

The Essential Commodities (Orissa Amendment) Act, 1976

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Act 8 of 1976

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The Essential Commodities (Orissa Amendment) Act, 1976 O.A. No. 8 of 1976 Statement of Objects and Reasons. - By a recent decision, the Orissa High Court has struck down some of the provisions of the Orissa Paddy Procurement (Levy) Order, 1974, issued under the Essential Commodities Act, 1955 on the ground that the levy made thereunder has not been related to the stock in hand as required by the said Act, but to the area of land held by different persons and that the assessment of price of paddy levied thereunder is not strictly in accordance with the requirements of that Act. Since this hampered the procurement programme to a great extent it was found necessary to effect suitable amendments to the Act immediately, as to empower the Government to make the levy order relatable to the areas of holdings and also to provide for payment of price on the basis of those fixed by them, and also to validate actions already taken under the said Levy Order. As the matter was urgent and as the State Legislature was not in session then an Ordinance called the Essential Commodities (Orissa Amendment) Ordinance, 1975 had to be promulgated for effecting necessary amendments to the Essential Commodities Act. Since the amendments effected by the above Ordinance are of a temporary nature and since these amendments should be made a permanent feature of the law it is necessary to replace the same by an Act of the State Legislature. The Bill seeks to achieve the above object. For Statement of Objects and Reasons, see Orissa Gazette No. 221/19.2.1976. Published vide Orissa Gazette Extraordinary No. 430/29.3.1976. An Act to amend the Essential Commodities Act, 1955 in its application to the State of Orissa. Be it enacted by the Legislature of the State of Orissa in the Twenty-seventh Year of the Republic of India, as follows :

1. Short title and commencement.

(1) This Act may be called the Essential Commodities (Orissa Amendment) Act, 1976. (2) It shall come into force at once.

2. Amendment of Section 3.

- In Section 3 of the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act)-(a)in Sub-section (2), for Clause (f), the following clause shall be and shall be deemed always to have been substituted, namely :"(f) for requiring any person holding in stock, or engaged in the manufacture or production of, or in the business of buying or selling, any essential commodity to sell the whole or a specified part of the quantity held in stock or manufactured or produced or caused to be produced or likely to be manufactured or produced or caused to be produced by him or received or likely to be received by him in the course of the said business, to the Central Government or a State Government or to an officer or agent of such Government or to such other person or class of persons and in such circumstances as may be specified in the order;Explanation - An order relating to foodgrains made with reference to this Clause-(i)may specify the prices, fixed by the State Government in this behalf, after taking into account the recommendations, if any, of the Agricultural Prices Commission and with the prior concurrence of the Central Government as the amount which shall be paid for the foodgrain required to be sold under the order ;(ii)may fix or provide for the fixation of the quantity to be sold by a producer with reference to the area under cultivation and the availability of irrigation for production of the particular foodgrain to which the order relates, and also fix or provide for the fixation of such quantities on a graded basis having regard to the aggregate area held by or under the cultivation of different producers".(b)in Sub-section (3), for Clause (c), the following clauses shall be and shall be deemed always to have been substituted, namely :-(c) in the case of foodgrains, where neither Clause (a), nor Clause (v) applies, the price, if any, specified in the said order;(d)where neither Clause (a), nor Clause (b), nor Clause (c) applies, the price calculated at the market rate prevailing in the locality at the date of sale".(c)in Sub-section (3-B), after Clause (i) the following clause shall be and shall be deemed always to have been inserted, namely :"(i-a) in the case of foodgrains, where no controlled price is fixed by an order made with reference to Clause (c) of Sub-section (2), the amount specified in the said order made with reference to Clause (f) of Sub-section (2) for such grade or variety of foodgrains; or".

3. Validation.

- Notwithstanding anything contained in any judgement, decree or order of any Court, any order relating to foodgrains made by the State Government under Section 3 of the principal Act, with reference to Clause (f) of Sub-section (2) of that section, before to 31st day of December, 1975, shall be deemed to have been made under the said section as amended by this Act and accordingly shall be deemed to be and always to have been valid.

4. Repeal and savings.

(1)The Essential Commodities (Orissa Amendment) Ordinance, 1975 is hereby repealed.(2)Notwithstanding such repeal, any order made, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been made, done or taken under the principal Act as amended by this Act.