

Essential Commodities Act, 1955

Amending Act 1 - Amendment Act

THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 2003

[Act, No. 37 of 2003]

[1st June, 2003]

PREAMBLE

An Act further to amend the Essential Commodities Act, 1955.

Be it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:--

1. Short title

This Act may be called the Essential Commodities (Amendment) Act, 2003.

2. Amendment of section 3 of Act 10 of 1955

In section 3 of the Essential Commodities Act, 1955, after sub-section (3C), the following shall be deemed to have been inserted, on and from the 14th day of June, 1999, namely:--

'(3D) The Central Government may direct that no producer, importer or exporter shall sell or otherwise dispose of or deliver any kind of sugar or remove any kind of sugar from the bonded godowns of the factory in which it is produced, whether such godowns are situated within the premises of the factory or outside or from the warehouses of the importers or exporters, as the case may be, except under and in accordance with the direction issued by the Government:

Provided that this sub-section shall not affect the pledging of such sugar by any producer or importer in favour of any scheduled bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934) or any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), so, however, that no such bank shall sell the sugar pledged to it except under and in accordance with a direction issued by the Central Government.

(3E) The Central Government may, from time to time, by general or special order, direct any producer or importer or exporter or recognised dealer or any class of producers or recognised dealers, to take action regarding production, maintenance of stocks, storage, sale, grading, packing, marking, weighment, disposal, delivery and distribution of any kind of sugar in the manner specified in the direction.

Explanation.--For the purposes of sub-section (3D) and this sub-section,--

(a) "producer" means a person carrying on the business of manufacturing sugar;

(b) "recognised dealer" means a person carrying on the business of purchasing, selling or distributing sugar;

(c) "sugar" includes plantation white sugar, raw sugar and refined sugar, whether indigenously produced or imported.'.

3. Validation of action taken under clauses 4 and 5 of the Sugar (Control) Order, 1966

(1) Notwithstanding anything contained in any judgment decree or order of any court or other authority or any agreement, any action taken or anything done or omitted to be done or purported to have been taken or done or omitted to be done under any direction or order issued by the Central Government under clause 4 or clause 5 of the Sugar (Control) Order, 1966, made under section 3 of the Essential Commodities Act, 1955 (10 of 1955), at any time during the period commencing on and from the 14th day of June, 1999 till the day on which the Essential Commodities (Amendment) Bill, 2003 receives the assent of the President, shall be deemed to be, and deemed always to have been, for all purposes, as validly and effectively taken or done or omitted to be done under sub-section (3D) or sub-section (3E), as the case may be, of section 3 of the Essential Commodities Act, 1955 (10 of 1955), as if the said sub-sections had been in force at all material times.

(2) For the removal of doubts, it is hereby declared that no act or omission on the part of any person shall be punishable as an offence which would have not been so punishable if this Act had not come into force.