

LOK SABHA

**JOINT COMMITTEE ON THE ESSENTIAL
COMMODITIES (AMENDMENT) BILL, 1998**

REPORT OF THE JOINT COMMITTEE

*(Presented to Lok Sabha on 9.12.1998)
(Laid in Rajya Sabha on 9.12.1998)*



**LOK SABHA SECRETARIAT
NEW DELHI**

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THE JOINT COMMITTEE ON THE ESSENTIAL COMMODITIES (AMENDMENT)
BILL, 1998

Corrigenda to the Report of the Joint Committee
(Presented on 9 December, 1998)

Page ----	Line ----	For ----	Read -----
18	13	Veeraghava Perumal	Veeraghava Perumal Kovil
		Konil Street	Street
18	21	Niyabarigal	Viyaparigal
18	24	Granakara	Grahakara
18	28	Mahgai	Maligai
18	29	Papsuti	Panruti
18	31	Dhyameshwar	Dhyaneshwar
18	42	Trubhe	Turbhe
20	37	Pambakani	Pampamahakavi
22	14	Before the words "The Gazette of India Extraordinary" add "Essential Commodities (Amendment) Ordinance 1998"	
24	37	Viya Parigal	Viyaparigal
25	50	Narayangudu	Narayanguda
31	5	Delete the words "TO BE"	
42	12	the Committee	The Committee

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**JOINT COMMITTEE ON THE ESSENTIAL COMMODITIES
(AMENDMENT) BILL, 1998**

COMPOSITION OF THE COMMITTEE

Shri Shyam Biharilal Mishra—Chairman

Members

Lok Sabha

2. Shri Amrik Singh Aliwal
3. Shri N. Dennis
4. Shri Abdul Ghafur
5. Shri Satya Pal Jain
6. Shri Shanker Prasad Jaiswal
7. Shri Bhubaneswar Kalita
8. Shri Vijay Kumar Khatri
9. Prof. Ajit Kumar Mehta
10. Shri S. Murugesan
11. Shri Ajit Kumar Panja
12. Shri Haris Pathak
13. Smt. Suryakanta Patil
14. Prof. A.K. Premajam
15. Shri Malyala Rajaiah
16. Shri Konjeti Rossiah
17. Shri Kishan Singh Sangwan
18. Shri Mohan Singh
19. Shri K.D. Sultanpuri
20. Shri Braja Kishore Tripathi

Rajya Sabha

21. Shri Sangh Priya Gautam
22. Shri Vedprakash P. Goyal
23. Shri Adhik Shirodkar
24. Shri Bhavneesh Chaturvedi
25. Shri M. Sekaralingam
26. Shri Ghulam Azam
27. Kusumti Nirmala Deshpande
28. Shri Balbir Singh Houndal
29. Shri Ashok Mitra
30. Shri Gaya Singh

SECRETARIAT

1. Shri G.C. Malhotra — *Additional Secretary*
2. Shri Ram Autar Ram — *Director*
3. Shri B.D. Swan — *Under Secretary*

**Representatives of the Ministry of Food and Consumer Affairs
(Department of Consumer Affairs)**

1. Shri N.N. Mookerjee — *Secretary*
2. Shri Kamal Kishore — *Economic Adviser*
3. Shri Jatinderbir Singh — *Director*
4. Shri K.V.S. Rao — *Under Secretary*

**Representatives of the Ministry of Law, Justice and Company Affairs
(Legislative Department)**

1. Shri T.K. Vishwanathan — *Additional Secretary*
2. Shri N.L. Meena — *Additional Legislative Counsel*

**REPORT OF THE JOINT COMMITTEE ON THE ESSENTIAL COMMODITIES (AMENDMENT)
BILL, 1998**

I, the Chairman of the Joint Committee to which the Bill* viz. the Essential Commodities (Amendment) Bill, 1998 was referred, having been authorised to submit the Report on their behalf, present this Report.

2. The Bill was introduced in the Lok Sabha on 29 May, 1998. The motion for reference of the Bill to a Joint Committee of both Houses of Parliament was moved in Lok Sabha by Shri Surjit Singh Barnala, Minister of Food and Consumer Affairs on 9 July, 1998 (Appendix-I).

3. The Rajya Sabha concurred in the said motion on 21 July, 1998 (Appendix-II).

4. The message from Rajya Sabha was published in Lok Sabha Bulletin on 22 July, 1998.

The Chairman was appointed on the Committee on 6 August, 1998.

5. The Committee held 6 sittings in all.

6. At their first sitting held on 28 August, 1998 the Committee held a general discussion on various provisions of the Bill and chalked out their future programme of work. The Committee decided to invite the representatives of the Ministry of Food and Consumer Affairs at their next sitting for briefing. The Committee also decided to hear the views of various Consumer Forums, Traders' Associations, etc. on various provisions of the Bill. It was also decided to prepare a questionnaire for being sent to Consumer Forums/Traders' Associations/ State Governments etc. to elicit their views on various provisions of the Bill. The Committee also decided to undertake study visits to various State capitals of the country to hold informal discussions with the Consumer Forums / Traders' Associations/ Bar Associations as well as State Government Officials etc.

7. At their second sitting held on 22.9.1998, the Committee had a briefing by the representatives of the Ministry of Food and Consumer Affairs (Department of Consumer Affairs) on various provisions of the Essential Commodities (Amendment) Bill, 1998. The replies furnished by the Ministry to the questionnaire sent to them were also discussed. The Committee decided to undertake a study visit to Mumbai, Calcutta, Hyderabad and Bangalore from 26 to 31 October, 1998 to hear the views of the respective State Governments, Traders' Associations, Consumer Forums, Industrialists, etc.

8. At their third sitting held on 5.10.1998, the Committee heard the views of various traders' associations called at Delhi. The Committee, thereafter, undertook the aforesaid study visit to Mumbai, Calcutta, Hyderabad and Bangalore and had informal discussion with the representatives of the various Traders' Associations/Consumer Forums/Industrialists/individuals/Bar Associations and the representatives of the respective State Governments on various provisions of the Essential Commodities (Amendment) Bill, 1998 from 26 to 31 October, 1998.

9. At their fourth sitting held on 26.11.1998, Committee heard the views of a few desirous Delhi based Traders' Associations/NGOs on various provisions of Bill. The Committee felt that it would not be possible for them to complete their work by the last day of the first week of the next Session (Winter Session, 1998) as they are still required to consider a large number of memoranda received from various Organisations/individuals and also complete the various stages like (i) Notices of amendments likely to be received from Members/Government on the provisions of the Bill; (ii) Clause-by-Clause consideration of the Bill; (iii) Consideration and adoption of the draft Report; (iv) Appending of Minutes of Dissent, if any, that might be given by the Members after the finalisation of the report. The Committee had, therefore, decided to seek extension of time for presentation of the report upto the last day of the Part I of Budget Session, 1999.

10. At their fifth sitting held on 1.12.98, a letter written by Hon'ble Minister of Parliamentary Affairs requesting H.S. to persuade the Chairman, Joint Committee, to present the Report in the current Session, was placed before the Committee. The Committee taking into account the urgency of the matter, decided to finalise and present their report by the end of the present session (i.e. Winter Session 1998).

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated 29-5-98.

11. Accordingly, a motion was moved in the House on 4.12.1998 for extension of time for presentation of the Report of the Committee by the end of Winter Session 1998. However, considering the urgency of the matter and the demands of the Members, the House agreed to extend the time for presentation of the Report upto 9 December, 1998.

12. 139 Memoranda containing comments/suggestions on the provisions of the Bill were received by the Committee from various Associations/Organisations and Individuals etc. (Appendix III).

13. A list of persons who gave evidence before the Committee is at Appendix IV.

14. At their sitting held on 7.12.98 the Committee decided that (i) the evidence tendered before the Committee might be laid on the Table of both the Houses of Parliament; and (ii) two copies each of Memoranda received by the Committee might be placed in the Parliament Library, after the report has been presented, for reference by the Members of Parliament.

15. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

16. The Committee note that the House at their sitting held on 4.12.1998 did not accede to their request for extension of time up to the last day of the Winter Session of 1998. Instead the House granted the extension only up to 9 December, 1998. A sitting of the Committee was held on 7.12.1998 to hold clause by clause consideration of the Bill, adoption of the draft report, accepting the Minutes of Dissent from members who were not in agreement with the various recommendations of the report and thereafter present the report to the House by 9.12.1998. After a great deal of discussion at the sitting held on 7.12.1998, they felt that it was difficult for them to study the voluminous suggestions received from various quarters, formulate their opinion and amend the Bill within the stipulated period. The Committee recalled that the Government had convened a meeting of the Chief Ministers of all the States and taken decision to make stringent provisions in the Act. The Committee also took note of the statement made by the Minister of Food and Consumer Affairs on the floor of the House on 4.12.1998 that Government would bring a comprehensive bill with more stringent provisions based on the suggestions/recommendations made at recently held Chief Ministers' meeting to replace the present Bill. The Committee, therefore, decided not to make any recommendation and return the Bill as it is. The Committee felt that a number of useful and purposeful suggestions have been made in the Memoranda received from individuals, consumer forums, traders' associations, Bar associations and State Governments etc. in connection with the various provisions contained in the Essential Commodities (Amendment) Bill, 1998. The Committee desired that the Government should take into consideration the suggestions contained in these memoranda (copies kept in Parliament Library) and other points which emerged during the oral evidence of Ministry etc. while formulating the various provisions of the proposed comprehensive legislation. The Committee, therefore, accordingly return the Bill to the House without making any recommendations.

NEW DELHI:
9 December, 1998.

SHYAM BIHARI MISHRA.
Chairman,
Joint Committee on Essential
Commodities (Amendment) Bill, 1998.

REPRINT
AS INTRODUCED IN LOK SABHA
ON THE 29TH MAY, 1998

BILL No. 39 of 1998

THE ESSENTIAL COMMODITIES (AMENDMENT) BILL, 1998

A
BILL

further to amend the Essential Commodities Act, 1955.

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 1998.

Short title and commencement.

(2) It shall be deemed to have come into force on the 25th day of April, 1998.

2. In section 2 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(a) clause (iv) shall be re-numbered as clause (iia), and before clause (iia) as so re-numbered, the following clause shall be inserted, namely:—

10 of 1955.

(iv) "Code" means the Code of Criminal Procedure, 1973; ;

2 of 1974.

(b) in clause (a), sub-clause (iii) shall be omitted;

(c) after clause (c), the following clause shall be inserted, namely:—

"(f) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in that Code."

Amendment of
section 3.

3. In section 3 of the principal Act,—

(i) in sub-section (2), to clause (j), the following proviso shall be inserted, namely:—

“Provided that where a person authorised under an order issued under this section to make the entry, search, examination or seizure is below the rank of a Magistrate of the first class or its equivalent, he shall obtain prior permission of an officer not below the rank of a Magistrate of the first class or its equivalent before making such entry, search, examination or seizure.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) An order made under this section may provide for certain allowance for difference between physical stock and stock in record of any essential commodity which may occur due to climatic conditions or handling of the essential commodity.”.

Amendment of
section 6A.

4. In section 6A of the principal Act, for the proviso to sub-section (2), the following proviso shall be substituted, namely:—

“Provided that, in case of any essential commodity the retail sale price whereof has been fixed by the Central Government or a State Government under this Act or under any other law for the time being in force and which is being sold through fair price shops, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price so fixed.”.

Amendment of
section 7.

5. In section 7 of the principal Act,—

(a) in sub-section (1), in clause (a).—

(i) for sub-clause (i), the following sub-clause shall be substituted, namely:—

“(i) in the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both:

Provided that, if any person is again convicted of the same offence under this sub-clause, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than three months but which may extend to one year and with fine which may extend to twenty thousand rupees or with both:

Provided further that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;”;

(ii) in sub-clause (ii), for the words “seven years and shall also be liable to fine”, the words “two years and shall also be liable to fine which shall not be less than twenty-five thousand rupees” shall be substituted;

(b) in sub-section (2), for the words "seven years and shall also be liable to fine", the words "two years and shall also be liable to fine which shall not be less than twenty-five thousand rupees" shall be substituted;

(c) in sub-section (2A), for the words "seven years and shall also be liable to fine", the words "two years and shall also be liable to fine which shall not be less than fifty thousand rupees" shall be substituted.

6. For section 10A of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 10A.

"10A. Notwithstanding anything contained in the Code, every offence punishable under—

Provision as to cognizance and bail

(a) this Act shall be cognizable;

(b) this Act, except under sub-clause (h) or sub-clause (i) of clause (a) of sub-section (1) of section 7, shall be non-bailable;

(c) sub-clause (h) or sub-clause (i) of clause (a) of sub-section (1) of section 7, if committed more than once, shall be non-bailable for the second and every subsequent offence."

7. After section 10A of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 10AA

"10AA. Notwithstanding anything contained in the Code, no officer below the rank of sub-inspector of police shall arrest any person accused of committing an offence punishable under this Act.".

Power to arrest

8. Section 12 of the principal Act shall be omitted.

Omission of section 12

9. For section 12A of the principal Act, the following sections shall be substituted, namely:—

Substitution of new section for section 12A

'12A. (1) The State Government may, for the purpose of providing speedy trial of the offences under this Act, by notification in the Official Gazette, constitute as many Special Courts as may be necessary for such area or areas as may be specified in the notification.

Constitution of Special Courts

(2) A Special Court shall consist of a single judge who shall be appointed by the High Court upon a request made by the State Government.

***Explanation.*—In this sub-section, the word "appoint" shall have the meaning given to it in the *Explanation* to section 9 of the Code.**

(3) A person shall not be qualified for appointment as a Judge of a Special Court unless—

(a) he is qualified for appointment as a Judge of a High Court, or

(b) he has, for a period of not less than one year, been a Sessions Judge or an Additional Sessions Judge.

Offences
triable by
Special
Courts.

12AA. (1) Notwithstanding anything contained in the Code,—

(a) all offences under this Act shall be triable only by the Special Court constituted for the area in which the offence has been committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court;

(b) a Special Court may, upon a perusal of police report of the facts constituting an offence under this Act or upon a complaint made by an Officer of the Central Government or a State Government authorised in this behalf by the Government concerned or any person aggrieved or any recognised consumer association, whether such person is a member of that association or not, take cognizance of that offence without the accused being committed to it for trial;

(c) all offences under this Act shall be tried in a summary way and the provisions of sections 262 to 265 (both inclusive) of the Code shall, as far as may be, apply to such trial:

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(2) When trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act, with which the accused may, under the Code, be charged at the same trial:

Provided that such other offence is, under any other law for the time being in force, triable in a summary way:

Provided further that in the case of any conviction for such other offence in such trial, it shall not be lawful for the Special Court to pass a sentence of imprisonment for a term exceeding the term provided for conviction in a summary trial under such other law.

(3) A Special Court may, with a view to obtaining the evidence of any person suspected to have been directly or indirectly concerned in, or privy to, an offence under this Act, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or abettor in the commission thereof and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

Appeal and
revision.

12AB. The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Sessions trying cases within the local limits of the jurisdiction of the High Court.

Application of
Code to
proceedings
before a
Special Court.

12AC. Save as otherwise provided in this Act, the provisions of the Code (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.'

Repeal and
saving.

10. (1) The Essential Commodities (Amendment) Ordinance, 1998 is hereby repealed.

Ord. 13 of
1998.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(3) If any appeal, application, trial, inquiry or investigation is pending immediately before the commencement of this Act, then such appeal, application, trial or inquiry or investigation shall be disposed of, continued, held or made, as the case may be, in accordance with the provisions of the principal Act as it stood immediately before the commencement of this Act, as if, this Act had not come into force.

STATEMENT OF OBJECTS AND REASONS

The existing provisions in the Essential Commodities Act, 1955 are not adequate and effective in—

- (a) expeditious disposal of cases pertaining to hoarding, blackmarketing and profiteering in essential commodities;
- (b) preventing the misuse of power by lower field functionaries;
- (c) ensuring easy availability of essential commodities to the consumers;
- (d) tackling genuine hardship of the traders when there is a minor variation in stocks; and
- (e) keeping pace with the path of liberalisation.

2. In order to remove the above short-comings, it is proposed that all offences under the Act shall be tried in a summary manner by the Special Courts, already set up under the provisions of the Essential Commodities (Special Provisions) Act, 1981. These Courts are still functioning and are proposed to be continued. Except for certain minor offences, all offences shall be non-bailable. The quantum of fines will be more but the maximum period of imprisonment will be reduced from seven years to two years as all offences will be tried summarily.

3. Lower field functionaries will be required to seek prior permission of an officer not below the rank of a Magistrate of the first class or its equivalent before making entry, examination or seizure under the order issued under the Act. Similarly, no officer below the rank of sub-inspector of police shall arrest any person accused of committing an offence punishable under this Act. These measures will minimise the alleged misuse of power by lower functionaries.

