

West Bengal Act XXIV of 1958¹

THE WEST BENGAL ANTI-PROFITEERING ACT, 1958.

Amknord , . . . West Ben. Act XXXIV of 1963.

[26th January, 1959.]

An Act to prevent profiteering in certain articles in daily use.

Whereas it is expedient in the public interest to prevent profiteering in certain articles in daily use;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Anti-profiteering Act, 1958, and shall be deemed to have come into force on the commencement of this Act.
(2) It extends to the whole of West Bengal.
2. In this Act, unless there is anything repugnant in the subject or context,
 - (a) "dealer" means any person engaged in the business of selling any scheduled article, and includes a producer, importer, wholesaler or retailer;
 - (b) "importer" means any person who brings any scheduled article into the State of West Bengal from any place outside the State for the purpose of sale in the State;
 - (c) "producer" means a person engaged in the production, manufacture or processing of any scheduled article;
 - (d) "profiteering", with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3;
 - (e) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;
 - (f) "scheduled article" means an article specified in the First Schedule; and
 - (g) "wholesaler" means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

(Sections 3-6.)

3. (1) The State Government may, by order notified in the Official Gazette, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price which is to be paid by a purchaser.

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the minimum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

Fixation of maximum and minimum prices or rates for scheduled articles.

4. Any dealer who, profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to two years or with fine or with both, and [the entire stock of any scheduled article in respect of which] the offence has been committed or such part thereof as to the court may seem fit shall be forfeited to the Government.

Offence or punishment

5. (1) Any dealer who, without reasonable excuse, (a) refuses to sell any scheduled article, or (b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3,

shall be punishable with rigorous imprisonment which may extend to two years or with fine or with both.

Explanation. The possibility or expectation of obtaining a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purposes of this section.

Offence of refusal to sell and purchasing at price less than the minimum.

(2) Any purchaser who purchases any scheduled article at any price less than the minimum price fixed therefor under section 3 shall be punishable with rigorous imprisonment which may extend to two years or with fine or with both.

Dealer to submit returns, maintain account, furnish information etc.

6. (1) Every dealer shall on requisition by an officer duly authorised in this behalf by the State Government by order notified in the Official Gazette, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

(2) Every dealer, unless exempted by an order made in this behalf, shall (a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

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(Sections 7-10.)

- (b) display in his place of business in a prominent manner so as to be open to public view, a list of those scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof;
- (c) furnish to any officer referred to in sub-section (1), or any police officer referred to in sub-section (2) of section 9, any information in respect of the acquisition or sale by him of any scheduled article mentioned in clause (b);
- (d) make available to any officer mentioned in clause (c) for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) or matters connected therewith as may be required by him.

7. When any police officer not below the rank of a Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6 and if necessary inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Power to search and seize.

8. Any dealer who fails to comply with any of the provisions of section 6 or with a requisition issued thereunder or obstructs any officer in the exercise of his powers under section 7 shall be punishable with rigorous imprisonment which may extend to six months or with fine or with both.

Penalty for contravention or section 9 or section 7.

9. (1) All offences punishable under this Act shall be cognizable.

(2) Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

Cognizance of offences and arrest without warrant.

10. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended

Indemnity.

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(Sections 11-13 and the First Schedule.)

Power to
add to the
First
Schedule.

II. The State Government may, with the previous approval of [he Central Government, by order notified in the *Official Gazette*, 'add to the First Schedule any other article of daily use, and thereupon that Schedule shall be deemed to be amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

Effect of
orders issued
in connection
with
the Essential
Commodities
Act, 1957, or
orders
(hereunder.

12. If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955 has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act and the order so made extends to the State of West Bengal or any part thereof, that order shall have effect in the State or part thereof, as the case may be, notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

X of 1955.

Repeal and
savings.

13. (1) The West Bengal Anti-profiteering Ordinance, 1958 is hereby repealed.
- (2) Anything done or any action taken under the West Bengal Anti-profiteering Ordinance, 1958 shall be deemed to have been done or taken under this Act as if this Act had commenced on the 22nd day of October, 1958.

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1958.

FIRST SCHEDULE. [See section 2(f) and section II.

- (1) Rice and rice in the husk,
- (2) Wheat and wheal products,
- (3) Pulses.
- (4) Spices.
- (5) Edible oil.
- (6) Sugar.
- (7) Baby food.
- (8) Paper.
- (9) Drugs and medicine.
- (10) Skimmed milk powder.
- (11) Kerosene.
- "(12) Fish.

¹Item "(12) Fish" was added by notification No. 3705 Fish, dated the 30th September,

The H'eif Bengal Anti-profiteering Act, J958.

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(The Second and the Third Schedules.)

SECOND SCHEDULE.

[See section 6(1).]

Form of Return of Stocks for the period from.....to.....

Name of dealer.....whether producer, importer, wholesaler or retailer.

Address of place of business.,

Description of scheduled article.	Stocks held at the beginning of the period.	Stocks subse- quently acquired with date and price of acquisition and names and addresses of persons from whom acquired.	Stocks sold during ihe period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers).	Stocks held al the end of ihe period (except in the case of retailers).
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THIRD SCHEDULE. [See section 6(2)(a).] Form of Account of Stocks.

Name of dealer... wholesaler or retailer.

Address of placc of business-

Description of scheduled article.	Stocks held when Act comes into force.	Stocks subse- quently acquired with date and price of acquisi- tion and names and addresses of persons from whom acquired.	Stocks sold together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers).	Stocks held whether producer, importer, wholesaler or retailer, of each day (except in the case of retailers).
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For Statement of Objects and Reasons, *see* the *Calcutta Gazette. Extraordinary*, dated the 6th December, 1958, Part IVA, page 5674; for proceedings of the West Bengal Legislative Assembly, the proceedings of the meetings of that Assembly held on the