

CHAPTER 215

FOOD CONTROL (POSSESSION)

Acts
Nos. 14 of 1956,
5 of 1957.

AN ACT TO CONTROL THE POSSESSION OF CERTAIN ARTICLES OF FOOD.

[3rd February, 1956.]

Short title.

1. This Act may be cited as the Control of the Possession of Food Act.

Control of the possession of scheduled articles of food by producers.

2. On or after the appointed date no producer of any scheduled article of food in any area shall, except under the authority of a permit issued by the Food Controller, have in his possession or under his control in that area a quantity of that article in excess of the maximum quantity of that article allowed to a producer of that article in that area.

Control of the possession of scheduled articles of food by wholesale dealers.

3. On or after the appointed date no wholesale dealer in any area shall, except under the authority of a permit issued by the Food Controller, have in his possession or under his control in that area a quantity of a scheduled article of food in excess of the maximum quantity of that article allowed to a wholesale dealer in that area-

Control of the possession of scheduled articles of food by retail dealers.

4. On or after the appointed date no retail dealer in any area shall, except under the authority of a permit issued by the Food Controller, have in his possession or under his control in that area a quantity of a scheduled article of food in excess of the maximum quantity of that article allowed to a retail dealer in that area.

Control of the possession of scheduled articles of food by consumers.

5. (1) On or after the appointed date no person in any area shall, except under the authority of a permit issued by the Food Controller, have in his possession or under his control in that area, otherwise than as a producer, wholesale dealer or retail dealer, a quantity of a scheduled article of food in excess of the maximum quantity of that article allowed to a consumer in that area.

(2) A person who is the chief occupant of a house in any area shall not be deemed to contravene the provisions of subsection (1) by reason only of the fact that there is in

that house a quantity of a scheduled article of food which exceeds the quantity which he may lawfully possess as a consumer in that area, if the quantity of that article in that house does not exceed the aggregate of the quantities of that article which all the occupants of that house may lawfully possess as consumers in that area.

6. The Minister may by Order published in the Gazette determine the quantity to be the maximum quantity for the purpose of each of sections 2, 3, 4 and 5. Such quantity may be either a definite amount, or an amount determined according to a method of calculation, specified in such Order.

7. (1) The Food Controller may, on an application made by any person in the prescribed form, issue a permit to that person authorizing him to possess or have under his control in the specified area the specified quantity of any specified scheduled article of food in excess of the quantity of that article which that person without the permit may lawfully possess or have under his control in that area.

(2) In subsection (1), "specified" means specified in the permit issued under that subsection.

(3) The decision of the Food Controller refusing to issue a permit under subsection (1) shall be final and conclusive and shall not be called in question in a court of law.

8. There may be appointed such number of officers and servants as may be necessary to carry out the provisions of this Act.

9. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters:—

- (a) all matters required by this Act to be prescribed;
- (b) the collection of information necessary for the purposes of this Act;
- (c) the returns to be made, and the registers and other records to be maintained for the purposes of this Act, and the forms of such returns, registers and records;
- (d) the inspection of registers and records maintained for the purposes of this Act; and
- (e) the inspection and search of any place or premises used or reasonably suspected to be used for keeping any scheduled article of food.

(3) No regulation made by the Minister shall have effect until it has been approved by Parliament and notification of such approval has been published in the Gazette.

(e) does not allow the inspection or search of any place or premises by an officer who is authorized by any regulation to inspect and search such place or premises, or.

(f) does not allow the inspection of any register or record by an officer who is authorized by any regulation to inspect such register or record,

shall be guilty of an offence under this Act.

11. (I) Every producer who is guilty of an offence under this Act, other than the offence of contravening the provisions of section 2, or every dealer who is guilty of an offence under this Act, other than the offence contravening the provisions of section 3 or section 4, shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a period not exceeding one year or to both such fine and imprisonment. Punishment of offences, &c. [§2, 5 of 1957.]

(2) Every person, other than a producer or a dealer, who is guilty of an offence under this Act, other than the offence of contravening the provisions of section 5, shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment. [§2,5 of 1957.]

(2A) Every producer who is guilty of the offence of contravening the provisions of section 2 or every dealer who is guilty of the offence of contravening the provisions of section 3 or section 4 shall, on conviction after summary trial before a Magistrate, be liable to both the fine and the imprisonment specified in subsection (1). [§2,5 of 1957.]

(2B) Every person who is guilty of the offence of contravening the provisions of section 5 shall, on conviction after summary trial before a Magistrate, be liable to both the fine and the imprisonment specified in subsection (2). [§2,5 of 1957.]

(3) Where a person is convicted of an offence under this Act in respect of any quantity of a scheduled article of food, the

Offences.

10. Every person who—

- (a) contravenes the provisions of section 2, section 3, section 4 or section 5, or
- (b) contravenes the provisions of any regulation, or
- (c) refuses to answer any question asked of him by any officer authorized by any regulation to question him, or wilfully makes a false or incorrect answer thereto, or
- (d) makes or causes to be made in any return, register or record which he is required by any regulation to make or maintain, an entry which is to his knowledge false or incorrect in any material particular, or

Magistrate convicting such person may, in addition to any other punishment which he may impose, order the forfeiture of that quantity.

(4) Where the Magistrate orders the forfeiture of any quantity of a scheduled article of food under subsection (3), such quantity shall be disposed of in the prescribed manner.

12. Where any offence under this Act is committed by a body of persons, then—

(a) if the body of persons is a body corporate, every director and officer of that body corporate shall be deemed to be guilty of such offence; and

(h) if the body of persons is a firm, every partner of that firm shall be deemed to be guilty of such offence ;

Provided, however, that no such director, officer or partner shall be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

13. Notwithstanding anything to the contrary in the First Schedule to the Code of Criminal Procedure Act, every offence under this Act shall be a cognizable offence within the meaning of that Act.

14. The Food Controller and every officer authorized by any regulation to inspect and search any place or premises used or reasonably suspected to be used for keeping any scheduled article of food or to inspect any register or record maintained for the purposes of this Act shall be deemed to be peace officers within the meaning of the Code of Criminal Procedure Act for exercising, for the purposes of this Act, any power conferred on peace officers by that Act.

15. The Minister may by Order published in the Gazette amend the Schedule to this Act.

16. The provisions of this Act or of any regulation shall have no application to any scheduled article of food in the possession of—

- (a) the armed forces ; or
- (b) the civil administration ; or
- (c) any person who may be expressly exempted from those provisions by Order made by the Minister and published in the Gazette.

17. In this Act, unless the context otherwise requires—

" appointed date " means the date fixed by the Minister by Order published in the Gazette ;

" Food Controller " means the person for the time being holding the office of Food Controller and includes any person for the time being holding the office of Deputy Food Controller or Assistant Food Controller;

" regulation" means a regulation made under this Act;

" retail dealer ", in relation to a scheduled article of food, means a person whose chief business in respect of such article is its sale or supply at retail rates to consumers ;

" scheduled article of food" means an article of food specified for the time being in the Schedule to this Act; and

"wholesale dealer", in relation to a scheduled article of food, means a person whose chief business in respect of such article is its sale or supply wholesale to other dealers.

Amendment of the Schedule.

Exemptions.

interpretation.

Offences by corporations and firms.

Offences to be cognizable offences.

The Food Controller and authorized officers to be peace officers-

SCHEDULE

1. Paddy.
2. Rice.
3. Wheat.
4. Wheat Hour.
5. Sugar.