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Assessing the Regulatory Necessity of LPG Control under the Essential Commodities Act, 1955, within the Framework of Constitutional and Administrative Law

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Abstract

Liquefied Petroleum Gas (LPG) has become an important household fuel in India, making its uninterrupted supply closely connected with household welfare and energy security. The regulatory issue of LPG becomes constitutional when regulations aimed at addressing supply issues shift consumer demand away from the LPG system and towards the Piped Natural Gas (PNG) system. This paper focuses on the constitutional and administrative challenges posed by the 2026 rules affecting LPG supply and conversion to PNG under the Essential Commodities Act, 1955. It looks in particular at whether the scheme's obligatory parts are contained within Section 3 of the Act and meet the criteria set out in Article 14 and Article 19(1)(g) of the Indian Constitution, together with Article 19(6). Proportionality is also addressed in the paper, including the necessity and equitable distribution of regulatory burdens, as well as publication, notice, technical exemptions, and authorised regulation enforcement. The paper distinguishes between the normal regulation of an essential commodity and compulsory fuel substitution through a doctrinal analysis of the statutory provisions and relevant judicial precedents, including *Avtar Singh v. State of Punjab, Prag Ice & Oil Mills v. Union of India, and Narendra Kumar v. Union of India*. It holds that the implementation is not *per se* unconstitutional if both a feasible PNG alternative is available and the LPG supply is directed to households without access to PNG. But its legitimacy relies on support for the necessity and equity of household-level regulation, as well as on protection and lawful monitoring. The paper concludes with measures for verification, grievance redressal and periodic review to ensure that energy security does not result in arbitrary executive action.

Keywords:

Essential Commodities Act, 1955; LPG Regulation; Article 19(1)(g); Article 14; Proportionality

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Introduction

Liquefied Petroleum Gas (LPG), once out of reach for many households, has become a basic household necessity across India. Growth of LPG coverage, particularly under Pradhan Mantri Ujjwala Yojana, helped to increase domestic LPG connections to about 33 crores at the start of the year 2026 (Press Information Bureau, 2025) (Singh, 2026). Access to LPG is thus increasingly linked to the household's welfare and social stability. At the same time, India's dependence on imports for nearly 60% of its LPG consumption makes the domestic energy market vulnerable to geopolitical disruption (Verma, 2026). This gap was clearly exposed in early 2026 when disruptions to shipping through the Strait of Hormuz impacted oil imports from the Gulf, with India's importing LPG expected to fall 46% per day in March when compared to February (Das, 2026).

In this context, the Central Government has invoked its powers under the Essential Commodities Act, 1955 (ECA, 1955) to safeguard the domestic supply of LPG and facilitate the introduction of Piped Natural Gas (PNG). In accordance with Section 3, the Act empowers the Central Government to implement regulatory measures on essential commodities when it considers it necessary to maintain and enhance their supply, availability and fair distribution. Failure to comply with an order under this section shall have penal consequences under section 7. The regulation of petroleum and petroleum products, including LPG, therefore falls within the framework of Sections 3 and 7 of the ECA, 1955, with these commodities being covered by the Schedule of the Act.

This system of regulation, which is set up in a constitutional way, poses a challenge of balance between the State's power and the protection of individual rights. Article 19(1)(g) of the Constitution of India guarantees citizens the right to practise a profession or to carry on any occupation, trade or business. The control of LPG stocks, distribution, and supply may directly affect how oil marketing companies and distributors conduct their business.

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Article 19(6), however, allows reasonable restrictions on this right in the interest of the general public. Hence, the legality of LPG control orders depends not only on the existence of statutory powers but also on the reasonableness and proportionality of the restriction. Their impacts on consumers should also be explored under Article 14, focusing on the regulatory mechanisms that define the scope of households which can still access LPG.

The present issue is also part of a wider trend in the regulation of essential food commodities. Earlier controls under the ECA, 1955, were mainly directed towards price fixation, stock limits, prevention of hoarding and maintenance of supply. In 2026, the measures taken included supply chain intervention and a long-term switch from LPG to PNG. The Liquefied Petroleum Gas (Regulation of Supply and Distribution) Amendment Order, 2026 introduced that no person connected to PNG can hold or be granted a domestic LPG connection or be allowed to take domestic LPG refills. The Natural Gas and Petroleum Products Distribution (Through Laying, Building, Operation and Expansion of Pipelines and Other Facilities) Order, 2026, addressed the expansion of pipeline infrastructure and the transition of consumers in areas where PNG could be supplied. These measures were notified under the ECA, 1955, and were not merely policy proposals. This impact is not just limited to traders and distributors. They have a direct impact on household fuel choices, access to cooking energy, residential arrangements, and the responsibilities of city gas distribution entities. The analysis of the inquiry then turns away from LPG as an essential commodity and considers whether the powers conferred by statute to ensure supply and equitable distribution can be properly used to compel fuel substitution.

