to come, more and more money is going

[Shri V. Raju]

to be pumped into the economy. It does not matter whether it is being pumped into the heavy industry section or even into consumer industries. But as it is, we know, and the Finance Minister has informed us, that he is not going to develop consumer industries; he is going into the heavy industry field. That means to that extent, money will become cheaper, but there will be no outlet for absorption of this vast and huge circulation that is going to be there in the country.

As such, Government has to make up its mind fundamentally as to what its attitude is going to be towards the basic structure of the agricultural economy. I am not going to delve—coming from the Opposition, I may have a tendency to do so—into the question of the farming section in relation to the ruling Party. I know that this upper middle peasant today is the backbone of the Congress Party. I do not want to go into that.

Therefore, it would be rather difficult, at least in my State, if we went back to a sheer policy of procurement. Let me be absolutely clear in my mind. The gap between the common man's purchase price, the capacity of the common man to buy food, and the cost at which Government will procure either for stock or for sale to him at ordinary prices will be so great and will begin to grow from year to year that I believe Government has to tackle this issue here and now. It is perfectly clear that this is only the beginning and within a year or two, the problem would be aggravated.

Therefore, I would suggest a two-fold policy. It is a policy of rational procurement that Government must evolve. From all Community and National Extension areas, wherever Government pours in money to develop agrarian economy, a grain levy should be introduced on the larger peasantry. I am not suggesting a quick manner or method of doing it. A rational approach may be there. It may apply to

holdings over 5, 10 or 15 acres; that is for adequate consideration. But grain levies towards the building of central grain stocks should be enforced in the Community and National Extension scheme areas.

Secondly, in such areas Government should desist from giving other forms of rural credit. There should be only one rural credit when a particular area is being developed. This will help to lessen what I would call the incidence of agricultural inflation that is taking place in these areas. If the second form of rural credit was given to other areas where Community Project and National Extension schemes were not taking place, a certain definite incentive would be there for those areas to increase their food production also.

In this manner, Government could spread out the scope of expenditure that is taking place in the country. I have nothing more to add except to say that I wish Government would take this as only a temporary measure and would come forward with a strong, definite and more comprehensive legislation, because the famine that is now growing, whether it be a price famine or a food famine—and I believe it is as much a price famine as a food famine—if it is to be bridged completely, then, the sooner the Government accepts a policy of rational procurement or a rationale for some sort of rationing of foodgrains at least in the cities, the better it will be. Otherwise, you will find the gap will begin to develop. I do not know if a partial rationing policy also would not be suitable at the moment. I think it would be highly suitable to this extent that the cities and centres of industrial production may be supplied with cheaper and better foodstuffs.

Several Hon. Members rose—

Mr. Deputy-Speaker: Before we proceed further we will have to be clear about how much time we will spend on the general discussion and how much time on the clause-by-clause consideration.

**Shri Mohiuddin (Secunderabad):** Only 15 minutes need be given to the clauses.

**Mr. Deputy-Speaker:** There are so many amendments. Perhaps, the hon. Members might like to move them. It will take 15 minutes merely to read them.

**Shri Mohiuddin:** The hon. Members may not like to move all of them.

**Mr. Deputy-Speaker:** If the hon. Members want to move they must have the time. Therefore, some time must be allotted for clause by clause consideration.

We have today approved of the recommendations of the Business Advisory Committee that 3 hours should be allowed. Of course, there is the discretion with the Chair that it can extend by another half an hour or so. But, now, we must have a clear idea about the time, whether it is 2 hours and 1 hour or 2½ hours and half an hour.

**Pandit Thakur Das Bhargava:** Four hours may be taken, 2 hours for the general discussion and 2 hours for the amendments, because there are about 32 to 35 amendments and they have to be gone through.

**Mr. Deputy-Speaker:** If the House so desires, I have no objection. If it is the desire of the House that the time should be extended by an hour I am prepared to sit. Then, we have 4 hours and it may be divided into 2 hours and 2 hours.

**Several Hon. Members:** Two and a half hours and 1½ hours.

**Shri Radhelal Vyas (Ujjain):** The hon. Speaker said that those who have tabled the amendment will speak on the main Bill as well as their amendments.

**Mr. Deputy-Speaker:** That would mean that I should call only those who have sent in amendment and not others.

**Shri C. K. Bhattacharyya (West Dinajpur):** Could we not go straight into the discussion clause by clause?

That would shorten the period of discussion and quicken the decision.

**Mr. Deputy-Speaker:** That would not be liked by others.

**Shri M. E. Masani (Ranchi-East):** I do not wish to take very much time. There is only one point to which I would draw attention. That point is one which really is not an essential part of the Bill but has somehow crept into the Bill and I hope it will find its way out. I refer to the last two lines of this Bill which read:

“and the average market rate so determined shall be final and shall not be called in question in any court.”

When this Bill was first circulated yesterday, I drew the attention of one of my senior colleagues from the ruling party to it and he said that this has become a bad habit. Well, if it has become a bad habit of ousting the jurisdiction of the courts of law in this country, I would urge that this House tries to stop from getting into this bad habit or allowing Government to persuade them to do so. There is no reason I can at all discern why in interpreting this particular market price, the average of the last three months, this particular ouster of the jurisdiction of the courts should be resorted to.

In the original Act, as it now stands, there are 3 particular ways prescribed in which the price can be fixed! (i) where there is an agreed price, (ii) where there is controlled price and (iii) where there is neither (i) or (ii), a price calculated at the market rate prevailing in the locality on the date of sale. But in the original Act as it stood there is no suggestion that the courts shall be excluded from considering whether the price prevailing—the market rate prevailing—in the locality on the date of sale should not be gone into if a person feels that the price has not been properly ascertained. It would be open to the stockist, whosoever he may be, may be a farmer, may be a small trader or may be a big



[Shri M. R. Masani]

trader There is nothing in this Bill that restricts it to big hoarders. We have an assurance of the hon. Minister—we are happy to have that but this Act will be on the statute-book and it may be implemented 10 years hence or 15 years hence by somebody in office in different circumstances. Are we going to add to the statute-book an engine of oppression against any citizen of this country?

I was arguing that in the original Act where the price is to be calculated at the market rate prevailing on the date of sale, no reason was given nor any attempt was made in 1955 when this Act was passed to oust the jurisdiction of the courts of law. In other words, any one who felt that the price had not been fixed properly would have the right to file a suit and go to court and get damages or the difference between the price that really should have been and the price which Government might have arbitrarily fixed. All the Statement of Objects and Reasons claims to do is, in place of the price on the date of sale, it now says that to prevent artificially inflated prices in the market, it shall be the market rate prevailing during the 3 preceding months. I understand that this is the real purpose of the Bill and I do not think that anyone in this House is opposed to this purpose.

We want to support Government in any fair measure of that nature. Why then have these last two lines been brought in, when there is nothing in the Statement of Objects and Reasons to justify it? It has not been suggested that the courts are perverse, that the courts have interfered in the fair fixing of the price under the original Act. Nothing of that kind has happened since the main Act was enacted. All that is required is that we should substitute for the market price, the price prevailing for the past 3 months. It should be legitimate for a man to appeal to a court of law if the average price of the previous 3 months is unjustly fixed as it would be to say that the market price on the date of sale was unjustly fixed. I must confess

that I am at a loss to understand why in an amending Bill for the clear purpose with which it has been brought in, we should bring in a clause of this obnoxious nature.

Let us consider another aspect, the bad drafting that will result if an appeal goes to a court of law under the old sub-clauses it will be in order. But, if under the new sub-clause, which would be temporarily in force for 3 months at a time, the price is fixed by a government officer appointed for the purpose and it happens to be an inaccurate or incorrect price, then the man who is affected by that is to be prevented from going to court. It is essential that a man should be able to appeal against an administrative decision on the question of price prevailing during the last 3 months. There is no reason why he should be prevented from doing so. I would like the hon. Minister to be fair in this matter, to consider whether one party should be penalised any more than the other party or whether the courts are to be ousted of their jurisdiction in one case than in another. There is nothing at all to fear from allowing the law to take its own course. In the Act, there is a clause or provision later on, section 15, which says that no suit, prosecution or legal proceeding shall lie against any person for anything which is done in good faith or intended to be done in pursuance of an order under section 3. Later on, it is said that no suit or legal proceeding shall lie against Government for any damage caused or likely to be caused by any Act done in good faith in pursuance of clause 3 of the Bill. In other words all that I am pleading is that after an order has been passed, after the price has been fixed, it should be open to an aggrieved citizen to have recourse to his legal rights.

The Government officer concerned and the Government itself will be protected and indemnified by section 15 of the present Act from any suits or proceedings which may be brought against them. All that I am saying is

that the ascertainment of the price should not be left arbitrarily to limb of the executive but that the common law rights and the due process of law should prevail. I appeal to the Minister not to complicate the issue before the House by insisting on this provision. The issue is very clear. He wants the price to be fixed on the basis of the last three months and not on the date of the sale. Let us stick to basis of this Bill. Why bring in a provision that has really no point in logic and no requirement in point of fact?

**सरदार इकबाल सिंह :** उपाध्यक्ष महोदय, मैं उन लोगों के खयालात प्राप तक पहुंचाने के लिए खड़ा हुआ हूँ जो कि किसान हैं और कहना चाहता हूँ कि इस बिल का प्राइडनरी फार्मर्स पर इतलाक न किया जाए। कल क्विन्टर साहब ने यकीन दिलाया था....

**श्री अ० प्र० जैन :** आज भी दिलाया है।

**सरदार इकबाल सिंह :** इम के बावजूद मैं कुछ बातें कहना चाहता हूँ, जो कि मुझ से पहले बोलने वाले मेरे भाई ने भी कही हैं। इम लिए नहीं कि मैं नहीं चाहता कि हिन्दुस्तान में कोई आदमी अनाज का जलीग इकट्ठा करे, मैं कोई ऐसे आदमियों का हमदर्द नहीं हूँ, लेकिन किसानों को कितनी तकलीफें और मुश्किलात हैं, यह प्राप आज जानते हैं। आज उन को जितनी मुश्किलात हैं, उन का हथार के रहने वाले खयाल भी नहीं कर सकते।

साथ ही मैं यह भी कहना चाहता हूँ कि हो सकता है कि प्राप एक मिनट के लिए मान भी लें कि किसानों से भी उसी कीमत पर अनाज लेना चाहिए जिस कीमत पर प्राप दूसरों से लेते हैं। लेकिन उन से उस कीमत पर नहीं लेना चाहिए। प्राप तर्किए कि अब से पहले के सालों में उन लोगों के साथ क्या बीती। उन के कई साल ऐसे बीते जब कि खेतों में फसल नहीं आई, उन्हें कितना कर्जा देना है बाहर के बनिधियों का और सरकार का ? जब तक प्राप उन्हाय बातों को न लें तब तक प्राप

को कई हक नहीं है कि प्राप उस खिदान पर इस बिल को लागू करें। हालांकि मैं समझता हूँ कि यह उन पर लागू नहीं किया जाएगा, लेकिन फिर इस लिए कहना चाहता हूँ कि हो सकता है कि पांच सात साल तक यह कानून स्ट्यूट बुक पर चलता रहे, और कुछ प्रायची आ कर उस के बाद इस को लागू कर दें। इस लिए मेरे दिल में शक है, खुबहाव है कि कहीं इस बिल का प्रागे चल कर चलत इस्तेमाल न हो जाए और इस को किसानों पर भी लागू न कर दिया जाए।

मुझ से पहले मेरे एक साथी ने कहा कि किसानों को बड़े कर्जे दिए जाते हैं। चायद वह नए नए इस हाउस में आए हैं शहर से आए हैं इस लिए उन्हें हिन्दुस्तान के देहात का पता नहीं है, न हिन्दुस्तान के देहातों में रहने वालों का ही पता उन्हें है। हमारा गिला तो यही है कि हमें सिर्फ तीन परसेन्ट कर्जे दिए जाते हैं, तीन परसेन्ट कर्जे को प्राप-रेटिव सोसायटीज के जरिए दिए जाने हैं, और तीन परसेन्ट कर्जे बैंक्स के जरिए दिए जाते हैं। इस के अलावा ११ परसेन्ट कर्जे जो हिन्दुस्तान के किसानों पर हैं, वह हिन्दुस्तान की सरकार के नहीं, बल्कि उन लोगों के हैं जिन के कर्जों का सूद बहुत ज्यादा है। दूसरी तरफ हमारा गिला यह है कि यहां आज कम्प्यूनिटी प्रोजेक्ट्स की कुछ बातें कही जाती हैं, उस का हाल देखिए। इस सिलसिले में मैं इतना ही कहना चाहता हूँ कि इस देश के किसान ने इस देश की पैदावार बढ़ाने के लिए बहुत यत्न किया है, लेकिन अगर इस बिल को प्राप उनके ऊपर लागू करते हैं तो यह अच्छा नहीं होगा। मैं तो कहना चाहता हूँ कि यह बिल इस तरह से बना है कि इस के अन्दर किसी को भी खिया जा सकता है। ही सकता है कि कोई ऐसा प्रायची हो जिस के दिल में किसानों के लिए हमदर्दी न हो, कोई अफसर ऐसा हो जिस के अन्दर उन के लिए हमदर्दी न हो, तो मुझे शक है कि इस को गरीब किसानों पर भी लागू किया जा सकता है।

पंजित ठाकुर दास भार्गव: इस के अल्फाज साफ है, हर एक पर यह लागू हो सकता है।

सवार इकबाल सिंह: जैसा पंजित जी ने कहा, इस के अल्फाज बहुत साफ हैं। इस लिए मैं उन लोगों के खयालो की तर्जुमानी यहां पर कर रहा हूँ जो इस देश में पैदा करते हैं, उन लाखों लोगों की जो कि भाज देहात में रहते हैं, जिन की बाबत आप भाज सोच भी नहीं सकते हैं।

मेरा गिला यह है कि अब तक देश में फंसला नहीं हो सका है कि एक किसान का खर्च कितना है और उस की पैदावार की एकानामिक प्राइस क्या होगी। इतनी कमेटीया बनाने के बाद भी आप देश के सारे सूबों की बाबत यह फंसला नहीं कर सके। आप नहीं जानते कि पंजाब में गदम पैदा करने पर कितना खर्च आता है और ट्रान्पोकोर-कोचीन में चावल पैदा करने पर कितना खर्च आता है। बाकी चीजों की पैदावार पर भी वह खर्च का फंसला नहीं कर सके। जब तक वह लोगों को सुविधाएँ देने के लिए तैयार नहीं है, जब तक यह फंसला नहीं करते कि अगर देश में किसी किसान की फसल खराब जाए तो उस के लिए क्या किया जाए, जब तक आप उसकी फसल का इन्श्योरेंस करने के लिए तैयार नहीं हैं, तब तक मैं समझता हूँ कि सरकार को कोई हक नहीं है कि प्राइमरी प्रोड्यूसर पर इस बिल को लागू करे।

जब आप यह फंसला करते हैं कि प्राइमरी प्रोड्यूसर की चीज किस कीमत पर ली जाए, तो आप को हर चीज के लिए यह फंसला करना चाहिए कि किम प्रोड्यूस को किस कीमत पर लिया जाए। यह नहीं होना चाहिए कि शहर में बसने वाले लोगों की चीजों पर प्राफिट देहात वालों से ज्यादा हो। फिर जब आप ने किसानों की सहायित के लिए कोई इन्तजाम नहीं किया, उस को कर्जा देने का कोई प्रबन्ध नहीं किया जब कि शहर के लोग जितनी सुविधाएँ चाहे ले लेते हैं, तब तक आप प्राइमरी प्रोड्यूसर को किस तरह से

बजबूर कर सकते हैं कि वह किस कीमत पर, आप चाहें उस पर, अपनी चीज को बेचे? उन्हें हमेशा यही गिला रहता है कि हम जो पैसा करते हैं, तीन महीनों में उन की कीमत इतनी कम हो जाती है कि सारा अनाज बगैरह बाहर मार्केट में आ जाता है, और वही अनाज लोग खरीद लेते हैं। जिस अनाज की कीमत भाज १२ या १३ ६० होती है वही कल मार्केट में १८ और १९ ६० के हिसाब से बिकता है। यहाँ पर दो या चार साल का तबाल नहीं है, दो चार महीनों में ही यह फर्क दामों में पड़ जाता है। जब तक आप किसानों को जिन चीजों की जरूरत है, उन को उसी कीमत पर देने के लिए तैयार नहीं हैं जिन से कि वह पैदावार सस्ती कर सके, तब तक आप को कोई हक नहीं पहुँचता कि आप उन से अपनी मनचाही कीमतों पर चीजों को ले। हिन्दुस्तान के शहरों के लिए या जिन्हें आप इंडस्ट्रियल मेटर कहते हैं, उन के लिए २५ करोड़ ६० आप ने रखे हैं कि आप उन्हें सन्सि-डाइज्ड फूड देंगे। इसी तरह से जब तक किसानों की जरूरत की चीजें सही दामों पर देने के लिए तैयार नहीं हैं, तब तक आप इस को उन पर लागू न कीजिए। इस बिल के भी अल्फाज है उन के मुताबिक यह किमी भी समय किमी पर लागू किया जा सकता है। यह ठीक नहीं है।

मैं यही बातें रखने के लिए खड़ा हुआ था। मुझे आशा है कि हमारे फूड मिनिस्टर साहब जाँ हैं, जिन को किसानों से पूरी हमदर्दी है, वह इस ऐक्ट को कम से कम इस ढंग में चलाएंगे जिस से कि प्राइमरी प्रोड्यूसर को नक्सान न हो। वह इतना ही कर दें कि जो लोग मंडियों में अपना गल्ला लाते हैं और पैसा कमाते हैं, यह उन्हीं पर लागू होगा।

Shri H. C. Mathur (Pali): Nobody in this House would hesitate to place in the hands of the Government and the hon. Food Minister any power

which is necessary to equip him to control the food prices, to keep the food prices at a level which we find it is necessary to keep at. But I feel that this provision which is being made is not likely to help the Government in any manner. I doubt very much if it is going to be effective in any way. I would like the hon. Food Minister to explain to us how he is going to be in a more advantageous position than his other colleague, the Minister for Commerce and Industry, in respect of certain commodities over which he has much better control. I would refer to steel. Now, so far as steel is concerned, the Minister of Commerce and Industry has got a much better control because he has the source of production in his hands. It is either imported or manufactured in manufacturing concerns. So, he has these sources under his control. The price is also controlled. If anybody wants to know, he can just make a visit to any place and find that even steel is not available at the controlled rate; but it is available in abundance at the black market rate. So, I would like to know how the Government is going to be in a more advantageous position and how the Minister is going to implement the provisions of this Bill in a manner that gives greater satisfaction to the country.

We know that there is nothing more important than foodstuffs and we also know that it should not be hoarded.

