

L. A. BILL No. XLIII OF 2023.

A BILL

*further to amend the Essential Commodities Act, 1955,
in its application to the State of Maharashtra.*

10 of 5 WHEREAS it is expedient further to amend the Essential Commodities
1955. Act, 1955, in its application to the State of Maharashtra, for the purposes
hereinafter appearing; it is hereby enacted in the Seventy-fourth Year of the
Republic of India, as follows :—

1. This Act may be called the Essential Commodities (Maharashtra Short title.
10 Amendment) Act, 2023.

Amendment of section 7 of 10 of 1955. **2.** In section 7 of the Essential Commodities Act, 1955 (hereinafter referred to as “the principal Act”), in its application to the State of Maharashtra,— 10 of 1955.

(1) after sub-section (1), the following sub-section shall be inserted, namely :— 5

“(1A) Notwithstanding anything contained in sub-section (1), if any person contravenes any provision of clause 19 of the Fertiliser (Inorganic, Organic and Mixed) (Control) Order, 1985, he shall be punishable with imprisonment for a term, which shall not be less than six months, but which may extend to seven years, or with fine 10 which shall not be less than twenty-five thousand rupees, but which may extend to one lakh rupees, or with both.”;

(2) in sub-section (3),—

(a) for the words, brackets and figure “under sub-section (1)” the words, brackets, figures and letter “under sub-sections (1) and (1A)” shall be substituted ; 15

(b) for the words “that sub-section”, at both the places where they occur, the words “those sub-sections” shall be substituted.

Insertion of new section 10A-1 in 10 of 1955. **3.** After section 10A of the principal Act, the following section shall be inserted, namely :— 20

Offence to be cognizable and non-bailable . **“10A-1.** Notwithstanding anything contained in this Act or the Code of Criminal Procedure, 1973, an offence punishable under sub-section (1A) of section 7 shall be cognizable and non-bailable.”. 2 of 1974.

STATEMENT OF OBJECTS AND REASONS

The Essential Commodities Act, 1955 (10 of 1955), is enacted to provide, in the interest of the general public, for the control of the production, supply and distribution of, and trade and commerce, in certain commodities. The Government of India has made the Fertiliser (Inorganic, Organic or Mixed) (Control) Order, 1985, in exercise of the powers conferred under section 3 of the said Act, for the control of the manufacture, supply and distribution of, and trade and commerce of Inorganic, Organic and Mixed fertilisers. Clause 19 of the said Order provides for restriction on manufacture or import, sale and distribution of fertilisers.

2. It is noticed that, many manufacturers, distributors, sellers and persons are engaged in manufacturing, supplying, distributing or sale of adulterated, non-standard or misbranded fertilisers. Such manufacture, supply, distribution or sale causes financial loss to the farmers. Therefore, to deter such manufacturers, distributors and sellers, the Government of Maharashtra considers it expedient to enhance the punishment for the contravention of the provisions of clause 19 of the Fertiliser (Inorganic, Organic or Mixed) (Control) Order, 1985, by amending section 7 of the Essential Commodities Act, 1955, in its application to the State of Maharashtra, suitably and to make said offence cognizable and non-bailable.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 3rd August 2023.

CHHAGAN BHUJBAL,
Minister for Food, Civil Supplies and
Consumer Protection.

*ANNEXURE TO THE L.A. BILL No. XLIII OF 2023 -
THE ESSENTIAL COMMODITIES (MAHARASHTRA
AMENDMENT) BILL, 2023.*

(Extracts from the Essential Commodities Act, 1955.)

(Mah. X of 1955.)

1. and 6.	*	*	*	*	
7. (1) and (2)	*	*	*	*	Penalties.
(2A)	*	*	*	*	

(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.

7A.	*	*	*	*	
8. to 16.	*	*	*	*	
SCHEDULE	*	*	*	*	

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XLIII OF 2023.]

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Commodities Act, 1955, in its
application to the State of
Maharashtra.]**

[SHRI CHHAGAN BHUJBAL,
Minister for Food, Civil Supplies and
Consumer Protection.]

JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly.