

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

UNSTARRED QUESTION NO:394  
ANSWERED ON:27.07.2010  
AMENDMENTS IN ECA  
Lal Shri Kirodi

**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 (ECA), 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 provisions 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 arrest hoarders and black marketers who create artificial scarcity in the market leading to price rise?

**Answer**

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

(a) to (g) : The Standing Committee of Parliament had in its 28th Report, inter-alia, suggested that the Department should examine whether there are 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 the available provisions in Essential Commodities Act, 1955 are adequate and if properly implemented, can achieve the desired objectives. Subsequently a Working Group on Consumer Affairs has been constituted with Chief Minister, Gujarat as Chairperson and Chief Ministers of Andhra Pradesh, Tamil Nadu and Maharashtra as members. This Group will inter-alia also look at possible amendments to the Essential Commodities Act. In case it is found that amendments are necessary in the Essential Commodities Act appropriate action would be taken.

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	No. of Persons prosecuted	No. of Persons convicted	Value of goods confiscated
2007	235405	6944	4872	1022	4003.96
2008	268775	8001	6425	790	6095.22
2009	209413	9012	5131	127	18805.29
2010 (upto 30.06.2010)	73681	3469	1106	57	1034.463

The States/Union Territories had been requested sometime back to furnish reasons for low prosecution/conviction vis-à-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 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 of 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 01.01.2007 to 30.06.2010 are given below:-

Name of the State 2007 2008 2009 2010 (upto 30.06.2010)

Gujarat	50	16	31	45
Tamil Nadu	65	141	112	52
Orissa -	01	02	-	
Maharashtra	01	-	02	01
Madhya Pradesh	03	-	-	-
Andhra Pradesh	-	04	-	-
Chhattisgarh	-	-	-	01
Total	119	162	147	99