**Mr. Deputy-Speaker:** The hon Member should stand erect.

**Shri H. C. Mathur:** Today the food situation is exercising our minds and we all feel very much concerned about it. Even when we feel very much concerned we feel that the present situation arises because there has been certain administrative lapses. It is not that there is much of a scarcity; it is because the stocks of food which are available in the country are not properly handled. It was not through price control that our late Food Minister solved the food problem and gave satisfaction to the country. What we

are going to do is just to reverse what he did. What did that genius do? He took us away from the price control. We are just taking that dangerous step again and introducing price control. I wish to warn the Food Minister that people in this country are very allergic to price control and the results are going to be just contrary to his expectations. We are not going to have any effective results flowing out of the provisions of this Bill. Of all the anti-social elements, there is the least doubt that we detest the food hoarders but the food hoarder is not to be affected by these price control measures. It is only by other administrative measures that we can have some effective control over the food prices. Of course a correct step is being taken by building up food stocks in the various States. If ultimately other steps are taken and in the normal course we permit stocks to be utilised in the proper manner, I do not think there is any place for panic; otherwise, this measure will lead to a very panicky situation and have wrong psychological effect and it may have just the contrary effects and not which it is designed to prevent.

**Shri Tayabji (Jalna) Sir,** I want to take only a few minutes of this House to refute some of the arguments put forward by Shri Masani. When I saw the amendment standing in his name seeking to omit the words "and the average market rate so determined shall be final and shall not be called in question in any court" from clause 2, I congratulated him. I congratulated him till I found out what his reason behind the amendment was. I also objected to those words but because they are mere verbiage. In any case once the price has been determined by an officer, it can not be questioned in court unless the officer has not acted in accordance with the procedure laid down for him. But, Shri Masani has a different purpose. He wants that there should be some kind of possibility of a recourse to the courts from the decision of the officer,

[Shri Tayabji]

Nothing could be worse than that. This type of rushing to courts every-time is already too much in existence. Our courts are full of cases where injunctions have been obtained against the Government. Therefore, I very strongly oppose the suggestion that these words be dropped. Instead I feel that they should remain, though they are perhaps verbiage. Having regard to the fact that this Act may well have to be interpreted in the lower courts, where niceties of this kind may escape. It is better to retain these words so that there shall be no recourse to the courts.

**Dr. Krishnaswami (Chingleput):** Mr. Deputy-Speaker...

**Mr. Deputy-Speaker:** If the hon Member takes just as much time as Shri Tayabji, perhaps all might be accommodated.

**Dr. Krishnaswami:** I shall try to compress and finish as quickly as possible.

I listened to my hon friend the Food Minister. I have tried to find out what the strength of the case that he has put forward is. Of course there is need for controlling food prices. This is accepted by everyone in this house and in the country. But the question is: What is the method that we should adopt for controlling these food prices? I agree further that the Government does not have enough stocks to influence market expectations. By this measure, it seeks to build up stocks.

I suggest that this should not be achieved by an arbitrary piece of legislation. This Bill has the stamp of arbitrariness on it. The price is the average price to be calculated by the Government. Quantities are quantities which the Government can decide upon for requisition. On what criteria the Government will form an opinion on what constitutes normal stocks, no one knows; nor we can obtain any light on this matter from the present Bill.

I should like my hon. friends to bear with me in my analysis of the consequences that would follow from our passing this Bill. One can visualise this Act operating not only in urban centres but throughout India, operating in urban and rural centres. In effect the incidence of this measure will vary from State to State and the variations in the regulation of stocks will depend upon the absolute discretion of the numerous state agencies. This would lead to discrimination. Even if the average level of prices is a matter on which an individual cannot go to a court of law, I believe that where there are arbitrary variations in amount of stocks that you can seize, an aggrieved individual can go to a court of law and invoke the provisions of article 14 of our Constitution. It is a point which has to be gone into and, I hope, the Hon. Minister will pay attention to it.

Pursuing this line of argument, even in the same State, stocks seized can vary from one area to another. The stocks that you are able to requisition may vary in the same State from one district to another depending on the zeal and enthusiasm of the administrator. These provisions will therefore, work arbitrarily and we must be chary of giving such powers to the executive. For, in the absence of criteria, as to what stocks can be legitimately held and what constitutes hoarding, the administrator is given full scope to requisition as much as he thinks fit furthermore there is no right of appeal to the Central Government either, according to this Bill. It all depends upon the enthusiasm of the district administrator and on what ideas he has on what meaning he attaches to a normal stock. Even in the same district, it may vary from one person to another. It might happen that an individual is able to sell, let us say, grain at Rs. 16 for two measures. Let us assume the control price to be Rs. 12 for the same amount. The District Officer may be able to compel another person on

another day and make him sell at Rs. 12, whereas the first person because he is lucky and has evaded the District officer can make a profit of four rupees. All these go to show that this Bill would be extremely arbitrary in scope. This measure reminds me of an examination where one has to trust to luck because the examiners are different and, indeed, the question papers are also different.

However, I do not want to adopt a very critical attitude at this stage. I realise that the Government are in difficulties. I do not want to return to the charge that the Government has mishandled the situation; that charge has been made on several occasions. But, on the present occasion, we have to get out of an awkward difficulty. May I suggest that there is an alternative method which the Government can and should adopt? The proper method to set about this problem, in my opinion,—and I leave it to the Minister to examine the step that I am suggesting—is to acquire at a specific price declared well in advance of the sowing season, a certain proportion of the agricultural output from each individual. It is essential also that the purchase price of Government is known in respect of all food-grains and the quantities which are to be sold are also known. Then there would be no arbitrariness at all and everyone would be treated fairly and without any discrimination at all.

This is what we should like the Government to do. But, unfortunately, it has chosen to do something different. Probably Government will argue that what we need is something which serves the immediate needs of the moment. Sir, I would like to have an assurance from the Government, before I give my support to this measure, that this is a temporary measure and that it will consider the advisability of adopting a measure say on the lines suggested by me. Otherwise I feel that we would be giving arbitrary powers, the executive powers which if exercised for a long while will lead in their wake to

harshness and ill-treatment. We know of the zeal of an administrator in rural areas, and many of us who have had complaints from our constituents realise only too plainly that too much, too much discretion being given to a rural administrator works havoc. The method suggested by me will also have the advantage of giving the Government a tangible control over food stocks. If, for instance, they fix the price just before the showing season and indicate that they are going to requisition a certain amount of grain say about seven per cent of the produce of the farmer, then they can have about 3½ million tons to 4 million tons of food-grains. This stock will be valuable for combating any rise in prices which might occur in the difficult times to come. This will also give the Government an opportunity of combating inflation, which tends to be serious particularly in a year when food stocks are low and output is relatively stagnant.

पंडित ठाकुरदास भार्गव : जनाब डिप्टी स्पीकर साहब, मैंने इम हाउस के अन्दर दो तीन रोज हुए एक तज़वीज़ पेश की थी कि जिन इलाकों में स्कार्सिटी है, उन इलाकों में फूड भेजने का गवर्नमेंट को कोई इंतज़ाम करना चाहिए। मैं खुश हूँ कि उसके फौरन बाद ही यह बीजहाउस के अन्दर आई है। जिस नियत से यह बिल इम हाउस में पेश किया गया है, उसकी मैं दाद देता हूँ। मैं समझता हूँ कि स्टॉक्स को इम तरह से डिस्ट्रीब्यूट करना चाहिए जिससे कि इन्फ्लेटेबल डिस्ट्रीब्यूशन हो और जो कीमतों को बढ़ने से रोकने का प्रयत्न किया जा रहा है, उसका मैं स्वागत करता हूँ और उस हद तक मैं इम बिल को स्पॉर्ट करता हूँ।

आज हमारे स्पीकर साहब ने कहा कि इस बिल को इस हाउस के अन्दर रखने का ११ बजे रात को फैसला किया गया है। मैं यह कहीं बर्गर् नहीं रह सकता कि इसको इस तरह से बनाया गया है जिससे कि बोझा सा कन्फ्यूजन इसके अन्दर नज़र आता है। जो हमारे फ़ानरेबल मिनिस्टर साहब के ब्यूच हैं

### [व्यक्ति डाकुर दास चर्चा]

धीरे जो ब्यूज मेरे दोस्त इफवान सिंह ने जाहिर किए हैं उनका जब मैं मुकामिला करता हूँ तो पाता हूँ कि इन दोनों में कोई तफावत नहीं है। कुछ अर्थात् हुआ थापने इस हाउस के अन्दर बेयर-हाउसिंह कारपोरेशन बिल रखा था और उसको पास करवाया था। उस वक्त थापने बड़े जोर धोर से यह चीज कही थी कि वह धादमी जो गल्ला पैदा करता है, उसकी कीमत उसे उस वक्त जब वह बेचता है, बहुत बढ़ी मिलती है। इसका जो फायदा उठाता है वह मिडिलमैन है। इसी चीज को देखते हुए धीरे कल्टीबेटर को सारी कीमतों का फायदा पहुंचाने के लिए हम ने उम बिल को पास किया था। जहां तक इस चीज का ताल्लुक है कि कल्टीबेटर को फायदा पहुंचे इस में कोई दो राय नहीं है। मैं खुश हूँ कि हमारे मिनिस्टर साहब ने यह एंग्लानिया तौर पर कहा है कि वह इसके अन्दर ट्रेड्स के साथ डील करना चाहते हैं जिसके मान में यह समझता है कि वह कल्टीबेटर्स के साथ डील करना नहीं चाहते हैं और कम से कम छोटे कल्टीबेटर्स के साथ तो बिल्कुल भी नहीं। मुझे उनकी तथा गवर्नमेंट की नियत पर कोई शक नहीं है। मैं मानता हूँ कि हमारे मिनिस्टर साहब छोटे कल्टीबेटर को उसके चायब हक से महकूम करना नहीं चाहते हैं। लेकिन इसमें छोटे और बड़े कल्टीबेटर का सवाल नहीं है, छोटे और बड़े डीलर का सवाल नहीं है। एक डीलर को जब तक आप फूडप्रस में डील करने का अख्तियार देते हैं और जो आज खरीदता है कि मैं जब चाहूंगा बेचूंगा, यह उसकी लैजिटिमेट ट्रेड है और इस में छोटे और बड़े का सवाल ही पैदा नहीं होता है और जब तक आपने काम्पैट्रियशन में प्राइवेट प्रापर्टी के हक को तसलीम कर रखा है तब तक तो यह बिल्कुल भी पैदा नहीं होता है। हम उसकी प्रापर्टी को एक्सप्रोप्रियेट नहीं कर सकते। जहां तक काम्पैनेशन का ताल्लुक है, उसके लिए हमारे पाम दफा ३१ है। वह केवल इम्पूवेबल प्रापर्टी के लिए नहीं है। चाहे कोई भी है, सरकार को हक नहीं है कि इस तरह से

वह किसी राक्स की जायदाद ले ले और ऐसी कीमत पर ले जिसको कि वह मुकर्रर करे। यह एक उसूल है जिसको मैं समझता हूँ हमारे मिनिस्टर साहब भी मानेंगे और इस ले इन्कार नहीं करेंगे।

मैंने खुद यह तजवीज पेस की थी और मैं इस उसूल का कायल भी हूँ कि अगर किसी राक्स की कोई जायदाद पब्लिक परपस के लिए गवर्नमेंट ले तो उसका ठीक मुआबजा दे। कई सूरतों में ऐसा होता है और कोई इस तरह की चीज सामने आ जाती है जिसके अन्दर कि प्रुरा मुआबजा देना गवर्नमेंट के लिए नामुम्किन होता है, पब्लिक के लिए नामुम्किन होता है। इस चीज को देखते हुए हम ने अपनी कास्टी-ट्रियूशन के अन्दर तबदीली की और कहा है कि ऐसे मामले जस्टिशियेबल नहीं होंगे। हम ने उनके अन्दर यह कह दिया कि लैजिस्लेचर्स जो मुआबजा मुकर्रर करे उमी के ऊपर वह चीज ली जा सकती है। यह दफा ३१ की तबदीली थी। मुझे पता है कि यह एक उमी के मुताबिक है। इसके अन्दर हमारे दोस्त मसानी साहब ने बड़ी वजाहत से और बड़े अर्च्छे तरीके से कहा है कि चाहे जो भी चीज हो वह जस्टिशियेबल होनी चाहिये। मैं अर्ज करता हूँ कि मैं भी इस हक में हूँ कि कोर्टम की जुरिस-डिक्शन का जहां तक सवाल है, उसको हमें बिकानना नहीं चाहिए। यह डेमोक्रेसी के अन्दर ग्रेटस्ट बुलवार्क है। लेकिन मामले में फर्क होता है। मसानी साहब ने दफा १५ की तरफ हमारी तबज्जह दिलाई है। मैं समझता हूँ कि दफा १५ ही उनकी बहम का जवाब है। यह दफा इस प्रकार है —

"No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3."

संख्यान ३ के अन्धर जो पाबन्ध गवर्नमेंट को दी गई है उसको अगर धाय देखें तो पावेंगे कि इतनी ज्यादा पाबन्ध गवर्नमेंट को दी गई है जिसका कि कोई ठिकाना ही नहीं है। इसके मुताबिक गवर्नमेंट कीमत मुकर्रर कर सकती है, किसी भी शस्स की चीज को ले सकती है और जहां बह ऐसा करती है वहां उसके खिलाफ कोई दावा नहीं हो सकता है। मैं पूछना चाहता हूँ कि जब कोई दावा गवर्नमेंट के खिलाफ नहीं हो सकता है तो किस तरह से यह जस्टिशिबल बनेगा। इम्पूबल प्रापटी के वास्ते लैजिस्लेचर ने जो तरीका मुकर्रर कर दिया है एक्वायर करने का इस दफा ३१ के अन्धर उसके मुताबिक तो कोर्टस के जुरिसडिकशन को बाइप आउट कर दिया गया है।

15 hrs.

आपने बह हिस्सा जो कि तरमीम की तौर पर ओरिजनल बिल में ला रहे हैं कि गवर्नमेंट के अफसर उनके गल्ले के स्टॉक को लेते वकन उसकी कीमत मुकर्रर करें तो इसमें नये मुकद्दमाल चलेंगे और इस तरह की चीज बन जायगी और आपका एक भी स्टॉक का ट्रामिल करना मुकम्मिल नहीं हो सकेगा इस लिये यह मामला जस्टीसिएबल नहीं हो सकता।

मे समझना है कि ओरिजनल एमेण्डियल कमेडिटीज ऐक्ट है और यह जो नया अमेण्डियल बिल हम हाउस के सामने लाये हैं उन दोनों के उमूलने में रात दिन का फर्क है। एमेण्डियल कमेडिटीज ऐक्ट में मिफ इतना ही नहीं है कि उसमें मार्केट वैल्यू का जिक्र है और जो अन्फाज वहां पर रखे हैं उनको मुलाहिजा फरमाये। वे अन्फाज यह हैं

"Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(f) for 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;"

उसके अन्धर कोई जिक्र लोकेलिटी का नहीं है। किसी को हुक्म देना कि फला लोकेलिटी में बंधा जाय इसका कहीं जिक्र नहीं है लेकिन यह जो अमेण्डियल बिल आया है यह इस तरीके का नहीं है। इस अमेण्डियल बिल में लोकेलिटी का जिक्र है कि इस तरह का हुक्म दिया जायगा कि फला लोकेलिटी में इस हिसाब से उसे अपना गल्ला बंधना होगा। अगर इतना ही होता कि सरकार किसी का स्टॉक जन्त कर लेगी और उस को कीमत देगी तो भी किसी कदर ठीक था लेकिन सरकार का तो इंटेशन यहाँ पर किसी शस्स को यह हुक्म देने का है कि हर शस्स अपनी चीज उस भाव में बेचे जो कि गवर्नमेंट का अफसर मुकर्रर करे।

इस अमेण्डियल बिल में लिखा हुआ है कि एमेण्डियल कमेडिटीज की कीमत कैसे मुकर्रर होंगी। पार्ट ३ में इस तरह लिखा हुआ है

"(iii) Where, after the issue of a notification under this sub-section, any person sells foodstuff of the kind specified therein and in the locality so specified, in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to the seller as the price therefor—

(a) where the price can, consistently with the controlled price of the foodstuff, fixed under this section, be agreed upon, the agreed price"

क्या मैं इससे यह नज़्क कि गवर्नमेंट अगर किसी शस्स के गल्ले को एक्वायर करने का हुक्म देती है तो उस गल्ले की कीमत गवर्नमेंट और उस शस्स के बीच एग््रीमेंट के जरिए एग््रीड प्राइस होगी ? मैं समझता हूँ कि गवर्नमेंट की यह कभी मशा नहीं हो सकती है क्योंकि इस तरह तो उसकी असली मशा ही खत्म हो



## [श्री कृष्णस्वामी द्वारा प्रश्न]

जायेगी। एक द्वायीय धारणी बिलके कि पास गल्ला नहीं है वह लेने धारणा धीर उसको जो कीमत मांगे, वह देनी होगी और एग्रीड प्राइस के कोई जाने नहीं रहे। दूसरा तरीका प्राइस क्रिक्स करने का इस में जो रकमा गमा है वह बिद रेकिस दु धी कट्टोल्ड प्राइस है। तीसरा उपाय प्राइस क्रिक्स करने का इस में यह सुझाया गया है कि अगर इन दोनों तरीकों से काम न चले तो नोटिफिकेशन से तीन महीने पहले के लोकेस्टि के गवर्नमेंट के अफसर एवैज मार्केट रेट के हिसाब से गल्ले की प्राइस फिक्स कर देंगे। जो तरीका हम ने इम्पूवेंबुल प्रापरटी के ऐक्वायर करने के लिए रक्सा है कि इतना परसेंटेज लेंड रेवेन्यू का मुध्याबिजे के तौर पर बिया जायेगा और इतना परसेंटेज सड रेवेन्यू होगा, हम ने वही तरीका प्राइम के बारे में यहा पर बयान कर दिया है। यहा पर जैसा कि इम्पूवेंबुल प्रापरटी के सम्बन्ध मे ऐक्वीजीशन और ऐक्वायर शब्दो का इस्तेमाल किया गया है, वैसा ऐक्वीजीशन का सवाल नहीं है और थोडा उममें कनफ्युशन है। जब कोई कटरोल गेट साने देश में मुकरर नहीं जैसा गवर्नमेंट ने ओबजेक्ट मे लिखा है नो बिल मे ए और बी और सी की पहली लाइन लिखने की कोई जरूरत नहीं थी।

डा० कृष्णस्वामी ने ठीक ही कहा है कि यह बिल ऐसा है जिस के मुनाबिक्र बर्क करना बड़ा मुश्किल होगा। इस बिल के अन्दर गवर्नमेंट को यह अधिकार दिया गया है कि जिस किसी के पास स्टॉक हो उसका स्टॉक लेने का आर्डर कर सकती है और डिस्ट्रिक्ट मजिस्ट्रेटो के ऊपर निर्भर करेगा कि वह किसी स्टॉकिस्ट से तो उसका माल ले और दूसरे स्टॉकिस्ट को छोड़ दे। इस तरह की आरबिटेरी पावर जिला अधिकारियों के पास रहना मेरी समझ में कुछ ठीक नहीं होगा। इसी तरह का खयाल सरदार इकबाल सिंह ने भी जाहिर किया है। यह ठीक है कि हमारे भी अजीत प्रसाद जैन कल्टीवेटमें से बहुत

