

The Essential Commodities Act, 1955

Section 16 - Repeals and savings. "

1 SHORT TITLE AND EXTENT.(1) This Act may be called the Essential Commodities Act,2
DEFINITIONS.In this Act, unless the context otherwise requires, -2[***]2[3[(ia) "Collector" includes an
Additional Collector and such other officer, not below the rank of Sub-Divisional Officer, as may be
authorised by the Collector to perform the functions and exercise the powers of the Collector under this
Act;]]4[***](b) "food-crops" include crops of sugarcane;(c) "notified order" means an order notified in the
Official Gazette;5[(cc) "order" includes a direction issued thereunder;]6[(d) "State Government," in relation
to a Union territory, means the administrator thereof;]7[(e) "sugar" means"(i) any form of sugar containing
more than ninety per cent., of sucrose, including sugar candy;(ii) khandsari sugar or bura sugar or crushed
sugar or any sugar in crystalline or powdered form; or(iii) sugar in process in vacuum pan sugar factory or
raw sugar produced therein.]8[***]STATE AMENDEMENTSHimachal Pradesh. "In section 2, in clause (a),
after sub-clause (vi), insert the following sub-clause, namely:""(via) packing cases made wholly or partly of
wood, card-board or straw;"[Vide Himachal Pradesh Act 1 of 1992, sec. 2 (w.e.f. 29-2-1992).]Maharashtra.
"In section 2,"(a) after the words "the context otherwise requires," and before clause (a), insert the following
clause, namely:""(ai) Collector' in Greater Bombay means the Controller of Rationing and includes any
Deputy or Assistant Controller of Rationing, and elsewhere means the Collector of the District and includes
any Assistant or Deputy Collector or District Supply Officer within his respective jurisdiction;"(b) after
clause (b), insert the following clauses, namely:""(ba) holder', in relation to any agricultural land, means the
person in actual possession of such land, and includes a company or other body corporate, firm, association,
joint family or body of individuals in joint possession of such land;(bb) holding' means the aggregate of all
lands in possession of a holder;"[Vide Maharashtra Act 1 of 1976, sec. 2 (w.r.e.f. 12-11-
1975).]COMMENTSOrder made by the Central Government in respect of foodstuffs is intra vires the powers
conferred by the provisions of section 2Seeds of foodstuffs is an item which has direct bearing with the
production of the foodstuffs and consequently it is competent for the Parliament as well as the States to make
laws in relation to seeds of foodstuffs. Surely seeds of food-crops and seeds of fruits and vegetable relate to
foodstuffs. An order in respect of foodstuffs made by the Central Government is intra vires the powers
conferred by sub-clause (xi) of clause (a) of section 2 of the Act; Rashu Seeds & Farms v. Union of India,
AIR 1994 SC In common parlance food' is something that is eaten. In wider sense food' may include not only
solid substances but also a drink. Still the fact remains that the substance called food' should possess the
quality to maintain life and its growth; it must have nutritive or nourishing value so as to enable the growth,
repair or maintenance of the body. Tea does not have any nutritive value. Therefore, tea is not a foodstuff'; S.
Samuel, M.D., Harrisons Malayalam v. Union of India , AIR 2004 SC