

## BOMBAY ACT No. XXVI OF 1939<sup>1</sup>

[THE BOMBAY FODDER AND GRAIN CONTROL ACT, 1939.]

[12th December 1939]

Amended by Bom. 17 of 1941.

An Act to provide for the control and regulation of supply and distribution of fodder and grain including regulation of prices thereof in the Province of Bombay on occasions of famine or scarcity.

Whereas it is expedient to provide for the control and regulation of supply and distribution of fodder and grain including regulation of prices thereof in the Province of Bombay on occasions of famine or scarcity; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Fodder and Grain Control Act, 1939.

Short title, extent and commencement

(2) It shall extend to the <sup>2</sup>[Bombay area of the State of Maharashtra.]

(3) It shall come into force with effect from such date as the <sup>3</sup>[State]

Government may by notification in the *Official Gazette* appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Famine area" means any area declared to be famine area under Section 3 ;

(2) "Scarcity area" means any area declared to be a scarcity area under Section 3 ;

(3) "Standard price" means the maximum price fixed for sale of fodder or grain under Section 3.

3. (1) The <sup>3</sup>[State] Government may, from time to time, by notification in the *Official Gazette*, declare that a state of famine or scarcity prevails in any local area <sup>2</sup>[to which this Act extends;] and thereupon the said area shall be deemed to be a famine area or a scarcity area, as the case may be, for the purposes of this Act for such period as the <sup>3</sup>[State] Government may direct.

Power to declare famine and scarcity areas and to fix standard prices.

(2) On a declaration being made under sub-section (1), <sup>3</sup>[State] Government may also by like notification declare that all contracts for the sale of fodder or grain of any kind entered into on or after the date specified in the notification shall be subject to the provisions of this Act.

(3) The <sup>3</sup>[State] Government may, by notification in the *Official Gazette*, fix a standard price for the sale of fodder or grain in any famine area or scarcity area or in such other area as may be specified in the notification.

4. (1) No person shall recover on account of sale of fodder or grain of any kind in any area for which a standard price has been fixed under sub-section (3) of Section 3 any sum in excess of the standard price.

Sum in excess of the standard price not to be recovered.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1939, Part V, p.445, or *Bombay Legislative Assembly Debates*, 1939, Vol. 5, p. 2342 or *Bombay Legislative Council Debates*, 1939, Vol.8, p.484.

For Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1939, Vol. 7, pp. 826—53, 864-94 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1939, Vol. 3, pp. 315-22.

<sup>2</sup> These words were substituted by Maharashtra Adaptation of Laws Order, 1960.

<sup>3</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>3</sup> This Act was reenacted by Bom. 11 of 1948, s. 2.

Vendor to  
give receipt  
to purchaser.

(2) Every vendor of grain or fodder or any person acting on his behalf selling fodder or grain in any area referred to in sub-section (1) shall give to the purchaser a receipt showing the sum received as the consideration for the sale, the quantity and the quality of fodder or grain sold.

Prohibition  
against  
removal of  
fodder or  
grain from  
any local  
area.

5. (1) After the <sup>1</sup>[State] Government has made a declaration under sub-section (1) of Section 3 that a State of famine or scarcity prevails in any local area and during the period for which such declaration is in force, the <sup>1</sup>[State] Government may, at any time, on being satisfied that it is necessary for the relief of poor persons or for the protection of agriculture or for the preservation of public health in such famine area or scarcity area that the removal of fodder or grain of any kind from such famine area or scarcity area or from any other local area should be restricted, direct, by notification in the *Official Gazette*, that no persons shall remove from the local area mentioned in the notification such fodder or grain without permission in writing of the Collector or such other officer as may be authorised by him in this behalf,

(2) On such direction being issued no person shall remove <sup>2</sup>[or attempt to remove] from the local area mentioned in the notification any such fodder or grain <sup>3</sup>[without obtaining permission in the manner provided in sub-section (1) for the removal of such fodder or grain.]

Sums in  
excess of  
standard  
price not  
to be  
recoverable.

6. (1) Any sum agreed to be paid as consideration for the sale of fodder or grain of any kind in excess of the standard price shall be irrecoverable.

(2) If any such sum has been paid, it shall be recoverable by the person paying the same from the person to whom it was paid.

Penalty for  
contraven-  
tion of  
Section 4  
or 5  
Rules.

7. Whoever contravenes any of the provisions of Section 4 or 5 shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000 or with both.

8. The <sup>1</sup>[State] Government may by notification in the *Official Gazette* make rules for carrying out the provisions of this Act.

<sup>1</sup> This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

<sup>2</sup> These words were inserted by Bom. 17 of 1941, s. 2, read with Bom. 11 of 1948, s. 2.

<sup>3</sup> These words were substituted for "without permission in the manner provided in sub-section (1)" *ibid*.