हथकड़ी रखते हैं और मैं उनके व्यूज को बहुत अच्छी तरह जानता हूँ लेकिन न मालूम धाने चल कर कोई दूसरे साहब उनकी जगह जा जाय और जो कि जैन साहब के व्यू के न हों और यह सोच कर कि कम्पनिटी डेवलपमेंट के मातहत हम ने लाखों रुपये जलगाये हैं तो क्यों न उन कल्टीवेटर्स से कुछ रुपया एठ में और इस तरह काफी गड़बड़ हो जायेगी कि आप किसी से तो उसका स्टॉक लेंगे और किसी से नहीं लेंगे।

अगर आप इसको ठीक तरह से बर्क आउट करना चाहते हैं तो आपको एक बात करनी चाहिए और मैं उसके कहने से पहले आपको यह बतला दू कि मैं उन लैंडहोल्डर्स के हक में नहीं हूँ जिनके कि पास हजारो मन गल्ले के स्टॉक जमा है क्योंकि वे लोग तो लैंडलेस लेबरर्स से अपने होड्ड ग्रैन की बहुत कास्की कीमत वसूल करते हैं। मैं तो चाहता हूँ कि एक मामूली शरूम जिसके कि पास ४००, ५०० मन गल्ला है, उसको आपको छोड़ देना चाहिए और मैं चाहता हूँ कि १००० मन तक गल्ला रखने वाले को आपको छोड़ देना चाहिए। यह जो गल्ले की दिक्कत और गड़बड़ी करते हैं यह बड़े बड़े स्टॉकिस्ट्स ही करते हैं छोटे छोटे कल्टीवेटर्स नहीं करते हैं। यह स्टॉक होल्डर्स एंड ी प्वाइंट धाफ ब्योनेट अपने जमा किये हुए गल्ले की कीमत मांगते हैं और लाचार होकर जरूरतमंदो को उनको वह भारी कीमत देनी पड़ती है और मैं आप के साथ हूँ कि आप इस बिल की मदद से ऐसे स्टॉकिस्ट्स से डील कीजिये।

एक बात मुझे यहां पर और कहनी है और वह यह है कि मान लीजिये एक जगह पर दस स्टॉक होल्डर्स हैं तो आप जिस स्टॉक होल्डर के लिए नोटिफिकेशन करेंगे वही अपना गल्ला आप के द्वारा क्रिक्स की हुई प्राइस पर बेचेगा और बाकी के ९ स्टॉक होल्डर्स को खुली छूट रहेगी कि वह जिस

क्रीमत घर बाहूँ अपना गल्ला बेच सकें और बेरी धरें यह है कि इस तरह आपका यह काम कैसे चलें। उस नोर्किसिटी के अन्दर आपका कंट्रोल रेट होना चाहिए। और जब तक सब स्टोक होल्डर किसी नोर्किसिटी में डील बिच न किये जावेंगे तो कैसे क्रीमत एक बस नोर्किसिटी में क्रायम होगी—आप ने न तो नोर्किसिटी की और न होल्डिग या स्टोक होल्डर की कोई सारीफ की न उनकी नीमा बतवाई।

डा० कुण्ठास्वामी ने कई तर्कोंसे पेश की लेकिन वह सारी की सारी लौग रेंज पालिसी की है। गल्ले के मुताबिक हमारी सरकार की धोर से एक एलान होता है कि इस गल्ले के मामले में सेल्फ सफ्रिपिएट हो बचे है लेकिन जब मैं दूसरे दिन अखबारों में यह खबर देखता हूँ कि भारत सरकार विदेशों से काफी तादाद में गल्ला मगा रही है और गल्ला बाहर से मगाने में उसने २०० करोड़ रुपये खर्च किये तो मुझे बड़ी शर्म आती है और दुःख होता है कि आखिर यह माजरा क्या है। हम को एक पालिसी रखनी चाहिए और आन्नेबुल मिनिस्टर की तरह मुझे यकीन है कि हिन्दुस्तान के अन्दर गल्ले का अकाल भाज भी नहीं है और उच्चतर भर का गल्ला हमारे बहा है लेकिन यह जो गल्ले की कमी अनुभव की जा रही है यह मैसडिस्ट्रिब्यूशन के कारण है। अगर आप गल्ले का इक्विटिबुल डिस्ट्रिब्यूशन कर दें और कंट्रोल प्राइस मुकरर कर दें और वह प्राइस रीजनेबुल होनी चाहिए ताकि उनको गल्ला बेचने में रीजनेबल मुनाफा हो जाय तो यह गल्ले की मुश्किल हल हो सकती है या अगर सिर्फ आप पाठों से के अन्दर परमीम कर दें तब भी यह मामला हल हो सकता है। यह बेहतर होता अगर भाज आप इस बिल को ऐसी जल्दी में न लाते और इसकी जगह पर सोच विचार का अच्छा आडिनेम जारी कर दें। इस बिल के अन्दर मुझे जो दिक्कत और परेशानी की चीज नजर आती है वह यह है कि डिस्ट्रिक्ट मजिस्ट्रेट या अफिसर

को इस तरह की पावर दी गई है कि वह बिस्को बाहूँ पकड़ ले और उसका स्टोक लेकर उसकी क्रीमत मुकरर कर दें और सल्ले की क्रीमत सरकारी अधिकारी मुकरर करेगा और इस में आप कोर्ट्स को पावरलेस रखता है और वह इस में मदाखलत नहीं कर सकते। मैं क्षमता हूँ कि जब तक आप इस में गवर्नमेंट आफिसर की तय करवा प्राइस के खिलाफ अपील का प्राविजन प्रोवाइड नहीं करते और जब तक उसमें आप यह शब्द नहीं डाल देते "एग्जुड बाई गवर्नमेंट" तब तक इस बिल का तसलीमबहा नतीजा नहीं निकल सकता।

इसके अलावा गवर्नमेंट ने २५ करोड़ रुपयों की सबमिडी देने की जो जिम्मेदारी ली है उसकी तर्फ इस बिल में कोई जिक्र नहीं है। जिन इलाके के अन्दर नोर्किसिटीयन हो गया कि फला का गल्ला फला क्रीमत में बेचा जाय, यह तो आप ने तय कर दिया कि जिन शरुस में गल्ला लिया जाय उसको मुकरर करदा क्रीमत दे दी जाय लेकिन इसमें आपकी सबमिडी कहा आई। मैं तो आपको तबज्जह उन जेप्लेम लेबरर्स की तर्फ दिनाना चाहता हूँ जिनकी कि १०८ रुपया सामाना आमदनी क्वी गई है, उनको आपको फुड सबमिडी देनी होगी। अगर क्रीमत अनाज की बढ़ रही है तो आपको उनको सबमिडाइज्ड करके गल्ला दिलवाना चाहिए। मैं नहीं चाहता कि यह सबमिडि राहुरों के बास्ते आमतीर पर इस्तेमाल की जाय। मेने दीगर लायक दोस्तों ने भी इनी किम्म का उर जाहिर किया है और मैं हरगिज नहीं चाहता कि ऐसा हो। अगर हथर में गरीब आमदी है तो उन के बास्ते यह इस्तेमाल हो कि आप उन क्नासेज को बता दें जो गरीब है, जिन की आमदनी इतनी बड़ी है कि वह अपना इन्तजाम रक मके। इनी लिए मैं चाहता हूँ कि इस कानून का असर ज्यादातर बहा हो जा कि देहात हैं। आप इस चीज को इस कानून में साफ कर दें और उनी सल्लस के लिए नार्मिडी दें जो उस से फायदा उठाने का

(पंडित ठाकुर दास भार्गव)

हकदार हो। अगर देहात में, जहाँ पर कि आदमी गरीब है, यह लक्सिडाइज्ड फूड नहीं बिकेगा तो इस लक्सिडो के देने का क्या फायदा होगा? इस लिए इस का भी इन्तजाज इस बिल में जरूरी है। ये अर्ज करूंगा कि इन चीजों का इलाज इस बिल में हो जाए, या इस मौजूदा बिल को ही अर्ज कर के रक्खा जाय ता कि इस की खराबिया दूर हो जाए।

**Shri B. C. Ghose (Barrackpore):** In so far as this Bill may help to relieve the present unhappy food situation, I do not think any Member will oppose it, but I am not quite sure as to what the purpose of the Bill is. Is it to prevent profiteering by hoarders or do Government feel this measure will have any material effect on the present food situation? The answer will probably depend upon our assessment of the present situation as to whether we consider that there is an absolute shortage of food or not I should like the hon Food Minister to give his opinion as to what he considers to be the reasons for the rise in the present food prices.

It will appear from production figures that there should have been no reason for this rise in food prices because production in 1956 has been very much more than in 1955. Over the last 5 or 6 years, excepting probably 1953-54 production in 1956 has been the largest, but why is it then that food prices have been going up?

**Pandit Thakur Das Bhargava:** Are you referring to the country as a whole?

**Shri B. C. Ghose:** I am referring particularly to rice; rice price have been going up and rice production on the other hand has been increasing over the last 2 years. Now, if our conclusion is that there is sufficient stock, but prices have been rising—I must say here that one can never be sure of these food statistics and the former Food Minister never went by

the food statistics—and if we say that production is sufficient then the conclusion would be that there must be hoarding at some place or other and the hoarding might be with the agriculturists, might be with the traders. The Food Minister in introducing this Bill had said that it was not his intention to apply this Bill to farmers and to small traders. Then he is applying this measure only to big traders; from this it would follow that he feels that the big traders are hoarding large amounts of food and also rice. But just a few months ago, we were told that the Reserve Bank of India had been restricting advances to people who were dealing in food—the food traders—and they also claimed that these measures have had a good effect. I should like to know what the estimation by the Food Minister is. Does the Food Minister feel that there had been a large amount of hoarding done by the big traders and even though the Reserve Bank of India took certain steps in restricting advances that those measures have had no or little influence? Only if the Food Minister can convince us that this is so, his measure may have some effect in so far as the real food situation in the country is concerned; otherwise, his measure will not bring out food in any large measure. Of course, it might help in preventing profiteering by some of these hoarders, who are big traders. My difficulty is in trying to understand what the effects of this Bill would be because if there is not a large stock with the big traders, then all the difficulties which my previous speaker mentioned would arise and I do not want to repeat his arguments.

**Shri Mahanty (Dhenkanal):** Mr. Deputy-Speaker, I am in agreement with the objectives of this Bill so far as it seeks to check hoarding, and the spiral rise in prices. But after analysing the Bill I am led to believe that this is merely a mud-pack cure for high blood pressure.

**An Hon. Member:** Does he mean mud-pack?

**Shri Mahanty:** Yes, the fact is to be noted that of late the prices have been rising high and according to the Government figure it has increased by 13 per cent. from 373.4 to 421.9 during the last year. On February 16th of this year, the index stood at 424.4 which far surpassed the peak figure that was reached during the Korean War Crisis. On the one hand we find this spirally rising food prices and on the other hand we increased food production. Not very long ago, I think on the 14th of this month the hon. Food Minister in a statement that he made in this House said:

"The latest position is that the production of rice this year has been 28.1 million tons which is an all time record."

But let us now investigate the rice prices during the past year. I hope the hon. Food Minister would condescend to give some reply on this point. On the one hand, he admits that there has been a record production. On the other hand we fail to understand why the price of rice will go on spirally rising like this. For instance in the year 1950 it was an year of all round scarcity. But the rice price index was 514. 1951 was also a very unfortunate year and then even it was 544. In the year 1956 it was 596. The Government need not appoint a Commission or a Committee to investigate this. Simple commonsense would tell us that hoarding has been mainly responsible for this spirally rising food prices.

Now my hon. friends Shri Masani and Dr. Krishnaswami have said that the Bill is quite arbitrary. In the scheme of this Bill there is an amount of arbitrariness and that we should not entrust an engine of oppression in the hands of Government. That is so. There is a large measure of truth in what has been stated. But is it intended that the hoarders should be shown any amount of sympathy? It has been said that there are elements of arbitrariness in the scheme of the Bill, but what about

the hoarders and speculators whose arbitrary actions of hoarding and speculation have resulted in this crisis and in this kind of all round misery, starvation and privation. I am at one with the Government so far as they seek the power to eschew the law courts from the operation of this measure. After all law does not operate in vacuum. Law has a social obligation to fulfil.

There is another thing which I want to mention in this connection. This bill seeks to put premium on hoarders. According to sub-clause (c) of clause 2 (iii) the prices will be fixed according to the average of the rate prevailing for a period of three months immediately preceding the date of the notification, which let us hypothetically assume, is issued on the first of June 1957. Now the food prices during the preceding three months have been an all-time record in India. We have got figures upto January 1957. We have not got figures for February, March and April. I would ask the Food Minister: is it intended that a premium should be put on the hoarders by stabilising the high price? Is it the intention to subsidise hoarding so that the prices which will be paid to them will be computed on the basis of the high price prevailing during the last three months? The other day we read in the papers that the Congress Working Committee was considering the proposal how to bring about parity between the farmer's price and the manufacturer's price. Some hon. members seem to entertain the view that the peasants or farmers are holding stocks of foodgrains in their homes which they release to the market. That is not so. At least that has not come to my knowledge and I have sufficient intimacy with our countryside. The actual position is this. The farmer is eager to sell his foodstuffs in the market for whatever price he gets so that he can rid himself of the loans which he has incurred during the year and he has no bargaining power. The entire thing goes into the hands of the stockists, the traders and the

[Shri Mahanty]

hoarders. Therefore if you are to pay these hoarders the price on the basis of the price which prevailed during the preceding three months of the year 1957, you will only subsidise hoarders. If you are really to subsidise food prices as has been stated in the statement of Objects and Reasons, there is no reason why this provision should be there. I have proposed an amendment and I do not desire to speak at length at this stage. I would beg of this House to examine this clause and examine whether we are not going to subsidise the hoarders. I am sure the House is not going to put a premium on the hoarders whose anti-social activities have resulted in an all round catastrophe.

Shri Bharucha: Sir, one is rather surprised that the Hon Food Minister, so soon after stating that the food prices have not risen, has to place before the House a Bill to amend the Essential Commodities Act. I would like to ask the Minister: When did the prices rise? We had been told that there is no general rise in prices, now a measure is brought in for the purpose of securing supplies and to make them available at prices within the reach of the masses. Either the statistics or the Minister is wrong. I would like the Hon Minister to clear this point. We are not against giving powers to the Government to procure foodgrains if there is a tendency in the country to hoard foodgrains and to sell them at unconscionable profits. I want to know whether the price should be the price which is a record price for all time. The least that the Government should have done to the interest of the tax-payer is to fix it at the price which is lowest during the three months; this price should be taken as the criterion. I also fail to understand why Government should insist upon some agreement between the vendor and the purchaser. Why should they not fix prices and proceed to acquire foodgrains? We are not opposed to giving extra powers to the Government. But we are not sure, even if

this measure is rushed through this House, whether this measure will be availed of by the Government soon. The Minister has stated that he will watch the situation and take further steps. The time for watching the situation has gone and the time for action has come. I trust the Minister will promulgate the necessary notification that is required in time.

I am not in favour of procuring such stocks from the farmer. He is finding it difficult to produce foodgrains in the midst of onerous taxation and rising costs. I am in favour of making the provisions of this Bill applicable strictly to the stockists. It is not enough merely for the Government to acquire this power. Unless the Government prescribes very heavy penalties for the hoarders of foodgrains it will not be possible for the Government to implement the provisions of the Bill effectively. The Government should have larger buffer stocks and a net work of fair price shops. I also appeal to Government to see whether we cannot expedite the delivery of the stocks which we are procuring from America under August 1956 agreement and P.L. 480. If something could be done in this direction I am sure it will assist in bringing down the prices. I am in favour of giving powers to the Government but I want that the powers so given could not be used against the small farmers. I want an assurance from the Minister that the provisions of this measure will not be used against the farmer in fairness to that class of society.

Shri Mohamed Imam: Mr Deputy Speaker, I have moved an amendment to the effect that before this Bill becomes law, the concerned State Governments must be consulted and their opinions obtained, because we are going to pass this law for the entire country, but it is the States that have to administer the law. It is they that have to hold the baby and it is the State Governments that have to bear the odium or acquire unpopularity. So, without consulting

them to pass this into law looks very highly inappropriate

Sir, in all measures of this type the State Governments are consulted and their opinions obtained and it is only then that such a Bill is introduced and it becomes law. Sir, Government perhaps is guided by the opinion expressed by the representatives of some States like Bihar, Bengal and others, but the opinion of the Governments of other States is not before the Government. Perhaps it may be that conditions are better there, or it may be the problems are quite different, or it may be such a measure may cause more harm than good. So, I cannot understand the hurry with which the present Government wants to proceed with this measure. Sir, till very recently it was announced by Government that they were going to appoint a high-power committee to investigate the causes that have led to the rise in prices of food-grains. I will just read the relevant portion

"While Government will continue to watch the situation and will take further steps whenever necessary, they have come to the conclusion that the whole question requires thorough investigation and have decided to set up a high-power committee to investigate fully into the causes for rise in prices, despite higher production and to suggest immediately and from time to time remedial measures which could prevent speculative hoarding and arrest undue rise in prices."

Sir, this was announced only very recently. I would like to know whether Government still propose to appoint this high-power committee to investigate the causes, and if so, it would have been quite appropriate to bring this Bill after the opinion of the high-power committee was obtained. Now it looks the Government are going back on their own proposals. Perhaps, as was contemplated by them earlier, they do not want to appoint a high-power committee and

this is rather inconsistent. So, I would like to ask what about their announcement? What about their proposal to appoint a high-power committee?

Sir, problems differ every year. We all appreciate the anxiety of the Government to help the poor and to see that reasonable prices prevail throughout the country. But I am not convinced that this measure will help or will have the desired effect.

Sir, this year the problem is how to bring down the prices and it is believed that hoarding is the main cause of the rise in prices. On the other hand the problem was quite different during the two previous years. The problem during the previous years was how to support the prices and how to increase the prices. I will just give the relevant portions from the report

"During the previous two years prices of foodgrains were low and in fact, steps had to be taken by Government to arrest the downward trend of prices by resorting to a policy of price support and offering to purchase foodgrains at certain minimum prices."

So, that was the problem during the year 1954-55 and 1955-56. This year the problem is how to step down the prices and hoarding is supposed to be the cause of this. Sir, I believe hoarding is not the main cause of the rise in prices. There are other more important causes which have to be tackled. It is not the price of foodgrains alone that has gone up. The price of every essential commodity that is needed by the common man has gone up. The price of sugar has gone up, the price of cloth has gone up, the price of every conceivable article has gone up and correspondingly the price of foodgrains has gone up. So, we must come to the inevitable conclusion that the prices have gone up not merely because people are hoarding, but because of inflation. It is the inflationary policy of the Government that is responsible for the high prices of food

[Shri Mohamed Imam]

materials, unless the causes of this inflation are removed, I can say vehemently that the prices will remain the same

It is the present Government that is mainly responsible, it is the over-spending by Government. The foreign policy of this Government has involved us in a payment of nearly Rs 120 crores by way of debt services. It is their over taxation or deficit financing that is responsible for the rise in prices of not only food-grains, but of other commodities that are needed for consumption. So, unless these are removed, this inflation will continue and there will be more trouble. These root causes have to be tackled. I agree with the suggestion to appoint a committee. I wish the Government had pursued their decision of appointing a high power committee. They would have investigated they have found out the causes, or at least the root causes. I do not know whether Government intend to pursue that policy or not.