This difference should be acknowledged, since a measure enacted in the name of regulation cannot be kept in place solely for administrative convenience. If it is based on a serious supply disruption, it may be disproportionate if not backed by evidence, if it fails to take account of variations between

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households, or if it does not offer a practical way of technical exemption and review. However, Sec 3 of the ECA, 1955 grants extensive regulatory powers, but only within the confines of constitutional principles and the procedural safeguards governing their exercise. Any analysis of the transition from LPG to PNG, therefore, needs to be conducted along two related lines of assessment. At the substance level, the restriction should serve a legitimate purpose, be rationally related to equitable distribution and not impose unnecessary burdens. The order must be published correctly at the administrative level, the communication must be made to the affected person, the exemption decision must be backed by a reason and enforcement must be executed by properly authorised officers. The likelihood that regulatory action will be perceived as valid is greater if there is credible evidence of the scarcity, if there is *a de facto exemption rather than just a de jure one*, and if the executive's discretion is subject to judicial review. On another note, while energy security can certainly be part of the State's constitutional duties, it does not eliminate the need for fairness and reviewability.

This paper presents an evaluation of these regulatory measures. It explores their statutory basis in the ECA, 1955, judicial oversight of price and distribution controls, and also administrative protections that must be put in place to limit executive authority. The study focuses on the 2026 measures that affect LPG supply and the switch from LPG to PNG, rather than on the compulsory replacement of one household fuel with another. It combines the requirements of Article 14, Article 19(1)(g), the principle of proportionality, the limits of delegated power and the principle of procedural fairness in determining the validity of the regulatory scheme.

The paper suggests that the transition can be constitutional if it achieves the legitimate ends of energy security and equitable distribution; however, functional access to PNG, effective exceptions, fair notice, and reasoned review and enforcement within limits of lawful authority are essential to its constitutionality.

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Literature Review

The passing of the ECA, 1955, was the result of a scarcity situation following India's independence, which the State sought to address by enacting the ECA to curb hoarding, make essential commodities available, and protect consumers from oppressive price increases. Mooij (1995) notes that the Act itself is brief but is accompanied by numerous government orders regulating trade and distribution. Delegated powers are granted not only under essential goods regulation but also when an interruption in supplies has an immediate impact on public welfare. The breadth of the power under Sec. 3, however, raises concerns about the 'executive discretion', given the breadth of the statutory terms 'necessary or expedient'.

The economic literature has been more restrained in its evaluation of the extended version of market control. The Economic Survey of 2019-20 notes that frequent and unpredictable application of stock restrictions under the essential commodities legislation has the potential to create poor agricultural market outcomes and reduce investment in storage and distribution systems (Department of Economic Affairs, 2020). These results, however, apply to agricultural commodities, and are not transferable without qualifications to the LPG distribution situation. Unlike a regular commercial product, LPG is closely correlated with energy security for common households and may not have a viable alternative in the absence of piped gas for the LPG user. While the Survey suggests that the ECA should be curtailed, this policy guidance does not conflict with the current breadth of Sec. 3. It is necessary to consider the statutory purpose of particular LPG restrictions, as well as their immediate impact on households and distributors, before determining whether these restrictions are still justified.

In the case of *Narendra Kumar v. Union of India* (1960), the Supreme Court (SC) spoke about the boundaries of such intervention. The Court accepted that the term 'restriction' under Article 19(6) may, in an appropriate case, include a total prohibition. The reasonableness of such a restriction is, however, to be

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judged based on the nature of the right, the purpose of the restriction, its scope and the context in which it occurs. The importance of the decision stems from the fact that a heavy restriction being imposed does not automatically affront the constitution, provided it is capable of being considered to have a good relationship with the public interest it is intended to serve. The Court also issued a restraining order on the enforcement of Clause 4 of the Non-ferrous Metal Control Order, 1958, because the principles of permit issuance were neither published in the Official Gazette nor mentioned before Parliament as required by Sections 3(5) and 3(6).

The principle of judicial restraint in economic regulation was further considered in *Prag Ice & Oil Mills v. Union of India* (1978). The SC recognised that price fixation and distribution policy are matters of complex economic choices and that the government must be accorded a reasonable latitude of choice and discretion in determining them. Courts should not then scrutinise every aspect of an economic measure that is broadly in a 'zone of reasonableness'. This restraint is not absolute, though, and does not bar it from constitutional review. A control order may still be examined where it is arbitrary, discriminatory, patently unreasonable or unrelated to the purposes of Sec. 3 of the ECA, 1955. The judgment, in effect, strikes a balance between judicial restraint in economic policy and constitutional regulation of excessive or irrational regulation. In *Internet and Mobile Association of India v. Reserve Bank of India* (2020), SC highlighted alternatives which were not as intrusive and declared dormant prohibitions on banking services for virtual-currency businesses on proportionality basis. This viewpoint is echoed by Bedi (2021), who highlights the need for evidence at the necessity stage, and doubts the extent to which Courts consistently demand the state's justifications for limiting rights.

