

The Orissa Essential Foodstuffs (Prevention of Hoarding and Requisitioning of Stocks) Order, 1974

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India

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Rule

THE-ORISSA-ESSENTIAL-FOODSTUFFS-PREVENTION-OF-HOARDING of 1974

- Published on 28 February 1974
- Commenced on 28 February 1974
- [This is the version of this document from 28 February 1974.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Essential Foodstuffs (Prevention of Hoarding and Requisitioning of Stocks) Order, 1974 Published vide Notification O.G.E. No. 303/14.3.1974 (SRO No. 150/74/28.2.1974) Notification No. S.R.O. 150/74, dated the 28th February, 1974. - Whereas the State Government are of the opinion that it is necessary and expedient so to do for maintaining the supplies and securing an equitable distribution of certain essential foodstuffs 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), and in particular by Clauses (d) and (f) Sub-section (2) thereof read with the notification of the Government of India in the Ministry of Agriculture (Department of Food) No. G.S.R. 316 (E), dated the 20th June, 1972 and No. G.S.R. 452 (E), dated the 25th October, 1972 published in the Gazette of India (Part II, Section 3, Sub-section (1), dated the 20th June, 1972 and the 25th October, 1972 respectively,) and with the prior concurrence of the Government of India, the State Government do hereby make the following Order, namely:

1. Short title, extent and commencement.

(1) This Order may be called the Orissa Essential Foodstuffs (Prevention of Hoarding and Requisitioning of Stocks) Order, 1974. (2) It extends to the whole of the State of Orissa. (3) It shall come into force at once.

2. Definitions.

(1) In this Order unless the context otherwise requires—(a) "Controller" means Director, Joint Director, Deputy Directors and Assistant Directors of Food, Civil Supplies Officers, Assistant Civil Supplies Officers working under the Supply Department, Government of Orissa within their respective jurisdictions and includes such other officers of the State Government as may be authorised by the State Government by notification in the Official Gazette to perform all or any of the functions of the Controller under this Order in respect of such areas as may be specified in the notification; (b) "Collector" means an Officer appointed as such to remain in charge of any of the revenue districts of the State; (c) "Dealer" means any person carrying on the business of selling any essential foodstuff as importer, wholesaler or retailer and includes an agent of such person, but does not include a producer; (d) "Essential foodstuff" means any of the foodstuffs specified in Column (1) of the First Schedule; (e) "Food Corporation" means the Food Corporation of India established under the Food Corporation Act, 1964 (Act 37 of 1964); (f) "Importer" means any person who brings any essential foodstuffs into the State of Orissa from any place outside the State for the purpose of sale and includes a broker or a commission agent or any other agent having authority to sell such foodstuffs on behalf of such person; (ff) ["Paddy" includes rice;] [Inserted vide Orissa Gazette Extraordinary No. 1764/19.11.1974 (SRO No. 587 dated 19.11.1974)] Explanation - For the purposes of this Order 66 Kgs. of rice shall be considered as equivalent to one quintal of paddy. (g) "Producer" means person engaged in the production, manufacture or processing of any essential foodstuffs in the State of Orissa; (h) "Retailer" means a person who sells any essential foodstuffs to a consumer not being a dealer or a producer; (hh) [* * *] [Deleted vide Orissa Gazette Extraordinary No. 1764/19.11.1974 (SRO No. 587 dated 19.11.1974)] (i) "Schedule" means a Schedule appended to this Order; (j) "State Government" means the Government of the State of Orissa; (k) "Wholesaler" means a dealer who sells any essential foodstuffs to any other dealer or to a producer and includes a broker, commission agent or any other agent having authority to sell any essential foodstuffs belonging to his principal. (2) A person shall be deemed to be in possession of essential foodstuffs—(a) when they are held on behalf of that person; (b) notwithstanding that they are pawned or pledged with another person.

3. Restrictions on possession of essential foodstuffs by a dealer exceeding the maximum fixed.

- No dealer of any category whether he is an importer, wholesaler or retailer shall store or have in his possession at any time any essential foodstuffs in excess of the quantities specified in Columns 2, 3 and 4 of the First Schedule except under and in accordance with the permit granted by the Controller, or the Collector of the district ; Provided that where a dealer by virtue of the nature of his business falls under more than one category he shall, for the purposes of this clause, be deemed to belong to that category for which the higher or the highest quantity, as the case may be, has been specified in the First Schedule : Provided further that nothing in this Order shall apply to storage or possession of any essential foodstuffs either singly or in any combination by or on account of or on behalf of or on the authority of the Food Corporation or the State Government or the Central Government.

4. Requisitioning of stocks.

- Every person holding stocks of essential foodstuffs when required by the State Government the Controller or the Collector of the district in which the stocks are kept or any officer appointed by the State Government in that behalf, by a direction in writing shall sell and deliver to such officer or agent of the State Government, at such places, at such time, on such date and such quantities of the stocks of essential foodstuff held in stock or possessed by him as is specified in the said direction and at such prices as specified therein having regard to the matters enumerated in Sub-clauses (a), (b) and (c) of Sub-section (3) of Section 3 in respect of Baby Foods and in Sub-section (3-B) of Section 3 of the Essential Commodities Act, 1955 in respect of other essential foodstuffs :[Provided that such a direction can be issued to a cultivator or landlord only in respect of stocks of [paddy] [Added vide Orissa Gazette Extraordinary No. 1519/20.9.1974.] being the produce of land cultivated or owned by him, in excess of [75 (seventy-five)] [Substituted vide Orissa Gazette Extraordinary No. 1764/19.11.1974.] quintals.]