Personally I am for free trade. Many of us remember the sad and bitter experience we had during the days of control. Many of us remember how unscrupulous persons had their heyday and how they took advantage of the black-market. It may lead to scarcity. It may lead to further hoarding, because we know from experience that when such a measure is introduced people know how to hoard and how to conceal their stock in spite of your vigilance. So, such a measure instead of doing good may lead to further harm. On the other hand, it may be a further cause of worry. It may create immense difficulties for ryots and other poor people, people who are quite sincere and honest.

You have not defined what hoarding is, you have not defined to what extent hoarding is allowed or legalised. Supposing a ryot has got a stock of two or three maunds. It can come under the term "hoarding". It

is quite usual that a ryot will have with him his normal requirements for one year. Are you going to consider this stock which he needs for his daily consumption as hoarding? I can tell you from my personal experience that ryots and even stockists also never hoard indiscriminately. A ryot will have with him what he needs for consumption. In these days of uncertainty, when the markets are uncertain, even the stockists do not hold on for a long time. This plea that the rise in prices is due to hoarding has become a very convenient excuse. But I give a warning that this measure alone will not help to bring down the prices, on the other hand I warn you that you will be getting into further and further complications.

That is why, though I am in sympathy with this measure and am second to none in my desire to bring the necessary relief to the poor and the needy, I wish to say that you must proceed with caution. Because, in your attempt to help the poor, you may create immense hardship. That is why I submitted that the public opinion should also be gathered, let the public see how they feel about it whether they want it or not.

I know in the days of controls—because I had something to do with it and I was also associated with a Government—how all our *bona fides* were questioned. How all our laws were defeated. I know, to carry out a policy we will have too many laws, regulations and so on. But the more we make laws and the more we bring regulations into effect, the greater will be the disrespect entertained by the people.

So, before adopting this measure I want you to follow a cautious policy, to go slow and to adopt only such measures as will be effective in really helping the poor and helping the country.

Mr. Deputy-Speaker: I find there is a very large number of hon. Members desirous of speaking on this Bill. I

can appreciate their anxiety to participate in the debate, but the restriction placed by the House itself should also be before their minds.

**Shri Radhelal Vyas:** At least one Member from each State should be given an opportunity.

**Mr. Deputy-Speaker:** I desire that every one of the hon. Members wanting to speak may be given an opportunity, but my difficulty should also be appreciated by the hon. Members.

**Shri Radhelal Vyas:** We appreciate it. But at least, if you think it proper, Members on a regional basis might be allowed to have their say.

**Mr. Deputy-Speaker:** Hon Members are also aware that there is a business of three hours after we have finished this, unless the hon. Mover of that Resolution, who has to continue his speech, agrees to put it off to the next Session—because it would not lapse. So, unless he agrees, that also has to be gone through. Therefore, everything has to be borne in mind before we ask for more and more time. And this Bill must be finished by about six o'clock, because it has to go to the other House, and the other House shall have to sit for an additional day for passing it.

Now I will request hon. Members to be very brief in their observations.

**श्री सिंहासन सिंह (गोरखपुर)**

उपाध्यक्ष महोदय, यह जो विधेयक भवन के सामने आया है उसमें यह बात प्रमाणित हो जाती है कि हमारे देश में या तो अन्न की कमी है या अन्न की बहुलता होने हुए भी कुछ लोगों ने अन्न को इस रूप में दबा रक्खा है जिससे कि उसका वितरण बड़ी तरीकें में नहीं हो पा रहा है।

अभी कोई दम रोज़ हुए जब इस भवन में बड़े जोरो से यह कहा गया कि न तो हमारे देश में अन्न की कमी है और न अनाज के भाव बढ़ है लेकिन यह विधेयक स्वतः साबित करता है कि अन्न की कमी है और भाव भी बढ़े है।

इस विधेयक की जो प्राइजेक्ट्स एंड रीज़ल्ट्स दिये गये हैं उनके अन्दर यह कहा गया है कि अनाज के भाव बढ़ रहे हैं। अभी तक आ जाँ कानून है उसके अन्दर ऐसी व्यवस्था नहीं है कि हम चालू बाज़ार की कीमत से कम भाव पर गल्ले को ले सकें, और इसलिए यह विधेयक लाना आवश्यक . प्रतीत हुआ। चालू बाज़ार की जो कीमत है वह इतनी अधिक है कि उस कीमत पर गल्ला लेने से कोई कल्याण लोगों का नहीं हो सकता है।

मुझे एक डर इस बात का है कि इस विधेयक के पास हो जाने के बाद कहीं यह न हो कि हम कंट्रोल की तरफ़ झुके। कंट्रोल का हमें काफ़ी कटु अनुभव प्राप्त है और हम न देखा कि कंट्रोल के कारण देश में बहुत प्रकार की बुराईयाँ आ गईं। हम स्वर्गीय रज़ी अहमद किदवाई साहब के बड़े कृतज्ञ हैं कि जिन्होंने बावजूद उन तमाम सरकारी आकड़ों के जो कि कंट्रोल को बनाये रखने के पक्ष में थे, उनकी परवाह न करते हुए हिम्मत से काम लिया और कंट्रोल को हटा लिया और हम न देखा कि कंट्रोल उठाते ही गल्ले के दाम नीचे गिरने शुरू हो गये।

यह विधेयक गल्ले की कमी को दूर करने और कीमतों को बढ़ने में रोकने के उद्देश्य से लाया गया है और मैं उसके उद्देश्य में सहमत हूँ और यह विधेयक पास होना भी चाहिए लेकिन मुझे शक मालूम होता है कि हम इस विधेयक में गल्ले की समस्या को सफलतापूर्वक हल कर सकेंगे और मेरा ऐसा सन्देह करने का कारण यह है कि इस विधेयक का अवधि काल केवल तीन महीने है, तीन महीने तक ही यह लागू रहेगा और तीन महीने के अन्दर अगर किसी के पास गल्ले का बड़ा स्टॉक मौजूद है और अगर उसके स्टॉक लेने और प्राइस फ़िक्स करने के लिए नोटिफ़िकेशन करने में कुछ देर हो गई और तीन महीने बीत गये तो फिर हम उसको ले नहीं सकते हैं और उसके लिए नया नोटिफ़िकेशन करना पड़ेगा। इसके अलावा मैं गवर्नमेंट के ध्यान में यह बात भी लाना



### [श्री सिंहासन सिंह]

चाहूँना कि आज से तीन महीने पहले गेहूँ का भाव बढ़ा हुआ था, इधर गेहूँ का भाव कुछ गिरा है क्योंकि हमारे काश्तकारों के पास अपने अन्न को हीरे करने के बास्ते पैसा नहीं है, अपनी जरूरतों के बास्ते मसलन शादी ग्याह के कारण उसको गल्ला सस्ते दामों पर बेच देना होता है क्योंकि पैसा उसके पास है नहीं, गल्ला जमा करने के लिए गोदाम उनके पास है नहीं और मालगुजारी भदा करनी होती है इसलिए वे गल्ले को रख नहीं पाते और सस्ते दामों पर बेच कर अपना काम चलाते हैं। अलबत्ता महाजन लोग जिनको कि सपया प्राप्त है, अनाज भर लेते हैं और देर से बेचते हैं और काफ़ी मुनाफ़ा कमाते हैं। मैं समझता हूँ कि बेयरहाउसिंग कारपोरेशन एकट लागू हो गया होना, किन्तु अभी तक किनी स्टेट ने उसको पाम नहीं किया है, अगर वह चालू हो गया होता तो हमारे काश्तकारी की बहुत दिक्कतें दूर हो जाती। आज सरकार उनको दिक्कतों को दूर करने और गल्ले की समस्या को हल करने के लिए अनेको उपाय कर रही है लेकिन वे दिक्कतें दूर नहीं हो रही हैं।

इस सिलसिले में मैं उत्तर प्रदेश की सरकार द्वारा प्रकाशित कुछ आकड़े सदन के सामने प्रस्तुत करना चाहता हूँ। सन् १९५१-५२ में ७१ लाख एकड़ जमीन सरकारी ट्यूबवैलें या नहरों से सीची गई जब कि सन् १९५५-५६ में, जब कि इसी बीच गवर्नमेंट ने ३० करोड़ रुपये खर्च करके अनेकों ट्यूबवैलें लगवाये और नहरें खुदवाई, तब केवल ६८ लाख एकड़ भूमि की सिंचाई की गई जिसका कि मतलब यह हुआ कि इन वर्षों में ३ लाख एकड़ भूमि की सिंचाई कम हो गई। जब कि ३० करोड़ सपया खर्च किया गया और अनेको ट्यूबवैलें और नहरें लगवाई गईं तो सिंचाई का क्षेत्र क़ायदे से बढ़ना चाहिए था न कि घटना। तो इस तरह की गड़बड़ हमारे काम में और सरकारी योजनाओं में चल रही है।

गोरखपुर में जहाँ ट्यूबवैलें बने हैं वहाँ ईल बोने वालों की ईल बिना पानी के सूख रही है। गवर्नमेंट की बिजली लगी हुई थी उससे डेढ़ सौ ट्यूबवैलें चालू होते थे। इसी बीच पंचवर्षीय योजना में ५०० ट्यूबवैलें लगाये गये। इन से डेढ़ सौ ट्यूबवैलें बिजली से चल रहे थे—क्योंकि-उतने ही के सिधे वह बिजली की क्षमता थी— बाको ये चल रहे थे डीजल इंजन से। इसी बीच बिजली डिपार्टमेंट ने सब में बिजली दीवा दी। डीजल आयल वालों ने यह कह कर अब तो बिजली दीवा दी गई है अपनी डीजल आयल की मशीनें हटा ली। इसका नतीजा यह हुआ कि किसी को पानी नहीं मिल रहा है और सब के खेत सूख रहे हैं। बिजली इस उम्मीद पर उन्हीं दीवा दी कि नया बिजली का कारखाना खुल रहा है उसकी बिजली आ जायेगी। अभी यहाँ आने समय में ने बिजली के अधिकारी से बात किया। उन्हीं ने कहा, इस उम्मीद पर हम ने बिजली लगा दी कि नये कारखाने की बिजली मिल जायेगी—किन्तु वह न मिल सकी। और अब चार महीने बाद आने वाली है। इस तरह में जो सिंचाई का साधन था उसको भी हटा दिया गया और परिणामस्वरूप अब ईल सूख रही है। मैं स्वयम् मुक्त भोगी हूँ। आप को यह सुन कर हैरत होगी। तीन बजे से बिजली मिलती थी जब ट्यूब चल पाता था। मैं ने पानी मंगवाया। ३ बजे बिजली मिली और ८ बजे पानी पहुंचा। १० बजे पानी बन्द हो गया। इतनी दूर से पानी के आने पर मूडिकल से ६ बिस्वा जमीन सीची जा सकी, और दाम कितना देना पडा २४ यूनिट बिजली का। हमारे यहाँ ६ आ० यूनिट बिजली है। इस तरह से ९६० बिजली के हो गए।

एक आजीवनी सबसब : इंडस्ट्रियल बिजली ६ आ० है ?

श्री सिंहासन सिंह : जी हां, इंडस्ट्रियल बिजली ६ आ० यूनिट है। इस तरह की चीजें

बच रही हैं। अगर इस तरह गवर्नमेंट ध्यान देवे तो काम चल सकता है। बेयरहार्जिसिंग का सस्ता इन्वॉयस करे। २५ करोड़ ६० की सन्धि है, मैं माननीय मंत्री जी का ध्यान दिखाना चाहता हूँ कि वह इस सन्धि का रूप बदल दें। कारतकारों को बिना सूद के द्यूबबेल लगाने के लिए, धीरे इन्वॉयस खरीदने के लिए ६० देवे, तो एक साल के अन्दर सारा काम ठीक हो सकता है। रफ़ी साहब के समय का हाल फिर हो सकता है, धारा को भी प्राथमिक मिलेगा। लेकिन धारा तो सन्धि दे कर शहर के लोगों को ही सुविधा मिल रही है, उन को कम कीमत पर अनाज मिल रहा है, ग्रामीणों को ही नहीं मिल रहा है, ग्रामीणों को भी मिल रहा है। जैसा हमारे भार्गव साहब ने कहा, यह सन्धि अगर किसानों को मिले, जिन गरीब मजदूरों के पास खेत नहीं है, उन को मिले तो इस का ठीक इस्तेमाल हो सकता है। फिर यह सन्धि मिलती किस पर है? गेहूँ पर। गाव वाले बेचारे गेहूँ किधर खाते हैं? वह तो बाजरा, मक्की और ज्वार खाते हैं। आज इन चीजों का भाव महंगा है और गेहूँ का सस्ता है। फिर उस पर भी सेल्स टैक्स लगता है। दूर दूर से लोग इन चीजों को खरीदने के लिये आते हैं, दो दो मील चल कर आते हैं कि अनाज कुछ सस्ता मिले, लेकिन उस पर बजाय सस्ता मिलने के सेल्स टैक्स और लग जाता है। गवर्नमेंट को चाहिए कि इन चीजों पर ध्यान दे और जो रुपया हमारा खर्च होता है वह सही तरीके से खर्च हो और गरीब लोगों के इस्तेमाल में आए। किसानों को सन्धि के रूप में, इंटरैस्ट फ्री लोन के रूप में, दिया जाए, तो मैं कह सकता हूँ कि साल भर के अन्दर इतना गल्ला हो जाए कि आप गल्ला बाहर भेज सकते हैं, जैसे धारा आप चीनी भेज रहे हैं। लेकिन भेजें कैसे? गोरखपुर, देवरिया और बस्ती चीनी प्रोड्यूस करने का बड़ा भारी क्षेत्र है। वहाँ कुल मिला कर करीब २३ या २४ मिलें हैं जो कि सारे देश की तिकाई हैं। वहाँ पर ईंधन खूब रही है, धान

उनकी क्या हालत होगी कहा नहीं जा सकता। हमें इस से मतलब नहीं कि उन अफसरों को जिन्होंने यह काम किया सजा हुई या नहीं, लेकिन हम किस को रोए। इस लिए यह बिल इस रूप में आए जिस से कुछ लाभ हो सके। आज जो इस का रूप है वह कुछ गडबड सा है। उस में दोनों तरह के नोटिफिकेशन करने होंगे। एक दफा ३ में करना और दूसरा दफा ३ए में करना होगा। ३ए में यह करना होगा कि भाव फिक्स कर दे। इस के लिए मैं ने एक अमेन्डमेंट दिया है। दफा २ए के अन्दर जो प्राविजन है उसे निकाल दिया जाए और जैसा भार्गव साहब ने कहा कि २ एफ में यह प्राविजन कर दिया जाए कि जो ४० मन से कम रखता हो उसे छोड़ दिया तब यह बिल कुछ फायदा पहुंचा सकती है।

धन में ज्यादा न कह कर इतना ही कहना चाहता हूँ कि बेयरहार्जिसिंग का जो प्राविजन है, जैसा कि मैं ने अर्ज किया है, उस को जल्दी से जल्दी लागू किया जाए। और जितना रुपया कारतकारों को फ्री आफ इंटरैस्ट या सन्धि के रूप में दिया जा सके, दिया जाए, ताकि वह गल्ला पैदा कर सके। ऐसा करने के बाद हो सकता है कि यह बिल जरूरी न रह जाए।

इस बिल का धाना में बहुत अच्छा नहीं समझता, क्योंकि इसके जरिए हम कंट्रोल की तरफ बढ़ रहे हैं। कंट्रोल की तरफ बढ़ना मैं बिल्कुल अच्छा नहीं समझता। जैसा गांधी जी ने कहा था कंट्रोल हमें बरबाद कर रहा है, उस से हमें रफ़ी साहब ने बचाया। मैं कहता हूँ कि आप इस तरफ कदम बढ़ाएँ। अगर आप नहीं बढ़ते हैं तो भले ही हम थोड़े दिन इस को सह लें, लेकिन मुझे डर है कि इस के लागू होने के बाद कारतकार के पास गल्ला रह ही नहीं जाएगा। जैसा जेन साहब ने फरमाया यह होल्सेलर्स के लिए है। यह उनकी सम्भावना है लेकिन कानून में ऐसा नहीं है। इस लिए जो अमेन्डमेंट भार्गव साहब ने दिया है कि उसे

[श्री सिंहासन सिंह]

मान लेना चाहिए कि ४० मन तक गल्ला जन्त न हो।

एक माननीय सदस्य : १,००० मन।

श्री सिंहासन सिंह : १,००० मन तो बहुत ही जाएगा। अखिर १,००० मन तो बड़े बड़े लोग ही रखते हैं, छोटे काश्तकार लोग नहीं रखते। १,००० मन रखने में यह कानून बेमानी हो जाएगा। इस लिए ४० मन ही रखना चाहिए। हो सकता है कि पंजाब में इतने बड़े बड़े काश्तकार मिल जाए। लेकिन हमारे यहाँ तो छोटे छोटे काश्तकार ही होते हैं। यह मेरा सुझाव है, मैं आशा करता हूँ कि आप इसे मान लेंगे और आप अपना रवैया इस तरह का रखिए कि अधिक से अधिक गल्ला पैदा हो सके। लेकिन इस के लिए शर्त यह है कि किमी तरह का कंट्रोल न हो।

Mr. Deputy-Speaker: Shri Radhelal Vyas.

Shri Vasudevan Nair (Thiruvella): We should also get a chance

Mr. Deputy-Speaker: I have absolutely no objection to continuing this discussion. But, the difficulty is that this has to be placed on the Table of that House today I will try to accommodate as many Members as possibly I can.

Shri T. B. Vittal Rao (Khammam): Hoarding is going on

Mr. Deputy-Speaker: I take note of that.