Another level of accountability is the administration's disciplinary accountability in enforcing LPG control orders. Clause 13 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000, confers

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powers of entry, search and seizure upon specified officers. The legal basis for the authority of the enforcing officer is thereby not just a formality but also a substantive safeguard. In *Anil Kumar v. State of Kerala* (2024), the Kerala High Court highlighted the importance of taking executive measures only by officers empowered under the relevant order. Consequently, in *Manoj Kumar Sah v. State of Bihar* (2026), the Patna High Court had ruled that fulfilment of the conditions imposed by the prescribed enforcement procedure is a *sine qua non* for a valid prosecution. In *Avtar Singh v. State of Punjab* (2023), which was about the earlier Liquified Petroleum Gas (Regulation of Supply and Distribution) Order, 1988, the SC held that the Sub-Inspector, who had initiated the proceedings, did not have the authority under the relevant Order. The Court then ruled that the proceedings were illegal and quashed the convictions. The decision is a clear indication that enforcement under an LPG control order must be within the authority granted by that order.

This decision follows an established principle laid down by the Apex Court in *State of Uttar Pradesh v. Singhara Singh* (1964): if a law confers a power and sets out the procedure for its exercise, it must be exercised in that manner and not otherwise. This principle was previously explained in the English precedent of *Taylor v. Taylor* (1875) and serves as a protective measure against misuse of statutory power. The relevance of this to LPG enforcement is significant, as orders authorise seizure, which can result in prosecution and heavy penalties. Procedural compliance in this way is effective in safeguarding regulated persons against arbitrary unilateral action and in reinforcing the legitimacy of the control regime.

A more liberal approach was granted to specified agricultural foodstuffs with the Essential Commodities (Amendment) Act, 2020, which reduced the conditions for supply restrictions to extraordinary situations such as ‘war’, ‘famine’, ‘extremely high price rise’ and ‘natural calamity of grave nature’. It also capped the application of stock limits based on predetermined price thresholds. These provisions did not apply to petroleum products. However,

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the Farm Laws Repeal Act, 2021, repealed the 2020 amendment and omitted Sec. 3(1A) from the ECA, 1955. The distinction is not, however, the basis of the measures in 2026 now laid down in statute, but rather an historical example of rules of commodity-specific regulation. It will still need to be evaluated on a scale of goods, and the implications of its rarity and the possibilities for substitution.

The Natural Gas and Petroleum Products Distribution (Through Laying, Building, Operation and Expansion of Pipelines and Other Facilities) Order, 2026, which has been notified on 24th March 2026 under Sec. 3 of ECA, 1955, relates to pipeline expansion in relation to the transition from LPG to PNG products. The measures are not solely for the purpose of price control, but to also incentivise consumers to shift their preference to using PNG, while giving LPG to customers who do not have access to pipeline supply. In exceptional circumstances, under Clause 7, where the provision of a connection or LPG supply is technically infeasible, the authorised entity may issue a No Objection Certificate (NOC) instead of a PNG application, allowing the supply to continue, provided it meets the infrastructure conditions set out in Clause 7. The Order should be read subject to the amendments to it made on 16th May and 13th June 2026, and must be clearly distinguished from the parallel revisions issued on those exact same dates to the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000, for households with PNG connections. This model connects regulation to infrastructure growth and resource reallocation. The scheme thus impacts the rights and obligations of consumers, distributors, pipeline companies, and residential associations.

Research Gap

The available literature addresses different aspects of the ECA, 1955, but these strands have generally remained separate. Political economy scholarship examines the marketing and investment impacts of regulation. Constitutional decisions primarily examine the reasonableness of prohibitions, price controls and distribution restrictions. Case law concerning the enforcement of LPG

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control orders has focused on the legality of searches, seizures, and prosecutions by authorised officers. The literature reviewed in this paper does not directly address the constitutional implications of a compulsory transition from LPG to PNG in the context of the supply concerns that underpin the 2026 regulatory measures.

The 2026 regulatory regime generates a number of questions which have not yet received clear treatment in the literature reviewed here. The regime extends beyond conventional price and distribution controls, as it also aims to re-organise consumers' access to energy by linking continued LPG supply to the expansion of PNG and the reallocation of LPG supplies. It has been made obligatory for families to transition their fuel to the pre-worked area around the pipeline, where the gas provider can supply PNG instead of LPG cylinders. The 2026 Pipeline Distribution Order has been issued under Sec. 3 of the ECA, 1955 and should be read with its amendments and the related amendments to the LPG Order, 2000. The classification of the consumers and its applications must be considered under Article 14, whereas the impact of the regime on citizens engaged in LPG trade or distribution must be analysed under Article 19(1)(g) and Article 19(6). Its constitutional and administrative validity, therefore, has to be analysed on the basis of proportionality: that is, the necessity, the equal distribution of the regulatory burden, the scope of delegated legislation, and the principles of procedural fairness. This paper brings these constitutional and administrative principles together and applies them to the present-day regulation of LPG to help fill this gap.

