

# The Orissa Wheat Control Order, 1987

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### Rule THE-ORISSA-WHEAT-CONTROL-ORDER-1987 of 1987

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The Orissa Wheat Control Order, 1987Published vide Notification Orissa Gazette Extraordinary No. 864, dated 12.6.1987 Notification SRO No. 379/87 dated 5.6.1987S.R.O. No. 379/87. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the notification of the Government of India in the Ministry of Agriculture (Department of Food) No. GSR-800, dated the 9th June, 1978, published in the Gazette of India, Part-II Section 3, Sub-section (i), dated the 17th June 1978 and No. GSR 452 (E), dated the 25th October, 1972 and No. GSR 168 (E), dated the 13th March, 1973, published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), dated the 25th October, 1972 and the 13th March, 1973, respectively, and with the prior concurrence of the Central Government, the State Government do hereby made the following orders namely :

#### 1. Short title, extent and commencement.

(1)This order may be called the Orissa Wheat Control Order, 1987.(2)It extends to the whole State of Orissa.(3)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)"Consumer" means a person who purchases wheat for consumption by himself and the members of his family and includes an institution which purchases wheat for consumption by its members and staff;(b)"Controller of Supplies" means the Controller of Supplies appointed by the Government;(c)"Family" includes servants living in the same mess and in case of an institution, all its members and staff;(d)"Form" means a form appended to this order;(e)"Government" means the Government of Orissa;(f)"Government Agent" means a person authorised by the Government to purchase or sell or store in wholesale quantities, wheat on account of the State or Central Government;(g)"Institution" means Hospitals, Sanatoria, Convalescent Homes, Nursing Homes, Orphanages, Work Houses, Work Hostels, Asylums, Infirmarys, Schools, Colleges and Universities with Hostels providing meals and includes other

institutions of a like nature;(h)"Licensing Authority" means the Collector of the district;(i)"Procedure" means a person who grows wheat or causes wheat to be grown on any land and includes any such person who converts such wheat to any wheat product;(j)"Dealer" means a person who purchases or sells wheat in any quantity exceeding [20] [Substituted vide O.G.E. 1717, dated 8.12.1987.] quintals in a calendar day or stores wheat exceeding [50] [Substituted vide O.G.E. 1717, dated 8.12.1987.] quintals at any time;(k)"Roller Flour Mill" means a flour mill in which the disintegration of wheat is done by grooved steel in iron rollers worked by power;(l)"Wheat Products" means Maida, Suji, Wholemeal Atta, Resultant Atta and Wheat Bran.

### **3. Licensing of persons.**

(1)No person shall act as a dealer in wheat except under and in accordance with licence issued in that behalf by the licensing authority:Provided that all Government Agents/Institutions recommended by the Licensing Authority shall be exempted from obtaining the licence for dealing in appropriate quantities of wheat :Provided further that Government may, by a special or general order, exempt, subject to such conditions as may be specified in the order, any other person or class of persons from the operation of this clause.(2)No person dealing in wheat products is required to obtain a licence.

### **4.**

No producer shall sell wheat to a consumer or any other producer in any quantity exceeding 10 quintals in any calendar day or to any dealer or Government agent exceeding 50 quintals a day :Provided that restrictions imposed under this Sub-clause shall not apply to storage or possession of wheat on account of or on behalf of or on the authority of Food Corporation of India or the State Government or the Central Government.

### **5. Power to fix price.**

(1)The Government or the licensing authority may from time to time by a notification fix maximum price at which wheat may be sold or delivered by a dealer.(2)Different price may be fixed for different areas.(3)Such maximum price shall be fixed having regard to the cost of production, cost of purchase by the dealer and such other factors as are incidental to the trade in wheat.(4)Where the maximum price has been so fixed, no dealer shall sell or agree to sell wheat at a price in excess of that price.

### **6. Issue of licence.**

(1)Every application for a licence or for renewal thereof shall be made to the Licensing Authority in Form A.(2)Every licence issued, re-issued or renewed under this order shall in Form "B" and shall specify the article namely wheat, which the licensee shall deal with and the place at which the licensee may act as a dealer.

