

Bill No. X of 2010

THE ESSENTIAL COMMODITIES (AMENDMENT) BILL, 2010

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BILL

further to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 2010.

Short title and
commence-
ment.

(2) It shall come into force with immediate effect.

10 of 1955.

2. In section 7 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act),—

Amendment
of section 7.

(i) in sub-section (1),—

(a) in clause (a), in sub-clause (i) for the words “one year” the words “two years” shall be substituted.

(b) in clause (a), in sub-clause (ii) for the words “three months but which may extend to seven years”, the words “six months but which may extend to fourteen years” shall be substituted.

(ii) in sub-section (2), for the words “three months but which may extend to seven years”, the words “six months but which may extend to fourteen years” shall be substituted.

(iii) in sub-section (2A), for the words “six months but which may extend to seven years”, the words “one year but which may extend to fourteen years” shall be substituted.

Amendment
of section 9.

3. In section 9 of the principal Act, for the words “which may extend to five years”, the words “which may extend to ten years” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Essential Commodities Act, 1955 was enacted to ensure the easy availability of essential commodities to the consumers and to protect them from exploitation by the unscrupulous traders. The Act provides for regulation and control of production, distribution and pricing commodities, which are declared as essential for maintaining or increasing the supplies or for securing their equitable distribution and availability at fair prices.

The ground situation, however, shows an increasing tendency among traders to board and create artificial scarcity. In this manner, they succeed in jacking up prices, making essential commodities unaffordable for the common man. It is, therefore, felt that the penalties prescribed under the Essential Commodities Act should be made more stringent, so as to deter market manipulators.

Hence this Bill.

PRAKASHJVADEKAR

ANNEXURE

EXTRACTS FROM THE ESSENTIAL COMMODITIES ACT, 1955

7. Penalties—(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;

(b) any property in respect of which the order has been contravened shall be forfeited to the Government;

(c) any package, covering or receptacle in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the commodity shall, if the court so orders, be forfeited to the Government.

(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.

(2B) for the purposes of sub-sections (1), (2) and (2A), the fact that an offence under sub-clause (ii) of clause (a) of sub-section (1) or under sub-section (2) has caused no substantial harm to the general public or to any individual, shall be an adequate and special reason for awarding a sentence of imprisonment for a term of less than three months, or six months, as the case may be.

(3) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of an essential commodity, the Court by which such person is convicted shall, in addition to any penalty which may be imposed on him under that subsection, by order, direct that that person shall not carry on any business in that essential commodity for such period, not being less than six months, as may be specified by the Court in the order.

9. False statement— If any person,—

(i) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

RAJYA SABHA

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BILL

further to amend the Essential Commodities Act, 1955.

(Shri Prakash Javadekar, M.P.)