

[Shrimati Sheila Dikshit]

dated the 18th August, 1983 so as to withdraw the concessional rate of duty for micromotors.

(ii) Notification No. 414/86-Customs published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum prescribing an effective rate of basic customs duty of Rupees 13 per micromotor, and fully exempting such micromotors from countervailing duty.

(iii) Notification No. 415/86-Customs published in Gazette of India dated the 22nd August, 1986 together with an explanatory memorandum seeking to withdraw the total exemption from auxiliary duty of customs on caustic soda in lye form.

(iv) Notification No. 416/86-Customs published in Gezette of India dated the 22nd August, 1986 together with an explanatory memorandum making certain amendment to Notification No. 110/86-Customs dated the 17th February, 1986 so as to extend the concessional rate of 55 per cent (Basic + Auxiliary) duties available to 'projects' under Heading No 98 01 of the Customs Tariff to all goods imported for 'Railway Electrification Project' under World Bank Loan Agreement. [Placed in Library. See No. L. T. 3115/86]

21 07 hrs.

JUVENILE JUSTICE BILL, 1986

THE MINISTER OF STATE IN THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): I beg to move for leave to introduce a Bill to provide for the care, protection, treatment, development and rehabilitation of negle-

cted or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles."

The motion was adopted.

DR. RAJENDRA KUMARI BAJPAI: I introduce the Bill.

21.08 hrs.

**ESSENTIAL COMMODITIES
(AMENDMENT) BILL, 1986—Contd.**

[English]

MR. CHAIRMAN: The House will now take up further consideration of the following motion moved by Shri A.K. Panja on the 20th August, 1986, namely:

"That the Bill further to amend the Essential Commodities Act, 1955, as pasaed by Rajya Sabha, be taken into consideration."

Shri Dennis.

SHRI SAIFUDDIN CHOWDHARY: We are of the opinion that the Bill be passed without any discussion.

PROF. MADHU DANDAVATE: Yes, Sir. It is so essential that it should be passed without any discussion.

MR. CHAIRMAN: Let Mr. Dennis speak. He wants to speak on it.

Shri Dennis.

SHRI N. DENNIS (Nagercoil) : Sir, while supporting the Essential Commodities (Amendment) Bill, I wish to offer a few points.

The proposed amendments are intended to get over the obstacles that stand in the way of speedy and effective implementation of the Act. Mostly they are procedural in nature and they are non-controversial and there cannot be any objection from any quarter. These amendments would fill up the gap or loopholes that stand in the way of speedy implementation.

There are amendments in three sections on four points. Regarding the proposed first amendment, it is a substitution of a new section for Section 6E. This is to debar the jurisdiction of courts in certain matters, i.e., to debar the Courts from passing any order with regard to any vehicle that carries essential commodities, when it is seized pending confiscation. This amendment is intended to remove the difficulties in tracing out the evidence. Then confiscation proceedings are pending with the Collector or with the police officers or the Civil Supplies Authorities, if the court releases the material or the vehicles which carries the essential commodities it would cause difficulties for the investigating officers together the requisite evidence. This bar is during the pendency of confiscation proceedings only. This will greatly remove the difficulties that stand in the way of speedy and effective implementation of the Act.

Two amendments are proposed in Section 7A in Sub-clauses (a) and (b). Whenever goods are seized, a fine with simple interest of 6 per cent per annum is levied, to be payable by the defaulters. Now in this amendment 15 per cent is proposed. This has been done keeping in view the present rates of interests charged by the Banks. This would enable the authorities to cope up with the situation in a more effective manner. There cannot be any objection regarding this amendment also. The next amendment is regarding recovery of dues. This amendment is in Section 7A, Sub Clause (b). This is only a procedural and formal amendment to enable the Government

to recover the dues on public demand. In some States, there are recoveries of dues on public demand also. This amendment is greatly helpful to remove the difficulties faced by some States. It may also be mentioned here that the original procedure is also retained.

There is an amendment in Section 12AA. So far, police alone is entitled to lodge a complaint before the court. But now as per the proposed amendment the government officers—both Centre and State are also empowered to lodge the complaint before the court. So, inordinate and long delay which was there in the previous procedures, to take action is removed now, with this amendment. The officials of the Central and State Governments are empowered to report to the Special Courts and the courts would take cognizance of the offence. The authorised officers should be specified and they should be of a higher rank. Also, there should not be misuse of their powers and there should not be corruption. Strict scrutiny has to be made in the matter of fixing the rank and also to specify the names of such officers. Their performance and transactions should also be watched carefully.

Another aspect to be watched is that there should not be duplication of work and power and thereby, this arrangement should not lead to confusion and inaction. Each authority—both police as well as the authorised officer—has to be vigilant, and they should take initiative and lodge the complaint at the earliest opportunity. They should never think that the other side would take the initiative and perform the duty, and thereby remain inactive and silent. They should not think that it is for the other side to take the initiative.