## **7. Period of licence and fees chargeable.**

(1) Every licence granted under this Order shall, unless revoked earlier, be valid for a period pending on the 31st March of the year in which it is issued and may be renewed for a period of one year at a time. (2) The fees chargeable in respect of each licence shall as specified below:

For issue of licence [Rs. 200] [Substituted by O.G.E. No. 795 dated 23.5.1989.]

For renewal of licence [Rs. 100] [Substituted by O.G.E. No. 795 dated 23.5.1989.]

For issue of duplicate licence [Rs. 75] [Substituted by O.G.E. No. 795 dated 23.5.1989.]

(3) A separate licence shall be obtained for each place of business. (4) It shall be the duty of the holder of licence to immediately obtain the licensing authority a duplicate of the licence issued to him if the same is lost, destroyed or defaced. Explanation. - "Year" for the purposes of this clause shall mean the financial year beginning on the 1st day of April.

## **8. Security Deposit.**

(1) Every person applying for a licence as a dealer shall, before licence is issued to him deposit with the licensing authority for each place of business a sum of Rs. 500 (Rupees five hundred only), by way of security for due performance of the conditions subject to which the licence is granted to him: Provided that the provisions of the sub-clause shall not apply to any Co-operative Society registered under the Orissa Co-operative Societies Act, 1962 (Orissa Act 2 of 1963) applying for a licence under this Order. (2) The security referred to in Sub-clause (1) may in any one of the following forms, namely: (a) a demand draft on the State Bank of India endorsed in favour of the licensing authority; (b) a deposit-at-call-receipt of the State Bank of India endorsed in favour of the licensing authority; (c) Government Securities at five per cent below market price or at face value, whichever is less, endorsed in favour of the licensing authority; (d) Savings certificate transferred as provided in Rule 19 of the Post Office Savings Certificate Rules, 1960 to the Governor of Orissa in his official capacity; (e) Treasury receipt endorsed in favour of licensing authority; (f) Post Office Savings Bank Pass Book, the account being pledged to the licensing authority; and (g) Cash deposit into Government Treasury under head "Revenue Deposit".

## **9. Power to refuse licence.**

- The licensing authority may, after giving the applicant an opportunity of being heard and for reason to be recorded in writing refuse to grant or renew a licence.

## **10. Contravention of conditions of licence.**

- No holder of a licence issued under this order or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the said terms conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority: Provided that no order

shall be made under this clause, unless the licence has been given a reasonable opportunity of being heard against the proposed cancellation or suspension.

## **11. Cancellation of licence in case of conviction.**

- Notwithstanding anything contained in Clause 10 where a licence has been convicted by a Court of law in respect of contravention of any order made under Section 3 of the Essential Commodities Act, 1955 (10 of 1955), relating to foodstuffs, including edible oil-seeds and oils, the licensing authority may, by order in writing, cancel his licence :Provided that where such conviction is set aside in any appeal or revision, the licensing authority may on application in Form "A" by the person whose licence has been cancelled, re-issue the licence without payment of any fee to such person.

## **12. Forfeiture of security deposit.**

(1)Without prejudice to the provisions of Clause 10, if the licensing authority is satisfied that the licensee has contravened any of the conditions of the licence, it may after giving the licence a reasonable opportunity of being heard against the forfeiture, by order forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee.(2)The licensee shall, if the amount of security deposit at any time falls short of the amount specified in Clause 7 forthwith deposit further security to make up the deficiency on being required by the licensing authority so to do.(3)Upon due compliance with all obligations under the licence, by the licensee, the amount of security deposit or such part thereof, which is not forfeited as aforesaid, shall be refunded to the licensee after the termination of the licence.

## **13. Appeal.**

(1)Any person aggrieved by any order of the licensing authority refusing to grant, re-issue or renew a licence or cancelling or suspending a licence or forfeiting the whole or any part of the security deposit under the provisions of this order, may, within fifteen days from the date of receipt of the said order, prefer an appeal to the Controller of Supplies whose decision thereon shall be final and any appeal, preferred after the expiry of the aforesaid period, may be summarily rejected by the Controller of Supplies.(2)No order shall be made by the Controller of Supplies under this Clause unless the aggrieved person is given a reasonable opportunity of being heard.(3)Pending disposal of the appeal, the Controller of Supplies may direct that the order of the licensing authority against which the appeal is preferred shall not take effect until the appeal is disposed of.

