

THE ESSENTIAL COMMODITIES (AMENDMENT)
ACT, 1966

No. 25 OF 1966

[3rd September, 1966]

An Act further to amend the Essential Commodities Act, 1955.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Essential Commodities (Amendment) Act, 1966.

Amend-
ment of
section 3.

2. In the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), in section 3, after sub-section (3A), the following sub-section shall be inserted, namely:—

‘(3B) Where any person is required by an order made with reference to clause (f) of sub-section (2) to sell any grade or variety of foodgrains, edible oilseeds or edible oils to the Central Government or a State Government or to an officer or agent of such Government and either no notification in respect of such foodgrains, edible oilseeds or edible oils has been issued under sub-section (3A) or any such notification having been issued has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that person such price for the foodgrains, edible oilseeds or edible oils as may be specified in that order having regard to—

(i) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of foodgrains, edible oilseeds or edible oils; and

(ii) the price for such grade or variety of foodgrains, edible oilseeds or edible oils prevailing or likely to prevail during the post-harvest period in the area to which that order applies.

Explanation.—For the purposes of this sub-section, “post-harvest period” in relation to any area means a period of four months beginning from the last day of the fortnight during which harvesting operations normally commence.’

3. After section 6 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
6A to 6D.

“6A. Where any foodgrains, edible oilseeds or edible oils are seized in pursuance of an order made under section 3 in relation thereto, they may be produced, without any unreasonable delay, before the Collector of the district or the Presidency-town in which such foodgrains, edible oilseeds or edible oils are seized and whether or not a prosecution is instituted for the contravention of such order, the Collector, if satisfied that there has been a contravention of the order, may order confiscation of the foodgrains, edible oilseeds or edible oils:

Confisca-
tion of
food-
grains,
edible
oilseeds
and edible
oils.

Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds seized in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section.

6B. No order confiscating any foodgrains, edible oilseeds or edible oils shall be made under section 6A unless the owner of such articles or the person from whom they are seized—

Issue of
show-
cause
notice
before
confisca-
tion of
food-
grains.

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the articles;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

Appeal

6C. (1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified or annulled by such judicial authority, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to return the foodgrains or edible oilseeds or edible oils seized, such person shall be paid the price therefor as if the foodgrains, edible oilseeds or edible oils, as the case may be, had been sold to the Government with reasonable interest calculated from the day of the seizure of articles; and such price shall be determined in accordance with the provisions of sub-section (3B) of section 3.

Award of confiscation not to interfere with other punishments.
Amendment of section 7.

6D. The award of any confiscation under this Act by the Collector shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act."

4. In section 7 of the principal Act, in clause (b) of sub-section (1),—

(a) in the opening paragraph, after the words "seem fit", the words "including, in the case of an order relating to foodgrains, any packages, coverings or receptacles in which they are found and any animal, vehicle, vessel or other conveyance used in carrying foodgrains" shall be inserted;

(b) in the proviso, after the words "any part of the property", the words "or any packages, coverings or receptacles or any animal, vehicle, vessel or other conveyance" shall be inserted.

Repeal and saving.

5. (1) The Essential Commodities (Amendment) Ordinance, 1966, is hereby repealed. 9 of 1966.

(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 as if this Act had come into force on the 12th day of July, 1966:

Provided that nothing contained in this sub-section shall affect the validity of anything done or any action taken under the principal Act as amended by the said Ordinance before the date of passing of this Act.