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Essential Commodities Act, 1955

Section 7 - Penalties

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1 [(1) If any personcontravenes any order made under section 3,--

(a) he shall be punishable,--

(i) in the case of an order made withreference to clause (h) or clause (i) of sub-section (2) of that section, withimprisonment for a term which may extend to one year and shall also be liableto fine, and

(ii) in the case of any other order,with imprisonment for a term which shall not be less than three months butwhich may extend to seven years and shall also be liable to fine:

2 [Provided that the court may, for any adequate and specialreasons to be mentioned in the judgment, impose a sentence of imprisonment fora term of less than three months;]

(b) any property in respect of whichthe order has been contravened shall be forfeited to the Government;

(c) any package, covering or receptaclein which the property is found and any animal, vehicle, vessel or otherconveyance used in carrying the commodity shall, if the court so orders, beforfeited to the Government.

(2) If any person to whom a directionis given under clause (b) of sub-section (4) of section 3 fails to comply withthe direction, he shall be punishable with imprisonment for a term which shallnot be less than three months but which may extend to seven years and shallalso be liable to fine:

3 [Provided that the court may, for any adequate and specialreasons to be mentioned in the judgment, impose a sentence of imprisonment fora term of less than three months.]

(2A) If any person convicted of anoffence under sub-clause (ii) of clause (a) of sub-section (1) or undersub-section (2) is again convicted of an offence under the same provision, heshall be punishable with imprisonment for the second and for every subsequentoffence for a term which shall not be less than six months but which may extendto seven years and shall also be liable to fine:

4 [Provided that the court may, for any adequate and specialreasons to be mentioned in the judgment impose a sentence of imprisonment for aterm of less than six months.]

5 [(2B) For the purposes of sub-sections (1), (2) and (2A),the fact that an offence under sub-clause (ii) of clause (a) of sub-section (1)or under sub-section (2) has caused no substantial harm to the general publicor to any individual, shall be an adequate and special reason for awarding asentence of imprisonment for a term of less than three months, or six months,as the case may be.]

6 [(3) Where a person having been convicted of an offenceunder sub-section (1) is again convicted of an offence under that sub-sectionfor contravention of an order in respect of an essential commodity, the courtby which such person is convicted shall, in addition to any penalty which maybe imposed on him under that sub-section, by order, direct that that personshall 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.]

STATE AMENDMENTS

7 [Punjab:Haryana: Chandigarh:

After section 7, insert the followingsection, namely:--

"7A. Forfeiture of certainproperty used in the commission of the offence.--Whenever any offence relatingto foodstuffs which is punishable under section 7 had been committed, the Courtshall direct that all the packages, coverings or receptacles in which anyproperty liable to be forfeited under the said section is found and all theanimals, vehicles, vessels or other conveyances used in carrying the saidproperty shall be forfeited to the Government."]

8 Rajasthan

After section 7, insert the followingsection, namely:

"7A, Same as in Punjab with followingproviso:

Provided that if the court is ofopinion that it is not necessary to direct forfeiture in respect of all suchpackages, coverings or receptacles or such animals, vehicles, vessels, or otherconveyances or any of them, it may, for reasons to be recorded, refrain fromdoing so."

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1. Substituted by Act 30 of 1974,section 6, forsub-sections (1) and (2) (w.e.f. 22-6-1974).

2. Proviso was omitted by Act 18 of1981 as amended by Act 34 of 1993 for a period of fifteen years which nowstands restored after the expiry of fifteen years. See Appendix -- Section 7(a)Essential Commodities (Special Provisions) Act, 1981 (18 of 1981).

3. Proviso was omitted by Act 18 of1981 as amended by Act 34 of 1993 for a period of fifteen years which nowstands restored after the expiry of fifteen years. See Appendix -- Section 7(b)of the Essential Commodities (Special Provisions) Act, 1981 (18 of 1981).

4. Proviso was omitted by Act 18 of1981 as amended by Act 34 of 1993 for a period of fifteen years which nowstands restored after the expiry of fifteen years. See Appendix -- Section 7(c)of the Essential Commodities (Special Provisions) Act 1981 (18 of 1981).

5. Sub-section (2B) omitted by Act 18of 1981 as amended by Act 34 of 1993 for a period of fifteen years which nowstands restored after the expiry of fifteen years. See Appendix --Section 7(d)of the Essential Commodities (Special Provisions) Act, 1981 (18 of 1981).

6. Inserted by Act 36 of 1967,section 7(w.e.f. 30-12-1967).

7.Vide Punjab Act 34 of 1959, section 2(w.e.f. 27-8-1959).

8.Vide Rajasthan Act 32 of 1960,section 2(w.e.f. 24-9-1960).

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