## **14. Maintenance of Accounts.**

- The dealer shall maintain a Register of daily accounts for wheat showing therein correctly :(a)the opening stock on each day;(b)the quantities received on each day showing the place from where and the source from which received;(c)the quantities delivered or otherwise removed on each day showing the place of destination; and(d)the closing stock on each day.

## **15. Distribution.**

(1)The Government from time to time -(a)allot quotas of wheat for the requirement of any specified area or of any specified market; and(b)issue directions to a Government Agent or a dealer to supply wheat to such areas, markets persons, institutions or organisations in such quantities, at such time and in such manner as may be ordered by them;(c)every Government Agent or dealer shall comply with the directions issued to him under Sub-clause (1).

## **16. Powers of entry, search and seizure.**

(1)With a view to securing compliance with this order or to satisfy himself that this order has been complied with, the Controller of Supplies or any other officer authorised by the Government in this behalf, with such assistance, as he thinks fit -(a)require the owner, occupier or any other person in charge of the place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed, to produce any book, accounts or other documents showing transactions relating to such contravention;(b)enter, inspect or break open and search any place or premises, vehicle or vessels in which he has reason to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder has been is being or is about to be committed;(c)take or cause to be taken extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;(d)search, seize and remove stocks of wheat and the packages, coverings, animals, vehicles, vessels or other conveyance used in carrying the said wheat in contravention of the provisions of this order or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of wheat and packages, covering, animals, vehicles, vessels other conveyances so seized in a Court and for their safe custody sending such production.(2)The provisions of Sections 100 and 102 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.

## **17. Repeal and Savings.**

(1)The Orissa Foodgrains Dealers Licensing Order, 1964 and the Orissa Wheat and Wheat Products Control Order, 1973, in so far as they relate to wheat or wheat products shall stand repealed except in respect of things done or omitted to be done under the said two orders so repealed.(2)All licences issued under said two orders in respect of wheat and wheat products shall stand cancelled on commencement of this order. Notwithstanding such cancellation, the dealer holding a licence shall, subject to the conditions that he notified to the authorities who had issued the aforesaid licence the quantity of stocks remaining with him immediately prior to the date of commencement of this order, be entitled to hold and sell the same stock as a retailer till 31st August, 1987 but shall not be entitled to purchase any further stocks.Form 'A'[See Clause (6)(1)]The Orissa Wheat Control Order, 1987Application for Grant/renewal of Licence

**1. Applicant's name**

**2. Applicant's Profession**

**3. Applicant's residence**

**4. Details of place or places where applicant wants to act as a dealer**

**5. Did the applicant hold a licence on any previous occasion ? (If so, give particulars including its suspension or cancellation (if any))**

**6. Quantity of wheat handled annually during the last three years**

**7. Quantity of wheat likely to be handled during the current year**

**8. Income-tax paid in the two years preceding the year of application (to be indicated separately)**

(a)(b)9. (a) Quantity of wheat in the possession of the applicant on the date of application (b) Complete address of places where wheat is proposed to be stored I declare that the quantities of wheat specified above are in my possession this day and are held at the places noted above. I have carefully read the conditions of licence given in Form B appended to the Orissa Wheat Control Order, 1987 and I agree to abide by them.\* (a) I have not previously applied for such licence in this district for wheat\* (b) I applied for such licence in this district.....for on..... and was/was not granted a licence on.....\* (c) I hereby apply for renewal of licence No..... Date.....\* Strike off the items which are not applicable. Place : Date : Signature of the Applicant Form 'B' [See Clause (6)(2)] The Orissa Wheat Control Order, 1987 Licence for Operation as a Dealer of Wheat Licence No.