Research Objectives

The overarching purpose of this research is to evaluate the constitutional and administrative legality of the provisions contained in Sec 3 of the ECA, 1955, on the use of LPG and transition to PNG as part of state planning. Specifically, the paper aims to:

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I. Assess the compatibility of the classification between consumers brought within the PNG transition requirements and those who continue to receive LPG with the requirements of non-arbitrariness and rational classification under Article 14, taking into account its rational nexus with energy security and the equitable distribution of LPG.
II. Discuss the importance of procedural safeguards such as notification period, communication, parliamentary laying, action by duly authorised officers, etc., in ensuring the Rule of Law in the essential commodities governance.
III. Critically examine if the Discretionary powers given to the executive under Sec. 3 of the ECA, 1955 are within the statutory powers and is a reasonable restriction to the fundamental right of citizens engaged in LPG trade or distribution under Article 19(1)(g) under Article 19(6).
IV. To examine how West Asian fuel supply risks in 2026 reshaped doctrines of regulatory necessity, testing whether the state bypassed milder policy options while asking consumers and retail distributors to shoulder the bulk of the crisis.

Research Question

In the context of the constitutional protections afforded by Articles 14 and 19(1)(g) with Article. 19(6) read with proportionality principles (necessity and equitable balancing of regulatory burden), procedural fairness and the limitations on delegated legislation in the ECA, 1955, what is the validity of the compulsory aspects of the transition from LPG to PNG in 2026, given the goals of ensuring an adequate supply of energy?

Discussion

The regulation of LPG supply under the ECA, 1955, is caught between energy security, freedom of trade, and administrative control. LPG is used for domestic cooking, which has made it more closely associated with basic welfare, and is distributed through commercial networks. The mandatory

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components of the 2026 order shift from LPG to PNG also go beyond what is normally in charge with regard to pricing, supply or distribution. Because of this, any intervention by the State cannot be judged solely by an economic yardstick. Nor can the constitutionality of its right to be overstated simply by citing the need for energy security. It should also be evaluated based on its impact on consumers, especially those with no practical or reliable alternatives.

Article 19(1)(g) and the Legitimate Objective of Regulation:

Restrictions on allocation to certain consumers and on the distributors' LPG business services have direct implications for the right to participate in the trade enshrined in Article 19(1)(g). The 2026 measures are much more than standard measures of price, stock, and distribution; they are tied to the consumer's position within the PNG transition framework. The State can impose reasonable restrictions on this freedom if considered necessary in the public interest (Article 19(6)). Further, as per Section 3 of ECA, 1955, control of production, supply and distribution of essential commodities can be exercised by the Central Government when necessities arise to maintain or further increase availability, access to, or distribution at reasonable prices. The regulatory authority is also extended by section 3(2)(d) to the acquisition, use and consumption of essential commodities. The existence of these powers does not mean that their exercise is not subject to Article 19(6)'s requirement. The needs of regulation must not be measured solely economically, but also, and perhaps even more importantly, by its impact on basic welfare following a disruption to the household supply of cooking fuel.

The initial question is whether the regulation serves a legitimate public purpose. When there are disruptions or expected shortages to the LPG supply chain, providing cooking fuel is not simply a normal economic consideration. The preamble to the 2026 Pipeline Distribution Order connects the expansion of natural-gas infrastructure to the release of LPG supplies for households that remain without access to PNG and notes anticipated supply constraints. In

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such situations it is more appropriate to give consideration to the domestic needs for cooking rather than the statutory objectives of maintaining supply and ensuring equitable distribution under Sec. 3 of the ECA 1955. This serves a valid regulatory purpose, but will not alone demonstrate the reasonableness of the specific means used.

Having a legitimate objective is not sufficient to establish constitutionality. A measure can be in the public interest while also unduly burdening traders and consumers. In the landmark judgment of *Chintaman Rao v. State of Madhya Pradesh* (1951) it has been held by the SC that a restriction in Article 19(6) is incapable of receiving constitutional protection unless it is 'just and reasonable' and does not go beyond the public interest. In *Narendra Kumar v. Union of India* (1960), the SC acknowledged that prohibition could also be considered a restriction on liberty, though the requirement of reasonableness did not disappear. The *Prag Ice & Oil Mills* case marks the principle of judicial restraint on economic issues, but does not bar review if the measure is arbitrary, discriminatory, patently unreasonable or unrelated to the policy of the statute. As previously discussed, in *Internet and Mobile Association of India v. Reserve Bank of India* (2020), the SC explored the need for alternative, less intrusive solutions and struck down prohibitions on virtual-currency businesses providing banking services on proportionality grounds. This case was not mentioned here in a regulatory context, but the requirement to provide evidence and to consider less restrictive alternatives is relevant. The constitutional analysis should, accordingly, examine the restriction beyond the general concept of energy security and determine whether it has a rational, proportional connection to the declared goals of maintaining energy supply and ensuring equal distribution.

