

The Control of Essential Commodities Act, 1956 (East Pakistan Act)

(ACT NO. I OF 1956)

[22nd September, 1956]

An Act to provide for powers to control the production, treatment, keeping, storage, movement, transport, supply, distribution, disposal, acquisition, use or consumption of, and trade and commerce in, certain commodities. ♣

WHEREAS it is expedient to provide for powers to control the production, treatment, keeping, storage, movement, transport, supply, distribution, disposal, acquisition, use or consumption of, and trade and commerce in, certain commodities within [Bangladesh];

It is hereby enacted as follows:-

Short title, extent and commencement 1. (1) This Act may be called the ¹[* * *] Control of Essential Commodities Act, 1956.

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

(3) It shall come into force at once.

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

(a) "essential commodity" means any of the following classes of commodities:-

(i) foodstuffs;

(ii) cotton and woollen textiles;

(iii) paper including paper-board, pulp-board, wall-board, fibre board, straw board, box-board, cellulose wadding, cellulose films and other similar materials which are manufactured wholly or mainly either from vegetable fibres or a pulp thereof or both from such fibres and such pulp, but does not include any of these materials;

- (iv) mechanically propelled vehicles, their spare parts and tyres and tubes for the same;
- (v) coal;
- (vi) iron and steel;
- (vii) mica;
- (viii) drugs and medicines, including those administered by injection;
- (ix) chemicals including gases;
- (x) electrical and radio goods and appliances, including wires and cables;
- (xi) medical and surgical instruments and appliances;
- (xii) glass and glassware including scientific and laboratory equipment;
- (xiii) artificial silk yarn;
- (xiv) cycles, their spare parts, and tyres and tubes for the same;
- (xv) matches;
- (xvi) timber;
- (xvii) sanitary and water supply fittings;
- (xviii) infant and patient foods and allied articles;
- (xix) cement;
- (xx) cigarettes;
- (xxi) fertilisers;
- (xxii) tallow;
- (xxiii) torch cells;
- (xxiv) such other classes of commodities as may be declared by the Government by notification in the official Gazette to be essential commodities for the purposes of this Act;
- (b) "foodstuffs" shall include edible oilseeds and oils;
- (c) "notified order" means an order notified in the official Gazette; and
- (d) "paper" shall include newsprint.

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

3. (1) The Government, so far as it appears to it to be necessary or expedient for maintaining, or increasing supplies of any essential commodity or for securing its equitable distribution and availability at fair prices, may by notified order provide for regulating, or prohibiting the production, treatment, keeping, storage, movement, transport, supply, distribution, disposal, acquisition, use or consumption thereof and trade and commerce therein.

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

(a) for regulating by licences, permits or otherwise the production or manufacture of any essential commodity;

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

(c) for regulating by licences, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of any essential commodity;

(d) for prohibiting the withholding from sale of any essential commodity kept for sale;

(e) for requiring any person holding stock of an essential commodity to sell the whole or a specified part of the stock at such prices and to such persons or class of persons or in such circumstances, as may be specified in the order;

(f) for regulating or prohibiting any class of commercial or financial transactions relating to foodstuffs or cotton textiles which, in the opinion of the authority making the order are, or if unregulated are likely to be, detrimental to public interest;

(g) for requiring persons engaged in the production, supply or distribution of, trade or commerce in, 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;

(h) 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 and for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters.

(3) An order made under sub-section (1) may confer powers and impose duties upon the Government, or officers and authorities of the Government.

(4) The Government, so far as it appears to it to be necessary for maintaining or increasing the production and supply of an essential commodity, may by order authorise any person (hereinafter referred to as an authorised controller) to exercise, with respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified in the order, such functions of control, as may be provided by the order; and so long as an order made under this sub-section is in force with respect to any undertaking or part thereof-

(a) the authorised controller shall exercise his functions in accordance with any instruction given to him by the Government, so however, that he shall not have any power to give any direction inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on, in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of

management in relation to the undertaking or part shall comply with any such directions.

Delegation of powers

4. The Government may by notified order direct that the power to make orders under section 3 shall, in relation to such matters and subject to such condition, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Government or as may be specified in the direction.

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 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 Government.

(3) If any person to whom a direction is given under sub-section (4) of section 3 fails to comply with the direction he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

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 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 statement

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 such 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 ³[* * *] Penal Code, 1860.

Power to try offences summarily

11. Any Magistrate or bench of Magistrate empowered for the time being to try in 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 section 262 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 shall be lawful for any Magistrate of the First Class specially empowered by the Government in this behalf to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under section 3.

Presumption as to orders

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 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 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 the Government or any officer under it 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.

[Repealed.]

16. [Repeal and saving.- Repealed by section 3 and the Second Schedule of the East Pakistan Repealing and Amending Ordinance, 1966 (East Pakistan Ordinance No. XIII of 1966).]

¹ The words “East Pakistan” were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972)

² The word “Bangladesh” was substituted for the words “East Pakistan” by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

³ The word “Pakistan” was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972)

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