

# Prevention of Black Marketing & Maintenance of Supplies of Essential Commodities Act, 1980

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**In News:** The central government has declared masks (2 ply and 3 ply surgical masks, N95 masks) and hand sanitizer as essential items till June 30, 2020.

## What is the Essential Commodities Act, 1955 ?

- The Essential Commodities Act, 1955 is a law that prohibits hoarding and black marketing of essential commodities.
- If the Central government finds that the price of a certain commodity is shooting up due to short supply, it orders the State Governments and Union Territories to fix the stock-holding limit of that commodity for a fixed period.
- Whoever sells this item, be it a wholesaler, a retailer or an importer, is prevented from stocking more than a certain quantity so that black marketing does not occur and price does not rise.

## Objectives of the Essential Commodities Act, 1955

- Uninterrupted supply of essential commodities in the country.
- The Ministry of Consumer Affairs, Food & Public Distribution tries to keep the price of essential commodities stable.
- The Government fixes the maximum retail price for such goods.
- Preventing unnecessary storage of essential commodities

- Stop black marketing of essential commodities

### **Punishment under the Essential Commodities Act, 1955**

- The States or Union Territories may take action against the offenders under the Essential Commodities Act, 1955 and Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, (PBMMSEC Act), 1980.
- An offender under the Essential Commodities Act, 1955 may be punished with imprisonment up to 7 years or fine or both and under the PBMMSEC Act, he can be detained for a maximum of 6 months.

### **What are the Essential Commodities in India?**

- Changed according to economic conditions, weather, natural calamities, etc.
- States can change it according to their needs.
- Some of the names in the list of essential commodities are as follows;
  - Petroleum and its products, including petrol, diesel, kerosene, solvents, Naphtha, etc
  - Food items, edible oils and seeds, vegetables, pulses, paddy, sugarcane etc.
  - Jute and Textiles
  - Fertilizer
  - Hand Sanitizer and Mask

### **Prevention of Black Marketing & Maintenance of Supplies of Essential Commodities Act, 1980**

#### **Power to regulate place and conditions of detention.**

- Every person in respect of whom a detention order has been made shall be liable—
  - to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for

breaches of discipline, as the appropriate Government may, by general or special order, specify; and

- to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government:
- Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

**Grounds of order of detention to be disclosed to persons affected by the order.**

- When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.
- Nothing in sub-section shall require the authority to disclose facts which it considers to be against the public interest to disclose.