

Chhattisgarh Rice Procurement (Levy) Order, 2007

CHHATTISGARH

India

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Rule

CHHATTISGARH-RICE-PROCUREMENT-LEVY-ORDER-2007 of 2007

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Chhattisgarh Rice Procurement (Levy) Order, 2007Published vide Notification No. F 4-7-/Food/2005/29, dated 22.11.2007Last Updated 14th October, 2019No. F 4-7-/Food/2005/29. - Whereas the Governor of Chhattisgarh is of opinion that for the purpose of procuring adequate quantities of the rice for Public Distribution System and for the purpose of securing the surplus rice available in the State for meeting requirements of other deficit States in the country it is necessary and expedient to procure rice within the State of Chhattisgarh.Now therefore, in exercise of the power conferred by Section 3 and 5 of the Essential Commodities Act, 1955 (10 of 1955) read with the order of the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. G.S.R. 800 dated 9th June, 1978, Removal of (Licensing Requirement, Stock Limits and Movement Restrictions) Order, 2003 No. G.S.R. 490 (E) dated 16th June, 2003 issued by Government of India Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs), the State Government hereby makes the following Order, with prior concurrence of Government of India vide Letter No. 6 (CG)/2/2001-Py. III dated 1st November, 2007, and D.O. No. 6 (CG)/2/2001-Py. III dated 16th November, 2007 of Government of India, Ministry of Consumer Affairs Food and Public Distribution, Department of Food and Public Distribution, namely : -

1. Short title, extent and commencement.

(1)This order may be called the Chhattisgarh Rice Procurement (Levy) Order, 2007.(2)It extends to the whole of the State of Chhattisgarh.(3)It shall come into force on the date of its publication in the "Official Gazette".

2. Definitions.

- In this Order unless the context otherwise requires -(a)"Act" means Essential Commodities Act, 1955 (10 of 1955);(b)"Collector" means the Collector of the district and includes any other officer authorised by the State Government to perform all or any of the functions of the Collector under this Order;(c)"Custom Milling" means conversion of paddy procured under price support scheme by State Government, Government of India or any agency of the State Government or Government of India into rice by millers as per norms fixed by Government of India for each Kharif Marketing Season;(d)"Dealer" means any person, partnership firm, association or registered body, engaged in the business of purchase, movement, sale, supply, distribution or storage for sale of paddy or rice, whether as a wholesaler or retailer having transaction of more than 500 quintal in a month or producer or manufacturer or exporter or importer, whether or not in conjunction with any other business and includes his representatives or agents;(e)"Director" means Director of Food, Civil Supplies and Consumer Protection, Chhattisgarh;(f)"Enforcement Officer" means an officer of the Food, Civil Supplies and Consumer Protection Department of the State Government not below the rank of Food Inspector or a police officer not below the rank of the Sub-Inspector;(g)"Levy" means compulsory sale of rice by millers and dealers under clause 3 or clause 4 of this order;(h)"Levy Price" means price of rice for levy fixed by Government of India for each Kharif Marketing Season;(i)"Miller" means the owner or any person in charge of a rice mill;(j)"Purchase Officer" means any authority or person appointed by the Food Corporation of India, or any authority or person appointed by the State Government as notified in the official gazette from time to time by the State Government;(k)"Rice" means any variety of rice produced or manufactured by dehusking paddy in a mill worked by power, and includes rice equivalent of paddy held in stock;(l)"Rice Mill" means the plant and machinery with which, and the premises including precincts thereof in which, or in any part of which rice milling operation is carried on;(m)"State" means State of Chhattisgarh;(n)"State Government" means Government of Chhattisgarh.

3. Levy on millers.

(1)Every miller shall sell raw rice to the purchase officer at levy price at least 50 percent of the total quantity of raw rice prepared or produced by him except rice prepared or produced for custom milling according to the procedure given in the clause 6;(2)Every miller shall sell either raw or parboiled rice to the purchase officer at levy price at least 50 percent of the total quantity of parboiled rice prepared or produced by him except rice prepared or produced for custom milling according to the procedure given in the clause 6;(3)Quality of rice to be sold to purchase officer under sub-clause (1) and (2) shall be as per the specifications fixed by the Government of India for each Kharif marketing season.

4. Levy on dealers.

(1)Every dealer shall sell to the purchase officer at levy price at least 50 percent of the total quantity of rice purchased or imported by him for sale, supply or export, or rice produced for sale, supply or export from paddy purchased or imported by him according to the procedure given in the clause 6;(2)Quality of rice to be sold to purchase officer under sub-clause (1) and (2) shall be as per the

specifications fixed by the Government of India for each Kharif marketing season.

5. Quarterly return by miller and dealer.

(1) Every miller shall submit a quarterly return to the Collector in a format prescribed by the Director giving information of Paddy purchased or procured in any other manner, stocks of Paddy and rice available with the miller and Paddy milled by the miller; (2) Every dealer shall submit a quarterly return to the Collector in a format prescribed by the Director giving information of purchase, transport, sale, supply, storage, manufacture, import and export of the paddy and rice; (3) Every miller and dealer shall also submit the calculation of the quantity of levy payable by him under this order along with the return submitted under sub-clause (2) and (3).

6. Procedure of Giving Levy.

(1) Miller and Dealers shall sell to the purchase officer levy rice according to the return submitted under clause 5 in quantity given in clause 3 and 4. (2) Purchase officer shall accept rice only of the quality which is as per the specifications fixed by the Government of India for each Kharif marketing season. (3) In the event of a dispute regarding the quality of rice being as per the specifications fixed by Government of India, the purchase officer shall take three representative samples of rice and seal them as far as possible in the presence of miller or his representative and give one sample to the miller or his representative, and send two samples for analysis to the laboratory of Food Corporation of India, and the result of this analysis shall be binding on both parties.

7. Restrictions on milling.

(1) State Government and any of its agencies and Government of India and any of its agencies may enter into an agreement with any miller for custom milling. (2) Collector may at any time on such terms and conditions as may be notified by the State Government from time to time direct any miller to custom mill paddy procured and held in stock under price support scheme by the State Government or any of its agencies or Government of India or any of its agencies : Provided that the Collector shall not direct any miller to custom mill more one third of his annual milling capacity under this sub-clause. (3) On being directed by the Collector under sub-clause (2) it shall be binding on the miller to complete the custom milling directed by the Collector before milling any other paddy.

8. Exemption.

(1) State Government may with prior concurrence of the Central Government, by a general or special order, exempt any person or class of persons from any or all provisions of this order, and may at any time revoke or cancel such exemption. (2) State Government may with prior concurrence of the Central Government, by a general or special order, exempt any variety of paddy or rice from any or all provisions of this order, and may at any time revoke or cancel such exemption.

9. Powers of Entry, Search and Seizure etc.

(1) Any Enforcement Officer may, with a view to securing compliance with the provisions of this Order or to satisfying himself that this Order has been complied with, - (a) enter, with such assistance as may be necessary any rice mill or other premises where he has reason to believe that rice is produced or stocked, (b) ask of any person all necessary questions, (c) examine any books or documents, (d) call for the submission of such returns relating to the stocks of paddy and rice held by miller or dealer as may be necessary for assessment of levy under this order, (e) search, and so far as may be necessary for the purpose of search detain any person and seize rice and paddy found in the possession of such person with respect to which he has reason to believe that contravention of any of the provisions of this Order has been, is being or is about to be committed and thereafter take or authorise the taking of all measures necessary for the production of stocks, so seized in a court or Collector and for their safe custody, pending such production.

10. Penalty.

- If any person contravenes any provision of this order or any Order or instruction issued under this Order or any agreement made under this Order, he shall be liable for punishment under section 7 of the Act.

11. Confiscation of Rice or Paddy.

- Without any prejudice anything contained in clause 10 of, in the event of any contravention of the provisions of this order, Collector may confiscate entire stock of paddy or rice seized under clause 9 from a miller, a dealer or any other person.

12. Maintenance of records.

- Every, miller and dealer shall maintain records of paddy and rice in a format prescribed by the Director.

13. Appeal.

(1) Any person aggrieved by an action of the Enforcement officer or purchase officer regarding levy or custom milling may appeal to the Collector within 30 days of the date of receipt of the order. (2) Any person aggrieved by an order of the Collector may appeal to the State Government within 30 days of the date of receipt of the order.

14. Duty to comply with Orders and directions.

- Every miller, dealer or any other person shall comply with all orders and directions issued by competent authority under powers conferred by this Order.

15. Repeal and Savings.

- Chhattisgarh Rice Procurement (Levy) Order, 2005, made by Notification No. 4-7/Food/2005/29, dated 17th June, 2005 of this Department is hereby repealed from the date of coming into force of this Order :Provided that notwithstanding anything contained in such repeal, any order issued under the Chhattisgarh Rice Procurement (Levy) Order, 2005 shall be deemed to have been issued under this Order.