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price of freedom under the Rule of law and once this freedom is lost, it becomes somewhat difficult to regain it. The judiciary which, in a high sense, is the guardian of the conscience of the people as well as the upholder of the Constitution and the law of the land, is perhaps in this respect under a still more solemn obligation, for an administrator who is made to know that he must ultimately account to a judicial body for his actions, will tend to be a more responsible public official. This Court has thus from every point of view, a constitutional obligation to enforce the Rule of law and not lightly to ignore its breaches.

For the foregoing reasons, except in the case of the Market Committee, Patti, I would allow the writ petitions in part and quash the order fixing remuneration of the weighmen. In other respects, all the writ petitions fail. In the Patti Market Committee, the impugned order must, however, be held to be valid. On the facts and circumstances of the case there would be no order as to costs.

Khanna, J.

H. R. KHANNA J.—I agree.

B.R.T.

CIVIL MISCELLANEOUS

Before Inder Dev Dua and H. R. Khanna, JJ.

FIRM MESSRS. CHANAN RAM-JAGAN NATH,—*Petitioner.*

versus

THE STATE OF PUNJAB AND OTHERS,—*Respondents.*

Civil Writ No. 2031 of 1963.

1964

March, 25th

Essential Commodities Act (X of 1955)—S. 3—Punjab Khandsari and Gur Dealers Licensing Order, 1963, issued under—Whether valid—Constitution of India (1950)—Art. 358—Rights under Art. 19—Whether suspended during period of Emergency—Test of reasonableness—How to be applied.

Held that the Punjab *Khandsari* and *Gur* Dealers Licensing Order, 1963, issued by the Punjab Government under section 3, being within the scope of section 3 of the Essential Commodities Act, 1955, is valid and is not violative of Art. 19 of the Constitution as the restrictions placed by it cannot be deemed to be unreasonable. The principle for the grant of a licence under the Order has clearly been laid down and there is also a right of appeal to the Director of Food and Supplies.

Held, that *Khandsari* and *Gur* are articles of daily use and being in short supply, the need has arisen to ensure their equitable distribution at reasonable prices and through licensed dealers. Once the necessity of issuing licences is recognized for carrying on the business of *Khandsari* and *Gur*, it becomes imperative to lay down certain criterion for the issue of licences, and the Government in the present case has choosen the requirement of a certain amount of business during a specified period before a person can become entitled to obtain a licence under the Order. The criterion of the wholesale business during the period mentioned in the Order is related to the object of equitable distribution of *khandsari* and *gur* and as such cannot be deemed to be unreasonable. The Order shows that the Government wanted the distribution to be only through those dealers who had previous experience in the line as wholesale dealers. In the context of previous experience some period had in the very nature of things to be selected and the period of November 1, 1961, to March 31, 1963, which was prior to the date of the Order, cannot be deemed to be arbitrary.

Held, that the Punjab *Khandsari* and *Gur* Dealers Licensing Order, 1963, cannot be held to be unconstitutional as being violative of Article 19 of the Constitution on the ground that it has the effect of restricting a particular business to certain persons who are already in that business and of shutting out new-comers. The Court would have to look to the circumstances in which the Order was made, the commodity to which it related, the situation which was sought to be remedied and the object which was desired to be achieved. Once it is found on the conspectus of all these factors that there is a rational

connection between the provisions of the Order and the object sought to be achieved, the Order would not be struck down.

Held per Dua, J.—The test of reasonableness has to be applied to each individual statute impugned and no abstract standard or general pattern can be laid down as applicable to all cases. The nature of the right alleged to have been infringed, the underlying purpose of the restriction imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing conditions at the time, must all enter into the judicial verdict.

Case referred by Hon'ble Mr. Justice Inder Dev Dua on 14th January, 1964, to a larger Bench for decision of an important question of law involved in the case. The case was finally decided by a Division Bench consisting of Hon'ble Mr. Justice Inder Dev Dua and Hon'ble Mr. Justice H. R. Khanna, on 25th March, 1964.

Petition under Articles 226/227 of the Constitution of India praying that a writ of mandamus or any other appropriate writ, order or direction be issued declaring the Punjab Khandsari and Gur Dealers Licensing Order, 1963, to be ultra vires *and for directing the respondents not to interfere in the trade of the petitioner and in case the Grain Dealers Licensing Order, 1963, is found to be* intra-vires, *respondents Nos. 2 and 3 be directed to issue the licence required under the Licensing Order, 1963, to the petitioner.*

TIRATH SINGH, ADVOCATE, for the Petitioner.

