

The Orissa Prohibition of Withholding from Sale of Essential Commodities Order, 1977

ODISHA

India

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Rule

THE-ORISSA-PROHIBITION-OF-WITHHOLDING-FROM-SALE-OF-ESSE of 1977

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The Orissa Prohibition of Withholding from Sale of Essential Commodities Order, 1977Published vide Notification Orissa Gazette Extraordinary No. 637/16.3.1977In exercise of the powers conferred by Section 3 of the Essential Commodities Act 10 of 1955 read with the notification of the Government of India in the Ministry of Agriculture (Department of Food) No. O.S.R. 316 (E) dated the 20th June, 1972, published in the Gazette of India, Extraordinary (Part II, Section 3, Sub-section (1), dated the 30th June, 1972), and in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) No. S.O. 681 (E) dated the 30th November, 1974 published in the Gazette of India, Extraordinary (Part II, Section 3, Subsection (1) dated the 30th November, 1974) the State Government do hereby make the following orders :

1. Short title, extent and commencement.

- (i) This Order may be called the Orissa Prohibition of Withholding from Sale of Essential Commodities Order, 1977.(ii)It shall extend 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. Definition.

- In this Order, unless the context otherwise requires-(a)"Collector" means the Collector of revenue district and includes the Additional District Magistrate;(b)"dealer" means a person engaged in the business of purchase, sale or storage for sale either wholesale or retail of any one or all of the essential commodities :Provided that a cultivator or landlord shall not be deemed to be a dealer in

respect of any essential commodity which is the produce of the land cultivated or owned by him;(c)"essential commodities" means the commodities specified in the Schedule;(d)"producer" means a person carrying on business of milling, expelling, extracting or manufacturing any essential commodity;(e)"retailer" means a dealer in any one or all of the essential commodities who is not a wholesaler;(f)"Schedule" means a Schedule appended to this Order;(g)"wholesaler" means a dealer in any one or all of the essential commodities who sells such commodities to other dealers.

3. Prohibition of withholding from sale.

- (i) No retailer, or wholesaler or producer shall refuse to sell or withhold from sale any essential commodity kept by him for sale.(ii)For the purpose of [Sub-clause (1)] [Substituted vide S.R.O. No. 547/16.3.1977.], the stocks of any essential commodity in the possession of any dealer or producer shall be deemed to be The stocks kept by him for sale ;[Provided that this clause shall not apply to-(a)a corporation or company owned or controlled by the Central Government or State Government; or(b)any Central level or State level Co-operative Society engaged in the production, procurement, sales, purchase or distribution of the essential commodities.]

4. Powers of entry, search, seizure, etc.

(1)The Collector or any other officer appointed by the State Government may with such assistance, if any, as he thinks fit-(a)require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel or other conveyances in which he has reason to believe that contravention of the provisions of this Order has been, is being or is about to be committed to produce any books of accounts or other documents;(b)enter, inspect or break open and search any place or premises, vehicle or vessel or other conveyances in which he has reason to believe that contravention of the provision of this Order has been, is being or is about to be committed;(c)take or cause to be taken extracts from or copies of any document produced before him;(d)search, seize and remove the stocks of essential commodity and the vehicles, vessels or other conveyances used in carrying the essential commodities in contravention of the provision of this Order and thereafter take or authorise the taking of all measures necessary for securing the production of the stock and vehicles, vessels or other conveyances so seized in a Court and for their safe custody pending such production.(2)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

Schedule

1. Sugar

2. Pulses

3. Edible oil seeds and edible oils including Vanaspati

4. Kerosene

5. Cement

6. [Baby Food] [Inserted vide S.R.O. No. 62/18.1.1978.]

7. [Drugs.] [Added vide O.G.E No. 718 dated 7.6.1995.]

[Orissa Prohibition of Withholding from Sale of Essential Commodities Order, 1977-Schedule thereunder [Notification No. PL-IC-43/77/38638/13.12.1977.]](13th December, 1977)In pursuance of Sub-section (1) of Clause 4 of the Orissa Prohibition of Withholding from Sale of Essential Commodities Order, 1977, the State Government do hereby appoint the officers mentioned in Column (1) of the Schedule below to exercise the powers under the said sub-clause in the areas mentioned against each in Column (2) of the said Schedule.

Schedule 2

(1)	(2)
1. Controller of Supplies, Orissa	Within the State of Orissa
2. Joint Director of Food Supplies	-Do-
3. Deputy Directors of Food Supplies	-Do-
4. Assistant Directors of Food Supplies	-Do-
5. Civil Supplies Officer and Assistant Civil Supplies Officers attached to Headquarters	-Do-
6. All Executive Magistrates	Within the local limits of their jurisdiction
7. All Civil Supplies Officers	-Do-
8. All Assistant Civil Supplies officers	-Do-
9. All Supervisors of Supplies	-Do-
10. All Inspectors of Supplies	-Do-
11. All Assistant Inspectors of supplies	-Do-
12. All Supervisors of Supplies	Within the State of Orissa
All Inspectors of Supplies allotted to Headquarters, Food and Civil Supplies Department	
13. All Police Officers not below the rank of Assistant Sub-Inspector	Within the local limits of their jurisdiction
14. All Officers of Vigilance Branch of Government of Orissa not below the rank of Assistant Sub-Inspector of Police.	Within the State of Orissa

[Added vide S.R.O. No. 547/16.3.1977.]