श्री राजेंद्र लाल व्यास उपाध्यक्ष महोदय, जिस उद्देश्य से यह बिल रखा गया है, उस उद्देश्य के बारे में तो कोई मतभेद इस सदन में हो नहीं सकता, और न किसी को है। लेकिन जो शंका है वह यह है कि वह, उद्देश्य सफल हो सकेगा या नहीं क्योंकि इस कानून के लागू होने में इतनी देर हो गई है और लागू करने में तो शायद और भी विलम्ब होगा। मुझे

तो यह शंका है कि जब गवर्नमेंट इस बिल के तहत कार्यवाही करने के लिये सोचेगी तो शायद वह इस परिणाम पर पहुँचे कि अब इस पर कार्यवाही करना बेकार सा होगा। पहले ही यह कार्यवाही होनी चाहिये थी। जब कि यह मालूम था कि देश में कई जगह बाढ़ व धोलों से फसल का काफी नुकसान हुआ है और नई फसलें आने के पहले जब पुरानी फसल के भाव काफी चढ़ गये थे, उस समय कम से कम नई फसल के लानिहान में आने के पहले यदि जो कानून अभी मौजूद है उस के तहत कुछ कार्यवाही की जाती तो आज यह नीबत नहीं आती। उदाहरण के तौर पर मैं निवेदन करना चाहता हूँ कि अगर नई फसल आने के पहले इस वर्ष में, ज्वार और बाजरा के भाव सरकार नियत कर देती तो व्यापारी लोग भी ज्यादा अनाज न खरीदते। कंजूम में भने ही इस भाव से खरीद लेते लेकिन कोई व्यापारी जो माल का स्टॉक रखता है, वह इतना अधिक माल खरीद कर नहीं रखना चाहता क्योंकि वह मोचते हैं कि कहीं ऐसा न हो कि उन चीजों के भाव ज्यादा बढ़ जायें और उन्हें नुकसान हो जायें

खाद्य समस्या के सम्बन्ध में देश की जो स्थिति है जैसे हमारे मालवे की, वह यह कि वह एक बहुत बड़ी खेती माना जाता है खाद्य पदार्थों के बारे में। वहाँ इतना गल्ला पैदा होता है। लेकिन मैं निवेदन करूँ कि इस वर्ष वहाँ पर गल्ले के जो भाव हैं वह उभी प्रकार हैं जैसे कि शायद सन् १९४७-४८ में थे जब कि वहाँ गेहूँ में रोली लग गई थी। उस वर्ष भाव बहुत बढ़ गया था। गेहूँ का भाव २०, २१ व २० मन तक चला गया था। लेकिन उस के बाद १९४८ में जो फसल आई, तो एक दम से उस का भाव १४ या १५ व २० मन हो गया और उस के बाद अब तक गेहूँ, ज्वार और बाजरे का भाव इतना नहीं बढ़ा जितना कि आज है। बाजरा मालवे में १४० व १० मानी अर्थात् ६ मन तक बिका,

जिस की आप कल्पना भी नहीं कर सकते हैं। ज्वार का भाव अर्थात् भी १४ और १५ ब० मन है, नेहूँ १६ के ले कर २० २० और २१ व० तक है और कहीं कहीं २२ व० मन तक बिका है। जैसे उज्जैन की मंडी में जो मालवे की सब से बड़ी मंडी है। यह मंहगाई क्यों बढ़ रही है। वहाँ अनाज की कमी नहीं है। लेकिन जैसा कि मैं ने अपने बजट भाषण में भी कहा था, भूवमेट कंट्रोल लागू न करने की वजह से ये भाव बढ़ रहे हैं। हमारे यहाँ में तमाम गल्ला बम्बई प्रान्त को जा रहा है। मैंने खुद देखा है कि अगरे व्यापारियों को दो चार दिन भी बैगन नहीं मिलने तो गल्ले का भाव हमारे यहाँ रुपया आठ आना मन कम हो जाता है लेकिन जैसे ही उन को बैगन मिलने लगते हैं गल्ले का भाव फिर बढ़ जाता है। तो वहाँ से गल्ला बाहर जा रहा है। व्यापारी भेज रहा है क्योंकि उस को पुनाफा होता है। अगरे आज मालवे में अनाज की कमी होनी है तो आप को वहाँ फेयर प्राइस शाप्म खोलनी पडनी है खाद्य मंत्री जी को मानूस है कि अर्थात् जब उन्होंने आर्डर दे दिया था कि फेयर प्राइस शाप्म को गल्ला न दिया जाय तो हमारे यहाँ बड़ी बचैनी पैदा हो गई थी क्योंकि वहाँ का गल्ला तो बाहर जा रहा है। इस के अन्वावा हमारे यहाँ कुम्भ का मेला भी था जिस का वजह से लाखों यात्री आये हुए थे। इस कारण हमारे सामने बड़ी भारी समस्या पैदा हो गई थी लेकिन मैं धन्यवाद देता हूँ मंत्री जी को कि उन्होंने ने हमारी समस्या को हल करने में सहायता दी और फिर से फेयर प्राइस शाप्म पर गल्ला चालू कर दिया।

16hrs.

कंट्रोल के प्राविरी स्टैज में भूवमेट कंट्रोल कर दिया गया था जिस के कारण एक रीजन का गल्ला दूसरे रीजन में बिना परमिट के नहीं जा सकता था और अगरे उस रीजन में सरपल्स होता था तो स्टेट गवर्नमेंट या सेन्ट्रल गवर्नमेंट खरीद लेती थी।

में समझता हूँ कि इस समय भी सरकार को उम्मी प्रकार का भूवमेट कंट्रोल लगाना होगा नहीं तो स्थिति बहुत ज्यादा खराब हो जायेगी। आजकल ही यह रहा है कि जहाँ गल्ला पैदा होता है और जहाँ गल्ले की कमी नहीं है वहाँ से तो गल्ला बाहर जा रहा है इसलिये वहाँ अन्नगा हो जाता है और जब वहाँ गल्ले की कमी होती है तो बाहर का गल्ला वहाँ भेजा जाता है। इस से एक तरफ तो उपभोक्ताओं को तकलीफ होती है दूसरे याना यान व्यवस्था पर भी अनावश्यक भार पडता है। इस प्रकार हमारी खाद्य समस्या हल नहीं हो सकती बल्कि और जटिल ही होनी जाती है। इस तरह का कंट्रोल और लागू कर दिया जाय तो हमारी खाद्य समस्या हल हो सकती है और कीमते भी नीचे आ सकती हैं।

दूसरी बात में यह कहना चाहता हूँ कि जब नई फल्ल आने को हो तो गल्ले का अधिकतम भाव निश्चिन कर देना चाहिए और व्यापारियों को इस बात का नोटिस होना चाहिये कि वे इस में ज्यादा भाव पर न खरीदें। गवर्नमेंट उम्मी भाव पर स्टॉकिस्ट में गल्ला ले सकती है। यदि नोटिस देने पर भी कोई व्यापारी ज्यादा दाम पर गल्ला खरीद ले तो यह उस की अपनी जिम्मेदारी होगी। यदि सरकार इस प्रकार कीमत निश्चिन कर दे तो उस का अरर यह होगा कि कीमत ज्यादा नहीं बढ़ सकेगी।

मैं एक निवेदन और करना चाहता हूँ और वह यह है कि अगरे आप ने किसी व्यापारी से उस का स्टॉक ले भी लिया तो इस से हमारी खाद्य समस्या हल नहीं होगी। और ऐसा करने में बहुत कठिनाइया भी सरकार के सामने आयेगी क्योंकि जैसा कि कुछ माननीय सदस्यों ने कहा है अलग अलग जिले में बल्कि अलग अलग गावों में गल्ले के भाव अलग अलग होंगे। अगरे, सब से एक ही भाव में गल्ला लिया गया तो लोगों को तकलीफ हो सकती है। यह ठीक है कि सेन्ट्रल गवर्नमेंट इस काम के लिये अफसर नियत करेगी लेकिन उस की भी

[श्री राधेलाल श्याम]

वही तहसीलदार और कमिश्नर इस काम के लिये नियत करने होंगे। इस तरह की कार्यवाही जब की जाती है तब यह होता है कि कुछ को तो पकड़ लिया जाता है और कुछ को छोड़ दिया जाता है और इस तरह से इस में करप्शन की काफी गुंजाइश रहती है। लेकिन फिर भी जब कभी स्थिति को सुधारने के लिये इस तरह की कार्यवाही की जाती है तो इस से लोग बहुत रुष्ट हो जाते हैं।

बड़े दुख के साथ कहना पड़ता है कि वस साल तक इतना परिश्रम करने के बाद और भरबो रुपयों का भ्रनाज बाहर से मगाने से खर्च करने के बाद जिस के कारण हमारा तमाम स्टॉकिंग बैलेंस समाप्त हो गया, हम अपनी लाघ समस्या को हल नहीं कर पाये हैं। एक भरब से ज्यादा रुपया तो हमने जहाजों के किराये का दे दिया। अब समय आ गया है कि हम गम्भीरता में नोवे कि इस का क्या हलाक हीन चाहिये इनने बड़े देश में जहा प्रति वर्ष ५२ लाख जन मर्या बढ जाती है हम को ऐसे उपाय काम में लाने चाहिये जिस में यह समस्या जल्दी हल हो सके।

अभी कुछ मित्रों ने कहा, मिहासन मिह जी ने भी कहा, कि किसानों को कर्ज वगैरह काफी देना चाहिये। यह ठीक है। उस से लाभ तो होगा। लेकिन एक बीज तो सरकार को बहुत जल्दी ही लागू करनी चाहिये। यह सुझाव मैं अपने अनुभव के आधार पर दे रहा हूँ। कई जगह धोले पड़ गये हैं और फसल बिल्कुल नष्ट हो गई है कई जगह बाढ़ आई है और उस के कारण फसल बिल्कुल नष्ट हो गयी है। अब बारिश जून से शुरू होने वाली है। यदि बारिश शुरू होने से पहले ऐसे क्षेत्रों में किसानों को बीज मिल जाये तो उन की अगली फसल बहुत अच्छी हो सकती है और इस से देश की लाघ समस्या के हल होने में बहुत सहायता मिल सकती है। आज जैसी स्थिति इन क्षेत्रों के किसानों की है उस को देखते हुए यह धारा नहीं की जा सकती है कि वे बीज

खरीद लेने की स्थिति में है। अगर सरकार उन के लिये सबान पर बीज मुहय्या कर दे तो किसान उस को खुशी से ले लेगा। इस काम में कोई नुकसान होने का सवाल नहीं है। उस को जितना बीज दिया जायेगा उस का सबाबा वह फल्ल होने पर सरकार को वापस दे देगा। इस में से धारा राज्य सरकार के और धारा सेन्ट्रल गवर्नमेंट ले। मध्य भारत में जो कि एक छोटा सा प्रदेश था, जब गेहूँ को रोनी लन गई थी तो किसानों को एक करोड़ रुपये का बीज सवाई पर दिया गया था। अब तो मध्य प्रदेश एक बड़ा राज्य है। यहा तो और भी ज्यादा बीज की आवश्यकता होगी। यदि गेहूँ होने के समय किसान के पास गल्ला नहीं होगा तो वह नहीं बो सकेगा। ज्वार के लिये इतना बीज नहीं चाहिये। यह जो २५ करोड़ रुपया सब, मंत्री के लिये रखा गया है हम का हम प्रकार उपयोग किया जाये तो बहुत लाभ हो सकता है।

जहा आपने फायर प्राइस शापस खोली है बहा भी व्यापारी बहुत मोलमान कर लेते हैं। मेरा अनुभव है कि एक जगह फेयर प्राइस शाप पर साठे १४ रुपये मन गल्ला बेचा जा रहा था लेकिन उमी के यहा से दूसरा व्यापारी ले कर १८ और १९ रुपये बेच रहा था। व्यापारी लोग आपस में मिल जाते हैं। और इस तरह में नाजायज लाभ उठाते हैं। आज कल कोई राबान कार्ड तो होता नहीं, वे चाहे जिस के नाम लिख कर अपने साथी को गल्ला बेच देते हैं जो कि साठे १४ रुपये मन के गल्ले को १८ और १९ ६० मन बेचता है। मैं तो कहना हूँ कि यह २५ करोड़ रुपया अगर एक भरब या दो भरब किसानों को बीज बाटने में लगा दिया जाये और इस बात की निगरानी की जाये कि जो रुपया जिस काम के लिये दिया जाता है उसी काम के लिये खर्च हो, इस के लिये जिले जिले में कमेटीया बनायी जाये, तो हमारी लाघ समस्या बहुत जल्दी सुधर सकती है। किसानों को बीज देना चाहिये बीज के लिये रुपया नहीं देना चाहिये।

कई जगह ऐसा होता है कि गल्ला ख़ूब ही जाता है तो बहुत सस्ता हो जाता है और किसानों को नुक़सान उठा कर बेचना पड़ता पड़ता है। दो साल पहले हमारे यहाँ मक्का इतनी ही गयी कि रुपये की १६ सेर से २० सेर तक बिकी। फिर भी कोई ख़रीदने वाला नहीं था। ऐसे मौकों पर सरकार को ख़रीदने के लिये तैयार रहना चाहिये। सरकार ने कुछ जगह ख़रीदा लेकिन हम से किसानों को बहुत कम लाभ हुआ उन को अपना गल्ला बहुत सस्ता बेचना पड़ा, अगर सरकार किसानों का गल्ला ठीक मूल्य पर ख़रीदने को तैयार हो जायें तो इस से उन को बहुत इस टिव मिलेगा और उन की हिम्मत पस्त नहीं होगी और वे देश को काफी गल्ला दे सकेंगे और देश की खाद्य समस्या हल हो सकेगी।

**Ch. Ranbir Singh (Rohtak)** Mr Deputy-Speaker, Sir ...

**Mr. Deputy-Speaker:** Not that one begins to speak, I must necessarily call him. My difficulty is that the time-limit that we placed has already expired I intend calling upon the Minister to reply, as most of the points have also been covered, but I may assure hon Members particularly on my left who have not spoken, and on the right as well, that I will give them time. Either the House might revise its allocation or may permit me to proceed on with the programme which has been laid by the House itself. If the House wants to revise that allocation, and wants to take another half an hour or an hour on this general discussion, I have no objection. Then, very little time will be left for the clauses I am in the hands of the House. As it likes we can proceed.

**Pandit Thakur Das Bhargava:** So far as the House is concerned it appears the House is of the view that we must proceed with the discussion in regard to this Bill. As a matter of fact, when the House is in your hands and when you and the House both agree, there is no point

in not doing the thing the House desires.

**Mr. Deputy-Speaker:** There are other limitations also. I am told this Bill we must finish and send on to the other House before 6 O' Clock.

**Pandit Thakur Das Bhargava:** I was talking about the resolution. About the Bill, we must finish it today. So far as the non-official business is concerned, it lies with you and the House. The House has got full say in the matter.

**Mr. Deputy-Speaker:** The House has got full say. But I do not know what the reaction of the mover of the resolution is, whether he is prepared to continue in the next session. Now, prorogation would not finish that resolution, it may be continued in the next session.

**Shri Warrior (Trichur)** May I make a submission? It all depends on the House and on you, because at the lag end of this Session, if there is going to be a thinned House, there will be no purpose served. So, I for one, am prepared to agree to your suggestion and continue this in the next session.

**Mr. Deputy-Speaker:** I assure the hon Member that all hon Members would be grateful to him for this attitude of his.

I hope Shri S C Samanta also would take the same line.

**Shri S. C. Samanta (Tamluk)** Yes.

**Shri A. P. Jain:** There are two points involved. The first is the overall limit, this Bill has to be transmitted to the other House before six o' clock. The other is the question of allocation of the time within that limit. So far as that is concerned, I am perfectly in the hands of the House, and the House can decide in any way it likes.

But I would submit that some of the amendments draw pointed attention to certain aspects of the Bill, and perhaps, it may be more useful to concentrate the attention of the

[Shri A. P. Jain]

House on those particular aspects. But, at any rate, that lies with the House and you as to how to allocate the time within that limit.

Mr. Deputy-Speaker: In that case, I would suggest that we may now proceed with this Bill. I shall call upon the Minister to reply now. Then, we shall take up the clauses. And I shall try to accommodate at that time those hon. Members who have not been able to speak so far.

Shri A. P. Jain: I am glad that by and large there is a big volume of support for this Bill, except that there might be a doubting Thomas here and there.

Shri V. P. Nayar (Quilon): The doubting Thomas is on your side.

Shri Mohamed Imam: What does the term 'doubting Thomas' actually mean?

Mr. Deputy-Speaker: That will be clear if the hon. Member has patience to hear.

Shri V. P. Nayar: I was saying that the doubting Thomas is on their side.

The Deputy-Minister of Food (Shri M. V. Krishnappa): Most of them are in Kerala.

Mr. Deputy-Speaker: Why should we raise that controversy now?

Shri A. P. Jain: A large number of issues have been raised, and during the short time at my disposal, it will not be possible for me to cover the whole ground. I can assure hon. Members that I shall take note of all the arguments that have been advanced here.

Nevertheless, I propose to deal with some of the major points that have been raised. To begin with, some hon. Members have said that this Bill is not a solution or a complete solution of the food situation as it is today. I have not claimed that virtue for this Bill. This is a very limited measure. Maybe, I may have to bring

forward a more comprehensive measure some time later. In fact, I am going to make a comprehensive survey of all the laws which vest Government with one or another kind of power, and if it is found that for the purpose of the proper administration of the food distribution, any more powers are necessary, or any modifications of the existing powers are necessary, I shall not hesitate to bring forward another measure, and perhaps a little more comprehensive measure, before the House.

I am firmly of the opinion that the distributive machinery has to be controlled. This does not mean that I favour an overall control or rationing. I am completely opposed to it, and I shall try to resist it with all the strength at my command.

I have been accused of complacency by Shri Bharucha and Shri Sinhasan Singh. They have said that in my statement, I have tried to bypass the question of high prices. I shall only read out a few sentences from my statement. I said at that time:

"In spite of the record rice crop and the improvement in the total production of cereals this year, as compared to the last year, the prices continue to be generally higher this year than last year. It is natural for the consumer, therefore, to complain of these high prices."

Certainly, that is not complacency or overlooking the problem. All that I pleaded at that time was that the problem of high prices should be viewed in the correct perspective. That is all that I would like to say on that point.

Shri S. A. Dange said that he had some doubts as to how the average prices would be worked out. He referred to the price indices for rice. Actually, if the scheme of the Bill is examined, it will be found that the prices are to be prescribed for the localities. India is a vast country

with a variety of conditions, and, therefore, the prices vary from one locality to another, and it will not do to apply the rule of thumb. Therefore, the special conditions of each locality will be taken into account.

Another objection that is being raised is that instead of procuring the foodgrains at reasonable prices, we shall be subsidising the hoarder. I have got a chart of the prices which have prevailed from the 28th February, up to date at different times. I shall cite only a few of these figures, which will give the House an idea as to how the average prices are going to be worked out.

For instance, take the case of Kakinada, a fairly good centre of rice trade in Andhra Pradesh. On the 28th February, the price there was Rs 18-14-0, on the 13th March, it went up to Rs 19, and it continued at Rs 19 for some time, and then it went up on 27th May, 1957 to 21-4-0. Now it is not a difficult thing to work out the average of these prices.

Similarly take another place like Nizamabad. The price of Akulu type of rice has gone up from Rs 18-1-0 to Rs 20-6-0 during the same period. In Bombay, the price of the Bezwada type of rice has gone up from Rs 20-1-0 on 28th February, 1957, to Rs 22-11-0 on 28th May, 1957. Similarly, in the case of the other types of rice the prices have gone up. In the case of the Gurumutia type of rice, it has gone up from Rs 17-8-0 to Rs 20-14-0. This story repeats itself practically in all the localities. Therefore, the prices will have to be worked out on the basis of the prevailing prices during the period of three months preceding the notification, and thus the average will be worked out.

The question then arises to why I have selected a period of three months and not a longer period. I have got the curve of rise of prices here before me. There is always a certain amount of rise in the prices, during the period after the harvest from the curve, I find that the major

rise in the price has taken place from the end of February up to date. About the end of February, the price index was 96 as compared to 119 in March, 1953. It has gone up to 105 in the second week of May.

