

THE ESSENTIAL COMMODITIES (SPECIAL PROVISIONS AND PUNJAB
AMENDMENT) BILL, 2020

A
BILL

further to amend and add special provisions in the Essential Commodities Act, 1955 and the Essential Commodities (Amendment) Act, 2020, in their application to the State of Punjab, with a view to protect consumers from hoarding and black-marketing of agricultural produce to secure and protect the interests and livelihood of farmers and farm labourers as also all others engaged in agriculture and related activities.

WHEREAS the Central Government has enacted the Essential Commodities (Amendment) Act, 2020 (Central Act 22 of 2020) (hereinafter referred as the "Central Act");

AND WHEREAS agriculture, agricultural markets and land is the primary legislative domain of the State falling under entries 14, 18 and 28 of List II – State List given in the Seventh Schedule to the Constitution of India; and 'production, supply and distribution of goods' is also a State Subject under entry 27 of List II - State List read with entry 33 of List III - Concurrent List given in the Seventh Schedule to the Constitution of India;

AND WHEREAS the onus lies upon the State Government to protect consumers from hoarding and black-marketing of agricultural produce including vegetables, fruits, etc., and also to take action against those indulging in such activities but the Central Act does not allow the State Government from acting against and penalizing hoarders and black-marketers as also seeks to give unlimited power of stocking essential commodities and trading in them to the peril of the agricultural community and consumers permitting trafficking in enhanced prices and rapacious profiteering;

AND WHEREAS the Legislature of the State of Punjab is enacting the present Act to protect the interest of consumers, farmers, farm labourers and those engaged in ancillary and incidental activities relating to production, sale and marketing of agricultural produce.

BE it enacted by the Legislative Assembly of the State of Punjab in the Seventy-first Year of the Republic of India as follow: -

Short Title,
extent and
commence-
ment.

1. (1) This Act may be called the Essential Commodities (Special Provisions and Punjab Amendment) Act, 2020.
- (2) It shall extend to the whole of the State of Punjab.
- (3) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Definitions.

2. (1) In this Act, unless the context otherwise requires,-
 - (a) "prescribed" means prescribed by rules made under this Act; and
 - (b) "State Government" means the Government of the State of Punjab in the Department of Agriculture and Farmers' Welfare.

(2) Words and expressions used but not defined in this Act but defined in the Essential Commodities Act, 1955, in its application to the State of Punjab, shall have the same meaning respectively assigned to them in that Act.

Amendment
of section 1
of Central Act
22 of 2020.

3. In the Essential Commodities (Amendment) Act, 2020, in its application to the State of Punjab, in section 1, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) It shall come into force on such date as the State Government may, by notification in the Gazette, appoint."

Amendment of section 3 of Central Act 10 of 1955.

4. In the Essential Commodities Act, 1955, in its application to the State of Punjab, in section 3, in sub-section (1A), after the second proviso, the following proviso shall be inserted, namely:-

"Provided that the State of Punjab, shall also have the power to order, provide for regulating or prohibiting the production, supply, distribution, imposing stock limits under extraordinary circumstances, which may include famine, price rise, natural calamity or any other situation."

Special provisions of the State of Punjab.

5. (1) Notwithstanding any judgment, decree, or order of any court or any other instrument or any other law inconsistent therewith, status quo as on the 4th day of June, 2020 shall be maintained qua the provisions of the Punjab Agricultural Produce Markets Act, 1961.

(2) All notices issued by the Central Government or any authority on its behalf under the provisions of the Central Act, shall be deemed to have been suspended and no punitive action shall be taken against any person for violating the provisions of the Central Act.

Power of State Government to give directions.

6. The State Government may, from time to time, issue such directions to the authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of all the authorities to comply with such directions.

Overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

8. The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.