Abstract

The control over the production, supply and distribution, etc., of essential commodities in India as envisioned by and enshrined in the Constitution, for securing Distributive Justice in India is governed by the Essential commodities Act, 1955, by virtue of which the Central Government is vested with the power to control, as well as, add/delete the commodities declared as essential under the Act, at present contains 15 items. The Act is sufficed and supplemented by the Prevention of Blackmarketing and Maintenance of supplies of Essential Commodities Act, 1980. The provisions of the Consumer Protection Act, 1986, are also taken shelter as alternate remedy for grievance redressal by the beneficiaries/consumers in distress.

The area of control has been increasing and widening steadily over the years which has come under much scrutiny and criticism over the last few years prompting wholesale traders to observe a nationwide bundh in order to protest against the decision of the government to extend the life of the Act, in the year 2006, in its present form of control through restrictions on quantity, storage and licences.

The girth of the powers conferred by Section 3 of the Essential Commodities Act on the executive is remarkable. Though the section has survived the charge of “excessive delegation”, the perimeter of the powers are not specified, neither the safeguard to the exercise of such power is set.

Rampant corruption in the supply and distribution process and the history of amendments to the Essential Commodities Act shows that it suffers from latent and inherent defects as a result of which there is neither control over the Production nor over the supply and distribution of the declared commodities when majority of population is unable to buy them sufficient and sustainably at competitive prices.

Urgent need for exclusive Judicial Machinery for trial is felt in States to curb the delay in disposal of cases as relief through the present normal Courts seems far and more stringent penalty for offences related to essential commodities is the need of the hour to put a check on them.

The work has been distributed in the following manner consisting of nine principal chapters for convenience.

Chapter 1 Contains INTRODUCTION to the Law, the Constitutional mandate, existing mechanism, the major issues/challenges faced, the objective, significance, scope and scheme of the study.

Chapter 2 Contains the HYPOTHESIS drawn & METHODOLOGY adopted for the present study.
Chapter 3 Contains the DEFINITION, NATURE, MEANING of the commodities AND SCOPE of the Law for control.

Chapter 4 the LEGISLATIVE BACKGROUND contains the international, national and constitutional background under which the prevalent present act was envisaged and legislated.

Chapter 5 ANALYSIS OF THE RELEVANT STATUTORY PROVISIONS contains crucial operational sections of the essential commodities Central Acts and the Odisha amendments, the various provisions and licensing Orders, unfair trade practices and the system of delegation adopted for implementing the Law.

Chapter 6 Contains a complete analysis of provisions relating to procedure followed and PENALTIES AND PUNISHMENTS imposed on the defaulters;

Chapter 7 EMPIRICAL STUDY OF THE STAKE HOLDERS covers the discussion and interview of the connected public authorities, dealers/ license holders, general public and its analysis.

Chapter 8 – Contains the ANALYSIS OF JUDICIAL TREND and updated case laws.

Chapter 9 – Contains a descriptive CONCLUSION, a test of validity of the hypothesis WITH SUGGESTIONS both legal and administrative remedial measures.