L. D. KAUSHAL, DEPUTY ADVOCATE-GENERAL AND R. C. DOGRA, ADVOCATE, for the Respondents.

ORDER

Khanna, J. KHANNA, J.—The petitioner firm 'Chanan Ram-Jagan Nath' of Mandi Tarn Taran, District Amritsar, seeks by means of this petition under Articles 226 and 227 of the Constitution of India to challenge the validity of the Punjab Khandsari and Gur Dealers

Licensing Order, 1963 (hereinafter referred to as the Order), issued by the Governor of Punjab under section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955).

According to the allegations of the petitioner-firm, it was previously carrying on the business of preparing gold ornaments but was thrown out of that business due to Gold Control Order. The petitioner-firm thereupon started the business of *khandsari* and *gur* at Tarn Taran with effect from June 24, 1963. On July 18, 1963, the Punjab Government issued the Order. According to clause 3 of that Order, no person shall carry on business as a dealer of *khandsari* and *gur* after fifteen days of the publication of the order in the official Gazette except under and in accordance with the terms and conditions of a licence issued in that behalf by the licensing authority. Clause 4 of the Order dealt with the issue of licence, and sub-clause (3) of that clause was to the following effect:—

> "No person shall be issued a licence under this Order, unless he satisfies the licensing authority that he has been engaged in the business of purchase, sale or storage for sale of *khandsari* or *gur* or both during the year commencing from 1st November, 1961 and ending on 31st October, 1962 and has made during that period not less than twelve transactions of the purchase or sale or both of *khandsari* or *gur* or both, each transaction being of more than fifty quintals".

This sub-clause was subsequently substituted as per order dated October 9, 1963, by the following sub-clause—

> "No person shall be issued a licence under this Order, unless he satisfies the licensing

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authority that he has been engaged in the business of purchase, sale or storage for sale of *Khandsari* or *Gur* or both and has transacted during the period commencing from 1st November, 1961, and ending on 31st March, 1963, the business of purchase or sale or both of at least 500 quintals of *Khandsari* or *Gur* or both and has also made during that period not less than twelve transactions of the purchase or sale or both of *Khandsari* or *Gur* or both each transaction being of not less than ten quintals".

Clause 5 of the Order deals with the period of licence and fees chargeable therefor. Clause 7 gives the power to the licensing autohrity to cancel or suspend a licence in case there is contravention of the conditions of the licence, while clause 8 gives a right of appeal to any person aggrieved by any order of the licensing authority to the Director of Food and Supplies, Punjab.

According to the petitioner-firm, it applied to the District Food and Supplies Controller, Amritsar, for the grant of a licence under the above Order but the application was rejected on August 14, 1963. Appeal filed by the petitioner-firm against that order was also dismissed by the Director of Food and Supplies. The petitioner-firm thereupon filed the present writ petition seeking to assail the validity of the Order.

The petition has been resisted by the State of Punjab, the Director, Food and Supplies, and the District Food and Supplies Controller, Amritsar, who have been impleaded as respondents in the petition, and they aver that the order in question is *intra vires*, legal and constitutional.

At the hearing of the petition Mr. Tirath Singh, learned counsel for the petitioner-firm, has not disputed that the petitioner does not fulfil the requirements of the order which are essential for being entitled to the licence under the Order, but he contends that the order is violative of Article 19 of the Constitution. This contention, in the form in which it is advanced, cannot prevail, because in view of the existence of emergency which was declared by the President as per notification No. GSR 1415, dated October 26, 1962, the rights under Article 19 of the Constitution get suspended on account of the provisions of Article 358 of the Constitution. The aforesaid Article provides that while a Proclamation of Emergency is in operation, nothing in article 19 shall restrict the power of the State to make any law or to take any executive action which the State would but for the provisions contained in Part III be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to have effect as soon as the Proclamation ceases to operate, except as respects things done or omitted to be done before the law so ceases to have effect. Dealing with Article 358, it was observed in *Makhan Singh Tarsikka* v. *The State of Punjab* (1):—