4. Certain seized essential commodities may be sold by the Collector through fair price shops at the prices fixed by the Central Government or a State Government. This will eliminate delays in disposal of such commodities and enable easy availability of essential commodities to the consumers.

5. It is proposed that orders made under this Act may provide for certain allowance for difference between physical stock and stock in record of any essential commodity which may occur due to climatic conditions or handling of the essential commodities. This will eliminate traders being brought to book for minor variations in stocks.

6. In the light of economic changes, automotive components have been delicensed. The automotive components industry is well-developed in the country and the industry is producing a wide range of components adopting the latest technology. A substantial quantity is also being exported. There are no restrictions on their imports. It is, therefore, proposed to delete the item "component parts and accessories of automobiles" from the Act.

7. In view of the facts mentioned above and that the Parliament was not in session to give effect to the said proposals, the Essential Commodities (Amendment) Ordinance, 1998 was promulgated by the President on the 25th April, 1998.

8. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

The 19th May, 1998.

SURJIT SINGH BARNALA

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for constitution of Special Courts by the State Governments for trial of all offences under the Act in a summary manner. The Special Courts were established under the provisions of the Essential Commodities (Special Provisions) Act, 1981 and are still functioning in view of the Ordinances promulgated subsequently. It is proposed to continue these Special Courts and other Special Courts may also be established. The expenditure on such Courts in the Union territories which do not have their own Consolidated Funds will have to be met by the Central Government.

2. It is indicated that in the Union territories where such Special Courts have been set up, the existing Sessions Courts or Additional Sessions Courts have been designated as Special Courts to try offences under the Essential Commodities Act, 1955. Therefore, there may be no extra expenditure towards the salary of Judges and supporting staff. However, a token outlay of recurring and non-recurring expenditure respectively of Rs. 4 lakhs and Rs. 2 lakhs only for the first year in respect of the Union territories is anticipated.

3. There will be no other recurring or non-recurring expenditure.

ANNEXURE

EXTRACTS FROM THE ESSENTIAL COMMODITIES ACT, 1955

(10 OF 1955)

* * * * *

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "essential commodity" means any of the following classes of commodities:—

* * * * *

(iii) component-parts and accessories of automobiles;

* * * * *

3. (1) *

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

* * * * *

(j) for any incidental and supplementary matters, including, in particular, the entry, search or examination of premises, aircraft, vessels, vehicles or other conveyances and animals, and the seizure by a person authorised to make such entry, search or examination,—

Powers to control production, supply, distribution, etc., of essential commodities.

(i) of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being, or is about to be, committed and any packages, coverings or receptacles in which such articles are found;

(ii) of any aircraft, vessel, vehicle or other conveyance or animal used in carrying such articles, if such person has reason to believe that such aircraft, vessel, vehicle or other conveyance or animal, is liable to be forfeited under the provisions of this Act;

(iii) of any books of accounts and documents which in the opinion of such person, may be useful for, or relevant to, any proceeding under this Act and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of an officer having the custody of such books of accounts or documents.

* * * * *

6A. (1) *

Confiscation of essential commodity.

(2) Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may,—

(i) order the same to be sold at the controlled price, if any, fixed for such essential commodity under this Act or under any other law for the time being in force; or

(ii) where no such price is fixed, order the same to be sold by public auction:

Provided that in case of foodgrains, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such foodgrains to the public.

* * * * *

Penalties.

7. (1) If any person contravenes any order made under section 3,—

(a) he shall be punishable,—

(i) in the case of an order made with reference to clause (h) or clause (i) of sub-section (2) of that section, with imprisonment for a term which may extend to one year and shall also be liable to fine, and

(ii) in the case of any other order, with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;

* * * * *

(2) If any person to whom a direction is given under clause (b) of sub-section (4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months.

(2A) If any person convicted of an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) is again convicted of an offence under the same provision, he shall be punishable with imprisonment for the second and for every subsequent offence for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

* * * * *

Offences to be cognizable and bailable.

10A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable.

2 of 1974.

* * * * *

Special provision regarding fine.

12. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of contravening any order made under section 3.

2 of 1974.

Power to try summarily.

12A. (1) If the Central Government is of opinion that a situation has arisen where, in the interests of production, supply or distribution of any essential commodity not being an essential commodity referred to in Clause (a) of sub-section (2) or trade or commerce therein and other relevant considerations, it is necessary

that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette, specify such order to be a special order for purposes of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament:

Provided that—

66 of 1971. (a) every such notification issued after the commencement of the Essential Commodities (Amendment) Act, 1971, shall, unless sooner rescinded, cease to operate at the expiration of two years after the publication of such notification in the Official Gazette;

(b) every such notification in force immediately before such commencement shall, unless sooner rescinded, cease to operate at the expiration of two years after such commencement:

Provided further that nothing in the foregoing proviso shall affect any case relating to the contravention of a special order specified in any such notification if proceedings by way of summary trial have commenced before that notification is rescinded or ceases to operate and the provisions of this section shall continue to apply to that case as if that notification had not been rescinded or had not ceased to operate.

2 of 1974. (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences relating to—

(a) the contravention of an order made under section 3 with respect to—

- (i) cotton or woollen textiles; or
- (ii) foodstuffs, including edible oilseeds and oils, or
- (iii) drugs; and

(b) where any notification issued under sub-section (1) in relation to a special order is in force, the contravention of such special order,

shall be tried in a summary way by a Judicial Magistrate of the first class specially empowered in this behalf by the State Government or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for a term not exceeding one year :

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the Magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the Magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in the manner provided by the said Code.

2 of 1974. (3) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure 1973, there shall be no appeal by a convicted person in any case tried summarily under this section in which the Magistrate passes a sentence of imprisonment not exceeding one month, and of fine not exceeding two thousand rupees whether or not any order of forfeiture of property or an order under section 452 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence in excess of the aforesaid limits is passed by the Magistrate.

(4) All cases relating to the contravention of an order referred to in clause (a) of sub-section (2), not being a special order, and pending before a Magistrate immediately before the commencement of the Essential Commodities (Amendment) Act, 1974, and, where any notification is issued under sub-section (1) in relation to a special order, all cases relating to the contravention of such special order and pending before a Magistrate immediately before the date of the issue of such notification, shall, if no witnesses have been examined before such commencement or the said date, as the case may be, be tried in a summary way under this section, and if any such cases is pending before a Magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a Magistrate so competent.

* * * * *

LOK SABHA

A

BILL

further to amend the Essential Commodities Act, 1955.

(Shri Surjje Singh Barnala, Minister of Food and Consumer Affairs)

APPENDIX I

(*Vide* para 2 of the Report)

Motion in Lok Sabha for Reference of the Bill to the Joint Committee

"That the Bill further to amend the Essential Commodities Act, 1955, be referred to a Joint Committee of the Houses consisting of 30 members, 20 from this House, namely:—

1. Shri Amrik Singh Aliwal
2. Shri N. Dennis
3. Shri Abdul Ghafoor
4. Shri Satya Pal Jain
5. Shri Shanker Prasad Jaiswal
6. Shri Bhubaneswar Kalita
7. Shri Vijay Kumar Khandelwal
8. Prof. Ajit Kumar Mehta
9. Shri Shyam Bihari Mishra
10. Shri S. Murugesan
11. Shri Ajit Kumar Panja
12. Shri Harin Pathak
13. Smt. Suryakanta Patil
14. Prof. A.K. Premajam
15. Shri Malyala Rajaiah
16. Shri Konijeti Rosaiah
17. Shri Kishan Singh Sangwan
18. Shri Mohan Singh
19. Shri K.D. Sultanpuri
20. Shri Braja Kishore Tripathi

and 10 from Rajya Sabha:

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee."

The above motion was adopted by Lok Sabha at its sitting held on Thursday, the 9th July, 1998.

APPENDIX II

(Vide paragraph 3 of the Report)

Motion in Rajya Sabha for Reference of the Bill to the Joint Committee

"That this House concurs in the recommendation of Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Essential Commodities Act, 1955, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri Sangh Priya Gautam
2. Shri Vedprakash P. Goyal
3. Shri Adhik Shirodkar
4. Shri Bhuvnesh Chaturvedi
5. Shri M. Sankaralingam
6. Shri Ghulam Azam
7. Kumari Nirmala Deshpande
8. Shri Barjinder Singh Hamdard~~Hamdard~~
9. Shri Ashok Mitra
10. Shri Gaya Singh

The above motion was passed by the Rajya Sabha at its sitting held on 21 July, 1998."

APPENDIX III
(Vide para 12 of the Report)

List of Associations/Organisations/Individuals etc. from whom Memoranda were received by the Joint Committee

Memo No.	Name of Association with Address
1.	Consumer Education and Research, Suraksha Samkool, Thaltej, Ahmedabad-Gandhinagar Highway, Ahmedabad-380054. (India)
2.	West Bengal Essential Commodities Trades Struggle Forum, 5/2, Wazir Chowdhury Road, Calcutta-700087.
3.	FICCI-Federation of Indian Chambers of Commerce and Industry, Federation House, Tansen Marg, New Delhi-110 001.
4.	The Nagpur Itwari Kirana Merchants Association, Kirana Bhawan, Maskasath, Itwari, Nagpur-440 002.
5.	Nag-Vidarbha Chamber of Commerce, Temple Road, Civil Lines, Nagpur-440 001.
6.	PHD-Chamber of Commerce and Industry, PHD-House, Opp.-Asian Games Village, New Delhi-110 016.
7.	Federation of All India Foodgrain Dealers' Association, Flat No. 12 (Ground Floor), 32, Alipur Road, Delhi-110 054.
8.	Federation of Gujarat Foodgrain Dealers' Association, 415, Chobha Bazar, Kalupur, Ahmedabad-380 002.
9.	Rajasthan Khadya Padarth Vyapar Sangh, Nai Anaj Mandi, Outside Chandpole, Jaipur-302 001.
10.	Chamber of Commerce, Sri Kanyaka Parmehwari Road, Khammam-507 003. (A.P.)
11.	Andhra Pradesh Grain & Seeds Merchants Association, 16-10-1/108, Shree Krupa Agricultural Market Complex, Malakpet, Hyderabad-500 036, A.P.
12.	Common Cause, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, New Delhi-110 070.

13. **Maharashtra Chamber of Commerce and Industry,**
Oricon House, 6th Floor, Maharashtra,
Chamber of Commerce Path Fort,
Mumbai-400 001.
14. **All India Rice Exporters' Association,**
PHD House, 4th Floor Phase-I,
Opp. Asian Games Village,
New Delhi-110 016.
15. **Madhya Pradesh Roller Flour Millers' Association,**
Central India Floor Mills,
Hoshangabad Road,
Bhopal-462 011 (M.P.)
16. **Federation of West Bengal Trade Associations,**
Park Mansion, 2nd Floor, Flat No. 9, 57A,
Park Street,
Calcutta-700 016.
17. **Mahakoshal Chamber of Commerce and Industry,**
Chamber Bhawan, Civic Centre,
Marhatal, Jabalpur-482 002 (M.P.)
18. **The Federation of Andhra Pradesh Chamber**
of Commerce and Industry,
11-6-841, Red Hills, P.B. No. 14,
Hyderabad-500 004.
19. **Delhi Grain Merchants Association (Regd.),**
156/41, Naya Bazar,
Delhi-110 006.
20. **The Tamilnadu Foodgrains Merchants**
Association Ltd.,
342 & 344, East Masi Street,
Madurai-625 001.
21. **ASSOCHAM—The Associated Chambers**
of Commerce and Industry of India,
2nd Floor, Allahabad Bank Building,
17, Parliament Street,
New Delhi-110 001.
22. **Maharashtra Chamber of Commerce and Industry,**
Oricon House, 6th Floor,
Maharashtra Chamber of Commerce,
12K, Dubhash Marg,
Fort, Mumbai-440 001.
23. **Merchants Chamber of Commerce,**
15-B, Hemanta Basu Sarani,
Calcutta-700 001.
24. **Andhra Chamber of Commerce,**
2, Rajaji First Street,
Lake Area, Nungambakkam,
Chennai-600 034.
25. **The Madras Bar Association,**
High Court Buildings,
Chennai-600 104.

26. **Federation of Madhya Pradesh Chamber of Commerce and Industry,**
Udyog Bhawan,
129-A, Malviya Nagar,
Bhopal-462 003.
27. **Govt. of Punjab, Department of Food and Supplies (Food Distributors-II Branch),**
Sh. H.S. Pahla, Joint Secretary, Food and Supplies.
28. **Federation of All India Foodgrains Dealers Association, Delhi,**
Shri K.L. Renu.
29. **Madurai Grocery Retail Dealers Association,**
No. 2, Veeraraghava Permal Konil Street,
South Masi Street,
Madurai-1.
30. **Karnataka State Bar Council,**
3rd Cross, J.C.R. Circle,
J.C.R. Extension, Chitradurga-577 501.
31. **Tiruppuvanam Merchants Association,**
Tiruppuvanam-630 611.
32. **Arisi Palasaraku Niyabarigal Sangam,**
Thuthukkudi, No. 280/40, W.G.O. Road,
Tuticorin-628 002.
33. **Mysore Granakara Parishad,**
6/1, Vivekananda Road,
Yadanagiri,
Mysore-570 020.
34. **Mahgai Merchants Association,**
Papsuti-607 106.
35. **Mumbai Grahak Panchayat,**
Grahak Bhawan, Sant Dhyameshwar Marg,
Behind Cooper Hospital,
Vile Parle (West),
Mumbai-400 056.
36. **The Poona Merchants Chamber,**
Vyapar Bhawan, Market Yard,
Gultekadi,
Pune-411 037.
37. **The Bombay Gur Merchants' Association,**
230, Central Facility Building,
A.P.M.C. Market-I,
Phase-II, Trubhe
New Bombay-400 705.
38. **The Guntur Dal Miller's Welfare Association,**
Eluru Bazar,
Guntur-522 003.
39. **Govt. of Maharashtra, Food, Civil Supplies and Consumer Protection Department,**
Mantralaya Annexe,
Mumbai-400 032.

40. **Maharashtra Chamber of Commerce and Industry,**
Oricon House, 6th Floor,
Maharashtra Chamber of Commerce,
12K, Dubhash Marg,
Fort, Mumbai-400 001.
41. **The Bombay Sugar Merchants' Association Limited,**
158/159, Central Facility Building,
Phase-II, Market-I, Turbhe,
(Vashi).
Navi Mumbai-400 703.
42. **The Grains, Rice & Oilseeds Merchant's Association,**
Navi Mumbai Office, M-3-4,
APMC Market Complex, Phase-II, Market-II,
Turbhe, Navi Mumbai-400 703.
43. **Federation of Association of Maharashtra,**
510, Bharat Chambers, 52-C,
Kranti Sinha Nana Patil Marg (Baroda Street),
Carnac Bunder, Mumbai-400 009.
44. **The West Godavari Federation of Chambers of**
Commerce and Industry,
Chambers Square,
Eluru-534 001, W.G.Dt. A.P.
45. **West Bengal Statutory Ration Dealers (A.R.)**
Co-ordination Committee,
19, Shyam Square,
Calcutta-700 003.
46. **Bengal Rice Mills Association,**
23, R.N. Mukherjee Road,
Calcutta-700 001.
47. **Malda Merchants' Chamber of Commerce,**
Banijyya Bhavan,
Sankopara, Maheshmati,
Malda-732 101.
48. **Raniganj Industries & Trade Association,**
Jhunjhunwala Associate Building,
104, J.L. Nehru Road, P.B. No. 3,
P.O. Raniganj-713 347, W. Bengal.
49. **Birbhum District Rice Mills Association,**
Bolpur-731 204,
Dist. Birbhum (West Bengal).
50. **Federation of Traders Organisations of**
West Bengal,
60-B, Chouringhee Road,
5th Floor,
Calcutta-700 020.
51. **Federation of West Bengal Trade Association,**
Park Mansion, 2nd Floor,
Flat No. 9, 57A, Park Street,
Calcutta-700 016.

52. **Bharat Chambers of Commerce,**
9 Park Mansions, 2nd Floor,
57-A, Park Street,
Calcutta-700 016.
53. **Consumers Action Forum,**
5/1, Red Cross Place,
Calcutta-700 062.
54. **Karnataka Forum for Promotion of**
Consumer Association,
160, 36-A Cross,
Seventh Block, Jayanagar,
Bangalore-560 082.
55. **Indian Institute of Consumer Studies,**
32/A, Benson Cross Road,
Bangalore-560 046.
56. **Karnataka State Federation of Consumer's**
Organisations,
525/8th Cross, Moksha Marga,
Siddartha Layout,
Mysore-570 011.
57. **Banashankari Consumer Protection Society,**
1939, 9th Main, 27th Cross,
Banashankari II Stage,
Bangalore-560 070.
58. **Oil Seeds, Oil Trade and Industry's**
Association in Karnataka (Regd.),
38/1, 1st Floor, Pampamahakavi Road,
Chamarajpet,
Bangalore-560 018.
59. **Federation of Karnataka Chambers of**
Commerce and Industry,
P.B. No. 9996, K.G. Road,
Bangalore-560 009.
60. **Government of Karnataka (views of the**
Department of Food & Civil Supplies)
61. **Oil Seeds, Oil Trade Industry's Association,**
38/1, 1st Floor, Pambakani Road,
Chamarajpet,
Bangalore-560 018.
62. **Karnataka State Cotton Association Keshar Complex,**
Sath Kacheri Road,
P.B. No. 7,
Raichur-584 101.
63. **The Bangalore Grain Merchant's Association (Regd.),**
2, G.M.C. Bank Building,
Pampamahakavi Road,
Bangalore-560 018.
64. **Karnataka Pradesh Hotels and Restaurants**
Association (Regd.),
Jeevan Building III, Floor No. 11,
Kemara Park East,
Bangalore-560 001.

