

The Orissa Rice-Bran (Distribution and Price Control) Order, 1990

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Rule

THE-ORISSA-RICE-BRAN-DISTRIBUTION-AND-PRICE-CONTROL-ORD of 1990

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The Orissa Rice-Bran (Distribution and Price Control) Order, 1990Published vide Notification No. F.& C.S. Department Order No. PL-IC 52/90/1683 dated 15.1.1990F.& C.S. Department Order No. PL-IC 52/90/1683. - Whereas the State Government are of the opinion that it is necessary and expedient to do so for securing equitable distribution and availability of rice bran at fair prices in the State of Orissa.Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955), read with the notification of Government of India in the Ministry of Agriculture and Irrigation (Department of Food) No. G.S.R. 800 dated the 9th June, 1987 and within the prior concurrence of Government of India, the State Government do hereby make the following order namely :

1. Short title, extent and commencement.

- (i) This order may be called the Orissa Rice-Bran (Distribution and Price Control) Order, 1990.(ii)It extends to the whole of the State of Orissa.(iii)It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In this order unless the context otherwise requires-(a)"The Board" means National Dairy Development Board, a Government of India Undertaking with its Headquarters at Anand, State of Gujarat;(b)"Collector" means the Collector of a Revenue District and includes Deputy Collector;(c)"Dealer" means -(i)a person licensed under the Orissa Rice and Paddy Control Order,

1965, or(ii)a person engaged in the business of sale or storage for sale of rice bran in quantity exceeding four quintals at any one time where or not in conjunction with any other business and includes the selling agents of such persons, or(iii)in relation to a rice mill, the owner thereof;(d)"Director" means the Director of Food Supplies, Orissa and includes Joint Director, Food Supplies and Deputy Director, Food Supplies;(e)"ISI Specification" means the specification fixed for Grade I rice-bran by the Indian Standard Institution;(f)"Owner" in relation to a rice mill means the person, who or the authority of which, has the ultimate control over the affairs of the rice mill, and where the said affairs are entrusted to a Manager, Managing Director or Managing Agent shall be deemed to be the owner of the rice mill;(g)"Rice-bran" means the bye-product obtained as a result of processing of paddy for producing rice but does not include rice-husk;(h)"Rice Mill" means the plant and machinery with which rice milling operation is carried on;(i)"Small Poultry feed manufacturer" means a poultry feed manufacturer whose consumption of rice-bran is less than twenty quintals per months.

3. Controlled price.

- No dealer shall sell or agree to sell rice-bran of I.S.I. specification at a price exceeding thirty rupees per quintal,

4. Entire stock of rice-bran to be offered to the Board for sale.

- 1. Every dealer shall offer the entire stocks of rice-bran held by him at the commencement of this order, or manufactured by him at any time thereafter to the Board through the Civil Supplies Officer of the concerned District.

2. The offer referred to in Sub-clause (1) in the case of rice-bran held in stock at the commencement of this order shall be made within a period of seven days or such commencement and in the case of rice-bran manufactured thereafter within a period of seven days of its manufacture.

5. Price of rice-bran.

- The ex-factory price payable to a dealer by the Board for rice-bran of I.S.I. specifications purchased by it shall not exceed the price specified in Clause 3 :Provided that the price payable for rice-bran which is not of I.S.I. specification may be settled between the Board and the dealer through negotiations before accepting the made under Clause 4 but such negotiated price shall not in no case exceed the maximum price specified in Clause 3.

6. Consequence of non-acceptance of offer within the specified time.

- In case the Board fails to purchase the rice-bran offered to it under Clause 4 within a period of two months from the date of receipt of offer by it or there is no settlement of price by negotiation for the rice-bran below I.S.I. specifications within that period the dealer shall be free to dispose of such

bran at a price not exceeding the price specified in Clause 3 within the State.

7. Disposal of rice-bran.

- Subject to the directions issued from time to time by the State Government in this behalf, the rice-bran purchased by the Board under this order shall be sold to the following categories of consumers in the state in the order of priority -(a)Poultry farmers;(b)Orissa Poultry Federation;(c)Small Poultry Feed Manufactures;(d)Piggeries maintained by Defence Services and the State Government;(e)Government fisheries;(f)Private Piggeries and Dairies;(g)Cattle Feed and Poultry Feed Manufactures other than Small Poultry Feed Manufacturers;(h)Solvent Oil Mills.

8. Maximum price chargeable by the Board for sale of rice-bran.

- For sale of rice-bran by the Board under Clause 7 shall not charge more than the maximum price specified in Clause 3 plus such charges on account of handling transportation, godown rent and interest on investment as may be fixed by the State Government, subject to a maximum of rupees ten per quintal.

9. Prohibition of transfer of rice-bran.

- A consumer who purchases rice-bran from the Board under Clause 7 shall not transfer the same to an other person without the prior permission of the Collector.

10. Power to call for information.

- The Director or the Collector or any other Officer authorised in writing by the Director or Collector in that behalf may in writing requires any dealer to furnish any information with a view to satisfying himself that the provisions of this order has been complied with and the dealer to whom the notice issued under this clause shall be bound to comply with such requisition within such period and at such interval as may be specified therein.

11. Power of entry, search, seizure etc.

(1)The Director of any other Officer specially authorised in writing by the State Government in that behalf may, with a view to securing compliance with this order to satisfying himself that this order has been complied with such assistance, if any, as he thinks fit -(a)inspect or cause to be inspected any book or documents belonging to or under the control a dealer;(b)enter or search or authorise any person to enter or search the premises of a dealer;(c)seize any quantity of rice-bran or authorise any person to seize any quantity of rice-bran in respect of which he has reason to believe that a contravention of this order has been, is being or is about to its committed; and(d)seize any books of accounts and documents which in his opinion would be useful for, or relevant to, any proceedings under this order and return such books of accounts and documents, within two months of their seizure to the person from whom they were seized after copies thereof or extract therefrom as

certified by that person, have been taken.(2)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to search and seizure under this order.