

THE ESSENTIAL COMMODITIES (AMENDMENT)
ACT, 1967

No. 14 OF 1967

[16th April, 1967]

An Act further to amend the Essential Commodities Act, 1955 and to continue for a further period the Essential Commodities (Amendment) Act, 1964.

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

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 1967. Short title and duration.

(2) Section 2 shall cease to have effect on the 31st day of March, 1968, save as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897, shall apply upon such cesser as if section 2 had then been repealed by a Central Act.

~~10 of 1955. 2. In section 3 of the Essential Commodities Act, 1955 (herein after referred to as the principal Act), after sub-section (4), the following sub-sections shall be inserted, namely:— Amendment of section 3.~~

“(4A) Where, for any reason, supplies of any article or thing required for the production or manufacture of an essential commodity are not adequate to meet the full requirements of all the undertakings engaged in the production or manufacture of such commodity and the Central Government is of opinion that with the available supplies of such article or thing all the undertakings engaged in the production or manufacture of such commodity

Amended by Act 56 of 1974, S.O. & S.L.I.

should, as far as practicable, be kept as going concerns for the production or manufacture of such commodity to the fullest extent possible and also for the prevention of unemployment, as far as practicable, amongst persons employed in such undertakings, it may, by order, direct that—

(a) no employer shall close his undertaking, whether partially or wholly, except with the previous permission in writing of such officer as may be specified in this behalf in the order;

(b) no employer shall keep his undertaking working for more than such number of days in a week and such number of hours each day, as may be specified in the order.

(4B) Where in pursuance of an order under clause (b) of sub-section (4A) an undertaking is closed, whether partially or wholly for any day or number of days in a week, the employer of the undertaking shall pay for such closure to each of the persons employed in the undertaking or any part thereof which is closed, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to such person had there been no such closure.

(4C) For removal of doubt, it is hereby declared that different orders may be made under sub-section (4A) in respect of—

- D; | (i) different classes of undertaking; or
(ii) undertakings in different areas.

Validation of closure of cotton textile mills on certain days.

3. Notwithstanding anything to the contrary contained in any law for the time being in force, where an employer in respect of an undertaking engaged in the production or manufacture of cotton textiles has closed such undertaking either wholly or partially on any day in a week during the period between the 12th day of December, 1966 and the 23rd day of December, 1966, being the date of commencement of the Essential Commodities (Second Amendment) Ordinance, 1966 (both days inclusive) in pursuance of the 13 of 1966. decision taken by the Government of India in that behalf and specified by the Textile Commissioner to the Government of India, Bombay, in his circular dated the 3rd December, 1966,—

(a) such undertaking shall be deemed to have been closed on each such day in accordance with law; and

(b) the employer shall pay compensation for such closure to the persons employed (including *badli* workmen) in the undertaking at the rate provided for in section 25C of the Industrial Disputes Act, 1947.

14 of 1947.

~~1 xxx) 4. The duration of the Essential Commodities (Amendment) Act, 1964, is extended for the period up to and including the 31st day of December, 1967, and accordingly, that Act shall have effect subject to the modification that in section 1 of that Act, in sub-section (3) for the words, figures and letters "the 31st day of December, 1966" the words, figures and letters "the 31st day of December, 1967" shall be, and shall be deemed always to have been, substituted~~

13 of 1966. 5. (1) The Essential Commodities (Second Amendment) Ordinance, 1966, is hereby repealed. Repeal and saving.

46 of 1952. (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the principal Act as amended by the said Ordinance or under section 12A of the principal Act or section 8A of the Criminal Law Amendment Act, 1952, as continued by virtue of section 5 of the said Ordinance, shall be deemed to have been done or taken under this Act or under the principal Act as amended by this Act or under the said sections as continued by virtue of section 4 of this Act as if this Act had come into force on the 23rd day of December, 1966.

2 Omitted by Act 56 of 1974, S. 2 & Sch. I.