Application of the Proportionality Test

A proportionality analysis can be broken down into four related steps. As explained by the Apex Court in the judgement of *Modern Dental College and Research Centre v. State of Madhya Pradesh* (2016), these are legitimate

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purposes, rational connection, necessity and balancing. The first requirement for the measure is, naturally, a lawful purpose. Ensuring continued household access to cooking fuel and securing equitable distribution in light of the stated supply constraints serve such a purpose, which is consistent with the objectives behind Sec. 3 of the ECA, 1955.

Secondly, there must be a rational and reasonable link between the measures taken and their objective. Directing consumers who can reasonably be supplied with PNG to switch from LPG may free up portable cylinders for households that cannot be connected to a gas pipeline. In this sense, the measure is connected with the objective of reallocating LPG supplies (Jayaswal, 2026). However, Clause 7 does not limit its scope to those households which have an existing operating PNG connection. It could be used if a pipeline has been installed or the authorised entity can provide gas, but the necessity for the prescribed communication has been identified, and the household has indicated that it is not applying for a PNG connection. The mandate only comes into force once the local network is capable of supplying gas, a formal notice has been sent, and the property does not make an application for a PNG connection. It could, however, diminish the logic for restricting the right to that specific household and thus be important in assessing the necessity and balancing stages.

Thirdly, the measure has to be necessary. At this step, the question is whether there is a reasonable alternative that is equally effective but less restrictive. A compulsory transition cannot only be for ‘administrative convenience’. It is a very important distinction between a necessary measure for regulation and a measure for convenience of administration. The inquiry should therefore examine the potential for voluntary or phased conversions, alternative, more selective uses of dual-fuel, or temporary reallocation of cylinders to address the supply restrictions stated above in an equivalent manner. A technical-infeasibility exception was incorporated in Clause 7, as amended, for the purpose of granting a NOC where provision of a PNG connection or gas

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supply is technically infeasible. This immediately restricts the scope of the mandate, but an isolated exemption does not necessarily constitute the least intrusive remedy.

Finally, there must be a proper balance between the public benefit and the burdens imposed. The limitation affects consumer choice, the business interests of LPG distributors and the interests of housing entities required to facilitate access to pipelines. LPG has an important public utility role and provides a portable cooking fuel to households without PNG networks. Equity is important at this point, given the policy's benefits and burdens and their distribution. The concern is deeper when there is no realistic prospect of a reliable PNG connection, when the changeover to PNG is too costly or impractical for some households, when the PNG supply is unreliable, or when residents are cut off due to an entity's failure to apply for access to the pipeline. Households with no viable alternative fuel source should be considered a priority in the event of clear evidence of existing or anticipated supply constraints, with the required safeguards actually available and effective. An unstated deadline, however, alone will not render a rule legally invalid. If the original justification does not reflect current operational or environmental conditions, it will remain irrelevant. This rationale, if limited over time, would necessitate additional justification for its use. Proportionality is thus not accepted as a universal statement of necessity, but must be considered at the actual implementation of the scheme.

Article 14 and Rational Classification

Article 14 requires any classification of consumers to be founded on an intelligible differentia that has a rational nexus with the objective sought to be achieved by the regulation. The 2026 scheme provides a general categorisation of consumers served under the Transition Mechanism in PNG and those who remain dependent on LPG. According to Clause 7, the former includes households in which a pipeline has been laid or the authorised entity is in a position to meet the household's gas supply requirements, but the household

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has not applied for PNG after receiving the required communication. The classification is by no means limited to those families who already have a working PNG connection. Nevertheless, the distinction has an intelligible basis and bears a rational nexus with the objective of reallocating LPG supplies. As consumers wishing to be supplied via the pipeline system move towards PNG, a greater proportion of portable LPG can be retained for consumers lacking such capability. This is connected with the statutory objective of equitable distribution.

The practical situation is not excluded by the existence of a general rational nexus. The presence of a pipeline in a locality does not automatically imply that all homes can access an immediate, safe, and reliable gas supply. If the transition requirement is not currently in place or functional, or the building environment does not adequately support its application, applying the requirement to any specific household could result in an undue hardship that does not appear in the general classification. Though this does not mean that the classification is withdrawn, but it can be considered in the sense of whether or not its application is arbitrary or disproportionate. These are therefore critical statutory safeguards of the NOC mechanism and the exception based on technical infeasibility. They enable the authorised entity to take account of relevant differences between consumers who might otherwise be treated alike. Their operation must, however, be based upon consistent criteria and the practical ability to provide a connection or gas supply.

The scheme is also protected against arbitrariness under Article 14. Households in a similar situation should also receive notice that affords them a comparable and reasonable opportunity to respond, access to the technical-infeasibility safeguard, and decisions in accordance with common standards. A decision on technical infeasibility, such as not granting an NOC, must be supported by reasons and must be explained to the household involved. There should also be a timely opportunity to correct or challenge a factual or administrative error before LPG supply is withdrawn. In *Cellular Operators*

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Association of India v. Telecom Regulatory Authority of India (2016), the SC held that subordinate legislation can be challenged for manifest arbitrariness where there is a lack of consideration of differences. This principle is relevant to scrutinising the 2026 scheme, both in its design and its implementation. These safeguards help ensure that a classification which can be reasonably justified does not lead to arbitrary differential treatment in practice.