> "It would be noticed that as soon as a Proclamation of Emergency has been issued under Aritcle 352 and so long as it lasts, Article 19 is suspended and the power of the legislatures as well as the executive is to that extent made wider. The suspension of Aricle 19 during the pendency of the proclamation of emergency removes the fetters created on the legislative and executive powers by Article 19 and if the legislatures make laws or the executive commits acts which are inconsistent with the

(1) A.I.R. 1964 S.C. 381

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rights guaranteed by Article 19, their validity is not open to challenge either during the continuance of the emergency or even thereafter. As soon as the Proclamation ceases to operate, the legislative enactments passed and the executive actions taken during the course of the said emergency shall be inoperative to the extent to which they conflict with the rights guaranteed under Article 19 because as soon as the emergency is lifted, Article 19 which was suspended during the emergency is automatically revived and begins to operate. Article 358, however, makes it clear that things done or omitted to be done during the emergency cannot be challenged even after the emergency is over. In other words, the suspension of Article 19 is complete during the period in question and legislative and executive action which contravenes Article 19 cannot be questioned even after the emergency is over".

Mr. Tirath Singh then contends that the impugned order is outside the scope of section 3 of Essential Supplies Act as interpreted by the Supreme Court. Sub-section (1) of section 3 reads as under:—

"(1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, it may, by order, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein".

Relevant part of sub-section (2) reads as under:—

"Without prejudice to the generality of the powers conferred by sub-section (1) an order made thereunder may provide—

* * * * * *
* * * * * *
* * * * * *

(d) for regulating by licences, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of, any essential commodity;"

Dealing with section 3 of the Essential Commodities Act, Das Gupta, J., who spoke for the Court, observed in *Narendra Kumar and others* v. *The Union of India and others* (2):—

"It is fair and proper to presume that in passing this Act the Parliament could not possibly have intended the words used by it, viz., "may by order provide for regulating or prohibiting the production, supply and distribution thereof, and trade and commerce in," to include a power to make such provisions even though they may be in contravention of the Constitution. The fact that the words "in accordance with the provisions of the Articles of the Constitution" are not used in the section is of no consequence. Such words have to be read by necessary implication in every provision and every law made by the Parliament on any day after the Constitution came into

(2) A.I.R. 1960 S.C. 430

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force. It is clear, therefore, that when section 3 confers power to provide for regulation or prohibition of the production, supply and distribution of any essential commodity it gives such power to make any regulation or prohibition in so far as such regulation and prohibition do not violate any fundamental rights granted by the Constitution of India".

In reply Mr. Kaushal, on behalf of the respondents urges that as the rights under Article 19 of the Constitution have been suspended during the emergency, the limitation in the interpretation of section 3 of Essential Commodities Act, in so far as it was held to be in consonance with Article 19, should be deemed to have been removed.

After giving the matter my consideration I am of the view that the above contention of Mr. Kaushal cannot be accepted. Section 3 of Essential Commodities Act was enacted before the coming into force of the emergency and while dealing with its provisions it was held that they did not violate any fundamental rights granted by the Constitution. According to Article 141 of the Constitution, the law declared by the Supreme Court shall be binding on all Courts within the territory of India. The Supreme Court having interpreted section 3 of Essential Commodities Act to be in consonance with Article 19 of the Constitution, this Court cannot now put a different interpretation on the language of section 3 so as to hold that the section should be construed in a way as is violative of Article 19 of the Constitution. The language of section 3 of Essential Commodities Act remains the same what it was before the emergency was declared and there has been no change or amendment in that section. In the circumstances it is not possible to hold that the words

