

is paid each to Indore, Hyderabad and Junagarh. In some places the amount of Rs. 62. lakh is paid. I would like now from the hon'ble Minister as to what are the reasons for not paying this amount to Rajasthan where you have promoted the production of oilseeds in the recent past.

SHRI CHATURANAN MISHRA : Deputy Speaker, Sir, we have already given the Statewise figures. Right now I am unable to answer the question about a particular place for which less amount is sanctioned. I can answer about the inadequate sanction only after going into the details. Though I have received the materials, but it is also necessary that a Minister, himself is satisfied. That's why I have said that I will reply this question later on.

PROF. RASA SINGH RAWAT : Deputy Speaker, Sir, the information regarding high yielding varieties is not reaching the farmers.

SHRI CHATURANAN MISHRA : Deputy Speaker, Sir, the Agricultural Science Centres responsible for its dissemination of information and its demonstration is done through the universities. If there are any place where demonstration has not taken place, the hon. members are required to write me about such place. We shall extend help.

[English]

SHRI MULLAPPALLY RAMACHANDRAN : In his long and elaborate reply the hon. Minister has enumerated a long list of nine oilseeds and the steps being taken by the Government to step up production as well as productivity of these oilseeds. Unfortunately, coconut has not found a place in this long list of nine oilseeds. May I know from the hon. Minister whether benefits have been given to coconut under Technology Mission by the Government of India?

SHRI CHATURANAN MISHRA : The point is that I am giving coconut the highest amount of Rs. 80 crore.

SHRI MULLAPPALLY RAMACHANDRAN : My specific question is whether under Technology Mission you are going to give any benefits.

SHRI CHATURANAN MISHRA : Yes, it has been decided. For coconut we have a separate Board. There are two types of oilseeds; one is tree-based oilseeds and another is small plant-based oilseed. Coconut is tree-based oilseed. We have a separate Board for that. Any Member can come; I will open the book before him and show that the highest amount is being given on that account.

Recently also, the day before yesterday, I was in Kerala. I have given them for coconut alone, if I remember correctly, Rs. 12 crore because of the wilt disease from which it is suffering. So far as the Centre is concerned, I am giving this fund. They should examine it properly. No other oilseed has been given so much money as coconut is being given.

**Extension of Essential Commodities  
(Special Provision) Act, 1981**

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\*284. SHRI PRADIP BHATTACHARYA :  
SHRI JAYSINH CHAUHAN :

Will the Minister of FOOD AND CONSUMER AFFAIRS be pleased to state:

(a) whether the Government propose to review further extension of the Essential Commodities (Special Provision) Act, 1981;

(b) whether the State Governments have been consulted in this regard; and

(c) if so, the reaction of the State Governments thereto?

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF FOOD AND CONSUMER AFFAIRS (SHRI RAGHUVANS PRASAD SINGH) : (a) to (c) A statement is laid on the Table of the House.

**Statement**

(a) The Government has reviewed the matter regarding further extension of the Essential Commodities (Special Provisions) Act, 1981 and has introduced a Bill in Lok Sabha on 1.8.1997 for extending the validity of the Act for a period of five years w.e.f. 1.9.1997.

(b) and (c) In this regard the State Governments were consulted. All States except Bihar and Manipur have responded and have unanimously expressed the view that the Act has proved to be useful and effective and should be continued to ensure expeditious disposal of cases and to serve as a deterrent against hoarders and blackmarketeers.

[English]

SHRI PRADIP BHATTACHARYA : I would like to know from the hon. Minister three aspects, Firstly, in the reply, the Minister has stated that all the States except Bihar and Manipur have responded and have unanimously expressed the view that the Act has proved to be useful.

I would like to know from the Minister why the Bihar Government has not accepted the proposal of the Government of India.

Secondly, let me know...

MR. DEPUTY-SPEAKER : You have to ask only one supplementary question. After that, the second supplementary question.