Transparency, Notice and Delegated Power

The transparency of administration is especially significant because the provisions of Sec. 3 of the ECA, 1955, give the executive very extensive powers. Section 3(5) specifies how an order shall be communicated. An order of general application, or affecting some class of people, must be published in the Official Gazette; whereas an order directed to an individual must be served upon the individual in the manner prescribed by the provision. Moreover, Section 3(6) provides that orders issued by the Central Government or any officer or authority on its behalf shall be laid before both Houses of Parliament promptly after issuance. These requirements have a similar but not identical intention. Publication allows people affected by delegated power to identify the extent of applicable legislation, and parliamentary laying offers some degree of democratic control over delegated authority. In *Atlas Cycle Industries Ltd. v. State of Haryana* (1979), however, the SC held that Sec. 3(6) provides for simple laying and is directory in nature. An order made under Sec. 3 shall not be abated or annulled as a result of non-laying. The 2026 Order and its amendments have been published in the Official Gazette, however non-compliance with the Parliamentary laying requirement cannot be assumed according to the Official Gazette, but rather based on the relevant record. The statutory obligation remains relevant for clear and lawfully regulated access restrictions to essential commodities, but the lack of evidence of laying is not to be interpreted as evidence of a violation of the statutory rights, such as non-compliance or invalidity of the restriction.

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In another example, the *Narendra Kumar* case shows that even the procedures involved in printing cannot be considered as mere trivia. The SC stayed the implementation of Clause 4 of the Non-ferrous Metal Control Order, 1958, contending that the principles for the permitting process were not published in the Official Gazette or made available to Parliament as mandated in the said provisions. Affected persons need to be able to find out the scope and consequences of an order and know when it becomes operative against them. Under the 2026 scheme, the notification of the general order in the Gazette must clearly distinguish it from information about the withdrawal of LPG supply to individual households, which may start 3 months in advance. Following the June 2026 amendment, such communication may be recorded by different methods, including through residential bodies, hand delivery, posters or printed materials, text messages, telephone calls, and recorded voice messages. This does not waive the need for giving notice. The communication should clearly state the proposed cessation and the duration over which it is intended to take effect, and should provide the opportunity to apply for a PNG connection or to raise technical infeasibility. Methods do not have to be singular; they simply must give the affected household a reasonable opportunity to know and respond before LPG supply is withdrawn. The purpose of notice is not satisfied by merely communicating information by an authorised means unless the person affected is in a position to know and take action upon what is being proposed.

Authorised Enforcement and Procedural Fairness

It is evident from case law on LPG control orders that failing to comply with enforcement safeguards is not a minor irregularity. Clause 13 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000 assigns the powers of entry, search and seizure to officers falling within specified categories and ranks who are duly authorised. As mentioned earlier in the case of *Avtar Singh*, the Apex Court set aside the convictions and held that the proceedings were unauthorised because they were initiated by an unauthorised

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officer. The concept behind this decision clearly extends to the current enforcement system, though it was made under the prior Order. If someone does not have the legal authority to initiate these actions under the relevant control order, the subsequent proceedings may be deemed unauthorised. This provision is to protect businesses and/or individuals from actions taken by officers who are not acting lawfully.

One of the fundamental restrictions on administrative law is that if a statute prescribes the manner in which the delegated power is to be exercised, the government must follow that manner or refrain from acting. In *State of Uttar Pradesh v. Singhara Singh* (1964), the Apex Court drew inspiration from the precedent of the historic *Nazir Ahmed v. King Emperor* (1936) precedent and established it as part of Indian jurisprudence. The same line of argument was advanced by the bench almost five decades later in *Dharani Sugars and Chemicals Ltd. v. Union of India* (2019), where the court reiterated that state agencies cannot simply ignore stipulated procedures.

An equality part to the principle also exists. If enforcement standards differ from district to district or are based on officers' discretion without proper authority, personal factors may emerge that differentiate the treatment given to regulating and non-regulating persons. Compliance with the prescribed officer-rank and authorisation requirements, and the record-keeping and search and seizure procedures, is therefore compatible with the rule of law and Article 14. Nothing herein shall preclude or prevent any valid enforcement, but shall make sure that any enforcement shall be within the authority given by the Order.

With the serious penal consequences provided for contravention of an order under Sec. 7 of the ECA,1955, the need for procedural discipline becomes greater. In *State of Madhya Pradesh v. Narayan Singh* (1989) the Apex Court said that no *mens rea* need be proved once the concern was shown as the person had committed an act prohibited by the statute under which this prosecution was conducted, namely, export or attempted export of fertiliser

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without a permit. This case did not involve the question of the enforcement officer's ultimate authority, but only that of proving the immediate prohibited conduct occurring under an applicable order. A prosecution should accordingly be based on a proven violation of a relevant order, and an action in compliance would have been taken by an officer commissioned under an order. It cannot be established on the basis of a direction that has not been given or a communication that has not been made to a person as required by law or on the basis of coerced action on the part of an officer to which he has no legal authority. But more than just protecting people from the whims of state action, proper procedure is a basic anchor to the integrity of the entire regulatory process.

Overall Assessment

LPG regulation may be constitutionally sustained where the State acts within the purposes and powers contained in Sec. 3 of the ECA, 1955. The Act provides statutory authority to regulate the supply, distribution, use, and consumption of LPG to maintain or increase supplies and to secure equitable distribution and availability at fair prices. However, possessing this statutory power by no means guarantees that every resulting mandate will withstand constitutional scrutiny. It is perfectly reasonable to seek to regulate households' access to cooking fuel and redirect portable LPG away from meeting non-PNG household needs. The split between households that need to be included in the piped-gas transition and those remaining on cylinders isn't arbitrary; it has clear logical reasons and aligns directly with the state's policy objectives. Article 19(6) also provides that any restriction on the right to carry on a trade or business should have a reasonable relationship with a public interest. Therefore, any such limitation on the right to engage in the trade or distribution of LPG should not be beyond the proportion necessary to attain the legitimate goal.

The concept of the control regime itself is valid not only in general but also in its application. These are mandatory measures and must be supported by solid

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evidence that they are clearly connected to equitable supply, as well as by robust evidence that other, less onerous regulatory options were essentially impractical. The assessment should also consider the distribution of benefits and burdens to households, distributors, and residential bodies. The technical-infeasibility exception must be feasible; decisions regarding technical-infeasibility must be made on consistent criteria; reasons must be provided; and decisions must be reviewable in a timely manner in the future. Publication and meaningful notice and enforcement by authorised officers are also significant. Even a broadly valid scheme can be applied unfairly or arbitrarily to an individual house or family where these safeguards are lacking.

The essential nature of LPG provides a strong basis for State intervention, but it cannot mean that the power to regulate is unlimited. The compulsory provisions in the 2026 scheme, even if amended, cannot render it unconstitutional. Concurrently, any such scheme should not be treated as valid simply because it has been formulated under the ECA, 1955 or is designed to solve energy security problems. The compulsory provisions must have a clear basis in Sec 3, and wherever Article 19(1)(g) is affected, the restrictions must be reasonable. They must also comply with Article 14 and the requirements of necessity and equitable balancing, besides being applied fairly, i.e., in line with the Principle of Natural Justice. The regulatory framework can serve the function of energy security, provided these criteria are met, without exceeding the bounds of the law imposed by the executive. The existence of scarcity, by itself, would not be enough to justify the continued operation of the scheme. It must be reasonably connected with the statutory purpose, given the evidence and the context of the restrictions actually imposed.

Recommendations

The following measures are suggested to ensure the LPG service is adjusted in keeping with the constitutional specifications and maintains a level playing field for administration:

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First, the Government should clarify the applicable period for surrendering an LPG connection after a consumer obtains PNG. The immediate surrender introduced under Clause 3(5) of the LPG Order in 2026 is in direct conflict with the sixty (60)- day transition window guaranteed under Regulation 13(f) of the Petroleum and Natural Gas Regulatory Board (PNGRB) Regulations, 2025. The varying temporal directions leave uncertainty about when refills could stop and how much time is now available to complete the surrender formalities. There should be a coordinated clarification by the Ministry and PNGRB that sets out the time frame after which LPG supply could cease, the time frame in which a surrender is required, and the duration during which a transfer or safe-custody arrangement may still be possible.

Second, the PNG supply should not be stopped unless it is confirmed at the household level that LPG is not only accessible but also usable. Before discontinuing refills, the concerned oil marketing company should obtain confirmation from the authorised city gas distribution entity that the PNG connection has been commissioned, the internal installation is functional and gas can be supplied to the particular premises. The verification is to be documented together with notice to the consumer and any claim in respect of technical infeasibility that is still pending. A measure of this kind would ensure that a house is not deprived of LPG due to an incorrect database entry, an incomplete installation, or a delay caused by the supplying company.

Third, the present PNGRB consumer-redressal process needs to explicitly embed LPG–PNG transition disputes as a distinct type of complaint. This category should include incorrect identification of a consumer as having functional PNG, premature cessation of LPG supply, refusal or withdrawal of a technical-infeasibility determination, non-receipt of the prescribed notice and inconsistency between the records of the PNG entity and the oil marketing company. Since determining PNG feasibility and discontinuing LPG may involve different entities, the complaint should be handled through a single record that requires responses from both. In cases involving a prima facie

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identification of an installation or supply error, the consumer should be given a reasonable time to await a reasoned first-level decision before the cessation is effected. This would make the current time-bound grievance process work without establishing another parallel pathway.

