

L. A. BILL No. XIX OF 2021.

A BILL

*further to amend the Essential Commodities Act, 1955,
in its application to the State of Maharashtra.*

10 of 5
1955.

WHEREAS it is expedient further to amend the Essential Commodities Act, 1955, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Maharashtra
10 Amendment) Act, 2021.

Short title,
extent and
commencement.

(2) It shall extend to the whole of the State of Maharashtra.

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

Amendment
of section 3 of
Act 10 of
1955.

2. In section 3 of the Essential Commodities Act, 1955, after sub-section 10 of
(1A), the following sub-section shall be inserted, namely:— 1955.

“(1B) Notwithstanding anything contained in sub-section (1A), the State Government may, by an order, regulate or prohibit the production, supply, distribution, imposing stock limits under extraordinary 5 circumstances, which may include famine, price rise, natural calamity.”.

STATEMENT OF OBJECTS AND REASONS

The Parliament has amended the Essential Commodities Act, 1955 (Central Act No. 10 of 1955), by the Essential Commodities (Amendment) Act, 2020 (Central Act No. 22 of 2020) (hereinafter referred to as "the Central Act"), to provide for the supply of such foodstuffs, including cereals, pulses, potato, onions, edible oilseeds and oils, as the Central Government may, by notification in the *Official Gazette*, specify, may be regulated only under extraordinary circumstances which may include war, famine, extraordinary price rise and natural calamity of grave nature.

2. In the Central Act, there is no provision for the State Government to regulate or prohibit the production, supply, distribution, imposing stock limits under extraordinary circumstances, which may include famine, price rise, natural calamity.

3. To take the power with the State Government to regulate or prohibit the production, supply, distribution, imposing stock limits under extraordinary circumstances, which may include famine, price rise, natural calamity, the Government of Maharashtra considers it expedient to amend section 3 of the Essential Commodities Act, 1955, in its application to the State of Maharashtra.

4. The Bill is intended to achieve the above objectives.

Mumbai,
dated the 6th July, 2021.

CHHAGAN BHUJBAL,
Minister for Food, Civil Supply
and Consumer Protection.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely:—

Clause 1(3).—Under this clause, power is taken to the State Government to bring into force the provision of the Act on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

ANNEXURE TO THE L.A. BILL No. XIX OF 2021—THE ESSENTIAL
COMMODITIES (MAHARASHTRA AMENDMENT) BILL 2021.

(*Extracts from the Essential Commodities Act, 1955*)

(X of 1955)

1. and 2.

* * * *

3. (1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, or for securing any essential commodity for the defence of India or the efficient conduct of military operations, it may, by order, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.

Power to control production, supply, distribution, etc., of essential commodities.

(1A) Notwithstanding anything contained in sub-section (1),—

(a) the supply of such foodstuffs, including cereals, pulses, potato, onions, edible oilseeds and oils, as the Central Government may, by notification in the *Official Gazette*, specify, may be regulated only under extraordinary circumstances which may include war, famine, extraordinary price rise and natural calamity of grave nature;

(b) any action on imposing stock limit shall be based on price rise and an order for regulating stock limit of any agricultural produce may be issued under this Act only if there is —

(i) hundred per cent. increase in the retail price of horticultural produce; or

(ii) fifty per cent. increase in the retail price of non-perishable agricultural foodstuffs.

over the price prevailing immediately preceding twelve months, or average retail price of last five years, whichever is lower :

Provided that such order for regulating stock limit shall not apply to a processor or value chain participant of any agricultural produce, if the stock limit of such person does not exceed the overall ceiling of installed capacity of processing, or the demand for export in case of an exporter :

Provided further that nothing contained in this sub-section shall apply to any order, relating to the Public Distribution System or the Targeted Public Distribution System, made by the Government under this Act or under any other law for the time being in force.

Explanation.—The expression “value chain participant”, in relating to any agricultural product, means and includes a set of participants, from production of any agricultural produce in the field to final consumption, involving processing, packaging, storage, transport and distribution, where at each stage value is added to the product.

(2) to (6)

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4. to 16.

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SCHEDULES.

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**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XIX OF 2021.]

**[A Bill further to amend the Essential
Commodities Act, 1955, in its application
to the State of Maharashtra.]**

**[SHRI CHHAGAN BHUJBAL,
Minister for Food, Civil Supply and
Consumer Protection.]**

**RAJENDRA BHAGWAT,
Secretary,
Maharashtra Legislative Assembly.**