

4. Omitted by Act 66 of 1971, s. 4 (wef 23-12-1971)

Rep. by Act...⁵⁶...of 1974, s. 28 Sch. I

THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 1964

No. 47 OF 1964

[24th December, 1964.]

An Act further to amend the Essential Commodities Act, 1955 and the Criminal Law Amendment Act, 1952.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Amendment) Act, 1964.

Short title, commencement and duration.

(2) It shall be deemed to have come into force on the 5th day of November, 1964.

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~~(3) It shall cease to have effect on the 31st day of December 1967, save as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897 shall apply upon such cesser as if it had then been repealed by a Central Act.~~

[The 31st day of December, 1967] [The 31st day of December, 1971]

2. In the Essential Commodities Act, 1955, after section 12, the following section shall be inserted, namely:—

Insertion of new section 12A in Act 10 of 1955.

“12A. (1) If the Central Government is of opinion that a situation has arisen where, in the interests of production, supply or distribution of any essential commodity or trade or commerce therein and other relevant considerations, it is necessary that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette specify such order to be a special order for purposes of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament.

Power to try summarily.

- 1. Subs. by Act 14 of 1967, s. 4 (Retrospectively)
- 2. Subs. by Act 36 of 1967, s. 10 (wef 30-12-67).
- 3. Subs. by Act 14 of 1970, s. 2 (wef 31.3.1970)

(2) Where any notification issued under sub-section (1) in relation to a special order is in force, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences relating to the contravention of such special order shall be tried in a summary way and by a magistrate of the first class specially empowered in this behalf by the State Government or by a presidency magistrate, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial: 5 of 1898.

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year.

(3) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried summarily under this section in which the magistrate passes a sentence of imprisonment not exceeding one month, or of fine not exceeding two thousand rupees, or both, whether or not any order of forfeiture of property or an order under section 517 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence of imprisonment or fine in excess of the aforesaid limits is passed by the magistrate. 5 of 1898.

(4) Where any notification is issued under sub-section (1) in relation to a special order, all cases relating to the contravention of such special order and pending on the date of the issue of such notification shall, if no witnesses have been examined before the said date, be tried in a summary way under this section, and if any such case is pending before a magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a magistrate so competent."

Insertion
of new
section
8A in
Act 46
of 1952.

3. In the Criminal Law Amendment Act, 1952, after section 8, the following section shall be inserted, namely:—

Power to
try sum-
marily.

"8A. (1) Where a special Judge tries any offence specified in sub-section (1) of section 6 alleged to have been committed by a public servant in relation to the contravention of any special order referred to in section 12A of the Essential Commodities Act, 1955, then, notwithstanding anything contained in sub-section (1) of section 8 of this Act or section 260 of the Code of Criminal Procedure, 1898, the special Judge shall try the offence 10 of 1955. 5 of 1898.

in a summary way, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the special Judge to pass a sentence of imprisonment for a term not exceeding one year.

5 of 1898.

(2) Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried summarily under this section in which the special Judge passes a sentence of imprisonment not exceeding one month, or of fine not exceeding two thousands rupees, or both, whether or not any order under section 517 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence of imprisonment or fine in excess of the aforesaid limits is passed by the special Judge.

10 of 1955.

(3) Where any notification is issued under sub-section (1) of section 12A of the Essential Commodities Act, 1955, in relation to a special order, all cases triable summarily under this section in relation to such special order and pending on the date of the issue of such notification shall, if no witnesses have been examined before the said date, be tried by the special Judge in a summary way under this section."

3 of 1964.

4. (1) The Essential Commodities (Amendment) Ordinance, 1964, Repeal is hereby repealed.

10 of 1955.

46 of 1952.

(2) Notwithstanding such repeal, anything done or any action taken under section 12A of the Essential Commodities Act, 1955, or section 8A of the Criminal Law Amendment Act, 1952, as inserted by the said Ordinance, shall be deemed to have been done or taken under those sections as inserted by this Act.