

[Sh. Nitish Kumar]

authorised by him does the work? All these figures show that this Act is misused openly. It is used only for harrassing the people. Had it not been so, certain facts would have come out of the raids. What was the results of the raids? Why such a small number of people have been arrested in such raids? One lakh and sixty four raids were conducted and only 5, 673 people were arrested. If only 281 people are punished, then what does all this mean? It seems that the wrong raids were conducted because you see that only 5673 people were prosecuted. It means when the money decreases the raids are conducted and when the money is received, they are set free from the police stations itself. Shri Kamaluddin Sahib is there in the Government and Shri Antony has been an old a administrator in Kerala also for some time. Therefore, you should also think as to what these people are doing. Being businessmen their reputation is bad. If they do something wrong, they should be punished, but they are not punished. This whole episode tells the same story. Either the law enforcing agencies, who are to abide by the law strictly are corrupt and dishonest because even after so many raids, such a less number of people are arrested. In terms of percentage, 98 persons out of 100 go scot free or the raids are being conducted in a wrong way so that 98 guilty persons go scot free. Both the things cannot be wrong. There is no need of such a special provision. I understand that there is no benefit of it and that is why we have brought the disapproval motion.

The businessmen have a problem regarding it. Everything has been done including the summary trial but what is the outcome? Only 281 persons were punished in a year. There is no need at all of such a law. When only 281 businessmen are found guilty in the whole of the country then there is no need at all to have such an expensive law. What is the need of having Public Prosecutions and paying to the lawyers. Actually this law is not for the people. The fact is that this law earns bread and butter for those who you have blessed with the uni-

forms. We would like to allege that this law is for the earning of those inspectors, officer-in-charge and officers entrusted with the supply work. We do not know about the commission of the police station incharge and other high officials. Only the hon. Minister can comment about it. It was published in the newspapers. You might be knowing about the smuggling in the North-Eastern States. It was appearing continuously in the newspapers last year that at the shops meant for the public distribution system, the ration card holders were not given their full quota of foodgrains and on the other hand the smuggling of trucks loaded with foodgrains of the North-Eastern States were reported. The Food Corporation of India was entrusted the responsibility supply of foodgrains.

14.44 hrs.

RE. ARREST OF MEMBER

[English]

SHRI PIUS TIRKEY (Alipurduars): Sir, I am on a Point of Order.

Shri Shailendra Mahto a Member of this House has been absent from the 16th. He was arrested by the Bihar Police in Chhota Nagpur. He is still in jail. No news about him has been given to the House. He has been pressurised and he has been given some punishment also that he should call off the indefinite economic blockade in the Chhota Nagpur area. So, this news should have come to the House as to where he is now, what is his condition and what is the police doing there. This attracts the privilege of the Member. It is very important.

MR. DEPUTY SPEAKER: Yesterday the following announcement was made in the House:

"Shri Shailendra Mahato, Member of Parliament has been remanded to this jail today in connection with case number 288/93 under section 107/116/113/151 code of Criminal Procedure by the

order of the Sub-Divisional Magistrate, Jamshedpur."

"That this House disapproves of the Essential Commodities (Special Provisions) Amendment Ordinance, 1993 (No.1 of 1993) promulgated by the President on the 2nd January, 1993."

Items No. 18 and 19 are to be discussed together. So, now I call Shri A.K. Antony to move the motion for consideration.

THE MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI A.K. ANTONY): Sir, I beg to move:

[Translation]

SHRI NITISH KUMAR: Smuggling of foodgrains is going on under the very nose of the F.C.I. Civil Supplies Corporation and other Government agencies and it is their responsibility only. The Essential Commodities Act (Special Provisions) should have been applicable on the F.C.I. and the Civil Supplies Corporation. It is not applied on them but the poor village shopkeepers are arrested, beaten up and bribe is take from them in the police stations. Innocent people are sent to the jail and the guilty people are released from the police stations. Mr. Deputy Speaker, Sir, we would like to say through you that we have brought the disapproval motion in respect of the Special Provisions Act because we would like to appeal to the Government that there is no need at all to continue such a black law. There is no need at all to extend it. Till date it has not achieved anything. It's only achievement is that, it has been used against the common public. Therefore, it is just like giving more powers to the officer incharge of the police station for amassing more money. Therefore, for such a useless work the time of this august House should not have been wasted. The Government should not have brought this Bill after reviewing the same. We would like to urge the Government that this Bill should be withdrawn and we would like to appeal to the House that if this Bill is not withdrawn for the sake of the interests of their own people, then our disapproval motion should be accepted and this Bill should be opposed. With these words, I conclude.

" That the Bill further to amend the Essential Commodities (Special Provisions) Act, 1981 and to make special provisions by way of amendment to the Essential Commodities Act, 1955, be taken into consideration."

As this House is aware, the Essential Commodities Act, 1955 provides for the regulation of production, supply and distribution of essential commodities to ensure their easy availability to the consumers, and also to protect them from exploitation by traders. With a view to dealing more effectively with persons indulging in malpractices like boarding and blackmarketing the Essential Commodities (Special Provisions) Act, 1981 was brought into force with effect from 1.9.1982 for a period of five years. The said Act made special provisions by way of amendment to the Essential Commodities Act, 1955, in regard, inter-alia to summary trial of all offences by Special Courts, minimum mandatory imprisonment of three months, making of offences non-bailable, appeal against order of confiscation to State Government instead of judicial authority etc. The term of the Act was further extended by five years with effect from 1.9.1987.

A series of economic and fiscal measures initiated by this Government has made the trade and the industry more open and transparent. A question may naturally come up in our minds as to why we should persist with a regulatory legislation like Essential Commodities (Special Provisions) Amendment Bill at all. Is not such a measure out of

[English]

MR. DEPUTY SPEAKER: Motion moved: