

IMPORTED FOODGRAINS (PROHIBITION OF UNAUTHORISED SALE) ORDER, 1958

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¹1. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i) , dated 1st November, 1958 and rescinded by S. o. 462 (E), dated 11th May, 1987 : "Provided that such rescission shall not affect- (a) the previous operation of the said orders or anything duly done or suffered thereunder; or (b) any right, privilege, obligation or liability acquired, accrued or Incurred under the said orders ; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said orders; or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced,, and any such penalty, forfeiture or punishment may be imposed as if the said orders had not been rescinded" G.S.R. 1051, dated 1st November, 1958 1 -In exercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely :-

1. Short title, extent and commencement :-

- (1) This Order may be called the Imported Foodgrains (Prohibition of Unauthorised Sale) Order, 1958.
- (2) It extends to the whole of India ¹ [* * *].
- (3) It shall come into force at once.

1. Omitted by G.S.R. 1727, dated 17th July, 1969.

2. Definitions :-

In this Order, unless the context otherwise requires,-

(a) "authorised dealer" means a dealer authorised by the Central Government or a State Government by a duly authorised officer of the Central Government or the State Government to run a fair price shop or ration shop at which imported foodgrains are sold or .may be sold;

(b) "imported foodgrains" means foodgrains imported from outside India by the Central Government and supplied by that Government, either directly or ¹ [or through the Food Corporation of India, to authorised dealers for sale to the public for bona fide domestic consumption;]

(c) "State" includes a "Union territory" and "State Government" in the case of a Union Territory means the Administrator of the Union Territory.

1. Subs. by G.S.R. 1806, dated 18th November, 1966.

3. Prohibition of unauthorized sale of imported foodgrains :-

No person other than authorized dealer shall sell, or store or offer for sale, imported foodgrains in any quantity either split or unsplit or mixed with other grains.

3A. Prohibition of sale of imported foodgrains at excessive price :-

The prices at which imported foodgrains may be sold or offered for sale by an authorised dealer shall not exceed such prices as are fixed by the Central Government or a State Government and notified in the Official Gazette from time to time, for sale of such foodgrains.]

4. Saving :-

Nothing in this Order shall apply to-

(i) the sale or storage for sale of imported foodgrains on Government account;or

(ii) the resale by a person of imported foodgrains sold by the Central Government or a State Government by auction or by tender; or

(iii) the sale by a wholesale dealer authorized by the Central

Government or a State Government to an authorized dealer;

[(iv) the sale under prior intimation to the State Government concerned by banks of stocks or imported foodgrains hypothecated to them.]

5. Powers of entry, search, seizure, etc :-

(1) Any person authorized by the State Government or the Central Government in this behalf may, with a view to securing compliance with this Order or to satisfy himself that this Order has been complied with,-

(i) stop and search or authorize any person to stop and search, any person, boat, motor or any vehicle or receptacle used or intended to be used for movement for imported foodgrains for sale or storage for sale;

(ii) enter and search or authorise any person to enter and search any place;

(iii) seize or authorize the seizure of any imported foodgrains in respect of which he suspects that any provision of this Order has been, is being, or is about to be contravened along with the packages, coverings or receptacles in which the imported foodgrains are found or the animals, vehicles, vessels or conveyances used in carrying the imported foodgrains and thereafter take or authorize the taking of all measures necessary for securing the production of the packages, coverings, receptacles, animals, vehicles, vessels or conveyances so seized in a court and for their safe custody pending such production.

(2) The provisions of Secs. 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.