of section 3 had one meaning before the emergency was declared and they acquire a different meaning after the declaration of the emergency. Emergency has no doubt far-reaching effects and certain consequences flow from its declaration, but it certainly has not the effect of altering an interpretation which has been placed upon a statutory provision. I would, accordingly, hold that in spite of the declaration of emergency section 3 of Essential Commodities Act should be interpreted in the manner it has been done by their Lordships of the Supreme Court in *Narendra Kumar's case* (supra). As the impugned order was made under section 3 of Essential Commodities Act, limitations, which have been placed while interpreting section 3, must, in the nature of things, fasten on the impugned order. It would thus follow that though the validity of the impugned order cannot directly be questioned on the ground that it is violative of Article 19 of the Constitution, there is no bar to questioning its validity on the score of being outside the scope of section 3 of Essential Commodities Act as interpreted in *Narendra Kumar's case* (2). Looked at in this light the Court cannot ignore the provisions of Article 19 of the Constitution while determining the validity of the order. Indeed, it was open to the Government to make an order for the supply and distribution of essential commodities under Rule 125 of the Defence of India Rules and such an order might, in that event, have not been liable to be even indirectly assailed on ground of being violative of Artcile 19 of the Constituiton, but the Government has chosen to make the impugned order under section 3 of the Essential Commodities Act in spite of the fact that the aforesaid section had received a particular interpretation. The impugned order cannot, in the circumstances, avoid challenge to its validity on ground of Article 19 because such a challenge is inherent in the argument that the order is beyond the scope of section 3 of Essential Commodities Act as interpreted by the Supreme Court.

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Question consequently arises whether the impugned order is violative of Article 19 of the Constitution. It is not disputed that *khandsari* and *gur* being foodstuffs are essential commodities as defined in clause (a) of section 2 of Essential Commodities Act, but it is contended by Mr. Tirath Singh that the order places unreasonable restriction on the right to carry on the business of *khandsari* and *gur*. According to sub-clause (g) of clause (1) of Article 19 of the Constitution all citizens shall have the right to practice any profession or to carry on any occupation, trade or business. Clause (6) of that Article, however, provides that nothing in sub-clause (g) of clause (1) shall affect the operation of any existing law in so far as it imposes, or prevents the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause. It, therefore, becomes necessary to see whether the restrictions imposed by the impugned order are reasonable in the interests of the general public. In this respect it is pertinent to bear in mind the principles enunciated by the Supreme Court in *Shri Ram Krishna Dalmia* v. *Shri Justice S. R. Tendolkar and others* (3), that in order to sustain the presumption of constitutionality the Court may take into consideration matters of common knowledge, matters of common report, the history of the times and may assume every state of facts which can be conceived existing at the time of legislation. It is well-known that there is at present shortage of *khandsari* and *gur*. *Khandsari* and *gur* are essential articles of daily use and in the circumstances need arises to ensure their equitable distribution at reasonable prices. Keeping those factors in view, the Government issued the impugned order for the supply of *khandsari* and *gur* only through licenced dealers upon whom some measure of control could be exercised. So far no exception can be or is taken to

(3) A.I.R. 1958 S. C. 538.

the impugned order but it is urged that the Government has arbitrarily fixed a period during which a person should have carried on business of *khandsari* and *gur* before he can get a licence. In this respect I am of the view that once the necessity of issuing licences is recognized for carrying on the business of *khandsari* and *gur*, it becomes imperative to lay down certain criterion for the issue of licences, and the Government in the present case has chosen the requirement of a certain amount of business during a specified period before a person can become entitled to obtain a licence under the order. The criterion of the wholesale business during the period mentioned in the order is related to the object of equitable distribution of *khandsari* and *gur* and as such cannot be deemed to be unreasonable. The order shows that the Government wanted the distribution to be only through those dealers who had previous experience in the line as wholesale dealers. In the context of previous experience some period had in the very nature of things to be selected and the period of November 1, 1961 to March 31, 1963, which was prior to the date of the order, cannot be deemed to be arbitrary.

It is, however, contended on behalf of the petitioner that the order has the effect of shutting out new-comers like the petitioner from being licensed as dealers and, therefore, it is violative of Article 19. In this respect I am of the view that merely because an order has the effect of restricting a particular business to certain persons who are already in that business would not by itself necessarily render the order to be unconstitutional. The Court would have to look to the circumstances in which the order was made, the commodity to which it related, the situation which was sought to be remedied and the object which was desired to be achieved. Once it is found on the

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conspectus of all these factors that there is a rational connection between the provisions of the order and the object sought to be achieved, the order would not be struck down. In *Glass Chatons Importers and Users Association and others* v. *Union of India and others* (4), the Supreme Court upheld the constitutional validity of clause 6(h) of the Exports Control Order in so far it permitted the canalising or channelling of the export trade. In *Daya* v. *Joint Chief Controller of Imports and Exports and another* (5), the Court dealt with notification issued under Exports Control Order, 1958 about the export of manganese ore. The effect of the notification was that new-comers, ho had entered the fields subsequent to 1953, were excluded from the grant of export quotas and those quotas were given only to established exporters who had been exporting from 1953 onwards. The validity of that notification was challenged by a petitioner who sought a licence to export maganese ore and it was urged on his behalf that the notification imposed unreasonable restriction on his fundamental right of trade under Article 19(1)(g) of the Constitution. This contention was repelled in spite of the fact that it was felt that the notification caused hardship to the petitioner and it was observed—

> "In this state of circumstances the elimination of the class to which the appellant belongs, viz., newcomers who had no previous experience of the export trade during the basic year or earlier was the result of enforcing a permitted method of control and a type of restriction which it was legally competent to be imposed under clause 6(h)".

In *Sivarajan* v. *Union of India* (6) their Lordships of the Supreme Court had occasion to consider the constitutional validity of the Rules made under the Coir

(4) A.I.R. 1961 S. C. 1514.
(5) A.I.R. 1962 S. C. 1796.
(6) A.I.R. 1959 S. C. 556.

Industry Act, 1953. Those Rules provided that only persons who had exported, in the preceding three years, not less than a prescribed minimum quantity of coir yarn or coir products would be registered as exporters of coir yarn or coir products. It was contended that the qualitative test would extinguish the small traders and tend to establish a monopoly in the export trade. It was held that the Court could not interfere with the determination of the rule-making authority which had taken into consideration the conditions of the trade and imposed a quantitative rather than a qualitative test because that was, according to the rule-making authority, most conducive to the public interest.

Mr. Tirath Singh has referred to *Messrs. Dwarka Prasad Laxmi Narain* v. *The State of Uttar Pradesh and two others* (7), in which the Court struck down clause 4(3) of the Uttar Pradesh Coal Control Order, 1953, on the ground that it vested un-controlled discretion in the matter of granting or withholding licences. There was in that order no standard to guide the exercise of the discretion nor any check upon improper exercise of the same. In the impugned order in the present case, the principle for the grant of licence has clearly been laid down and there is also a right of appeal to the Director of Food and Supplies. In the circumstances the case of *Messrs. Dwarka Prasad Laxmi Narain* (*supra*) can have no bearing on the present case and the petitioner can derive no benefit from it.

After giving the matter my earnest consideration, I am of the view that the restrictions placed by the impugned order cannot be deemed to be unreasonable and the order is within the scope of section 3 of Essential Commodities Act.

The petition, accordingly, fails and is dismissed. In the circumstances of the case, I leave the parties to bear their own costs.

(7) 1954 S. C. 803.

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DUA, J.—The facts on which the controversy is raised need not be re-stated; nor is it necessary to repeat the rival contentions of the parties. They are sufficiently clear from the judgment of my learned brother Khanna J.

The test of reasonableness whenever prescribed has, according to the law settled and repeatedly affirmed by the Supreme Court, to be applied to each individual statute impugned and no abstract standard or general pattern can be laid down as applicable to all cases. The nature of the right alleged to have been infringed, the underlying purpose of the restriction imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing conditions at the time, must all enter into the judicial verdict; see *State of Madras* v. *V. G. Row* (8), *Mineral Development Ltd.*, v. *The State of Bihar* (9), and *The Collector of Customs, Madras* v. *Sampathu Chetty* (10). It is scarcely necessary to reproduce the oft-quoted passages from these judgments. Suffice it to say that the Court, deciding whether a particular instrument of law satisfies the objective test of reasonableness is duty bound to have regard to the aforesaid considerations and such others. The difficulty which frequently confronts the Court is not the principle which is fairly well-settled but when it is called upon to apply this test to the concrete case before it, for, one or the other factors may happen to attract more or less importance by individual judicial minds in their respective judicial thinking.

In the cases of (i) *Glass Chatons Importers* (4) (ii) *Daya*, (5) and (iii) *Sivararajan* (6), the Court had to consider the statutes concerned with exports and imports and the considerations weighing with it,

(8) A.I.R. 1952 S. C. 196.
(9) A.I.R. 1960 S. C. 468.
(10) A.I.R. 1962 S. C. 316.

while grappling with the problem posed by the evil sought to be removed by these statutes, were necessarily materially different.

