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EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW
(Legislative Department)

THE ESSENTIAL COMMODITIES (AMENDMENT)
ORDINANCE, 1967

No. 6 OF 1967

Promulgated by the President in the Eighteenth Year of the
Republic of India.

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

WHEREAS Parliament is not in session and the President is
satisfied that circumstances exist which render it necessary for
him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short
title and
commence-
ment.

1. (1) This Ordinance may be called the Essential Commodities (Amendment) Ordinance, 1967.

(2) It shall come into force at once.

Act 10 of
1955 to be
tempo-
rarily
amended

2. During the period of operation of this Ordinance, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 10.

Amend-
ment of
section 2.

3. In section 2 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

‘(cc) “order” includes a direction issued thereunder;’.

Amend-
ment of
section 3.

4. In section 3 of the principal Act, in sub-section (2), in clause (j), the following shall be inserted at the end, namely:—

“and of any books of accounts and documents which in his opinion would be useful for, or relevant to, any proceedings under this Act and the return of such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person in the manner specified in the order have been taken”.

Amend-
ment of
section 6A.

5. In section 6A of the principal Act,—

(a) for the words “foodgrains, edible oilseeds or edible oils are seized”, in both the places where they occur, the words “essential commodity is seized” shall be substituted;

(b) for the words “they may”, the words “it may” shall be substituted;

(c) for the words “may order confiscation of the foodgrains, edible oilseeds or edible oils”, the words “may order confiscation of the essential commodity so seized” shall be substituted.

Amend-
ment of
section 6B

6. In section 6B of the principal Act,—

(a) for the words “any foodgrains, edible oilseeds or edible oils”, the words “any essential commodity” shall be substituted;

(b) for the word “articles”, in both the places where it occurs, the words “essential commodity” shall be substituted;

(c) for the words "they are seized", the words "it is seized" shall be substituted.

7. In section 6C of the principal Act, in sub-section (2),—

Amend-
ment of
section 6C

(a) for the words "return the foodgrains or edible oilseeds or edible oils seized", the words "return the essential commodity seized" shall be substituted;

(b) for the words "as if the foodgrains, edible oilseeds or edible oils, as the case may be," the words "as if the essential commodity" shall be substituted;

(c) for the word "articles", the words "the essential commodity" shall be substituted;

(d) for the words, brackets, figures and letter "in accordance with the provisions of sub-section (3B) of section 3", the words, brackets, figures and letter "in the case of foodgrains, edible oilseeds or edible oils in accordance with the provisions of sub-section (3B) of section 3 and in the case of any other essential commodity in accordance with the provisions of sub-section (3) of that section" shall be substituted.

8. In section 7 of the principal Act,—

Amend-
ment of
section 7.

(1) in sub-section (1)—

(a) for the words and figure "If any person contravenes any order made under section 3", the words and figure "If any person contravenes, whether knowingly, intentionally or otherwise, any order made under section 3" shall be substituted;

(b) in sub-clause (ii) of clause (a), for the words "three years", the words "five years" shall be substituted;

(c) for the proviso to clause (a), the following proviso shall be substituted, namely:—

"Provided that in the case of a first offence, if the Court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded, refrain from imposing a sentence of imprisonment and in the case of a second or subsequent offence, the Court shall impose a sentence of imprisonment and such imprisonment shall not be less than one month; and";

(d) for clause (b) [excluding the proviso], the following shall be substituted, namely:—

“(b) any property in respect of which the order has been contravened or such part thereof as to the Court may seem fit including any packages, coverings or receptacles in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the property, shall be forfeited to the Government:”;

(2) in sub-section (2), for the words “three years”, the words “five years” shall be substituted;

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

“(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 sub-section, 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. In section 9 of the principal Act, for the words “three years” the words “five years” shall be substituted.

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

“10A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, every offence punishable under this 5 of 1964 Act shall be cognizable and bailable.”.

11. The duration of the Essential Commodities (Amendment) Act, 1964, is further extended for the period up to and including the 31st day of December, 1969, 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, 1967”, the words, figures and letters “the 31st day of December, 1969” shall be substituted.

ZAKIR HUSAIN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

Amend-
ment of
section 9.

Insertion
of new
section
10A.

Offences
to be cog-
nizable
and bail-
able.

Continu-
ance of
Act 47 of
1964.