[*Translation*]

SHRI RAGHUVANS PRASAD SINGH : Hon'ble Deputy Speaker, Sir, demands have come in from every States if the country with regard to the extension of Essential Commodities Act. Almost every States has given favourable views in this regard. Some States are of the opinion that this Act should be implemented more strictly because this is the only Act which is in force in the country for the last fifteen years to serve us a deterrent against hoarding, blackmarketing and profiteering and almost every State of the country has aired the identical views except Bihar and Manipur who have not forwarded any opinion so far. Reminders have been issued to them time and again. Earlier four States did not forward any information but out of them two States have recently forwarded their opinion. It is true that they have delayed in airing their views but almost every State is of the opinion that it should be extended. The Standing Committee of Parliament has also opined that it should be extended in favour of consumers cause. It is seen that inspite of adequate availability of goods artificial scarcity is created and hoarding is resorted to. To deal with such a menace, adequate measures have been provided in this Act. Therefore, all the States and the Standing Committee of Parliament have opined for its extension.

[*English*]

SHRI PRADIP BHATTACHARYA : I would like to know from the hon. Minister whether those States which have not responded are likely to protect the blackmarketeers and hoarders. I would like to know what is the view of the hon. Minister.

[*Translation*]

SHRI RAGHUVANS PRASAD SINGH : I am not in a position to comment about those States and its people who have not responded so far. I can only remind them time and again and invite their attention towards it but it is true that most of the States have agreed to this hence the public opinion is in favour of implementing the special provisions of Essential Commodities Act.

SHRI JAYSINH CHAUHAN : Hon'ble Deputy Speaker, Sir, I would like to ask the Minister through you as to how many traders were raided and apprehended

throughout the country during 1982 to December 1996 under Essential Commodities Act? I also want to know the number of businessmen punished and amount of goods destroyed under this Act. Kindly also tell us about the number of businessmen apprehended under the prevention of Black marketing and essential commodities supply Act in Gujarat and results thereof? What are the criteria adopted for extending the period of Essential Commodities Act, 1981 by the Government and the steps taken or proposed to be taken to bring flexibility in the above stringent articles in future.

SHRI RAGHUVANS PRASAD SINGH : Hon'ble Sir, 5866 people were apprehended during 1987. The number of those against whom the action was taken, charges framed and subsequently convicted, are 798 and goods worth Rs. 15 crore and eighty lakhs were seized. During 1988, 5867 people were arrested, 479 people were convicted and goods worth Rs. 15 crore and Rs. 64 lakh we confiscated. During 1989, 4096 people were arrested, 680 people convicted and goods worth Rs. 22 lakhs seized. Likewise during 1990 total 4866 people were arrested. 603 people convicted and goods worth Rs. 20 crore, 87 lakhs were seized. During 1991 the number of total persons arrested were 4897, 228 people convicted and goods worth Rs. 25 crore and 96 lakhs were seized. During 1993, the number of total persons arrested were 5754, 3569 people convicted and goods worth Rs. 20 crores and 31 lakhs were seized. During 1994, 4846 people were arrested, 4078 convicted and goods worth Rs. 15 crore and 46 lakhs were seized. During 1995, 4170 people were arrested and 3495 people were convicted and goods worth Rs. 19 crore, 62 lakh have been seized. In 1996, 8320 people were arrested. ...(*Interruptions*)

MR. DEPUTY-SPEAKER : He has asked the question, what can I do.

SHRI RAGHUVANS PRASAD SINGH : 3768 persons were convicted and goods worth Rs. 21 crore 68 lakh where seized.

MR. DEPUTY-SPEAKER : Please lay the remaining details on the Table of the House.

SHRI JAYSINH CHAUHAN : Mr. Deputy Speaker, Sir, I had asked about Gujarat. He hasn't given any information about Gujarat. I want to know about Gujarat.

MR. DEPUTY-SPEAKER : He wants to know only about Gujarat.

SHRI RAGHUVANS PRASAD SINGH : Mr. Deputy Speaker, Sir, the information regarding Gujarat will be sent separately. ...(*Interruptions*)

MR. DEPUTY-SPEAKER : I will give you chance later on after these two otherwise there will be two speakers from one party.