65. Cloth Merchants' Association,
Gulbarga-585 101, Karnataka.
66. The Belgaum Chamber of Commerce and Industries,
673, Ranjmar Path, Belgaum-2.
67. The Bangalore Wholesale Foodgrains and Pulses,
Merchants Association,
No. 50, 1st Floor, S.V. Market,
Old Tharagupet,
Bangalore-560 053.
68. Consumer Rights Education and Awareness Trust,
239, 5th 'C' Main, Remco Layout,
Vijayanagar,
Bangalore-560 040.
69. Karnataka Chamber of Commerce and Industry,
G. Mahadevappa Karnatak Chamber Building,
Jayachamraj Nagar,
Hubli-580 020.
70. Mysore Chamber of Commerce and Industry,
Shri A. Onkarappa.
71. Hyderabad Karnataka Chamber of Commerce
and Industry,
Gulbarga.
72. Federation of A.P. Fair Shop Dealer's
Welfare Associations, Hyderabad,
14-8-304,
Chandi Bazar,
Hyderabad-500 012.
73. FAPCCI (The Federation of Andhra Pradesh
Chambers of Commerce and Industry),
11-6-841,
Red Hills, P.B. No. 14, Hyderabad-500 004.
74. Government of India, Department of Food
and Civil Supplies.
75. The Rayalaseema Seeds and Oil Millers
Associations (Regd.),
Adoni, Karnool Distt. A.P.
76. Kiranam & Jaggery Merchants' Association,
Gandhi Chowk,
Khammam-507 003, A.P.
77. The Bezwada Commercial Association (Regd.),
D.No. 11-50-37, Srinilayam Street,
Vijayawada-520 001, A.P.
78. The Andhra Produce Exporter's Association (Regd.),
Ramgopal Street,
Vijayawada-520 001.
79. The Andhra Pradesh Dal Millers' Association,
D.N. 10-19-17, Brahmin Street,
Vijayawada-520 001.

80. **The Guntakal Merchants' Association,
Guntakal.**
81. **The Retail Merchants Association,
Guntakal-515 801,
Anantapur Distt., A.P.**
82. **The Krishna Guntur Districts Pulses
Export Merchants' Welfare Association,
21-3-33 A, Main Road,
Guntur-522 003. A.P.**
83. **Wholesale Grains & General Merchants
Association,
Bandala Bazar,
Guntur-522 003.**
84. **The Gazette of India Extraordinary
Part-II, Section I.**
85. **Essential Commodities Act,
Special Provisions Act, Ordinance and
Views of Govt. of Andhra Pradesh.**
86. **Shri Rama Krishna,
C/o CRIES,
8-2-120/115/3,
Road No. 2,
Banjara Hills,
Hyderabad-500 033.**
87. **Government of Andhra Pradesh,
Office of the Commissioner of Civil
Supplies & Consumer Affairs,
Hyderabad.**
88. **Consumer Interest Promotion and
Welfare Society,
1st Floor, 3-4-472, Barkatpura,
Hyderabad-500 027, A.P.**
89. **Andhra Pradesh Kerosene Wholesale
Dealers Federation,
H.No. 1158, M.L.A's Colony,
Road No. 12, Banjara Hills,
Hyderabad-500 034.**
90. **The Chamber of Commerce,
Vanijya Bhavan,
Vulli Veedhi,
Vizianagaram-535 001, A.P.**
91. **Andhra Pradesh State Trade and
Industry Action Committee,
11-62-22, Canal Road,
Vijayawada-520 001, A.P.**
92. **Chamber of Commerce and Industry,
Tuni-533401 (E.G. Dt.)**
93. **Andhra Pradesh Trade, Commerce and
Industry Action Committee,
P.B. No. 561, Gandhi Nagar,
Vijayawada-520 003.**

94. **Andhra Pradesh Oil Miller's Association Limited,**
15-2-677, Kishan Gunj,
Hyderabad-500 012.
95. **Fertilizers Dealers Association,**
Andhra Pradesh,
5-8-85/4, Gadwal Compound,
Station Road,
Nampally,
Hyderabad-500 001.
96. **Madhya Pradesh Annaj Tilhan Vyapari Mahasangh,**
Mahadev Sahara,
Nai Annaj Mandi,
Indore-1.
97. **The Secunderabad Wholesale Grain Merchants' Association,**
Hissamgunj, Secunderabad-500 003.
Andhra Pradesh.
98. **The Andhra Pradesh LPG (Cooking Gas) Dealers' Association,**
203, Satya Sai Apartments,
East Srinivasa Nagar,
S.R. Nagar,
Hyderabad-500 038, A.P.
99. **The All India Kerosene Dealers Federation.**
B-32, Greater Kailash Part-I,
New Delhi-110 048.
100. **Warangal Chamber of Commerce,**
Grain Market Area,
Warangal-506 002, A.P.
101. **The Andhra Pradesh Federation of Chambers of Commerce & Traders,**
Varalaxmi Market Complex,
Mahatma Gandhi Road,
Secunderabad-500 003.
102. **Fair Price Shop Dealers' Welfare Federation of Andhra Pradesh,**
20-1-283, Inside Purana Pool,
Hyderabad-500 064.
103. **The Guntur Dal Millers Welfare Association,**
Eluru Bazaar,
Guntur-522 003, A.P.
104. **Vijayawada Chamber of Commerce & Industry,**
Chamber Road, Gandhi Nagar,
Vijayawada-520 003, A.P.

105. State Rice Millers Association,
Andhra Pradesh,
Eluru-534 007.
106. The Anakapalli Rice Merchants Association (Regd.),
11-4-20, China Veedhi,
Anakapalle-531 001.
107. The Anakapalli Merchants Association,
Anakapalli-531 001.
Visakha Distt. (A.P.)
108. The Indian Chamber of Commerce,
P.B. No. 67, Vcerasavarkar Road,
Guntur-522 001, A.P.
109. The Anantapur Dist. Chamber of Commerce and Industry,
24/10, Gandhi Bazar,
Anantapur-515 005.
110. The Hyderabad Dal Mills & Merchants Association,
15-9-362, Muktiyargunj,
1st Floor, Hyderabad-500 012.
111. Vijayawada Parchad Grams and Dalls Merchants Association,
D.No. 11-42-81, 2nd Floor,
Ramgopal Street,
Vijayawada-520 001, A.P.
112. Tajima Bhanu Tools Ltd.,
302, Saaz Apts.,
Road No. 1, Banjara Hills,
Hyderabad-500 034, A.P.
113. The Rice Merchants Association,
Yendurivari Street,
Vijayawada.
114. A.P. State Citizens Consumer Council,
H.No. 60/2RT,
Hyderabad-500 264, A.P.
115. Consumer Protection Wing,
Gajanan Bhawan,
Sakharam Keer Road,
Mumbai.
116. Nellai Viya Parigal Sangam
2/47, 29 S,
Pin Code-627 006.
117. Akhil Bhartiya Grahak Panchayat,
Chandini Mahal,
601, Budhanar Peth,
Pune-411 002.
118. Vyapari Sangh,
P.O. Nangachia,
Dist. Bhagalpur,
Bihar.

119. **Consumer Guidance Society of India.**
J-Block, Azad Maidan,
Mahapalika Marg,
Opp. Cama Hospital,
Mumbai-400 001.
120. **Karnataka Sugar Traders Association (Regd.).**
No. 50, 1st Floor,
S.V. Market,
Bangalore-560 053.
121. **Premji Bhanji & Co..**
29, Keshavji Naik Road,
P.O. Box 5032,
Mumbai-400 009.
122. **Consumer & Investors Guidance Society.**
P-15, New C.I.T. Road,
3rd Floor, Calcutta-700 073.
123. **Shri A.M. Chatopadhyay,**
Govt. of West Bengal, Food & Supplies Deptt.,
11 A, Mirza Galib Street,
Calcutta-700 087.
124. **The Krishna District Dhall Mills Association (Regd.).**
D.No. 10-19-17,
Brahmani Street,
Vijayawada-520 001.
125. **Indore Anaj Tilhan Vyapary Sangh.**
Sanyogitaganj Mundi,
Indore.
126. **Tirunelveli Mavatta Varthage Kalagam.**
North Car Street,
Tirunelveli-6.
127. **Balakedara Vedika (Regd.).**
Consumers Forum,
37 (2), Near Telegraph Office,
Jog Road,
Sagar-577 401, Karnataka.
128. **Shri D. Rudra,**
Govt. of West Bengal, Food and Supplies Deptt.,
11 A, Mirza Galib Street,
Calcutta-700 087.
129. **Bihar Rajya Khaddyaan Sangh.**
2, Surya Vihar Apartments,
Exhibition Road,
Patna-800 001.
130. **Rajasthan Chamber of Commerce & Industry.**
Rajasthan Chamber Bhawan,
M-I Road,
Jaipur-302 003.
131. **Consumer Care Centre,**
3-5-273, Mittulwadi,
Narayangudu,
Hyderabad-500 029.

132. **Indian Merchants Chamber,**
Indian Merchants Chamber Marg,
Churchgate,
Mumbai-400 020.
133. **Calcutta Chamber of Commerce,**
18-H, Park Street, Stephens Court,
Calcutta-700 071.
134. **West Dinajpur Chamber of Commerce,**
P.O. Raiganj,
Dt. Uttar Dinajpur (West Bengal)-733 134.
135. **The Bangalore A.P.M.C. Yard Merchants Association,**
No. 104 (Upstairs), IV Main Road,
A.P.M.C. Yard, Yeshmanthpur,
Bangalore-560 022.
136. **Federation of Consumer Associations,**
West Bengal, 39, Shakespeare Sarani,
Calcutta-700 017.
137. **All India Kerosene Dealers Federation,**
B-32, Greater Kailash-I,
New Delhi-110 048.
138. **Government of Maharashtra,**
Food & Civil Supplies and Consumer
Protection Department,
Mantralaya Annexe,
Mumbai-400 032.
139. **The Federation of Andhra Pradesh**
Chambers of Commerce & Industry,
Federation House,
11-6-841, Red Hills, P.B. No. 14,
Hyderabad-500 004.

APPENDIX IV

(Vide para 13 of the Report)

LIST OF WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE JOINT COMMITTEE

1. ASSOCHAM, the Associated Chambers of Commerce and Industry of India, New Delhi
 - (i) Mr. Mohanlal Gupta, Co-Chairman Expert Committee on Internal Trade and Consumer Affairs
 - (ii) Dr. T.P. Bhat, Advisor, International Affairs
2. PHD., Chamber of Commerce and Industry, New Delhi
 - (i) Shri M.M. Aggarwal
 - (ii) Shri Vineet Virmani, Past President, PHDCCI
 - (iii) Shri S. Kapur, Secretary, PHDCCI
3. All India Rice Exporters Association, New Delhi
 - (i) Shri Padan Chand Gupta
 - (ii) Shri Kirti Daver
 - (iii) Brig. Anil Adlakha
4. Federation of All India Foodgrain Dealers' Associations, Delhi
 - (i) Shri O.M. Prakash Gupta,
General Secretary, Delhi
 - (ii) Shri A.P. Vora, Secretary,
Bombay
 - (iii) Shri Haasmukh F. Dani, President,
Vadodara
 - (iv) Shri Shyam Sunder, President,
Delhi
 - (v) Shri Baboo Lal Gupta, General Secretary,
Jaipur
 - (vi) Shri Baboo Lal Mani Lal Modi,
Joint Secretary, Ahmedabad
 - (vii) Shri S.V.S. Sundramurti, Past President,
Madurai
 - (viii) Shri Dharam Singh, Member, Delhi
5. DVOTA, Delhi Vegetable Oil Traders Association (Registered), Delhi
 - (i) Shri Laxmi Chaud Aggarwal, President
 - (ii) Shri Ramesh Kumar Jain, Member
 - (iii) Shri Munna Lal Goyal
6. Nag-Vidarbha Chamber of Commerce, Nagpur
 - (i) Shri Suresh Bhojwani
 - (ii) Shri B.C. Bhartia, Hon. Secretary

7. All India Kerosene Dealers Federation

- (i) Shri S. Padma Reddy, President
- (ii) Shri Ramji Dubey, General Secretary
- (iii) Shri K.N. Kedar, Vice-President

APPENDIX V

MINUTES OF THE Sittings OF THE JOINT COMMITTEE ON THE ESSENTIAL COMMODITIES (AMENDMENT) BILL, 1998

I

FIRST SITTING

MINUTES OF THE FIRST SITTING OF THE JOINT COMMITTEE ON ESSENTIAL COMMODITIES (AMENDMENT) BILL, 1998

The Committee sat from 15.00 to 15.45 hours on Friday, 28 August, 1998 in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Shyam Bihari Mishra—Chairman

MEMBERS

Lok Sabha

2. Shri Amrik Singh Aliwal
3. Shri N. Dennis
4. Shri Abdul Ghafoor
5. Shri Satya Pal Jain
6. Shri Shanker Prasad Jaiswal
7. Prof. Ajit Kumar Mehta
8. Shri S. Murugesan
9. Shri Harin Pathak
10. Smt. Suryakanta Patil
11. Prof. A.K. Premajam
12. Shri Malyala Rajaiah
13. Shri Konijeti Rosaiah
14. Shri Kishan Singh Sangwan
15. Shri Mohan Singh
16. Shri K.D. Sultanpuri
17. Shri Braja Kishore Tripathy

Rajya Sabha

18. Shri Adhik Shirodkar
19. Shri Bhuvnesh Chaturvedi
20. Shri M. Sankaralingam
21. Kumari Nirmala Deshpande
22. Shri Ashok Mitra
23. Shri Gaya Singh

SECRETARIAT

1. Shri Ram Astor Ram—*Director*
2. Shri B.D. Swam — *Under Secretary*

At the outset, the Chairman, Joint Committee on the Essential Commodities (Amendment) Bill, 1998 welcomed the members of the Joint Committee and delivered the inaugural address (ANNEXURE I).

2. Thereafter, the Chairman solicited suggestions on the Bill from the Members to chalk out future programme of the Committee. The members gave the following suggestions:—

(i) The Ministry of Food and Consumer Affairs might be invited at the next sitting of the Committee for briefing; (ii) The Committee might hear the views of the consumer forums, trade associations on the provisions of the Bill; (iii) The information from the Ministry regarding the status of implementation of the Act of 1955 in major States of the country, might be sought for information of the Members; (iv) The Secretariat might frame some questionnaire relating to the Bill and send to the consumers associations seeking replies thereto for information of the Members; (v) The views of the Bar Associations and the Lawyers' Forum may be obtained; (vi) Committee might undertake study visits to various capitals of the country to solicit the views of the Consumer Associations in those States; (vii) Opinion of the Public Prosecutors may also be obtained regarding problems faced by them during trial proceedings in the courts; (viii) The Members might give names and addresses of the State Consumers' Forums, if any, in their respective States, so that their views may also be obtained by the Secretariat; and (ix) The suggestions made by the Chief Ministers in their last meeting held in this behalf may also be obtained from the Ministry of Food and Consumer Affairs.

3. The Committee decided to hold their next sitting on 22 September, 1998 at 15.00 hours to have briefing from the Ministry of Food and Consumer Affairs and Ministry of Law and Justice.

The Committee then adjourned.

(Vide para 1 of the Minutes dated 28.08.1998)

JOINT COMMITTEE ON THE ESSENTIAL COMMODITIES (AMENDMENT) BILL, 1998

WELCOME SPEECH BY THE CHAIRMAN AT THE INAUGURAL SITTING OF THE JOINT COMMITTEE TO BE HELD ON 28 AUGUST, 1998

It gives me immense pleasure in welcoming the Hon'ble Members to this first sitting of the Joint Committee on the Essential Commodities (Amendment) Bill, 1998. The Bill seeks to further amend the Essential Commodities Act, 1955. This Bill was introduced in Lok Sabha on 29 May, 1998 to replace the Essential Commodities (Amendment) Ordinance, 1998 which was promulgated on 25 April, 1998.

2. The Essential Commodities Act, 1955 was enacted to ensure easy availability of essential commodities to consumers and to protect them from exploitation by the traders. It provides for regulation and control of production, distribution and pricing of commodities which are declared as essential in the Act. The Act has been amended from time to time to make its provisions more effective.

3. As you may see from the statement of Objects and Reasons appended to the Essential Commodities (Amendment) Bill, 1998, the existing provisions in the Essential Commodities Act, 1955 are not adequate and effective in expeditious disposal of all cases pertaining to essential commodities; preventing misuse of power by lower field functionaries; ensuring easy availability of essential commodities to the consumers; tackling genuine hardship of the traders when there is a minor variation in the stock; and keeping pace with the path of liberalisation.

4. In order to remove the said short-comings, the Essential Commodities (Amendment) Bill, 1998 proposes that all offences under the Act shall be tried in a summary manner by Special Courts, already set up under the provision of the Essential Commodities (Special Provisions) Act, 1981. Clause 9 of the Bill provides for constitution of Special Courts by the State Governments for trial of all offences under the Act in a summary manner. Further, except for certain minor offences, all offences shall be non-bailable. The quantum of fines will be more but the maximum period of imprisonment proposes to be reduced from seven years to two years. Further, to minimise the misuse of power, the lower field functionaries would be required to seek prior permission of an officer not below the rank of a First Class Magistrate before making any entry, search or seizure and similarly, no officer below the rank of sub-inspector of police shall arrest any person accused of committing an offence punishable under the Act.

5. In order to eliminate delays in disposal of seized essential commodities and to enable their easy availability to the consumer, Clause 4 of the Bill seeks to provide that seized essential commodities may be sold by the collector through fair price shops at the prices fixed by the Central Government or a State Government. Clause 3(ii) of the Bill provide for certain allowances for difference between physical stock and stock in record of any essential commodity which may occur due to climatic conditions or handling of the essential commodities in order to eliminate traders being brought to book for minor variations in stocks. The Bill also proposes to delete component parts and accessories of automobiles from the definition of essential commodities in view of the delicensing of automotive components and their well developed industry in the country.

6. The hon'ble Members might be aware that during the course of introduction of the Bill in the Parliament on 29 May, 1998, Shri Surjit Singh Barnala, Minister-in-charge of the Bill in his notice of amendment to the Bill, proposed that every offence punishable under the Essential Commodities Act shall be cognizable and bailable. In this connection, the existing provision of the Bill seeks to provide that except for certain minor offence, all the offences shall be non-bailable. The Bill as referred to by the House is now before this august Committee for consideration and report back to the House.

8. As per the term of the constitution of this Committee, the report of the Committee is required to be presented to the House by the last day of the first week of the next session, 1998. I would, therefore, request the Hon'ble members to find time from their busy schedule to attend the sittings of the Committee and to make our collective

effort more effective and purposive so as to enable the Committee to present their report to the House within the prescribed time.

9. I hope that with the cooperation of my esteemed colleagues in the Joint Committee, we would be able to accomplish the task entrusted to us. I would welcome the valuable suggestions of the Hon'ble members in this regard. If any member wants to make any suggestion at this stage he/she is welcome to do so.

Thank you.

SECOND SITTING

MINUTES OF THE SECOND SITTING OF THE JOINT COMMITTEE ON ESSENTIAL
COMMODITIES (AMENDMENT) BILL, 1998

The Committee sat from 15.00 to 17.30 hours on Tuesday, 22 September, 1998 in Committee Room 'B', Parliament House Annex, New Delhi.

PRESENT

Shri Shyam Bihari Mishra—*Chairman*

MEMBERS

Lok Sabha

2. Shri N. Dennis
3. Shri Satya Pal Jain
4. Shri Shanker Prasad Jaiswal
5. Shri Bhubaneswar Kalita
6. Shri Vijay Kumar Khandelwal
7. Prof. Ajit Kumar Mehta
8. Shri S. Murugesan
9. Shri Harin Pathak
10. Smt. Suryakanta Patil
11. Prof. A.K. Premajam
12. Shri Malyala Rajaiah
13. Shri Konijeti Rosaiah
14. Shri Kishan Singh Sangwan
15. Shri Braja Kishore Tripathi

Rajya Sabha

16. Shri Sangh Priya Gautam
17. Shri Vedprakash P. Goyal
18. Shri Adhik Shirodkar
19. Shri M. Sankaralingam
20. Kumari Nirmala Deshpandee
21. Shri Gaya Singh

REPRESENTATIVES OF THE MINISTRY OF FOOD AND CONSUMER AFFAIRS (DEPARTMENT OF CONSUMER AFFAIRS)

1. Shri N.N. Mookerjee — *Secretary*
2. Shri Kamal Kishore — *Economic Adviser*
3. Shri Jatinderbir Singh — *Director*
4. Shri K.V.S. Rao — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri N.L. Meena—Joint Secretary and Legislative Counsel

SECRETARIAT

1. Shri Ram Autar Ram—*Director*2. Shri B.D. Swan —*Under Secretary*

2. At the outset, the Chairman, Joint Committee on the Essential Commodities (Amendment) Bill, 1998 welcomed the representatives of the Ministry of Food and Consumer Affairs and the Ministry of Law and Justice.

3. Thereafter, the Secretary, Ministry of Food and Consumer Affairs gave a briefing to the members of the Committee on the various provisions of the Essential Commodities Act, 1955 and the Essential Commodities (Special Provisions) Act, 1981; the difference between the Special Provisions Act of 1981 and the Essential Commodities (Amendment) Bill, 1998; and improvements that have been effected in the current Bill as compared with the Act of 1955 and the Special Provisions made in the Act of 1981. The Committee also sought further clarifications from the representatives of the Ministry of Food and Consumer Affairs on certain points pertaining to the replies of the Ministry to the questionnaire sent to them earlier.

A verbatim record of proceedings was kept.

4. After the withdrawal of the representatives of the Ministry of Food and Consumer Affairs and the Ministry of Law and Justice, the Committee decided to undertake a study visit in the last week of October, 1998 to Mumbai, Calcutta, Hyderabad and Bangalore to hear the views of the respective State Governments, traders associations, consumer forums, industrialists associations, State Bar Councils etc.

5. The Committee then decided to hold their next sitting on 5 October, 1998 at 15.00 hours to hear the views of various Traders' Associations, Consumer Forums, Industrialists Associations etc. on provisions of the Bill.

The Committee then adjourned.

III
THIRD SITTING

**MINUTES OF THE THIRD SITTING OF THE JOINT COMMITTEE ON ESSENTIAL COMMODITIES
(AMENDMENT) BILL, 1998**

The Committee sat from 15.00 to 17.30 hours on Tuesday, 5 October, 1998 in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Shyam Bihari Mishra—Chairman

MEMBERS

Lok Sabha

2. **Shri Abdul Ghafour**
3. **Shri Satya Pal Jain**
4. **Shri Shanker Prasad Jaiswal**
5. **Shri Vijay Kumar Khandelwal**
6. **Prof. Ajit Kumar Mehta**
7. **Shri S. Murugesan**
8. **Shri Harin Pathak**
9. **Shri Konijeti Rosaiah**
10. **Shri Mohan Singh**
11. **Shri K.D. Sultanpuri**
12. **Shri Braja Kishore Tripathi**

Rajya Sabha

13. **Shri Vedprakash P. Goyal**
14. **Shri Bhuvnesh Chaturvedi**
15. **Shri M. Sankaralingam**
16. **Kumari Nirmala Deshpande**
17. **Shri Ashok Mitra**
18. **Shri Gaya Singh**

SECRETARIAT

1. **Shri Ram Autar Ram — Director**
2. **Shri B.D. Swan — Under Secretary**

At the outset, the Chairman, Joint Committee on the Essential Commodities (Amendment) Bill, 1998 welcomed the representatives of various Traders' Associations/Consumers Forums/Industrialists Associations.

2. Thereafter, the Committee took oral evidence of the following Traders' Associations/Consumers Forums/Industrialists Associations:—

1. ASSOCHAM, The Associated Chambers of Commerce and Industry of India, New Delhi

- (i) Mr. Mohanlal Gupta, Co-Chairman Expert Committee on Internal Trade and Consumer Affairs
- (ii) Dr. T.P. Bhat, Advisor, International Affairs

2. PHD, Chamber of Commerce and Industry, New Delhi

- (i) Shri M.M. Aggarwal
- (ii) Shri Vineet Virmani, Past President, PHDCCI
- (iii) Shri S. Kapur, Secretary, PHDCCI

3. All India Rice Exporters Association, New Delhi

- (i) Shri Padan Chand Gupta
- (ii) Shri Kirti Daver
- (iii) Brig. Anil Adlakha

4. Federation of All India Foodgrain Dealers' Associations, Delhi

- (i) Shri Om Prakash Gupta, General Secretary, Delhi
- (ii) Shri A.P. Vora, Secretary, Bombay
- (iii) Shri Hasmukh F. Dani, President, Vadodara
- (iv) Shri Shyam Sunder, President, Delhi
- (v) Shri Baboo Lal Gupta, General Secretary, Jaipur
- (vi) Shri Baboo Lal Mani Lal Modi, Joint Secretary, Ahmedabad
- (vii) Shri S.V.S. Sundramurti, Past President, Madurai
- (viii) Shri Dharam Singh, Member, Delhi

5. DVOTA, Delhi Vegetable Oil Traders Association (Registered), Delhi

- (i) Shri Laxmi Chand Aggarwal—President
- (ii) Shri Ramesh Kumar Jain—Member
- (iii) Shri Munna Lal Goyal

6. NAG-Vidarbha Chamber of Commerce, Nagpur

- (i) Shri Suresh Bhojwani
- (ii) Shri B.C. Bhartia—Hon. Secretary

A verbatim record of proceedings was kept.

The Committee then adjourned.

IV
FOURTH SITTING

**MINUTES OF THE FOURTH SITTING OF THE JOINT COMMITTEE ON ESSENTIAL
COMMODITIES (AMENDMENT) BILL, 1998**

The Committee sat from 15.00 to 16.30 hours on Thursday, 26 November, 1998 in Committee Room 'B', Parliament House Annex, New Delhi.

PRESENT

Shri Shyam Bihari Mishra—Chairman

MEMBERS

Lok Sabha

2. **Shri N. Dennis**
3. **Shri Abdul Ghafur**
4. **Shri Bhubaneswar Kalita**
5. **Prof. Ajit Kumar Mehta**
6. **Shri S. Murugesan**
7. **Prof. A.K. Premajam**
8. **Shri Kishan Singh Sangwan**
9. **Shri K.D. Sultanpuri**
10. **Shri Braja Kishore Tripathi**

Rajya Sabha

11. **Shri Sangh Priya Gautam**
12. **Shri Vedprakash P. Goyal**
13. **Shri Bhuvnesh Chaturvedi**
14. **Kumari Nirmala Deshpande**
15. **Shri Ashok Mitra**
16. **Shri Gaya Singh**

SECRETARIAT

1. **Shri G.C. Malhotra—Additional Secretary**
2. **Shri Ram Autar Ram—Director**
3. **Shri B.D. Swan—Under Secretary**

At the outset, the Committee considered the work done so far. The Committee were to present their Report to the House by the last day of the first week of the next session, 1998. The Committee decided to seek extension of time for the presentation of the Report upto the last day of the last week of Part-I of the Budget Session, 1999.

2. Thereafter, the Committee heard the views of All India Kerosene Dealers Federation. The Organisation was represented by the following representatives:—

- (i) **Shri S. Padma Reddy,**
President

- (ii) **Shri Ramji Dubey,
General Secretary**
- (iii) **Shri K.N. Kedar,
Vice-President.**

A verbatim record of the proceedings was kept.

3. Thereafter, the Committee decided to meet again on 11 December, 1998.

The Committee then adjourned.

FIFTH SITTING

MINUTES OF THE FIFTH SITTING OF THE JOINT COMMITTEE ON ESSENTIAL
COMMODITIES (AMENDMENT) BILL, 1998

The Committee sat from 15.00 to 16.00 hours on Tuesday, 1 December, 1998 in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Shyam Bihari Mishra—*Chairman*

MEMBERS

Lok Sabha

2. Shri N. Dennis
3. Shri Satya Pal Jain
4. Shri Shanker Prasad Jaiswal
5. Shri Vijay Kumar Khandelwal
6. Prof. Ajit Kumar Mehta
7. Prof. A.K. Premajam
8. ~~Shri~~ K.D. Sultanpuri

Rajya Sabha

9. Shri Vedprakash P. Goyal
10. Shri Adhik Shirodkar
11. Shri Ashok Mitra
12. Shri Gaya Singh

SECRETARIAT

1. Shri Ram Autar Ram — *Director*
2. Shri B.D. Swan — *Under Secretary*

The Committee after a great deal of discussion decided to start the work of the Committee as per programme (Annexure) and try to finish and present the Report to the House in the Winter Session of 1998 itself for which necessary extension of time was decided to be sought. The next sitting of the Committee as per programme was decided to be held on Monday, the 7th December, 1998 to undertake Clause-by-Clause consideration of the Bill. The time given to the Members from 1st to 3rd December, 1998 for giving notices of amendments was extended upto 1700 hours on 4th December, 1998.

The Committee then adjourned.

TENTATIVE PROGRAMME OF WORK

Date	Programme
1.12.98 (Tuesday)	Specially convened Meeting of the Joint Committee to convince the Members for early presentation of the Report.
2.12.98 to 3.12.98	Members to give their notices of Amendments.
4.12.98	Compilation of the list of Amendments and its Circulations to the Members.
7.12.98	Clause by Clause consideration of the Bill.
8.12.98 to 10.12.98	Preparation of the Draft Report and Law Ministry to prepare the Bill as reported by the Joint Committee.
11.12.98	Circulation of the Draft Report.
14.12.98	Consideration and adoption of the Draft Report.
15.12.98	Members to give Minutes of dissent, if any.
16.12.98	Finalisation of the Report after appending Minutes of dissent/other suggestions made by the Committee during adoption of Report.
17.12.98	Presentation of the Report to the House.

VI

SIXTH SITTING

MINUTES OF THE SIXTH SITTING OF THE JOINT COMMITTEE ON ESSENTIAL COMMODITIES (AMENDMENT) BILL, 1998

The Committee sat on Monday, 7 December, 1998 from 15.00 to 15.45 hours in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Shri Shyam Bihari Mishra—*Chairman*

MEMBERS

Lok Sabha

2. Shri Satya Pal Jain
3. Shri Shanker Prasad Jaiswal
4. Shri Bhubaneswar Kalita
5. Shri Vijay Kumar Khandelwal
6. Shri S. Murugesan
7. Prof. A.K. Premajam
8. Shri Konijeti Rosaiah
9. Shri K.D. Sultanpuri

Rajya Sabha

10. Shri Vedprakash P. Goyal
11. Shri Adhik Shirodkar
12. Shri Bhuvnesh Chaturvedi
13. Kumari Nirmala Deshpande
14. Shri Ashok Mitra
15. Shri Gaya Singh

REPRESENTATIVES OF THE MINISTRY OF FOOD AND CONSUMER AFFAIRS (DEPARTMENT OF CONSUMER AFFAIRS)

1. Shri Kamal Kishore — *Economic Adviser*
2. Shri Makhi Jani — *Under Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (LEGISLATIVE DEPARTMENT)

1. Shri N.L. Meena—*Joint Secretary and Legislative Counsel*

SECRETARIAT

1. Shri Ram Autar Ram — *Director*
2. Shri B.D. Swan — *Under Secretary*

At the outset, the Chairman of the Committee welcomed the members and gave brief resume of work to be taken up by the Committee. Before any business could be taken up, the Committee deliberated on the 4.12.1998 proceedings of Lok Sabha, when motion for extension of time was moved.

2. The Committee noted that the House at their sitting held on 4.12.1998 did not accede to their request for extension of time upto the last day of the Winter Session of 1998. Instead the House granted the extension only upto 9 December, 1998. The Committee felt that it was difficult for them to study the voluminous suggestions received from various quarters, formulate their opinion and amend the Bill within the stipulated period. The Committee recalled that the Government had convened a meeting of the Chief Ministers of all the States and taken decision to make stringent provisions in the Act. The Committee also took note of the statement made by the Minister of Food and Consumer Affairs on the floor of the House on 4.12.1998 that Government would bring a *comprehensive bill* with more stringent provisions based on the suggestions/recommendations made at recently held Chief Ministers meeting to replace the present bill. The Committee felt that a number of useful and purposeful suggestions have been made in the Memoranda received from individuals, consumer forums, traders' associations, Bar associations and State Governments etc. in connection with the various provisions contained in the Essential Commodities (Amendment) Bill, 1998. the Committee, therefore, decided to return the Bill to the House without making any recommendation and authorised the Chairman to finalise the report and present the same to the House on 9.12.1998.

3. However, the Committee decided that the record of evidence tendered before them might be laid on the Table of both the Houses of Parliament.

4. The Committee also decided that two sets of Memoranda containing comments and suggestions on the provisions of the Bill received by the Committee might be placed in Parliament Library, after the report has been presented, for reference by the Members of Parliament.

The Committee then adjourned.

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