One or two more points which I would like to bring to your notice. Providing essential commodities regularly and at a cheaper and reasonable price to the common man is the primary responsibility of the Government. So, production, supply and distribution of essential commodities have to be streamlined and regulated, and effectively and efficiently controlled for the good of the common man. There is an increase in food produ-

[Shri N. Dennis]

ction. The food stock has also been increased, but the prices of essential commodities are not going down and instead, they are going up. We see the prices of commodities which are used by the rich and affluent sections are stabilized but on the one hand, on the other hand, we see that the prices of essential commodities are disproportionately going up. The point is that strict implementation of the provisions of the Act is highly essential. Then only the Act will have certain meaning. Then only the Amendments will also have substance and meaning. Then only the Acts and Amendments would serve the purpose which the society needed. I would like to make one or two points.

PROF. MADHU DANDAVATE : You lay it on the Table of the House.

SHRI N. DENNIS : Stringent action has to be taken against those who violate the provisions of the Act and against the blackmarketeer the hoarders and the adulterators. Stringent punishment should be given to those who indulge in smuggling. Smuggling is going on in lorries and other vehicles. Sugar and Kerosene have become rare commodities in fair price shops and they are hoarding and blackmarketing are going on. Food-grains of bad quality are supplied in Fair Price Shops. There is no correct measurements. So, the Government agencies have to make frequent checks and raids to check prices of essential commodities, quality and quantity of essential commodities and also to see whether there is regular supply of food-grains in the Fair Price Shops or not.

The Public Distribution System is the only way for the common man to get food-grains, but though the number of shops have been increased and the sales have also been increased, there are number of problems which I have stated earlier. This monitoring of distribution should be done effectively and that is highly essential. The Government have to take all measures for the supply of essential commodities to every nook and corner of this country, to the poor and down-trodden people and also those who live below the poverty

line. The intention of the Government has to be translated into action by the strict implementation of the Act.

21.17 hrs.

[MR. SPEAKER *in the Chair*]

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI A.K. PANJA) : The only point made is regarding authorised officers—high ranking officers—so that the action is taken properly. Sir, during the period of this Government and in the year 1984 as regards the action taken till 30th June, 1986, the number of raids conducted under Essential Commodities Act were 588,819. the total number of persons arrested were 19,705. The total value of goods seized is Rs. 27 crores, 30 lakh and 87 thousand. We have also formed an Enforcement Directorate, with a particular desire...

(*Interruptions*)

PROF. MADHU DANDAVATE : You also lay it on the Table of the House.

SHRI A.K. PANJA : And therefor, I am submitting that the Bill be passed. And, therefore, I submit that the Bill be taken into consideration and passed.

AN HON. MEMBER : Unanimously.

[*Translation*]

SHRI C. JANGA REDDY : Of course you have filed a large number of cases, but how many cases have you won ?

[*English*]

SHRI A.K. PANJA : There is no question of winning any case. These are quasi-criminal cases. The number of persons prosecuted is 10,440. Up till now, judgements delivered and convictions obtained number 2,747.

MR. SPEAKER : The question is :

“That the Bill further to amend the Essential Commodities Act 1955, as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

MR. SPEAKER : The House will now take up clause-by-clause consideration of the Bill. Clause 2—Shri Ayyapu Reddy is not here. The question is :

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

MR. SPEAKER : Now Clause 3. Mr. D.B. Patil is not here. The question is :

“That Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

MR. SPEAKER : The question is :

“That Clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

MR. SPEAKER : Now, Clause 1, Enacting Formula and the Title. The question is :

“That Clause 1, Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

Clause 1, Enacting Formula and the Title were added to the Bill.

MR. SPEAKER : Now the Minister.

SHRI A.K. PANJA : I beg to move :

“That the Bill be passed.”

MR. SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

CONCLUDING REMARKS

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H.K.L. BHAGAT) : On this occasion, when we are concluding this Session of Parliament, I want to thank you, Sir, for the guidance given and ability with which you conducted the proceedings. I want to thank the hon. Leaders of the Opposition. The Opposition was working together with us, and was making a very useful contribution to the House. I have said it outside, and I repeat it now, that though numerically they are not very strong, in putting their case they are no less strong. They put it very well. I want to say something which I feel.

I want to thank the Members also for their effective participation during the deliberations. I thank the new Members and other Members who have been doing very well.

I want to thank the Secretary-General of the Lok Sabha and all the staff for their great contribution in this difficult task.

I want to thank my colleague, the Minister of State for Parliamentary Affairs Mrs. Sheila Dikshit. I want to thank the Secretary of the Department of Parliamentary Affairs, Mr. Ishwari Prasad, and his colleagues and staff, and all the staff who are engaged in various duties in Parliament.

I wish to thank the Press also for a good coverage of the proceedings of Parliament.

Sir, we are all grateful to you for the very wise, mature and able guidance that you have given us.

MR. SPEAKER : Hon. Members : As the Sixth Session of Eighth Lok Sabha comes to a close today, I consider it my duty to thank all sections of the House on my behalf, on behalf of my Deputy