

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

A

BILL

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 Parliament has passed the Essential Commodities (Amendment) Act, 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 of Seventh Schedule of the Constitution of India; and ‘production, supply and distribution of goods’ is also a State Subject under Entry 27 of List-II read-with, Entry 33 of List-III of Seventh Schedule of 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 Acts do not allow the State Government from acting against and penalising hoarders and black marketeers as also seeks to give unlimited power of stocking Essential Commodities and trading in them to the peril of agricultural community and consumers permitting trafficking in enhanced prices and rapacious profiteering;

AND WHEREAS the Legislative Assembly of Punjab is enacting the present Act to protect the interests of consumers, farmers, farm labourers, those engaged in ancillary and incidental activities relating to production, sale and marketing of agricultural produce;

NOW, THEREFORE, be it enacted by the Legislative Assembly of the State of Punjab in the Seventy-First Year of the Republic of India as follows:-

**Short Title,
extent and
commencement.**

1. (1) This Act may be called 'The Punjab Essential Commodities (Special Provisions and State Amendment) Act, 2020'.

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

(3) It shall come into force with effect from the date it is notified in the Government Official Gazette

Definitions.

2. (1) In this Act, unless the context otherwise requires—

(a) "Central Act" shall mean the Essential Commodities (Amendment) Act, 2020;

(b) "Rules" shall be as notified by the Government in the Official Gazette under this Act.

(c) "Government" means the State Government of Punjab.

(d) Words and expressions used but not defined in this Act but defined under the Essential Commodities (Amendment) Act, 2020 shall have the meanings respectively assigned to them in that Act.

**Amendments to
Section 1 of the
Central Acts.**

3. In Section 1(2) of the Central Act, the following Section shall be substituted, namely:-

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

**Amendment to
the Essential
Commodities
Act, 1955.**

4. In section 3 of the Essential Commodities Act, 1955, after sub-section (1A), sub-clause (b), the following proviso shall be inserted, namely:-

“Provided that for the State of Punjab, the State 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 for the State of Punjab.

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

(2) All notices issued by the Central Government or any authority on its behalf under provisions of the Central Acts, shall deemed to have been suspended and no punitive action shall be taken against any person for violating the provisions of the Central Acts mentioned in sub-section (1).

Power of State Government to give directions.

6. The 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.

Act to have overriding effect

7. The provisions of this Act shall have effect notwithstanding anything inconsistent there in 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.

**Rule making
powers**

8. The Government shall make such Rules as may be necessary for giving effect to the provisions of this Act.