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## **Essential Commodities (Uttar Pradesh Amendment) Act, 1974**

### **9 of 1974**

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## **Essential Commodities (Uttar Pradesh Amendment) Act, 1974**

### **9 of 1974**

An Act to amend the Essential Commodities Act, 1955, in its application to Uttar Pradesh with a view to taking effective measure against profiteering in and hoarding and smuggling of essential commodities It is hereby enacted in the Twenty-ninth year of the Republic of India as follows:-- 1. Published in U.P. Gazette, (Extraordinary), dated 27th April, 1974.

#### **1. Short Title And Extent :-**

(1) This Act may be called the Essential Commodities (Uttar Pradesh Amendment) Act, 1974. (2) It extends to the whole of Uttar Pradesh.

#### **2. Amendment Of Section 3 Of Act X Of 1955 :-**

In Section 3 of the principal Act, in sub-section (2), after Clause (f), the following clause shall be inserted, namely,-- "(ff) for preventing the hoarding of any essential commodity";

#### **3. Substitution Of New Section For Section 6-A :-**

For Section 6-A of the principal Act, the following section shall be substituted, namely,-- "6-A. Where any essential commodity, or any vehicle or other conveyance or animal is seized in pursuance of

an order made under Section 3 in relation thereto, it may be produced, without any unreasonable delay, before the Collector of the district in which such essential commodity, vessel vehicle, conveyance or animal is seized whether or not a prosecution is instituted for the contravention of such order, the Collector,-- (a) if satisfied that there has been a contravention of the order in respect of the essential commodity so seized, may order confiscation thereof; (b) if satisfied in respect of the vessel, vehicle, conveyance or animal so seized that it was used for purposes of smuggling any essential commodity in contravention of the order, may order confiscation of such vessel, vehicle, conveyance or animal : Provided that, without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oil-seeds seized in pursuance of an order made under Section 3 in relation thereto from the producer shall, if the seized foodgrains or edible oil-seeds have been produced by him, be confiscated under this Section : Provided further that a vessel, vehicle or other conveyance or animal shall not be liable to confiscation if the owner thereof proves that it was used for purposes of smuggling of the essential commodity without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the vessel, vehicle, conveyance or animal and that each of them had taken all such precautions against such use as may be expected of a man of ordinary prudence : Provided also that where any such vessel, vehicle, conveyance or animal is used for the carriage of goods or passengers for hire, the owner of the vessel, vehicle, conveyance or animal shall be given an option to pay in lieu of its confiscation a fine not exceeding the market price at the date of seizure of the goods sought to be smuggled. Explanation.--In this clause, the expression "smuggling" with its grammatical variations means any offence consisting of contravention of any restriction on the movement of an essential commodity contained in an order made under Section 3 with reference to clause (d) of sub-section (2) of that section."

#### **4. Amendment Of Section 6-B :-**

In Section 6-B of the principal Act, after, the words "essential commodity", wherever they occur, the words "or any vessel, vehicle or other conveyance or animal" shall be inserted.

#### **5. Amendment Of Section 7 :-**

In Section 7 of the principal Act, in sub-section (1), in clause (a),-- (i) in sub-clause (ii), for the words "for a term which may extend to

five years and shall also be liable to fine" the words "for a term which in the case of an offence of smuggling shall not be less than two years, and in the case of any other offence, shall not be less than six months, but which may extend to seven years, and shall also be liable to fine which in the case of an offence of smuggling shall not be less than double the value of article smuggled or attempted to be smuggled," shall be substituted; (ii) the proviso thereto, shall be omitted; (iii) at the end, the following explanation shall be inserted, namely, -- Explanation.--In this clause, the expression offence of smuggling, with its grammatical variations, means any offence consisting of contravention of any restriction on the movement of an essential commodity contained in an order made under Section 3 with reference to clause (d) of sub-section (2) of that section."

**6. Amendment Of Section 10-A :-**

In Section 10-A of the principal Act, for the word "bailable" the word "non-bailable" shall be substituted.

**7. Amendment Of Section 11 :-**

In Section 11 of the principal Act, for the words "by person who is a public servant as defined in Section 21 of the Indian Penal Code", the words "by order of, or under authority from the District Magistrate or such other officer as may be empowered by the State Government by general or special order in this behalf" shall be substituted.

**8. Amendment Of Section 12-A :-**

In Section 12-A of the principal Act,-- (i) after sub-section (1) the following sub-section shall be inserted, namely,-- "(1-A) Without prejudice to the powers of the Central Government under sub-section (1) if the State Government is of opinion that a situation has arisen where, in the interests of production, supply or distribution of any essential commodity, or trade or commerce therein, and other relevant considerations, it is necessary that the contravention of any order made under Section 3 in relation to such essential commodity should be tried summarily, the State Government may by notification in the official Gazette, specify such order to be a special order for purposes of summary trial under this Section, and every such notification shall be laid as soon as may be after it is issued, before both Houses of the State Legislature;" (ii) in sub-section (2), after the words, figure and brackets "under sub-section (1)" the words, figure, letter and brackets "or under sub-

section (1-A)" shall be inserted and for the words "a Magistrate of the first class specially empowered in this behalf by the State Government" the words "a Magistrate of the first class having experience as of such of not less than five years" shall be substituted. (iii) in sub-section (4), after the words, figure and brackets, "under sub-section (1-A)", the words, figure letter and brackets "or under sub-section (1-A)", shall be inserted.

**9. Repeal And Savings :-**

(1) Essential Commodities (Uttar Pradesh Amendment) Ordinance, 1974 (U.P. Ordinance No. 2 of 1974) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance shall be deemed to have been done or taken under this Act, as if this Act was in force at all material times.