Hon Members are aware that the stocks are generally purchased and built after the harvest. The harvest season of rice was in January, 1957. After that, it took some time to build the stocks, and I think, therefore, the period of three months has a good relevance to the date of the notification.

The House will remember that this is a measure of emergency, and the emergency must have relation to the conditions prevailing at the time of the emergency. Therefore I believe that the period of three months preceding the date of the notification is a fairly long period, and it is equitable both to the consumer as also to the stockist.

**Shri Sinhasan Singh** Wheat prices have not been given.

**Shri A P Jain** Again a question has been raised as to why this notification will be for a period of three months only. As I said, this is an extraordinary measure. We are taking extraordinary powers, some powers which are beyond normal powers under this amendment. This provision of three months only emphasises the aspect of emergency. If after three months, it is necessary to continue it we will issue another notification.

**Shri Easwara Iyer** (Trivandrum) On a point of clarification. May I ask whether reissue of the notification is contemplated, because as I see it, no power is conferred for reissuing the notification?

**Shri A P Jain** It is both legally possible and we intend to do it if conditions so necessitate.

**Shri Sadhan Gupta** (Calcutta-East) Introduce an amendment to that effect.



Shri V. P. Nayar: How is it legally possible?

Shri A. P. Jain: Shri M. R. Masani objected to the exclusion of the power of the civil court. Now, I am not fond of excluding the power of the civil courts. I do not like it. My hon. friend, Shri Tayabji, has given a very cogent and befitting reply to this point. I will only add to the arguments. Finality has been given to the average market rate determined by the Officer, and to no other thing. Why have we done it? A reference to section 3(2)(f) would show that the Government have the power to order any essential commodity to be sold, the whole or a specified part of the stock may be sold to such person or class of persons as may be specified. This clause vests the Government with the power to order the stockist to sell to a particular person. For instance, I can order the big stockist to sell to the fair price shop at a certain rate and in certain quantities. This immediate supply to the fair price shops is meant to be passed on to the consumer immediately. If there is no finality about the price, how is the fair price shop-owner to sell to the consumer? It will lead to innumerable difficulties. After all, we propose to lay down certain rules and regulations and so long as the officer works according to those rules and regulations, the matter will not be justiciable. But if he does not observe those rules and regulations, other things will prevail. Therefore, I think that both from the administrative point of view as also from the point of view of the interest of the public at large, it is necessary that this provision should be retained.

Shri V. Raju and Dr. Krishnaswami suggested some sort of levy from the farmer. Now, it has been the definite and well-established policy of the Government that we must vest the farmer with greater financial resources so that he may not be compelled to make distress sales at the time of the harvest. I am glad that that

scheme is fructifying. The law which this House passed sometime ago for establishing warehouses and for providing finances for marketing is now in operation. Things have made some progress, and as a result of the larger advances that have been made to the farmer, the rise in the prices between November 1956 and May 1957 has not been so high as it was last year. That is a welcome feature. It has disturbed the market.

So while I would not like that the farmer should be compelled to make distress sales at the time of the harvest, I would, at the same time, like that there should be a steady flow of commodities, particularly foodgrains, in the market. Market channels should not be dried up. None the less, our intention is to apply this law only to substantial stockists. We are not in a position to lay down any limits with regard to the stock. We are collecting some figures. But I can assure the House that it is none of our intention to touch the retail trader, it is none of our intention to effect procurement under this law from the farmer, nor do we want to touch the small stockist. It is only the big stockist who is disturbing the market who is creating artificial scarcity conditions by hoarding and who is raising the prices, that we propose to touch, and we propose to touch this class of people with all effectiveness. So I think the proposal to have some sort of compulsory levy is not a good proposal.

Shri Mohamed Imam appears to be opposed to this Bill. He thinks that it will disturb the market. In a way, it is meant to be a limitation on the free market. But what are we to do when the free market is misbehaving, when the free market wants to do profiteering at the cost of society? To the extent that it is necessary, we have got to control the free market.

He has suggested that the Bill may be circulated for eliciting public opinion. I do not see any reason for it. After all, what are we doing

under the Bill? We are taking the power to issue a notification which vests Government with powers somewhat different from those under the ordinary law today. That is, instead of paying the price prevailing on the date of acquisition, Government will have the power to pay the price on the basis of the average that has prevailed during the previous three months

In applying this law to the States, we will certainly consult the State Governments. The first notification we have will give us an enabling power. But what stock to acquire, where to acquire, whether to acquire in a particular State and in what quantities, all these will have to be decided later. After all, the Government have also the power to acquire the stock at the prevailing rate. The only difference here is that the stocks will be acquired at the price based on the average of the prices prevailing during the preceding three months. So that does not make any substantial difference. If in any State, conditions do not warrant the application of this law, we will certainly not apply it there

Another question has been asked, as to what has been the effect of the limitation of advances by the Reserve Bank. It has certainly produced some effect. But one single action on the part of the Reserve Bank or of Government will not produce the full effect. Even the aggregate of all the actions taken by Government is not producing sufficient effect

I do not say that this law is going to be the final solution. It is going to do something that will be helpful in arresting the upward trend in prices. That will discourage hoarding tendencies. It has to be viewed in a limited sense. It is not the final solution. But it is going to help a final solution, as one of the effective measures.

I believe I have dealt with the major points raised. If any further points come up during the course of the subsequent discussion, I will deal

with them at that stage.

Shri M. D. Mathur (Nagpur): May I ask for a clarification? Suppose prices are higher in Rajasthan, but there is no hoarding there. Would Government ask some hoarder in the Punjab to go and sell foodgrains at the average rate in Rajasthan under this legislation? Are Government empowered to do that? I want this clarification because this Act implies two things, rise in prices and hoarding. There is rise in prices in Rajasthan and there is no hoarding in the locality. Could you ask the hoarder in Punjab to go and sell at the average rate in Rajasthan? Will this meet that situation or not?

Shri A. P. Jais: Some gentlemen are endowed with a little too much of imagination and too much of intellect. I do not want to indulge in mental exercise.

Mr. Deputy-Speaker: We will have further clarifications during the clause by clause discussion. I am going to put this consideration motion to the vote of the House. Would Shri Mohamed Imam like me to put his amendment to the vote or does he wish to withdraw?

Shri Mohamed Imam: Not pressing Sir.

Mr. Deputy-Speaker: Has the hon. Member leave to withdraw it?

The amendment was, by leave withdrawn.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Clause 2—(Amendment of Section 3)

Mr. Deputy-Speaker: There are a number of amendments. May I know whether the hon. Members are kept to move all or any of them? No? Shri Tyabji; is he moving it?

Shri Tyabji: No, Sir.

Mr. Deputy-Speaker: No, 20, Shri Kamble.

**Shri B. C. Kamble (Kopergaon):** I am not moving any of my amendments, Sir.

**Shri Pattabhi Raman (Kumbakonam):** I am moving No. 8, Sir.

**Shri Ghanshyam Lal (Zalawad):** I am moving Nos. 22 and 24.

**Shri Sinhasan Singh:** I am moving Nos. 35, 36 and 37.

**Shri Bharucha:** I do not desire to move Nos. 1, 2 and 3.

**Pandit Thakur Das Bhargava:** I desire to move all my amendments, Nos. 30, 31, 32 and 34.

**Shri Mahanty:** I move No 9, Sir.

**Shri Easwara Iyer:** I move No. 10, also 13; also 15

**Shri Goray (Poona):** I am moving No. 11.

**Shri Mohiuddin:** I am moving No 4

**Shri Vasudevan Nair:** I am moving No. 12, and No. 14

**Shri M. R. Masani:** I am moving No 5

**Shri Vasudevan Nair:** I am moving 16.

**Mr. Deputy-Speaker:** Now, all these amendments, Nos 4,5,8,9,10,11,12, 13, 14, 15, 16, 22, 24, 30, 31, 32, 34, 35, 36 and 37 may be moved by the hon. Members

**Shri K. B. Menon (Badagra).** Sir, my name was not called; amendment No 19

**Mr. Deputy-Speaker:** I did not call because it is inadmissible

**Shri Mohiuddin:** I beg to move

Page 2, line 13—

for "Three" substitute "twelve"

**Shri M. R. Masani:** I beg to move:

Page 2, line 20—

omit " and the average market rate so determined shall be final

and shall not be called in question in any court".

**Shri Pattabhi Raman:** I beg to move:

Page 1, line 9—

after "hoarding" insert:

"by and dealer"

**Shri Mahanty:** I beg to move:

Page 2—

for lines 11 to 14 substitute

"(c) where neither clause (a) nor clause (b) applies, the price fixed by the Government from time to time"

**Shri Easwara Iyer:** I beg to move:

Page 2—

for lines 13 and 14, substitute:

"rate prevailing in the locality from January, 1956 to December, 1956 or the market rate prevailing in the locality at the date of the sale whichever is lowest"

**Shri Goray:** I beg to move:

Page 2, line 13—

for "during the period of three months immediately preceding the date of the notification" substitute:

"in the months in which the Kharif and Rabi crops have been harvested, immediately preceding the date of the notification"

**Shri Vasudevan Nair:** I beg to move.

Page 2, line 14—

add at the end.

"or the average price of the months of October, November and December of 1956, whichever is lower."

**Shri Easwara Iyer:** I beg to move:

Page 2—

for line 19, substitute:

"which published figures by the State Government are available in

respect of that locality or that State"

**Shri Vasudevan Nair:** I beg to move

(i) Page 2, line 19—

after "publisher figure" insert:

"of the Central or State Governments as"

**Shri Easwara Iyer:** I beg to move

Page 2, line 20—

omit "or of a neighbouring locality"

**Shri Vasudevan Nair:** I beg to move

Page 2—

after line 22, add

"Provided that at places where there are no prices published by the Government, the prices prevailing as stated by the Government of the State shall prevail"

**Shri Ghanshyam Lal:** I beg to move

(i) Page 2—

omit lines 6 to 8

(ii) Page 2, line 14—

add at the end "or prevailing market rate whichever is less"

**Pandit Thakur Das Bhargava:** I beg to move

(I) Page 2—

(i) omit lines 6 to 10, and

(ii) line 11—

omit "where neither clause (a) nor clause (b) applies"

(II) Page 2—

for lines 6 to 14 substitute.

"the price prevailing in the market of the locality concerned until the controlled rate for the locality concerned is fixed by the Government and when it is fixed at the controlled rate"

(III) Page 2—

for lines 15 to 22 substitute

"(iv) The price prevailing in the market in the locality concerned mentioned in the preceding sub-clause shall be deemed to be the price determined by an officer of the Government having among other matters referred to the following,

(a) the cost of acquisition of the stock of foodstuffs directed to be sold including the cost of transport of any of such foodstuff from the place of production and reasonable profit on the same,

(b) the rates prevailing in the market during the period of two months immediately preceding the date of the notification, and approved by the Government such price shall not be called in question in any court

(v) The issue of any such notification as is mentioned in the preceding sub-clause shall in no way derogate from the right or duty of the Government arranging the sale of foodstuffs to any person or class of persons at subsidized rates by way of relief"

(IV) Page 2—

after line 22 add

(3B) This Act shall not apply to any person who owns a stock of less than 40 tons"

**Shri Sinhasan Singh:** I beg to move

(i) Page 1, lines 12 and 13—

omit "in the locality in compliance with an order made with reference to clause (f) of subsection (2)"

(ii) Page 1, line 17—

omit "not exceeding three months"

(iii) Page 2—

for lines 1 to 22 substitute

"(iii) Where such notification has been issued the price will be fixed by an officer authorised by the Government which shall be the lowest price recorded

[Shri Sinhasan Singh]

during six months before the notification."

**Mr. Deputy-Speaker:** All these amendments are new before the House

**Shri Mohiuddin:** Sir, I have moved that a period of 12 months may be substituted for a period of 3 months in the Bill for the purpose of averaging the price. The hon. Minister has given some reasons for selecting the period of 3 months. The main reason, according to him, is that the stock-piling begins after the harvest and rice, especially in the South, is harvested in January, and the period of 3 months after January, February, March and April would be very suitable. Of course, rice is harvested in January but it is also harvested in April, wheat is harvested in the end of February or March in the south and in April in the north. Taking all the factors into consideration, the prices that are prevailing during the last 3 months have in them a very heavy element of speculation. The foodgrain prices have gone up by 27 per cent last year and that is a very heavy rise, in spite of the fact, according to the statement laid by the hon. Minister on the Table, production has gone up considerably. Therefore, it is obvious that the prices prevailing during the last 3 or 4 months carry in them a very heavy element of speculation and we will, while fixing the period of 3 months for averaging, be paying to the hoarders a price for easy speculation and this will, I think, defeat the purpose of the Bill itself.

Every part of the House desires that the prices of foodgrains should be brought down. The price of foodgrains should go down by at least 10 or 15 per cent, so that, as the other articles, like excised articles may go up, the cost of living comes down a little or at least does not go up. The 3 months' averaging will not bring down the prices of foodgrains and I suggest—and hope that the hon. Minister will agree to the amendment that

the averaging period should be 12 months. Just as the hon. Minister quoted the prices for various places and showed that there is no difficulty in averaging for three months, there will be no difficulty in averaging for 12 months. If you take the average for 12 months, it will act as a deterrent for the hoarders.

**Mr. Deputy-Speaker:** Whenever any hon. Member wants to talk with another hon. Member, he may sit near him and talk to him. He should not stand in the passage.

**Shri Mohiuddin:** As the hon. Minister said, if this Bill is only for the purpose of giving a warning to the hoarders, it has to carry an effective warning. Therefore, I suggest that the period of three months may be substituted by a period of twelve months.

**Shri Vasudevan Nair:** I am not convinced by the arguments of the hon. Minister about his three months' formula. Generally speaking, I welcome this measure. But I have to state that our Minister is a bit late. Already hoarders and speculators have benefited themselves during these three or four months. Anyway, it is very good that at last our Minister has come forward with this proposal. But from our experience I wish to point out that generally the Government comes forward with a notification only when the situation has become very bad. In the Statement of Objects and Reasons it is stated—

"In view of the present high level of prices, it is considered necessary, in order to discourage hoarding and to prevent undue profiteering by the traders, to alter this provision."

For the last four or five months the prices were rising. I wish to point out that the price of cereals in January 1957 showed 23 per cent increase with the corresponding period of 1956. There was a rise of 25 per cent with regard to rice, 10 per cent with regard

to wheat, 27 per cent. with regard to jowar and 57 per cent. with regard to bajra. Now actually the prices have gone up much higher. We all know that. The situation is much more serious. The people were clamouring for the last four-five months. We are meeting here from the second week of this month but the Government has come forward with this measure only now. Already hoarders have profited themselves. Generally this will be the case, that is my fear. As a matter of fact, even Ministers were going about saying that the situation is not alarming. I do not know whether it is in place now to mention a speech made by the hon. Deputy Minister, Mr. Krishnappa. I brought that to the notice of the Food Minister some days ago. Shri Krishnappa was giving a statement to the press from Hyderabad. I remember it was on the 8th of May. He stated that the food situation in Kerala was quite comfortable when actually there was a rise in prices by 50 per cent.

Shri M. V. Krishnappa: Shall I make the position clear since I am referred to? It is true that on the 8th of May I made a statement of the general food situation in the country wherein I made a mention about the situation in Kerala also. But those were the very words used by the communist Food Minister Mr. George immediately after he assumed office. He made a statement from Trivandrum. Mr. K. C. George in his statement said that the food situation in Kerala is quite comfortable. I used the same words from Hyderabad and I am prepared to show it from all papers of the South, that is, Mr. K. C. George's statement that the food situation in Kerala is quite comfortable. Why should I not repeat what the communist Food Minister has stated from Kerala. After all it is he who made the statement.

Mr. Deputy-Speaker: That was the statement of the State Minister.

Shri M. V. Krishnappa: It was the State Minister who made that statement first (Interruption).

Shri Kumaran (Chirayin Kil). I challenge it.

Shri V. P. Nayar: Those were not his words.

Mr. Deputy-Speaker: The discussion is not on this question.

Shri Vasudevan Nair: I am sorry I cannot accept the statement of the hon. Deputy Minister. It is true that the State Minister made a statement that the position is not bad. But he did not use the expression "quite comfortable".

Shri M. V. Krishnappa: What did he say then? I am prepared to produce the papers to prove it (Interruption).

Mr. Deputy-Speaker: Order, order. There should be no interruption when one hon. Member is speaking.

Shri Vasudevan Nair: It is true that he issued a statement that there is nothing to be worried about the position. But after that, one or two weeks before Shri Krishnappa's statement the Food Minister came out with another statement—not this statement which our hon. Deputy Minister has referred to that the situation is worsening. Perhaps our Deputy Minister, because he was touring the whole country, could not go through that statement, that is, the second statement. That is the real position. And my request is that he should be up to date because he is a Minister.

Mr. Deputy-Speaker: The point is that the hon. Minister in coming to the conclusion has relied upon the statement of the State Minister.

Shri M. V. Krishnappa: I know my stock position in Kerala. I have got stocks in five places, in Calicut, Quilon, Trivandrum and Alleppey and these stocks can suffice for 3-4 months. I can give the figures. What Mr. George said from Trivandrum was.....

Mr. Deputy-Speaker: The hon. Deputy Minister will resume his seat.

Shri Vasudevan Nair: My point is that generally our authorities and government—I am not finding fault

[Mr. Deputy Speaker]

with them—act very slowly When they issue a notification according to this Act, it will take much time By that time—the three months' period will be a period of high prices That is the difficulty So there should be a change in that clause I am prepared to accommodate myself with any of the reasonable amendments submitted here by many hon Members My amendment says

at page 2, line 14, add at the end" "or the average price of the months October, November, December of 1956, whichever is lower"

I have made it clear that I am prepared to change my position The only thing is that the consumers should be benefited by this provision

Mr. Deputy-Speaker: Why would he change? The hon Member has moved his amendment and can press for its acceptance

Shri Vasudevan Nair: I have moved my amendment I was just making the position clear

Now I do not want to dilate on many other points that are not mentioned in my amendment But if you will permit me I want to point out that a very huge sum is being advanced by the bank on food grains I just want to bring it to the notice of the House

I am reading from the Reserve Bank of India Bulletin March 1957, page 229.

"Advances against paddy and rice particularly fell sharply to Rs 4.3 crores at the end of October 1956, as against 3.8 crores in October, 1955 In order to assist the seasonal movement of the new paddy crop, the Bank's directive issued in May 1956 was withdrawn in November 1956 In the subsequent two months, advances against paddy and rice rose sharply to Rs 16.1 crores..."

That is the most important sentence.