5. Essential foodstuffs to remain available.

(1)No dealer shall withhold from sale essential foodstuffs ordinarily kept by him for sale.(2)With a view to securing availability of essential foodstuffs at fair prices the State Government, the Controller or the Collector of the district or any other officer or authority appointed by the State Government in this behalf may issue directions to-(a)a producer of essential foodstuffs having in his possession essential foodstuffs in quantities exceeding those mentioned in Column (2) of the Second Schedule, at any one time; or(b)any person having in his possession essential foodstuffs in quantities exceeding those mentioned in Column (3) of the Second Schedule at any time, to sell all or such part of the stocks of essential foodstuffs as may be specified in the direction generally or to a class of persons as may be specified in the direction at a price fixed in the direction having regard to the matters enumerated in Sub-clauses (a), (b) and (c) of Subsection (3) in respect of Baby Food and in Sub-section (3-B) of Section 3 of the Essential Commodities Act, 1955 in respect of other essential foodstuffs :[Provided that such a direction can be issued to a cultivator or landlord only in respect of stocks of [paddy] [Added vide Orissa Gazette Extraordinary No. 1519/20.9.1974.] being the produce of land cultivated or owned by him, in excess of [75 (seventy-five)] [Substituted vide Orissa Gazette Extraordinary No. 1764/19.11.1974.] quintals.]

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

(1)The Controller, the Collector, any Magistrate, or any Police Officer not below the rank of Assistant Sub-Inspector of Police or any other officer of the Supply Department not below the rank of Inspector in their respective jurisdictions or any other officers specially authorised by the State Government in that behalf may, with a view to securing compliance with this Order or 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 document or accounts as well as any stock of essential foodstuff belonging to, or under the control of, any person;(b)require any person to give any information in his possession with respect to any essential foodstuff;(c)stop and search forthwith, with such aid or assistance as may be necessary, any person or vehicle or vessel or animal used or suspected of being

used for delivery of essential foodstuffs from any premises where he has reason to believe that essential foodstuffs are stored;(d)enter and search, with such aid or assistance as may be necessary, any such premises;(e)seize and remove, with such aid or assistance as may be necessary, any stock of essential foodstuffs, along with packages, coverings or receptacles in which such stock is found and the animals, vehicles or vessels used in carrying such stocks, if he has reason to suspect that any provision of this Order has been, is being, or is about to be, contravened in respect of such stock or any part thereof or in respect of any other stock of essential foodstuffs which immediately before the contravention, was stored along with such stocks, and thereafter take or authorise the taking of all measures necessary for securing the production, as expeditiously as possible, of the stocks of essential foodstuffs, packages, coverings, receptacles, animals, vehicles, vessels so seized in a Court of law 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.] [Substituted vide Orissa Gazette Extraordinary No. 1411/10.9.1974.]

7. Power to exempt in special cases.

- If the State Government having regard to the condition prevailing in any area, considers it necessary or expedient so to do, in the public interest, it may, by notification, exempt subject to such conditions as it may think fit to impose, such class or classes of persons in that area as it may specify in the notification from the operation of all or any of the provisions of this Order.The First Schedule[See Clause 3]

Importer	Essential foodstuffs	Maximum quantity that may be stored or had inpossession by		
	Wholesaler (1)	Retailer (2)	(3)	(4)
1.	Pulses, whole or split including gram dal	8,000 qls.	400 qls.	40 qls.
2.	Mustard seed	5,000 qls.	50 qls.	5 qls.
3.	Groundnut seed	5,000 qls.	50 qls.	5 qls.
4.	Mustard oil	2,000 qls.	100 qls.	10 qls.
5.	Groundnut oil	2,000 qls.	100 qls.	10 qls.
6.	Vanaspati, that is hydrogenated vegetable oil used forcooking purposes	1 000 qls.	100 qls.	4 qls.
7.	Baby food	1,000 qls.	100 qls.	5 qls.
8.				

[Paddy] [Substituted vide Orissa Gazette
Extraordinary No. 1764/19.11.1974.]

The Second Schedule[See Clauses 5 (2) (a) and (b)]

Essential Foodstuffs	Producer	Any person
(1)	(2)	(3)
1. Pulses, whole or split including gram and gram dal	50 qls.	25 qls.
2. Mustard seed	50 qls.	25 qls.
3. Groundnut seed	50 qls.	25 qls.
4. Mustard oil	10 qls.	5 qls.
5. Groundnut oil	10 qls.	5 qls.
6. Vanaspati, that is hydrogenated vegetable oil used for cooking purposes	10 qls.	5 qls.
7. Baby food	10 qls.	5 qls.
8. [Paddy] [Substituted vide Orissa Gazette Extraordinary No. 1764/19.11.1974.]	...	75 qls.