

**GOVERNMENT OF INDIA
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
LOK SABHA**

UNSTARRED QUESTION NO:4063
ANSWERED ON:15.12.2009
REFORMIN ECA
Singh Shri Sushil Kumar

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

- (a) whether the Government has invited views of the State Governments/UTs regarding lacunae in the Essential Commodities Act, 1955;
- (b) if so, the details thereof and the lacunae reported by the States alongwith the steps taken to check such lacunae;
- (c) whether the number of persons convicted under the Essential Commodities Act is very dismal;
- (d) if so, the details thereof and the reasons therefor;
- (e) the steps taken/proposed to be taken to plug these shortcomings including proposed amendments in the penal provisions of the Act to ensure that the offenders do not escape for want of the requisite provision in the law;
- (f) the number of raids conducted under the Act during the last three years and the current year; and
- (g) the steps taken to strengthen the enforcement machinery to conduct regular raids to arrest hoarders and black marketeers who create artificial scarcity in the market leading to price rise?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF AGRICULTURE AND MINISTER OF THE STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (PROF. K. V. THOMAS)

(a) & (b): The Standing Committee of Parliament had in its 28 Report, inter-alia, suggested that the Department should examine whether there is any lacunae in the Essential Commodities Act, 1955. The State Governments/UT Administrations were requested to send their views on the recommendation made by the Committee. Responses had been received from 20 States/UTs and these had been examined. A view was taken that there is no lacuna in Essential Commodities Act, 1955 and that the available provisions are adequate, if properly implemented, to achieve the desired objectives.

(c) to (f): The number of raids conducted, number of persons prosecuted, number of persons convicted during the last three years and the current year is as under:

YEAR	No. of raids	No. of Persons arrested (Rs. in Lakhs)	No. of Persons prosecuted	No. of Persons convicted	No. of Persons goods confiscated	Value of goods
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2006	135025	5421	3244	498	977.21
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2007	235405	6944	4872	1022	4003.96
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2008	268775	8001	6425	790	6095.22
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2009	131875	6436	3351	46	15518.47
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(upto 30.11.2009)

It is evident from the above statement that the number of raids, number of persons prosecuted, number of persons convicted and value of goods seized have gone up steadily during the period 2006-2008. Only the number of convictions have come down during 2008.

The States/Union Territories had been requested sometime back to furnish reasons for low prosecution /conviction vis-a-vis number of arrests. Specific reasons had been received only from a few States. The main reasons given by the States are as under:

(i) Cases under Essential Commodities Act, 1955 are time consuming and laborious in view of the procedural requirement under the Essential Commodities Act.

(ii) Due to heavy pendency of cases disposal is slow.

Powers have been vested with State Governments for taking action under the provisions of Essential Commodities Act, 1955 and Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980. State Governments/UT Administrations have time and again been requested to implement the provisions of Essential Commodities Act stringently and monitor the same. State Governments/UT Administrations are also required to submit Action Taken Reports under the Essential Commodities Act every month to the Central Government.

The State Governments/UT Administrations are empowered to detain such persons under the Prevention of Blackmarketing and Maintenance Supplies of Essential Commodities Act, 1980, whose activities are found to be prejudicial to the maintenance of supplies of commodities essential to the community. The State Governments/UT Administrations are required to furnish the reports to the Central Government of the detentions made under the Act by them. Details of detention orders under the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980, as reported to the Central Government by the State Governments/UT Administrations during the period from 1.1.2006 to 30.11.2009 are given below:-

Name of the State 2006 2007 2008 2009 (upto 30.11.2009)

Gujarat 85 50 16 26

Tamil Nadu 74 65 141 107

Orissa 01 - 01 02

Maharashtra 01 01 - 02

Madhya Pradesh - 03 - -

Andhra Pradesh - - 04 -

Total 161 119 162 137