"Although the production of rice in the current year was estimated higher by about 4 per cent

the prices did not show the usual seasonal fall in the marketing period Advances against paddy and rice in Andhra Pradesh rose from Rs 2.1 crores on November 30, 1956 to Rs 5.5 crores on January 25, 1957 while in Madhya Pradesh, another surplus area for rice, advances rose from Rs 0.4 crores to Rs 2.9 crores or by Rs 2.5 crores during the two months

This is a very alarming situation and I must say that our Government did not foresee the crisis that was coming and take steps to check the rise in price I hope the Minister will give consideration to our proposals at least at this late hour

Shri Easwara Iyer. Sir, my amendment No 10 I am not going to speak on the general aspect of the Bill My amendment relates to the fixing of the rate Under the Essential Commodities Act itself, the Central Government has got power to requisition stock from the stockists and under this amending Bill, Government seeks to regulate the price that is to be paid Under the Act, as it stands, it must pay the stockist the prevailing market rate which, according to the Government, is shooting high In order to enable the Government to acquire stocks by payment of a fair price, this amendment is brought forward with the idea that it will take into consideration the prevailing rates as on the date of the notification and three months prior to that date It will take the average and then pay him a reasonable price Under the scheme of the amending Bill, it is provided that the Government should be enabled to issue a notification and the date depends upon the discretion of the Government It may come at any time If the Government thinks that it is necessary tomorrow, it may come tomorrow, or, it may come a few months later The price to be paid is the average price of the three months immediately prior to the date of the notification.

There are certain difficulties regarding the fixation of these prices. If the notification is issued today, probably there may not be much difficulty. Suppose the notification is issued, as the hon. Minister has said, after taking into consideration all the circumstances of the case and after a high-power committee has gone into the matter.

**Shri A. P. Jain:** To cut short the argument, the notification is going to be issued within a few days.

**Shri Easwara Iyer:** Otherwise, there is no need for pushing through this enactment. But, then there is a little more difficulty then. Suppose the notification is issued within a few days. Unless the hon. Minister is certain that everything will get itself adjusted within the duration of three months, he should re-issue a notification. The Act does not contemplate the reissue of the notification. If he had said "...by issue of a notification from time to time..." the matter would have been very clear. I do not want to be too technical. But, we are legislating and so far as the amending Bill is concerned, my respectful submission is that it has got all the defects of a hasty legislation.

In fixing the rates, there is yet another difficulty. Probably, when the notification is issued, for aught we know, the prices may shoot up double the market rate. It may be purely imaginary or I may be only speculating. Yet, the possibility cannot be ruled out. It may happen that with respect to certain foodstuffs, even within a few days, the prices may go up. In that case, if you take the average, it will be higher. I have said that we must have a fixed period. In my amendment, I say that the prices prevailing from January 1956 to December 1956 may be taken as the average or the market rate, whichever is lowest. Supposing the average is perchance higher than prevailing market rate, the hon. Minister should have power to charge the lower price. That is the price conducive to the interest of the public.

**Mr. Deputy-Speaker:** Why issue any notification at all if the prices have come down?

**Shri Easwara Iyer:** I suppose I have not made myself clear. If the price, as it stands today, is very high, a notification may issue today. Or, it may come fifteen days later. After the expiry of fifteen days, the price may even become double the existing price. We are not prepared to pay the price prevailing as on this date. If, when the price is so high, after a certain time, a notification is issued and if an average is taken, it will be a little higher than even the prevailing price as on this date. So, as a matter of abundant caution, I want this amendment. What is the difficulty in putting "whichever is lowest". There is no harm in this amendment.

There are certain verbal alterations which I have proposed. The officer may take into consideration published figures. What these 'published' figures are, has not been defined. It may be newspaper publication or it may any unauthentic publication. I say "published figures of the State on published figures of the Gazette". I have put this by way of abundant caution. So, I commend my amendments to the hon. Minister.

**Shri V. P. Nayar:** Sir, I shall also be very brief. I want the House to consider my amendment which reads:

"or the average price of the months of October, November and December of 1956, whichever is lower."

There is some specific reason for the rise in prices of foodgrains and in respect of the State of Kerala it has a very peculiar significance. My hon. friend read out certain portions from the Reserve Bank of India Bulletin for March 1957. In the same paragraph, from which he quoted, you will find a very interesting passage which accounts for the rise in prices. It is stated here:

"...during the 1956 slack season from Rs. 37.4 crores on May 25, 1956 to Rs. 13.7 crores in



[Shri V P Nair.]

October A part of the decline might also be attributed to the directive issued to banks in May and September 1956 asking them to restrict advances against paddy and rice and wheat, gram, other grains and pulses respectively"

17 hrs.

So, you find that the prices were falling at a particular time, the bank restricted the advances, and in November they withdrew all the restrictions saying that for the seasonal movement of grains certain credit facilities ought to be given. You find, Sir, by the time you come to January the prices shoot up. Very elaborate arguments have also been given by the hon Minister to show that, various circumstances came into play and the prices rose. I want the hon Minister to tell us how far this advance as reported by the Reserve Bank in its bulletin has been responsible for the rise in prices in January, because here in the *Agricultural Situation in India* issued by the Economic and Statistical Adviser in the Ministry of Agriculture there is a passage and you must link both of them together. It is stated there—I am quoting from this column for February, 1957—

"The prices of cereals during January 1957 showed a rise of about 23 per cent" (that is a month after the Reserve Bank withdrew restrictions on the advances of money on paddy and rice) "as compared to the corresponding month of the previous year. During the same period, prices of rice rose by 25 per cent of wheat by 10 per cent, of Jawar by about 27 per cent and of Bajra by 57 per cent"

So, you find that at a particular time when the prices were falling the Reserve Bank gives certain advances. The advances result in an increase in the prices. In this monthly bulletin, *Agricultural Situation in India*, month after month

you find that the prices have been maintained at a very high level.

I submit to you, Sir, that there is some special significance for this matter, when I ask the House to consider whether in fixing the prices we have to take into account three months, immediately preceding that date or whether we have to take into account the prices in October, November and December. It has particular reference to Kerala. Here again,—I do not want to refer to the fateful statement of the hon Deputy Minister—I would like to refer to the statement made by the hon Minister, Shri A. P. Jain, when he made a statement in this House in respect of Kerala State he said

"In this State the rice crop this year has been normal but owing to high density of population and crop pattern, large quantities of rice and paddy are generally imported every year from Andhra and Tanjore District of Madras"

I want you to underline the word Andhra. I am not at all suggesting that the poor peasant of Andhra should not get more, but my State is one which has to import bulk of its requirements. Here if you fix the average price immediately preceding this date—that is, March, April and May—then the position boils down to this, that we, who depend upon imported rice for a good percentage of our consumption, will have to pay more, and the money which we pay will not go to the actual peasant of Andhra. My friend Shri Uddrama Raman was telling me that in his district, which is very much a surplus district in Andhra, neither during his time nor during his grandfather's time have they seen a crop like this.

I submit, when you fix up the price you have to consider these points. I can understand the solicitude of the Hon Minister for our State in giving 75,000 tons, my thanks are also due to him for that. But in fixing the price I want him to consider whether it is not more desirable, in view of the fact that the Reserve Bank bulletin itself

says that half the money advanced has been advanced for purposes of hoarding by purchasing rice and paddy from Andhra State from where we take our bulk supplies, that prices be fixed having regard to the averages for the months of October, November and December. It is well and good to say, you can go to Andhra. The hon. Minister says that the Government of Kerala have complete freedom to go to Andhra and purchase. But, how to purchase? No other State depends upon imported rice as our State does. We have a special variety of rice which alone will be tolerated there. In the circumstances I submit for the consideration of the hon. Minister whether it will not be desirable for the whole country, and in particular my State, to fix the prices having regard to the average for the months of October, November and December. I could have given him the figures but, unfortunately, the Bill came yesterday as a bolt from the blue and I could not have the usual statistics from the published records. I want the Minister to consider whether he could not accept my amendment for the reasons I have already submitted.

Shri Mulchand Dube (Farrukhabad) Mr. Deputy-Speaker, Sir, there seems to be some misunderstanding about the Bill. The Act will only come into operation when there are two conditions. The 1st condition is that there should be hoarding, and the second condition is that there should be rise in prices on account of that hoarding. When these two conditions are there, the Central Government is entitled to issue a notification. There is also a third condition that the person who is holding stocks should get a fair price. If that condition has to be fulfilled, then you can only take the average of three months and not six months or a year. Only three months can be taken; if you want to pay the hoarder a fair price. He only wanted to stock. You cannot penalise him for that. He might have got stocks honestly in the interest of trade and in his own

interest. I do not see any reason why he should be penalised for that.

The arguments so far advanced seem to indicate that the desire is to penalise the hoarder. As the time he took over stocks there was no law to prevent hoarding or preventing his trying to make a profit for himself. Therefore, for that reason my submission is that the period of three months is quite enough. The Bill is not going to be a panacea for all Bills. It has only a limited scope. It is intended for a certain purpose. Well, that purpose is severed by the Bill as it stands.

For improving the position of foodgrains and other things there are other methods. The scope of this Bill is not so comprehensive as to go to that extent. Some other laws can be framed for improving the food position. So far as this Bill is concerned, I think it is a fair measure and should be allowed to go through.

Shri Fattabhi Kaman: Mr. Deputy-Speaker, Sir, I wish only to point out certain legal aspects of the Bill. It has been stated in the Statement of Objects and Reasons of this Bill No. 27 that

the Central Government can direct a person holding stocks of foodgrains to sell the whole or a specified part of it to any person or class of persons."

The word "hoarding" has not been defined in the Bill. In clause 2 of the proposed Bill the word "hoarding" has been used in a general way. It does not confine itself to dealers in foodstuffs. When you turn to sub-section (ii) of clause 2, you find that the scheme of the enactment is to grip persons selling foodstuffs. In the Hoarding and Profiteering Ordinance, Ordinance 35 of 1943 which was passed during the war, there is a reference to the word "dealer." In that Ordinance it is stated that

A dealer means a person carrying on the business of selling any article whether wholesale or retail."

[Shri Pattabhi Raman]

There is also a definition in that Ordinance of the word "producer" as including a manufacturer. That Ordinance which was passed during the war, in a state of emergency, confined itself only to dealers. Clause 2 of the present Bill as it now stands will be applicable not only to dealers but also to farmers, agriculturists and others, and it will cause a lot of hardship and harassment to agriculturists and former when they are accused of hoarding even when they possess with them a reasonable quantity of foodstuff. There are many persons from Hindu joint families and farmers in rural areas who may have stocks of rice not only for seeding but also for domestic purposes.

The present Bill is an amendment of the Act 1955. In that Act, I think Act 10 of 1955, you will find that there are sub-sections (e), (f) and (j) to section (3) which give very wide powers. For example, sub-section (e) refers to prohibiting the withholding from sale of any essential commodity ordinarily kept for sale, (f) refers to 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, and (g) says "for regulating or prohibiting any class of commercial or financial transactions relating to foodstuffs."

Then, sub-clause (j) says

"for any incidental and supplementary matters—"

Mr. Deputy-Speaker: All sub-clauses need not be read.

Shri Pattabhi Raman: All I say is, they can even search houses. The power for searching houses also is given. There are very wide powers given in the old Act, that is, Act 10 of 1955. Therefore, when we do not have any food rationing as such, if there is any vagueness about the word "hoarding" it may cause a lot of hardship. If that is made clear, it would be all right. I find that the approach

to the courts is barred. But then, any statement made in the House, when quoted before the courts, is rarely accepted by the courts. We are not allowed to read the proceedings of this House as explanatory to any clause. If the word "hoarding" is made clear, if any assurance is given that the word "hoarding" deals mainly with the dealers which seems to be the purpose of this Bill and does not grip the people at large when any reasonable quantities for their domestic use or for seed purposes is kept by them, it will be better.

Shri Heda (Nizamabad). I am glad that this Bill does not make a distinction between a dealer and a peasant. Much has been said about the peasant, but there is one contingency over which we should devote some thought. So far as rice is concerned, it is a rich crop, and I represent an area which is very rich in the production of rice because it is a surplus area. But there is a difference between peasants and peasants. So far as the small peasants are concerned, they have not got any capacity to hoard. Therefore, this Bill will not apply to them. It may not harass them at all. But there are peasants who do big business, owning 50 to 100 acres of irrigated land, and those lands produce quite well, and those peasants do quite well. Not only that. Some of them have got rice mills. They own rice mills also. Practically all the rice mills are owned by one big peasant or sometimes jointly by two or three peasants. Now, if these peasants simply because they happen to be peasants and they are big businessmen any they have got large areas of land at their disposal, are also given exemption from the purview of this Bill, I think it will not be good in the general interests.

Pandit Thakur Das Bhargava: It applies to the smallest man.

Shri Heda: The smallest man has not got any grain at all. Therefore, he will not be harassed.

**Ch. Ranbir Singh:** They will seize the seeds.

**Shri Heda:** The seeds will never be seized.

I come to another point now. So far as the average price of three months is concerned, particularly in my area, I have noted one thing. I take the big peasants again. When the crop is good and when they know the trend of the market, when the trend in the market is upward, and when they know it, they hoard the grains. They do not send it to the market. Not only that. When their neighbouring poor peasant was in need was thinking to send the paddy, these big peasants purchase it, advance some money and purchase the crop and keep it to themselves.

**Shri A. P. Jain:** Such a man would not be farmer.

**Shri Heda:** That is not the question. Therefore, the price for the last three months in spite of crop being good and in spite of the harvests being near, will not be normal and the prices would be higher. It was so in my place. Therefore, I join issue with my Communist friends and other friends that the average of the preceding three months would not be the normal price. It would be higher than the normal price. I hope the hon. Minister will pay heed to this aspect. If he wants to be fair to the consumer, I request him to accept the amendment of Shri Mohiuddin.

**Pandit Thakur Das Bhargava rose—**

**Mr. Deputy-Speaker:** Does Pandit Thakur Das Bhargava like to speak?

**Pandit Thakur Das Bhargava:** I want to speak.

**Mr. Deputy-Speaker:** He has already spoken. But he will be very brief now.

**Pandit Thakur Das Bhargava:** I shall be very brief.

**Shri Dasappa (Bangalore):** I think the Chair said that those who did not

have the opportunity to speak earlier, would be called.

**Mr. Deputy-Speaker:** I looked that side. The hon. Member was absent.

**Ch. Ranbir Singh:** What about me, Sir?

**Mr. Deputy-Speaker:** I have called Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भार्गव . जनाब, डिप्टी स्पीकर साहब, मुझे अफसोस है कि इस बिल के कुछ क्लॉजेज को गौर से पढ़न के बाद मैं इस नतीजे पर पहुंचा हूं कि यह बिल, और इसके अन्दर जो प्रेजेन्ट क्लॉज है वह इस किस्म का है, जिस का मतलब मैं ने अब तक ठीक नहीं समझा था। मैं जनाब की इजाजत से दो मिनट तबज्जह दिलाना चाहता हूं। जनाब मुलाहजा फरमायें कि जिस लाइट में मैं कहता हूं अगर वह दुस्त है, तो इस बिल में जब तक मिनिस्टर साहब खास तब्दीली न करें, यह मानने के काबिल नहीं होगा। जो एसेन्शियल कमोडिटी ऐक्ट है, उस के पार्ट एच की तरफ मैं तबज्जह दिलाऊंगा।

**Mr. Deputy-Speaker:** It would be more beneficial if the hon. Minister is convinced.

**Pandit Thakur Das Bhargava:** I am just requesting the hon. Minister to give his full attention to what I shall say in these few minutes. Section 3 (2) (f) of the original Act says:

"Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

for 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;"

जनाब मुलाहजा फरमायेंगे कि इस में स्पेसिफिकेशन का कहीं जिक्र नहीं है, और यह दुबस किया गया है कि ए बी सी स्पेसिफाइड पर्सन को दे सकते हैं। तुम अपने स्टॉक का

[Pandit Thakur Das Bhargava]

दारा या कुछ हिस्सा फलाना बख्त को बेच दो ।  
 अब जो नया बिल आया है, उस के अन्दर अगर  
 २ ए एन्डार्ड करे, तो यह बनोगे

Clause 2 of the Bill, which seeks to insert a sub-section (3A) runs as follows:

“(3A) (1) If the Central Government is of opinion that it is necessary so to do for controlling the rise in prices, or preventing the hoarding, of any foodstuff in any locality, it may, by notification in the Official Gazette, direct that notwithstanding anything contained in sub-section (3), the price at which the foodstuff shall be sold in the locality in compliance with an order made with reference to clause (f) of sub-section (2) shall be regulated in accordance with the provisions of this sub-section.”

अब जनाब नेहरूजी फरमा कर इस क्लॉज ३ का मुलाहजा फरमाये, जो कि इस का अपरेटिव सेक्शन है ।

Shri A. P. Jain: May I clear the difficulty of the hon Member?

Mr. Deputy-Speaker: If it can be done

Shri A. P. Jain: I think it will be done

Pandit Thakur Das Bhargava: It would be better if my hon friend, the Minister, heard me and then replied, because my real point has not been appreciated yet. If he will hear me and then replies, I shall be glad. Let him convince me, I have got an open mind. But he has not really heard the objection of mine. Kindly hear the objection.

Shri A. P. Jain: I understood his argument.

Pandit Thakur Das Bhargava: Kindly see sub-clause (11).

“Where, after the issue of a notification under this sub-section,

any person sells foodstuff of the kind specified therein and in the locality so specified, in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to the seller as the price therefor—”

It means that if any notification is issued for rice and wheat then, in the locality for which the notification is issued, no person in that locality shall be able to sell any foodstuff except at such a price prescribed. It means also that if a person has got two maunds of grain in his house and notification has been issued in respect of say, rice, then, that person would not be able to sell it unless if it be for that price announced. So, it is not a question of the dealer alone.

I perfectly believe the hon. Minister when he says that he wants only to prevent the traders from hoarding. But the wordings in the Bill are such that every person living in the locality concerned will be emmeshed and not the traders alone.

In the case of stocks, the Government have only to issue an order. There is no rule in this Bill that the stock will be taken from the stockists. It is not meant for that purpose. It is only meant to fix the price in the locality of that article in respect of which an order is issued, which means that every possible person in that locality will be bound by that order to sell the stuff at that price.

What is the operative section? It is this “there shall be paid to the seller as the price therefor”— Now, we know what the criminal law is. We know any contravention of this order will be punished by imprisonment for a period of three years. We have got it in the original Act—section 7.

Mr. Deputy-Speaker: I feel that the intention is that even if the price is not fixed, the price is to be regulated in that locality.

**Pandit Thakur Das Bhargava:** In regard to every person, and not with regard to stockists alone. What is the sense of using the words any persons and not such person who held stocks and had been required under 2(f) to sell them.

A fair interpretation of this sub-clause would include every person in regard to the stockist, he gets outside the picture. As soon as an order is issued then every person in that locality is bound. That is the point at issue.

**Mr. Deputy-Speaker:** If the price is to be regulated it shall not be regulated in the locality but in respect of particular commodity.

**Pandit Thakur Das Bhargava:** The stockist does not come in. No stock need be taken from the stockist or it may be taken. But if notification is issued then every person in that area shall be bound if he wants to sell on that price. It means that every cultivator whom my hon friend is very anxious to protect will be enmeshed.

Secondly, what is the offence here? Three years' imprisonment. Whoever charges more than the price fixed will be responsible, whoever gives less may also be responsible. What is the operative part? I may tell you for your consideration that in the Essential Commodities Act, there is no provision for making any rule. The hon Minister was saying that he will make certain rules, but in this Bill there are no provisions for making a rule.

