

THE ESSENTIAL COMMODITIES ACT, 1957

(ACT NO. III OF 1957).

[6th March, 1957]

An Act to provide for price control and regulation of trade and commerce 1[between different areas in Bangladesh in respect of certain commodities].

WHEREAS it is expedient to provide for price control and regulation of trade and commerce 2[between different areas in Bangladesh] in respect of certain commodities;

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Essential Commodities Act, 1957.

(2) It extends to the whole of 3[Bangladesh].

(3) It shall come into force at once.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-

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(a) “essential commodity” means any of the classes of commodities mentioned in the Schedule to this Act, and such other classes of commodities as may be declared by the 5[Government] by notification in the official Gazette to be essential commodities for the purposes of this Act;

(b) “notified order” means an order notified in the official Gazette.

Power to make orders, etc

3. 6[(1) The Government, so far as it appears to it to be necessary or expedient for securing the equitable distribution of an essential commodity between different areas in Bangladesh and availability at fair prices or for promoting export thereof, may, by notified order, provide for regulating the production, movement, transport and sale of the essential commodity in different areas in Bangladesh and for the prices to be charged or paid for it at any stage of the transaction therein.]

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide-

(a) for controlling the prices at which any essential commodity may be bought or sold in any area;

7[(aa) for procuring any essential commodity for purposes of export;

(aaa) for regulating, restricting or prohibiting the sale, disposal, transport and movement of any essential commodity within 8[different areas in Bangladesh], for purposes of such procurement;]

(b) for regulating by licences, permits or otherwise, the transport, movement and distribution 9[between different areas in Bangladesh] of an essential commodity;

(c) for prohibiting the withholding of sale 10[between different areas in Bangladesh] of an essential commodity ordinarily kept for sale;

(d) for requiring any person holding stock 11[in an area in Bangladesh an essential commodity to sell in another area thereof] the whole or specific part of the stock at such price to such persons or class of persons under such circumstances as may be specified in the order;

(e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(f) for requiring persons engaged in any of the matters mentioned above in respect of any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order;

(g) for any incidental and supplementary matters, including in particular the entering, and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, or any records connected therewith, the grant or issue of licences, permits or other documents, and the charging of fees therefore.

[] 4. [Delegation of powers.- Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Delegation of powers by Government

12[4A. The 13[Government] may delegate any of its powers under section 3 to any of its officers, by an order notified in the official Gazette, subject to such conditions as may be specified in the order.]

Effect of orders inconsistent with other enactments

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Penalties

6. (1) If any person contravenes any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and if the order so provides, any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the 14[Government]:

Provided that where the contravention is of an order relating to foodstuffs which contains an express provision in this behalf, the Court shall make such direction, unless for reasons to be recorded in writing it is of opinion that the direction should not be made in respect of the whole, or, as the case may be, a part, of the property.

(2) The owner of any vessel, conveyance or animal carrying any property in respect of which an order under section 3 is contravened shall, if the carrying is part of the transaction involving the contravention and if he knew or had reason to believe that the contravention was being committed, be deemed to have contravened the order, and in addition to the punishment to which he is liable under sub-section (1) the vessel, conveyance or animal shall, when the order provides for forfeiture of the property in respect of which the order is contravened, be forfeited to the 15[Government].

Attempts and abetments

7. Any person who attempts to contravene, or abets a contravention of, any order made under section 3 shall be deemed to have contravened that order.

Offences by Corporations

8. If the person contravening an order made under section 3 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

False statements

9. If any person-

(i) when required by an order made under section 3 to make any statement or furnish any information makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish;

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Cognizance of offences

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the 16[* * *] Penal Code.

Powers to try offences summarily

11. Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act.

Special provision regarding fines

12. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it should be lawful for any Magistrate of the First Class specially empowered by the 17[Government] in this behalf to pass a sentence of fine exceeding one thousand 18[taka] on any person convicted of contravening an order made under section 3.

Presumption as to order

13. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Evidence Act, 1872, presume that such order was so made by that authority.

Burden of proof in certain cases

14. Where any person is prosecuted for contravening any order made under section 3 which prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document, shall be on him.

Protection of action taken under the Act

15. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

(2) No suit or other legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

19[Repealed] 16. [Repeal.- Repealed by section 2 and 1st Schedule of the Repealing and Amending Ordinance, 1965 (Ordinance No. X of 1965).]

1 The words “between different areas in Bangladesh in respect of certain commodities” were substituted for the words “between the Provinces” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

2 The words “between different areas in Bangladesh” were substituted for the words “between the Provinces and between different areas in a Province” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

3 The word “Bangladesh” was substituted for the word “Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

4 Clause (a1) was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

5 The word “Government” was substituted for the words “appropriate Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

6 Sub-section (1) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

7 Clauses (aa) and (aaa) were inserted by section 4 of the Essential Supplies (Amendment) Ordinance, 1962 (Ordinance No. IV of 1962)

8 The words “different areas in Bangladesh” were substituted for the words “a Province or in different areas in a Province” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

9 The words “between different areas in Bangladesh” were substituted for the words “between the Provinces or between different areas in a Province” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

10 The words “between different areas in Bangladesh” were substituted for the words “between the Provinces or between different areas in a Province” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

11 The words “in an area in Bangladesh an essential commodity to sell in another area thereof” were substituted for the words “in a Province of an essential commodity to sell in another Province or another area of the same Province” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

12 Section 4A was inserted by Article 2 and the Schedule of the Central Adaptation of Laws Order, 1964 (President's Order No. 1 of 1964)

13 The word “Government” was substituted for the words “Provincial Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

14 The word “Government” was substituted for the words “appropriate Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

15 The word “Government” was substituted for the words “appropriate Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

16 The word “Pakistan” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

17 The word “Government” was substituted for the words “Provincial Government” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

18 The word “taka” was substituted for the word “rupees” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

19 The word “Bangladesh” was substituted for the word “Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)