[English]

SHRI P. UPENDRA : Sir, the extension of the Essential Commodities Bill for a further period of five years is proposed as a special Bill, as is shown in the Order Paper, is coming up today in the Lok Sabha.

This Act was enacted at a time when there was a large scale shortage of essential commodities and very rigorous provisions were made accordingly. But subsequently, things have improved and the Act was marginally misused by certain State Governments and officials of the vigilance and police departments are harassing and humiliating the traders. This is because particularly the Act contains a non-bailable provision. This, I think, in the present circumstances is a draconian Act because a murderer or a rapist gets bail but a trader who possesses ten kilogram excess stock is being handcuffed and paraded in the streets and punished.

If you take the conviction figures, not more than five per cent people were convicted out of 100 persons arrested. Therefore, a second look is necessary in the Act. So, will the Minister consider reviewing the whole Act and bring a fresh Bill by not extending it for another five years but by extending it for four or six months or one year to suit the present circumstances.

[Translations]

SHRI RAGHUVANS PRASAD SINGH : This Bill is in force for the last 15 years. It is a common knowledge that in the wake of hoarding, profiteering and blackmarketing, the Members of Parliament felt that a stringent law was needed to check these evils and hence this Bill. Hon'ble Shri P. Upendra has spoken about bailable and non-bailable offence. In this regard I would like to say that the meaning of non-bailable doesn't mean that bail will not be granted. But the difference is that in regard to bailable offence the bail is granted at the level of police station. But in non-bailable offence the bail is granted at the level of court after going through the merits of the case and after going through to all relevant laws for which for other party can plead his case. Non-bailable doesn't mean that the bail will not be granted. The bail will be granted after considering the merits of the case in the court of law. But in bailable offence the bail is granted at the level of police station. ...*(Interruptions)* Mr. Deputy Speaker, Sir, the hon. Members have an apprehension that granting bail at the level of police station may invite misuse of the law which may lead to corrupt practices. In bailable offence there is a scope of bail, at the level of police station and, hence, there can

be scope for corruption. As in this case, the standing committee has given its clearance and almost all the States have agreed thereto. Yet an attempt has been made to make it more judicious. After the confiscation of goods by the Collector, there is a provision of appeal in the State Government. This provision has been made to make it more judicious so that the affected party could move to the court to get justice. Hon'ble Member being a senior member, we are prepared to entertain any suggestion which can make the provision more judicious so that innocent is not harassed and the guilty is not allowed to go scot free.

SHRI SATYA PAL JAIN : Mr. Deputy Speaker, Sir, recently, traders from all over the country had gheraoed the Parliament and one delegation of the traders also met the Hon'ble Prime Minister. They submitted a representation to the Prime Minister. Some of the hon'ble members had also signed that representation.

As you have said, hoarding and black marketing have to be stopped, and there cannot be two opinions in this regard. No one will be willing to accept the suggestion that those who are involved in blackmarketing and hoarding should not face any action. But in practice it is evident that in the guise of preventing black-marketing and hoarding a new type of corruption has started at the lower level. Now they harass small shopkeepers and ask for money. If the shopkeeper does not oblige they register the case against him. As you have said that it is non-bailable offence, the trader is handcuffed, insulted and is paraded in the market. Such type of incidents are increasing. Even in a murder case some of the provision in the I.P.C. are such that the crime is non-bailable, but in most of the cases the provision is that the crime is bailable one. Similarly in the case of prevention of corruption Act, several sections are bailable. Suppose if any shopkeeper has one thousand and two bags instead of one thousand bags of foodgrains in his stock or if any cement trader has two, three, four, five bags more than the permissible limit, then it is not offence. Such an offence has been kept non-bailable and the traders are insulted by handcuffing them. I would like to tell you that the members of Parliament and traders have given a joint representation to the Prime Minister in which it is demanded that these sections should be amended and converted into bailable instead of non-bailable offences. I would like to know whether the hon. Minister would consider this if so by what time a decision on it would be taken. Secondly, as long as the Government is not in a position to take any decision about the suggested amendment, instead of extending it by 5 years let the provisions be kept suspended by say two-four-six months as suggested by Shri P. Upendra and thereafter the Government may consider implementing the Act after a report in this regard is received.

SHRI RAGHUVANS PRASAD SINGH : Mr. Deputy Speaker, Sir, the House is supreme. The will of the hon'ble member is supreme. I cannot object to it. Hon'ble Member and other representatives who belong to the foodgrains' Association are in correspondence with the Government but all of them are convinced about the propriety of the provision and are not ready to take the responsibility to the effect that artificial scarcity will not be created anywhere, there will not be hoarding, profiteering and black-marketing. Is there someone who can take responsibility about it. ...*(Interruptions)*

SHRI SHYAM BEHARI MISHRA : Mr. Deputy Speaker, Sir, Hon'ble Minister is wrong if he says so. I have taken the responsibility. By making such a statement, the hon'ble Minister is misleading the House. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : Your point is heard.

SHRI RAGHUVANS PRASAD SINGH : But the Government is always ready to check misuse of this Act. Thus, the bill is pending before the House for making it judicious so that innocent people are not insulted or harmed. The consensus that emerges after the debate will be implemented. But the common consumer is greatly affected by it. All the concerned traders are the members of the Foodgrains Association. They are also a part of the society engaged in an important work. We too realise it. But some of them do commit such offences unless a punitive provision is made, it is difficult to exercise control over it. Thus jurisprudence is the eye of law. If a guilty person goes unpunished it is not good, but if an innocent is punished it is very bad, Therefore to make the Act judicious, we are open for suggestions which we shall consider.

SHRI SHATRUGHAN PRASAD SINGH : Mr. Deputy Speaker, Sir, the States which are yet to give their concurrence include Bihar also. I would like to know from the Government whether the Hon'ble Minister will impress upon the Government of Bihar to give their concurrence at the earliest? So that their image in the country is not sullied.

SHRI RAGHUVANS PRASAD SINGH : Mr. Deputy Speaker, Sir, a reminder has been given three-four times, but on the question of impressing upon they say that we and the hon'ble members will hold a joint meeting. Alternatively, we shall approach them to know their opinion. We shall try in that direction.

*[English]*

MR. DEPUTY-SPEAKER : Question Hour is over.

...*(Interruptions)*

*[Translation]*

MR. DEPUTY-SPEAKER : Please wait for a minute.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : I am going to raise your point.

...*(Interruptions)*

SHRI RAMKRISHNA KUSMARIA : Mr. Deputy Speaker, Sir, my question is listed at Sl. No. 285. One minute is still left. Let me ask my question.

12.00 hrs.

...*(Interruptions)*

MR. DEPUTY-SPEAKER : Shri Harin Pathakji, only one minute is left.

...*(Interruptions)*

DR. RAMKRISHNA KUSMARIA : Mr. Deputy Speaker, Sir, my question can be accommodated. There is still one minute left for Zero Hour to start. ...*(Interruptions)* My question number is 285. ...*(Interruptions)* I should be allowed to ask the question.

SHRI HARIN PATHAK : I have official data with me. The traders, who were arrested under the Essential Commodities Act. ...*(Interruptions)*

DR. RAMKRISHNA KUSMARIA : It is not proper. Why are you not allowing me to ask the question. ...*(Interruptions)* I shall walk out of the House if I am not allowed to put my question. ...*(Interruptions)*

MR. DEPUTY-SPEAKER : All right. You can speak. Question Hour will be over by the time you ask the question. Only half a minute is left.

*[English]*

#### Action Plan for Horticultural Projects

\*285. DR. RAMKRISHNA KUSMARIA : Will the Minister of AGRICULTURE be pleased to state:

(a) whether the Government propose to formulate any action plan to develop the infrastructure for giving a boost to the horticultural sector;

(b) if so, the details thereof; and

(c) the details of achievement made in terms of area under horticultural crops and production?

THE MINISTER OF AGRICULTURE (SHRI CHATURANAN MISHRA) : (a) to (c) A statement is laid on the Table of the House.