**1. Subject to the provisions of the Orissa Wheat Control Order, 1987 and to the terms and conditions of this Licence is/are hereby authorised to operate as a dealer in wheat mentioned below-**

(a) The licensee shall carry on his aforesaid business at the following place- (b) Wheat in which the aforesaid business is to be carried on shall not be stored at any place Other than any other of the godowns mentioned below -Note. -If the licensee intends to store his stocks of wheat in a place other than that specified above, he shall give prior intimation thereof and shall produce the licence for making requisite changes by the licensing authority : Provided that where the licensee is compelled by circumstances beyond his control to store wheat in any place other than that specified in the licence, he shall inform the licensing authority of his having done so within 48 hours of such storage and shall produce the licence for making requisite changes by the licensing authority.

**2. The licensee shall take adequate measures to ensure that wheat stored by him are maintained in proper condition and that damages to wheat due to ground moisture, rain, insects, rodents, birds, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and wheat shall be fumigated with chemical approved for the purpose by persons who have undergone practical training in that regard. The licensee shall also ensure that fertilisers, insecticides and poisonous chemicals likely to contaminate wheat are not stored along with wheat in the same Godown or in immediate just a position of stock of wheat.**

**3. (i) The licensee shall complete his accounts as specified in clause 14 of the Orissa Wheat Control Order, 1987 for each day to which they relate unless prevented by reasonable cause, the burden of proving which, shall be upon him.**

(ii) A licensee who is a producer himself shall separately show the stocks of his own produce in the daily account, if such stocks are stored in his business, premises.

**4. The licensee shall submit to the licensing authority concerned a true return, in Form 'C' so as to reach him not later than the 10th of each month, of stocks, receipts and deliveries of wheat during the preceding month.**

**5. The licensee shall not contravene the provision of the Orissa Wheat Control Order, 1987 or any other order relating to food-stuffs issued under the Essential Commodities Act, 1955 (10 of 1955).**

**6. The licensee shall not contravene the provisions of any law relating to food-stuffs for the time being in force.**

**7. (a) The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by it or the State Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of wheat and for the taking of samples of wheat for examination.**

(b) The licensee shall furnish correctly such information relating to his business as may be demanded by the licensing authority or by any officer authorised by him in his behalf.

**8. The licensee shall not - (i) Enter into any transaction involving purchase, sale or storage for sale of wheat in a speculative manner prejudicial to the maintenance and easy availability of supplies of wheat in the market.**

(ii) Withhold from sale supplies of wheat ordinarily kept for sale.

**9. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of wheat held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the prices of different varieties of wheat.**

**10. A licensee shall except, when specially exempted by Government in this behalf, issue to every person from/to whom wheat is purchased/sold, a correct receipt involve or Memo as the case may be giving therein his own name, address and licence No. and the name, address of the person from/to whom purchased/sold with his signature, as also the date of transaction the variety of wheat purchased/sold the quantities of wheat purchased/sold, the rate per quintal or kilogram, as the case may be the total price paid/ received for each item as also the grand total of the amount paid/received and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised by it in this behalf.**

**11. The licensee shall comply with any direction that may be given to him by the State Government in regard to purchase, sale and storage of wheat in regard to language in which the register of accounts under Clause 14 of the Orissa Wheat Control Order, 1987 returns price lists receipts. Memo or invoices, mentioned in paragraphs 4, 9 and 10 shall be written.**

**12. The licensee shall in a case where he functions in a regulated market abide by such instruction relating to his business as are given by the marketing authority having jurisdiction and in any other case by such body as may be recognised by the State Government in this behalf.**

**13. The licensee shall not sell or offer to sell in any locality wheat at a price higher than that fixed for sale of that wheat in such locality by the Central Government or the State Government as the case may be in pursuance of any power conferred by law.**



**14. This licence shall be attached to any application for renewal.**

**15. This licence shall be valid up to the 31st March.**

Place :Date :Licensing AuthorityForm 'C'[See Paragraph 4 of Form B]Return for the Month  
of.....Name.....Address.....Licence No.....Particulars of Godown where stock  
held

**1. Stock at the beginning of the month**

(a)Actually with the stockist(b)Pledged with any person or institution such as Bank or Co-operative  
Society ...

**2. Quantity purchased during the month including stocks received on  
Government account and the source of supply**

**3. Quantity sold during the month**

**4. Stock at the end of the month**

Place :Date :Signature of the Licensee