

# The Food Control Act, 1986 (1929 A.D.)

JAMMU & KASHMIR

India

## The Food Control Act, 1986 (1929 A.D.)

### Act 1 of 1986

- Published on 29 April 1929
- Commenced on 29 April 1929
- [This is the version of this document from 29 April 1929.]
- [Note: The original publication document is not available and this content could not be verified.]

The Food Control Act, 1986 (1929 A.D.) Act No. 1 of 1986 [Sanctioned by His Highness the Maharaja Bahadur vide Minister-in-Waiting's endorsement No. 1052-C, dated 29th April, 1929 and published in Government Gazette dated 27th Baisakh, 1986.] Preamble. - Whereas it is expedient to consolidate and amend the law relating to food control in Kashmir Province ; It is hereby enacted as follows:-

#### 1. Title, extent and commencement.

(a) This Act may be called "The Food Control Act, 1986". (b) It extends to the whole of the Kashmir Province. (c) It shall come into force on and from the date of its third publication in the Jammu and Kashmir Government Gazette.

#### 2. Method of acquisition and distribution of grain.

- The [Director, Kashmir Valley Food Control,] [Substituted for 'Manager State Granaries' or 'State Granaries' by Revenue Department Notification No. 84 published in the Government Gazette dated 26th Maghar. 1987. (Now Deputy Commissioner. Food and Supplies).] under the control of the [Government,] [In section 2 'Government' substituted for 'Minister-in-charge' by Act X of Svt. 1996.] shall continue to make arrangements to purchase shali with the object of stabilising prices in the interest of the producer and the consumer in the Kashmir Province. The rates at which shali shall be purchased by the [Director, Kashmir Valley Food Control,] [Substituted for 'Manager State Granaries' or 'State Granaries' by Revenue Department Notification No. 84 published in the Government Gazette dated 26th Maghar. 1987. (Now Deputy Commissioner. Food and Supplies).] through Government agency or by such other agencies as may be employed by the [Director Kashmir Valley Food Control,] [Substituted for 'Manager State Granaries' or 'State Granaries' by Revenue Department Notification No. 84 published in the Government Gazette dated 26th Maghar. 1987. (Now Deputy Commissioner. Food and Supplies).] for this purpose, shall be in accordance with the rates [fixed by the Government with the advice of the Board constituted under the

provisions of section 11 of this Act] [Substituted for the words 'given in the annexure to this Regulation' by Act IX of Svt. 1993.]. Die distribution of shali so purchased shall be effected by the; [Director, Kashmir Valley Food Control.] [Substituted for 'Manager State Granaries' or 'State Granaries' by Revenue Department Notification No. 84 published in the Government Gazette dated 26th Maghar. 1987. (Now Deputy Commissioner. Food and Supplies).] who shall work directly under the guidance of the [Government] [In section 2 'Government' substituted for 'Minister-in-charge' by Act X of Svt. 1996.] or such other officer by whom the Jammu and Kashmir Government may direct the activities of the [Director, Kashmir Valley Food Control] [Substituted for 'Manager State Granaries' or 'State Granaries' by Revenue Department Notification No. 84 published in the Government Gazette dated 26th Maghar. 1987. (Now Deputy Commissioner. Food and Supplies).] to be controlled. The profits accruing to the [Kashmir Valley Food Control] [Substituted for 'Manager State Granaries' or 'State Granaries' by Revenue Department Notification No 84 published in Government Gazette dated 26th Maghar, 1987.] after meeting expenditure incurred in connection with its authorised operations shall be devoted exclusively to the furtherance of the [Food Control] [Substituted for 'Grain Control' by Revenue Department Notification No. 84 published in Government Gazette dated 26th Maghar, 1987.] scheme in Kashmir, with the approval of [the Jammu and Kashmir Government.] [Substituted for 'His Highness the Maharaja Bahadur' by Act IX of Svt. 1993.]

### **3. Wad transaction not enforceable.**

- No agreement to repay in the form of agricultural produce any loan advanced in the Kashmir Valley otherwise than by Government agency shall be enforceable.[4. Advances recoverable as arrears of land revenue. - (1) Advances made by the Kashmir Valley Food Control Department on account of shali, wheat or maize in addition to such penalty (not exceeding Rs. 12 per Kharwar of grain recoverable in lieu of such advances) as may be determined from time to time by the Minister-in-charge of the said Department by a general or special order, shall be recoverable as arrears of land revenue where failure to deliver grain necessitates such recoveries being made.(2)Balances other than those referred to in sub-section (1) due to the Kashmir Valley Food Control Department in cash or kind as may be certified in writing by the Director of the said Department as such balances, shall be recovered as arrears of land revenue.] [Section 4 substituted by Act VI of Svt. 2007. (For earlier amendments see Notification No 84 published in Government Gazette dated : 26th Maghar, 1987 and Act IX of Svt. 1993).][5. Control of movements within the limits of Kashmir Province. - After consulting the Advisory Board constituted under the provisions of section 11 of the Act, the Director, Kashmir Valley Food Control, may from time to time subject to the control of the [Government] [Section 5 substituted by Act IV of Svt. 1995.] by order published in the Jammu and Kashmir Government Gazette and in such other manner, if any, as might be prescribed by the [Government] [In section 5 'Government' substituted for 'Minister-in-charge' by Act X of Svt. 1996.] prohibit, restrict or control the import into the Municipal limits of the Srinagar City or the transport within the Province of Kashmir of shali or rice (including any preparation thereof) by any person or persons without the authority or permission of the said Director.][6. Export of shali, rice or maize. - Shali, rice, maize, or any preparation thereof shall not be exported from the Kashmir Province except with the previous permission in writing of the Director, Kashmir Valley Food Control.] [Section 6 substituted by Revenue Department Notification No. 84 published

