

## Essential Commodities Act, 1955

### Section 7 - Penalties

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<sup>1</sup> [(1) If any person contravenes any order made under section 3,--

(a) he shall be punishable,--

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

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

<sup>2</sup> [Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months;]

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

(c) any package, covering or receptacle in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the commodity shall, if the court so orders, be forfeited to the Government.

(2) If any person to whom a direction is given under clause (b) of sub-section (4) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to seven years and shall also be liable to fine:

<sup>3</sup> [Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months.]

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

<sup>4</sup> [Provided that the court may, for any adequate and special reasons to be mentioned in the judgment impose a sentence of imprisonment for a term of less than six months.]

<sup>5</sup> [(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 public or to any individual, shall be an adequate and special reason for awarding a sentence of imprisonment for a term of less than three months, or six months, as the case may be.]

<sup>6</sup> [(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.]

#### STATE AMENDMENTS

<sup>7</sup> [Punjab: Haryana: Chandigarh:

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

"7A. Forfeiture of certain property used in the commission of the offence.--Whenever any offence relating to foodstuffs which is punishable under section 7 had been committed, the Court shall direct that all the packages, coverings or receptacles in which any property liable to be forfeited under the said section is found and all the animals, vehicles, vessels or other conveyances used in carrying the said property shall be forfeited to the Government."

<sup>8</sup> Rajasthan

After section 7, insert the following section, namely:

"7A, Same as in Punjab with following proviso:

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of all such packages, coverings or receptacles or such animals, vehicles, vessels, or other conveyances or any of them, it may, for reasons to be recorded, refrain from doing so."

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

2. Proviso was omitted by Act 18 of 1981 as amended by Act 34 of 1993 for a period of fifteen years which now stands 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 of 1981 as amended by Act 34 of 1993 for a period of fifteen years which now stands 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 of 1981 as amended by Act 34 of 1993 for a period of fifteen years which now stands 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 18 of 1981 as amended by Act 34 of 1993 for a period of fifteen years which now stands 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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