Fourth, the regulatory framework should differentiate between a household declining an available PNG connection and one that is not ascertainable because of the house landlord or a third party who is responsible for the tenant, prohibiting them from doing so. If this happens, then notice should be given to the individual beforehand, and the said household should be given the opportunity to explain whether they were involved or had any control over the obstruction. The competent authority shall also be responsible for documenting the reasons why the regulatory consequence will not be limited to the person or body responsible for preventing the installation. This separation is crucial to ensure that the goal of the transition policy is maintained and that a household does not lose the cooking fuel it lacks due to factors outside its control.

Fifth, LPG Order enforcement ought to corroborate the existence of an authorisation record. A record of every search and seizure and any prosecution that follows shall specify the authorising order, designation of the party making the search, area of jurisdiction of this investigator, and the provision purported to have been violated. The competent government shall ensure that only such officers of prescribed rank are engaged in such action and that such officers are knowledgeable of the procedure prescribed by LPG Order, 2000. An effective system for verifying authorisation will minimise the risk that proceedings will be overturned on the grounds that an officer has acted outside of the authority vested in him/her by law.

Lastly, if supply interruption and equitable redistribution are cited as justification for compulsory LPG-to-PNG substitutions, then the measure remains justified by evidence that is published regularly rather than by an arbitrary number. The review shall identify the number of dual connections

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found, LPG connections surrendered or discontinued, PNG installations made effective, technical exemptions granted or denied, and complaints about unwarranted interruptions to supply, and assess how far the LPG supply benefited households who had no viable alternative. This would allow the Government to prove that the restriction has persisted in its intended purpose and it is not becoming an administrative tool removed from regulatory requirements.

Conclusion

The necessity for regulation under the ECA, 1955, for LPG control is based on the government's responsibility to ensure access to essential household fuel. The 2026 supply disruption further indicates why, in such situations, ordinary market arrangements may be inadequate to ensure a secure supply, and the Government may need to prioritise cooking needs and ensure equitable distribution. There is a broad mandate to this effect in Sec 3 of the ECA, 1955 and a reasonable restriction on trade is allowed under Article 19(6). But a direct substitution of a household fuel by another fuel type cannot be permitted simply on the basis of the usual regulation of price, stock or distribution. This must be backed by some measurable relationship to the statutory objectives for maintaining supply and granting fair access to it and not the convenience of the administration.

This paper finds that the LPG-to-PNG transition is not unconstitutional in itself. A distinction between consumers having a workable PNG alternative and those who remain dependent upon LPG can satisfy Article 14 where the LPG released through the transition is directed towards households without another reliable source of cooking fuel. The restriction could also be under Article 19(6) if the burden imposed on distributors and other regulated persons is found reasonable in relation to that objective. However, the conclusions here do not apply to all applications of the policy. A household confirmed to have access to PNG may not have a commissioned connection, a continuous supply, or practical access to the installation. Access might also be denied due to a

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refusal by a housing society or any other third-party entity despite no wrongdoing on the part of the occupant. Treating such a household in the same manner as one that voluntarily retains both functional connections would weaken both the rationality and equity of the classification.

Consequently, the scheme's proportionality depends on its operation at the household level. The State shall determine the purpose of such restriction and why a less onerous measure would not produce a similar effect and achieve a successful result. Where there is already an accessible PNG connection and any LPG output can be rerouted to consumers, then there are grounds for using compulsory transition. In cases of an incomplete pipeline, an incomplete connection, or prescribed communication not transmitted to consumers, a measure may be excessive, or a technical infeasibility process may exist only in reports. Thus, the lawfulness of the scheme is dependent on access to PNG and not just on the presence of a pipeline or an entry in an administrative database. To maintain that distinction, individual notice and workable technical exceptions are required, as is a reasonable opportunity to provide notice of any issues.

There is also the issue of procedural fairness, which, if contravened, can result in seizure and prosecution under the ECA, 1955. Surrender requirements in the LPG Order and the PNGRB Consumer Protection Regulations need harmonisation, and cessation shall be based on verification at the household level by the relevant PNG institution and the oil marketing company. An existing consumer redressal mechanism should be used to address transition disputes, ensuring coordination and time-bound consideration by both parties. Search and seizure are also limited to duly authorised officers, and both the source of the authority and the scope of the authorisation are explicitly stated in the enforcement document. Defects concerning legal authority or effective notice cannot be treated as merely *de minimis* procedural irregularities when they affect fuel access or expose a person to penal consequences.

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The essential character of LPG thus provides a strong basis for State intervention, but it does not confer an unlimited regulatory power. The question of the policy's constitutionality hinges on the State establishing an actual connection to equitable distribution without abandoning consumers who aren't yet able to get piped gas. Regular reporting of implementation data, review of grievances regarding wrongful terminations, and evidence of the actual steps taken toward redistribution would help the government connect most households in this country with PNG. Within these limits, the ECA, 1955 can continue to operate as an important instrument of energy security. On the contrary, however, the public purpose should not be the only basis for its legitimacy, but also a sense of fairness, evidence and procedural discipline in the exercise of the power.

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