in Government Gazette dated 26th Maghar, 1987.]

## **7. Declaration of stocks.**

(1)The [Deputy Commissioner of a District] [Substituted by Act III of Svt. 2008 for 'Governor, Kashmir Province'.] or any officer authorised by him in this behalf may by notice in writing require any person to declare within 24 hours of the service of the notice the total stock of any shali or rice in his possession or held on his behalf within the province of Kashmir and such person shall be bound to comply accordingly.(2)A notice under sub-section (1) shall be deemed to have been served when it is served in the manner provided in the Code of Civil Procedure, 1977, for the service of summons or when proclaimed by beat of drum or when posted in a conspicuous place in the locality or localities where the stocks are believed to be held.(3)If any attempt is made or apprehended to remove any stock or stocks regarding which action under sub-section (1) has been authorised the [Deputy Commissioner of a District] [Substituted by Act III of Svt. 2008 for 'Governor, Kashmir Province'.] or any officer authorised by him in this behalf may take all necessary steps to prevent such removal.(4)If the notice issued under sub-section (1) is not complied with within the prescribed time or if there is reason to doubt the accuracy of any declaration made under this Act the [Deputy Commissioner of a District] [Substituted by Act III of Svt. 2008 for 'Governor, Kashmir Province'.] or any officer authorised by him in this behalf may enter into and search any house, place, tent or vessel believed to contain stock regarding which the notice was issued and served. The provisions of the Code of Criminal Procedure, [1989] [Substituted for '1969' by Act IX of Svt. 1933.], shall apply so far as possible to all searches and entries made under this Act.

## **8. Power to commandeer stocks of shali or rice.**

(1)Any person or persons other than an authorised agent of the [Director, Kashmir Valley Food Control,] [Substituted for 'Manager, State Granaries' by Revenue Department Notification No. 84 published in Government Gazette Dated 26th Maghar, 1987.] acquiring or holding shali or rice or any preparation thereof in excess of the quantity considered sufficient by the [Deputy Commissioner of a District] [Substituted by Act III of Svt. 2008 for 'Governor Kashmir Province'.] to meet all legitimate household requirements (which shall include the requirements of guests and dependents according to the position of such person) for a period of one year, at any time may be required by notice in writing served in the manner provided in section 7, sub-section (2) by the [Deputy Commissioner of a District] [Substituted by Act III of Svt. 2008 for 'Governor Kashmir Province'.] to hand over such surplus shali or rice or other preparation thereof to the [Director, Kashmir Valley Food Control] [Substituted for 'Manager, State Granaries' by Revenue Department Notification No. 84 published in Government Gazette dated 26th Maghar, 1987] or his authorised agents [at the price sanctioned by the Government with the advice of the Board constituted under the provisions of section 11 of the Act. Where shali or rice or any preparation thereof is commandeered at a place other than a recognized collection centre, the price to be paid shall be the price fixed for the nearest collection centre less nine pica per mile per kharwar for each mile of the distance from the nearest collection centre.] [Substituted by Act IX of Svt. 1993 for certain words.](2)In the event of the person from whom shali or rice or other preparation thereof may be thus commandeered refusing to accept payment for the same at the rates [sanctioned by the Jammu and Kashmir Government with

advice of the Board constituted under the provisions of this Act] [Substituted by Act IX of Svt. 1993 for certain words.] or refusing to give a proper receipt for the payment so made, the price due shall be deposited with the Tehsildar in whose Tehsil the shali or rice was lying at the time it was commandeered. On receipt of such deposit the Tehsildar concerned shall issue a notification through the Government Gazette to the effect that if the amount so deposited is not claimed within a period of six months after publication of the notification, the amount shall with the sanction of the [Deputy Commissioner of a District] [Substituted by Act III of Svt. 2008 for 'Governor Kashmir Province'.] and the concurrence of the [Director, Kashmir Valley Food Control,] [Substituted for 'Manger, State Granaries' by Revenue Department Notification No. 84 published in Government Gazette dated 26th Maghar, 1987] be credited to Government and shall not be refundable unless the claimant can show cause to the [Deputy Commissioner of a District] [Substituted by Act III of Svt. 2008 for 'Governor Kashmir Province'.] for not having claimed the amount previously.(3)[ In calculating the price to be paid for rice commandeered under this Act. ten traks rice shall be taken as the equivalent of one kharwar shali, shali commandeered with the Srinagar Municipal area shali be paid for at a rate which shall be rupee one below the rate at which the Kashmir Valley Food Control Department is authorised to sell shali on the date such grain was commandeered.] [Sub-section (3) added by Act IX of Svt. 1993.]