**Shri A. P. Jain:** I never said so.

**Pandit Thakur Das Bhargava:** This means that the operative part will be like this.

**Mr. Deputy-Speaker:** The original Act might have that provision.

**Pandit Thakur Das Bhargava:** This is the original Act which I have in my possession. The offence is this: If a person takes out any loan and

does not pay the price then and there, he will be enmeshed because the words are

"There shall be paid the price"

**Mr. Deputy-Speaker:** Order, order. There should not be so many loud voices. The hon Member should be allowed to proceed quietly.

**Pandit Thakur Das Bhargava:** The price must be paid, if the seller does not pay he loses, if he takes a loan, he is guilty; if the purchaser pays less price, he is still guilty, if a person wants to part away with goods at less price, he will be still guilty. The words are that he should be paid a price which is given here in an order of this nature where such consequences are attached to the Act, and three years' imprisonment. I should like that an order of this nature must not be left vague, it should be sufficiently definite and should not enmesh innocent persons.

We were under the impression that my friend shall take possession of stocks at such a price. There is no provision of taking possession of stocks. Only all the persons in the area are to behave in a certain way. If the stocks are not or are taken but a notification is issued with reference to 2(f) then every person will have to pay the price mentioned in the notification. In the entire *Ilaka* the sale will take place in a certain way. Then the question that the price must be paid is not in the nature of penal offence. This must be looked into.

**Mr. Deputy-Speaker:** Is there any provision in the original Act to take the stock?

**Pandit Thakur Das Bhargava:** So far as the Act of 1955 is concerned, there is no provision to make any rule. It may be that an order may be passed that a particular stock may be taken. By specifying that the stock of one person should be taken, how do we gain? All the other stockists and sellers remain untouched in that

[Pandit Thakur Das Bhargava]

contingency and no fixed price can be enforced. The entire people in the locality are bound to behave in a certain way and sell the goods. The stockists are not proceeded against if he does not obey the order and transfers his stock to other localities, only I am proceeded against—I mean the person living in the locality. A poor man like myself will be enmeshed, an innocent man like me will suffer if I do not pay the proper price which the hon. Minister fixes.

**Mr. Deputy-Speaker:** Innocent, we might concede but not a poor man like the hon. Member.

**Pandit Thakur Das Bhargava:** That may be so. I will not certainly remain innocent. If my interpretation is right my hon. friend will give an explanation. I am really innocent of the knowledge which he wants to impart to me. I would be happy if he would kindly convince me. To my mind, there are two orders; the General Order and the Special Order. Section 3(f) only means that the order should be personal, and specific and not general. Whereas the new amendment wants there may be a general order. Under 2(f) the order must be specific requesting the stockist to sell. Then there is a general order. As a matter of fact this is a misuse of section 2(f). I agree that we should have a provision. I appreciate the motives with which my hon. friend has brought in this Bill, but I am afraid if the words remain as they are, it will enmesh those very persons whom he wants to save. It is a confused thing. Unless and until we have got the exact words in the statute what should constitute an offence, I am afraid, it will be difficult for me to vote for this Bill.

**Shri A. P. Jain:** Mr. Deputy-Speaker, I am sure that there is no confusion in the Bill, the confusion may be elsewhere. I would refer to 3(a): "It says notwithstanding anything contained in sub-section (iii), the price at which the foodstuff shall be sold in any locality."

There is a qualification to this: "In compliance with an order made with reference to clause (f) of sub-section (2), the sale must take place in pursuance of an order under clause (f) of sub-section 2 of section 3. What is that? Government gives an order requiring any person holding any stock in essential commodity to sell the whole or a part of the stock to such person or a class of persons". Unless the Government passes an order or orders the stockist to sell, this clause does not come into operation. It contains two notifications. One notification is under clause (3a) (i). The Government finds that there is hoarding or that the prices are going up. It issues a notification, and thereafter sub-clause (iii) becomes operative. But an order has to be passed under section 3 sub-section (2) clause (f). That will be the second order. What is the effect of the first notification? After the first notification has been passed, then the price has to be paid as it prevails on the date of acquisition. If the first notification has been issued then the price has to be paid at the rate which is based on the average of the prices prevailing during the preceding three months. That is the difference and that is the effect. Even in the original sub-section (3) of sub-clause (c) it is given as the price calculated at the market rates prevailing in the locality on the date of the sale. If there is no notification the price has to be paid at the rate which prevails in the locality on the date of acquisition. If there is a notification then the price has to be paid on the basis of the average of the preceding three months. That is the only difference. Otherwise, it makes no difference. Anybody can buy or sell, but if the sale takes place in pursuance of an order, under clause (f) of sub-section (2) of section 3 then that applies. Nobody is going to be harmed and nobody is going to suffer....

**Mr. Deputy-Speaker:** What Pandit Thakur Das Bhargava said was that when this notification has been issued

then it would be binding on the ordinary poor man also ...

**Shri A. P. Jain:** Sir, It will not be

**Mr. Deputy-Speaker:** It will regulate that price in that locality

**Shri A. P. Jain:** It will regulate the prices only in relation to the sales that are made under clause (f) sub-section (2) of section 3 "If the Central Government is of opinion that it is necessary to do so for controlling the rise in prices or preventing hoarding of any food-stuff in the locality, it may by notification in the Official Gazette, direct that notwithstanding anything contained in sub-section (3), the price at which the foodstuff shall be sold in the locality in compliance with an order made with reference to clause (f) of sub-section (2) shall be regulated" in the following manner So, the sale has to be done in compliance with an order issued under clause (f) of section (3) (2) Otherwise it will not apply

**Pandit Thakur Das Bhargava:** I have one question to ask

**Mr. Deputy-Speaker:** Let the Hon Minister finish first

**Shri A. P. Jain:** Certain questions have been raised on the point whether the hoarding can be done only by the dealers I am not prepared to accept the amendment that has been brought forward for the reason that it prescribes conditions for the issue of the notification Whether the hoarding is by the dealer or whether the hoarding is by the farmer, if the result is that it leads to a rise in price or if there is hoarding, then, Government will acquire that power As to the point against which person it is to operate will be found later on Another amendment prescribing 12 months period has no relevance with the emergency we are facing I have got the figures with me The amendment will not be helpful in the context of the prevailing emergency The price in June 1956 was 95 as compared to 100 relating to the base

1952-53 In December it went up to 101 and it came down in March to 97 and in May it again rose to 103 They are probably somewhere near about 105 That is not going to make a material difference On the other hand, prescribing a longer period will create innumerable difficulties After all, it has been pointed out by my hon friend Shri Dubey that this is a clause which empowers the Government to act under an emergency I cannot accept the amendment

**Shri V. P. Nayar:** What about the last three months of 1956?

**Shri A. P. Jain:** I don't see any virtue about the last three months of 1956 As I stated, the harvests arrive in the month of January Stocks are acquired from the end of February up till now I am going to issue a notification almost immediately and I don't think that this law is meant to punish anybody apart from regulating certain conditions

**Shri Geray:** Is the Minister prepared to accept my amendment? My Amendment is No 11

**Mr. Deputy-Speaker:** Panditji wanted to ask a question It should be only a question

**Pandit Thakur Das Bhargava:** I want to know whether the words 'any person' occurring in clause 3 mean the stockists Or, does it mean any person in the world?

**Mr. Deputy-Speaker:** One who has been required to comply with the order

**Pandit Thakur Das Bhargava:** If it means persons against whom the order was passed, I have no objection

**Shri A. P. Jain:** This is specified in clause (f) of sub-section (2)

**Pandit Thakur Das Bhargava:** What does the words 'any person' mean?

**Shri A. P. Jain:** Any person selling foodstuffs of the kind specified therein and in the locality so specified in compliance with an order made with reference to clause (f) of sub-section (2).



**Pandit Thakur Das Bhargava:** Is it the stockist alone and no other person?

**Mr. Deputy-Speaker:** The Hon. Minister will reply

**Shri Narayanankutty Menon (Mukandapuram):** The hon. Minister stated that the notification will issue in a few days. Before August, 1957, in the whole of the South fresh crops will be coming in. If rice stocks are to be requisitioned as per this notification, the price will be the price that exists now, that is, 103. I am asking the hon. Minister to state whether he is going to give statutory recognition to the price prevailing now to control higher prices.

**Mr. Deputy-Speaker:** What is the other question?

**Shri V. P. Nayar:** I would request the hon. Minister to reply to the points I have mentioned.

**Mr. Deputy-Speaker:** It is not a private matter between the Minister and the hon. Member.

**Shri Ghanshyam Lal:** I am referring to clause (a) of sub-clause (iii) of page 2.

"where the price can, consistently with the controlled price of the foodstuff, if any, fixed under this section be agreed upon, the agreed price"

This presupposes that there is a controlled price. We are dealing with the hoarders and the profiteers. Does not the hon. Minister think it proper to do away with this clause? By agreement with the hoarders and the profiteers it will only lead to prices higher than the controlled prices.

Another question is with regard to sub-clause (c). We say that it is the price which is the average price of the three months immediately preceding the date of the notification. Suppose for any reason the prices recede and the prices when we procure the food-grains become lower than the average of the last three months. Suppose this thing happens.

**Mr. Deputy-Speaker:** The hon. Minister has already answered this point. Perhaps the Hon. Member was not present in this House at that time.

**Shri Sadhan Gupta:** What I want to say is this.

**Mr. Deputy-Speaker:** We are adopting an extraordinary procedure today.

**Shri Sadhan Gupta:** The Hon. Minister stated that he would issue a notification in a few days. I believe that there must be the notification issued with reference to the particular locality. Is he going to issue different notifications with reference to the different localities?

**Mr. Deputy-Speaker:** He may not be able to disclose it just now. I myself may not be able to disclose it just now.

**Shri V. P. Nayar:** The rise in prices was due primarily to the unrestricted advance which has been reported by the Reserve Bank affecting different States. What will be the position of the different States which are obliged to buy large supplies from neighbouring States? We are not worried about the price which will reach the actual cultivator. Once it is hoarded, will not the hoarder and the profiteer take away the cream of the money?

**Shri Dasappa:** I have a question.

**Mr. Deputy-Speaker:** This is the last question.

**Shri Dasappa:** If, after the notification is issued and the seller, the farmer or the agriculturist does not find the purchaser, may I know whether the Hon. Minister is going to take it himself or withdraw the notification? (interruptions)

**Mr. Deputy-Speaker:** Let us hear the Hon. Minister.

**Shri A. F. Jain:** First I shall deal with my hon. friends in the opposite benches. For the words 'prices prevailing today' I am substituting

'prices worked out on the basis of the prices prevailing during the preceding three months' The prices will be lower than the prices prevailing to-day Therefore, it will not only arrest the price but it will bring down the price So far as the other question is concerned, it is totally irrelevant because if the prices prevailing today are lower than the prices worked out on the basis of the average of the last three months, we are not going to issue a notification There is no point of issuing it So far as Shri Dasappa's point is concerned, if the stockists do not buy we will buy the entire quantity

**Mr. Deputy-Speaker:** I will put the amendments to the vote of the House

The question is:

Page 2—

(i) omit lines 6 to 10 and

(u) line 11—

omit "where neither clause (a) nor clause (b) applies"

The motion was negatived

**Mr. Deputy-Speaker:** The question is

Page 2—

for lines 6 to 14 substitute

"the price prevailing in the market of the locality concerned until the controlled rate for the locality concerned is fixed by the Government and when it is fixed at the controlled rate"

The motion was negatived

**Mr. Deputy-Speaker:** The question is

Page 2—

for lines 15 to 22 substitute

"(iv) The price prevailing in the market in the locality concerned mentioned in the preceding sub-clause shall be deemed to be the price determined by an officer of the Government having among

other matters referred to the following,—

(a) the cost of acquisition of the stock of foodstuffs directed to be sold including the cost of transport of any of such foodstuff from the place of production and reasonable profit on the same.

(b) the rates prevailing in the market during the period of two months immediately preceding the date of the notification, and approved by the Government such price shall not be called in question in any court

(v) The issue of any such notification as is mentioned in the preceding sub-clause shall in no way derogate from the right or duty of the Government arranging the sale of foodstuffs to any person or class of persons at subsidized rates by way of relief "

The motion was negatived

**Mr. Deputy-Speaker:** The question is

Page 2—

after line 22 add

"(3B) This Act shall not apply to any person who owns a stock of less than 40 tons "

The motion was negatived

**Mr. Deputy-Speaker:** The question is

Page 2, line 20—

omit "and the average market rate so determined shall be final and shall not be called in question in any court"

The motion was negatived

**Mr. Deputy-Speaker:** The question is

Page 2, line 14—

add at the end

"or the average price of the months of October, November and

[Mr. Deputy Speaker]

December of 1956, whichever is lower".

*The motion was negatived.*

**Mr. Deputy-Speaker:** I shall put all the other amendments to vote.

**Shri Pattabhi Raman:** I wish to withdraw my amendment No. 9 in view of the assurance given by the hon. Minister.

**Mr. Deputy-Speaker** The House does not give permission.

The question is:

Page 2, line 13—

for "three" substitute "twelve".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 1, line 9—

after "hoarding" insert:

"by any dealer".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

for lines 11 to 14 substitute:

"(c) where neither clause (a) nor clause (b) applies, the price fixed by the Government from time to time".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

for lines 13 and 14, substitute:

"rate prevailing in the locality from January, 1956 to December, 1956 or the market rate prevailing in the locality at the date of the sale whichever is lowest".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 13—

for "during the period of three months immediately preceding the date of the notification" substitute "in the months in which the Kharif and Rabi crops have been harvested, immediately preceding the date of the notification".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

for line 19, substitute:

"which published figures by the State Government are available in respect of that locality or that State".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 19—

after "published figures" insert:

"of the Central or State Governments as".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2, line 20—

omit "or of a neighbouring locality".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2—

after line 22, add:

"Provided that at places where there are no prices published by the Government, the prices prevailing as stated by the Government of the State shall prevail".

*The motion was negatived.*

Mr. Deputy-Speaker: The question is:

Page 2—

omit lines 6 to 8

*The motion was negatived*

Mr. Deputy-Speaker: The question is:

Page 2, line 14—

add at the end "or prevailing market rate whichever is less"

*The motion was negatived*

Mr. Deputy-Speaker. The question is:

Page 1, lines 12 and 13—

omit "in the locality in compliance with an order made with reference to clause (f) of subsection (2)"

*The motion was negatived*

Mr. Deputy-Speaker: The question is

Page 1, line 17,—

omit "not exceeding three months"

*The motion was negatived.*

Mr. Deputy-Speaker: The question is

Page 2,—

for lines 1 to 22 substitute—

"(iii) Where such notification has been issued the price will be fixed by an officer authorised by the Government which shall be the lowest price recorded during six months before the notification".

*The motion was negatived.*

Mr. Deputy-Speaker: The question is

"Clause 2 stand part of the Bill"

*The motion was adopted*

Clause 2 was added to the Bill

New Clause 1-A

Shri Pattabhi Raman: I beg to move:

Page 1—

after line 4, insert:

'1A Amendment of Section 2—  
In section 2 of the Essential Commodities Act, 1955, after clause (d), the following clause shall be added, namely —

'(e) dealer means any person carrying on the business of selling any article whether wholesale or retail"'

Mr. Deputy-Speaker: The question is

Page 1—

after line 4, insert

'1A Amendment of Section 2—  
In section 2 of the Essential Commodities Act, 1955, after clause (d), the following clause shall be added, namely—

"(e) dealer means any person carrying on the business of selling any article whether wholesale or retail"'

*The motion was negatived*

Clause 1—(Short Title)

Pandit Thakur Das Bhargava: Sir, I beg to move

Page 1—

after line 4 add

"(2) This Act shall remain in force for one year only"

We know that this is a measure meant to meet an emergent situation, as my hon friend has put it and as such it is a temporary measure.

Shri A. F. Jain: I never said that.

Pandit Thakur Das Bhargava: Therefore should not be made a part of the permanent statute book of the country. After reading the entire Bill I am convinced in my mind that it is 'neither properly worded, nor is

[Pandit Thakur Das Bhargava]

it capable of carrying the meaning assigned to it by the hon. Minister. The hon. Minister said it is not a penal law, that nobody is going to be punished. Then it is merely a pious wish. Who is going to obey this law if there is no penalty behind it. Therefore, my humble submission is that as this is meant to meet an emergency which has arisen, it should not be put permanently on the statute-book. This may remain in force only for one year. We hope that conditions will improve. According to the hon. Minister himself there is no famine in the country. I also take the same view. If there is scarcity in some area it does not follow that conditions are so bad that we should have rationing. Therefore one year's life for this measure is quite enough.

**Shri A. P. Jain:** Sir, this is meant to be a permanent part of the permanent statute-book of the country, except that it will be exercised only in case of an emergency, that is when certain conditions prevail.

**Mr. Deputy-Speaker:** The question is:

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After line 4 add:

“(2) This Act shall remain in force for one year only”.

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

“That clause 1 stand part of the Bill”.

*The motion was adopted.*

*Clause 1 was added to the Bill.*

*The Enacting Formula and the Title were added to the Bill.*

**Shri A. P. Jain:** Sir, I beg to move:

“That the Bill be passed.”

**Mr. Deputy-Speaker:** Motion moved:

“That the Bill be passed.”

**Ch. Ranbir Singh:** Sir, the amending measure would have spread a wave of anger and hatred against Government had there been no provision as exists in sub-section (iii) (c) of the proposed section 3A.

That provision says:

“where neither clause (a) nor clause (b) applies, the price calculated with reference to the average market rate prevailing in the locality during the period of three months immediately preceding the date of notification”.

17.47 hrs.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, as you know this is harvesting season for wheat. After decontrol this was the first year when the prices had gone up to Rs. 16 per maund, which was almost near the controlled price of wheat at the time of decontrol. There have been periods in the year 1954-55 when agriculturists needed price support and it was with the greatest difficulty that the Ministry of Food and Agriculture agreed to give price support to wheat, rice and several other agricultural commodities. We were told at that time that it was not possible because there was shortage of warehousing facilities. It was argued at that time that the production had not increased to the extent that the marketable surplus was high. While we can find warehousing facilities in the interest of consumers, we were unable to find warehousing facilities in the interest of growers. I am happy the hon. Minister agreed to give price support. That was the first year when the wheat growers could fetch some price. I am sure nobody in this House has any sympathy with the hoarders and I will be the last person to have any sympathy with the hoarders of grain. We cannot create foodgrains through legislation. We cannot remove the difficulties of the country by passing fresh legislation. We can pass over the difficulties temporarily with the

help of such legislation. We shall have to put in more funds for growing food grains in the country. I am in this connection reminded of a recommendation made by the Ministers of Food and Agriculture of the various States to the Planning Commission that a provision of a sum of Rs. 100 crores be made for increasing the production of food grains. It was not agreed. But today Rs. 25 crores of subsidy could be found in the interest of the consumers. I would impress on the Minister that if the situation is to be remedied and if the Second Five-Year Plan is to

be successful he should place more funds at the disposal of the agriculturist.

Mr. Speaker: It is now 5.50 and I shall put the motion to the House.

The question is:

"That the Bill be passed".

*The motion was adopted.*

Mr. Speaker: The House will now stand adjourned *sine die*.

17.50 hrs.

*The Lok Sabha then adjourned sine die*