In *Daya's case*, (5) the background in which the constitutional challenge called for consideration and scrutiny is stated in paragraph 16 of the judgment at p. 1803 of the report. Briefly put, the vital necessity of export earnings for sustaining national economy (which was not in conrtoversy) weighed with the Government in considering how best to ensure the optimum earning from export of maganese ore. Canalising export trade was thus considered imperative. The criterion applied for selecting the State Trading Corporation was in the said background considered reasonable on the facts of that case. Paragraph 8 of the judgment at p. 1800 of the report and paragraphs 17 and 18 at pp. 1803-04, among others, clearly bring out the distinguishing features of that case. In *Glass Chatons' case*, (4) it has been observed that while the decision that import of a particular commodity will be canalised is difficult to challenge, the selection of the particular channel or agency decided upon in implementing the decision of canalisation may well be challenged as infringing Article 14 of the Constitution or some other fundamental right. No other question was raised in the reported case. Paragraph 6, of the judgment at p. 1516 of the report very clearly brings out both the principle laid down there and the distinction on fcats between that and the present case. *Sivarajan's* (6) *case* is also concerned with its own facts and the special approach in holding the classification impugned there to be rational and based on intelligible differentia appears to me to distinguish that case from the present one. Rational relation with the objects sought to be achieved was expressly found in the reported case to exist. Small traders were found to

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have been encouraged to form co-operative societies. Paragraphs 7 and 8 of the judgment at p. 559 of the report appears to illustrate the distinguishing features.

I, therefore, entertain grave doubts if the true *ratio decidendi* or the principle of law of those decisions would cover the case in hand. Equitable and fair distribution of *khandsari* and *gur* to the common consumer in the country would appear to me to call for consideration, materially different factors in a different background from those which confronted the Court in the cases cited. It is true that the impugned order before us is an emergency measure and may, therefore, demand somewhat liberal approach in favour of the administration, but it is precisely in such contingencies that the responsibility of this Court becomes all the greater and more solemn for democratic vigilance demands that the pretext of emergency, however tempting for the administrator, is not allowed to serve as a cloak for constitutional breaches and violations, for that may constitute abuse and misuse of the national emergency. The Court has a sacred duty to keep a balance between the requirements of the larger interests of the nation and the fundamental rights guaranteed to the citizens. The authoritarian tendencies of the administrator during emergency requires a judicial sobering check for it is to be remembered that Government by decree once made is difficult to unmake and emergency once it has taken hold is a somewhat tough plant to uproot.

As the foregoing discussion suggests, I have, and I speak with respect, serious doubts about the constitutionality of the impugned order, but in view of my learned brother's clear and unhesitating view, I would feel reluctant, as at present advised and on the arguments addressed, to press, my doubt to the point of positive dissent. The point would perhaps have

on some other occasion to be more deeply examined and more authoritatively determined. With these observations, I agree with the order proposed but not without hesitation and reluctance.

B.R.T.

CIVIL MISCELLANEOUS

Before Daya Krishan Mahajan and Prem Chand Pandit, JJ.

AMRITSAR SUGAR MILLS COMPANY LIMITED,—*Petitioner.*

versus

U. S. NAURATH AND OTHERS,—*Respondents.*

Civil Writ No. 724 of 1962.

1964

March 26th

East Punjab General Sales Tax Act (XLVI of 1948)—as amended by the East Punjab General Sales Tax (Amendment) Act (VII of 1958)—Ss. 2 (ff) and 4—Purchase of oil for the production of vegetable ghee—Whether liable to purchase-tax.

Held, that for the purposes of the East Punjab General Sales Tax Act, 1948, the conversion of oil into vegetable ghee amounts to 'manufacture' of vegetable ghee. The substance that is produced is a new substance known to the trade apart from oil. If anybody goes to buy groundnut oil in the market he will be given the oil in the liquid. farm. Nobody will give him vegetable ghee manufactured from groundnut oil. He will have to specifically ask for Vanaspati ghee and if he wants Vanaspati ghee produced from groundnut oil he will have to say Vanaspati ghee produced from groundnut oil. Thus, it will be apparent that in trade circles as well as to the common man, the oil and the vegetable ghee produced from that oil are two different substances, though they have the common use in daily life, that is, both serve as a cooking medium. Moreover, there is an additional use which is universally recognised to which the vegetable ghee is put. It is, commonly used to adulterate pure ghee (animal fat.) On