## **9. Penalties.**

- Any person who makes a false declaration who called upon under 7 of this Act declare his stocks, shall be punishable with simple imprisonment for a period not exceeding one year or with fine exceeding Rs. 1000, or with both, and any shali and rice or other preparation thereof found in the possession of such a person or held on his behalf shall be confiscated with the exception of such quantity as may be deemed by the Court to be sufficient to meet all legitimate household requirements of such person for one year.

## **10. Penalties under this Act.**

- Any person who disobeys any order issued under this Act [xxx] [Words 'or excites or attempts to excite dissatisfaction against this Regulation' omitted by Act IV of Svt. 1995.] or endeavours to defeat its objects or contravenes any provision of this Act in any other way shall be punishable with simple imprisonment for a period not exceeding one year or with fine not exceeding Rs. 1000, or with both. All offences under this Act shall be triable by a Court not lower in rank than that of a [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'.] of the first class, and shall be cognizable by the Police and not compoundable except with the previous written sanction of the [Deputy Commissioner of the District.] [Substituted by Act III of Svt. 2008 for 'Governor Kashmir', or 'Governor Kashmir Province'.][10A. Powers of Direction to impose fine. - The Director, Kashmir Valley Food Control shall at his discretion impose a fine not exceeding Rs. 50 on a hanji and not exceeding Rs. 10 on a hamal for any of the following irregularities committed by the hanji and he is authorised to recover or remit the fine imposed by him in any case:-Irregularities(a)adulteration of grain ;(b)misbehaviour of any kind resulting in a disturbance ;(c)misappropriation of grain belonging to the Department ;(d)unauthorised sale of grain belonging to the Department ;(e)direct dealing with zamindars and ticket-holders ;(f)short weighments;(g)attempt to cheat zamindars who

deal with the Department;(h)non-compliance with any legal order passed by the Director; Kashmir Valley Food Control.][10B. Powers of Director to demand security. - The Director Kashmir Valley Food Control, may at his discretion demand cash security from hanjis and hamals, before or after they are employed by the Department, and may for reasons to be recorded in writing confiscate such security money or any portion thereof.

### **10C. Orders of Director final.**

- The orders of fine and confiscation of security passed by the Director, Kashmir Valley Food Control, shall be final and shall be open to any appeal or application for revision to any higher authority.] [Sections 10-B and 10-C added by Revenue department Notification No G-1128/335 dated the 12th September, 1932, published in Government Gazette dated the 7th Assuj, 1989.][10D. Penalties. - Notwithstanding anything said in section 10 above, any markban or pony-man found guilty of any of the following irregularities with respect to shali committed to their charge by zamindars for delivery to the Kashmir Valley Food Control Department at appointed centres shall be punished on conviction by any [Judicial Magistrate] [Section 10-D added by revenue Department Notification No. 440-G dated the 13th February 1933, published in Government Gazette dated the 20th Phagan, 1998.] with a fine not exceeding Rs.50Irregularities(a)adulteration of grain ;(b)misbehaviour of any kind resulting in an affray ;(c)misappropriation of grain belonging to a zamindar ;(d)unauthorised disposal of grain belonging to a zamindar;(e)attempt to cheat a zamindar who entrusts him with shali for delivery at Kashmir Valley Food Control Department;(f)attempt to cheat the staff of the Kashmir Valley Food Control Department responsible for accepting the delivery of shali from zamindars.][11. Constitution of the Board. - There shall be constituted an Advisory Board to suggest to the Government from time to time a schedule of rates regarding the purchase and sale of shali at different ghats.The Board shall consist of seven members. The Revenue Minister and the Director Food Control shall be ex-officio members of the Board. The remaining five shall be elected by the [Praja Sabha from amongst its non-official members belonging to Kashmir Valley. Three shall be from the rural area and two from the city of Srinagar.] [Section 11 added by Act IX of Svt. 1993. Old section 11 renumbered as section 12.] [Section 10-A added by Revenue Department Notification No. G-1128/335 dated 12th September, 1932, published in Government Gazette dated 7th Assuj, 1989.][12. Repeal of previous orders. - All previous orders and Regulations passed in regard to the control of maize, shali and rice and preparation thereof in the Kashmir Province are hereby repealed.] [Section 11 added by Act IX of Svt. 1993. Old section 11 renumbered as section 12.][Annexure. Repealed.] [Annexure repealed by Act IX of Svt. 1993.]