

PULSES, EDIBLE OILSEEDS AND EDIBLE OILS (STORAGE CONTROL) ORDER, 1977

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SCHEDULE 1 :- SCHEDULE

PULSES, EDIBLE OILSEEDS AND EDIBLE OILS (STORAGE CONTROL) ORDER, 1977

S.O. 780 (E), dated the 21st November, 1971 1. -Whereas the Central Government is of opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution and availability at fair prices of pulses, edible oilseeds and edible oils; Now, therefore, 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 Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977.
- (2) It extends to the whole of India.
- (3) Clauses 3 and 5 of this Order shall come into force on the 1st day of December, 1977 and the remaining provisions of this Order shall come into force at once.

2. Definitions :-

In this Order, unless the context otherwise requires,-

¹[(a) "bulk consumer" means a hotel, a restaurant, a halwai, an educational institution with hostel facilities, a hospital, or a religious or charitable institution;]

(b) "category A-City" means a city, included as a category A City in the Schedule to this Order, having a population of 10 lakhs and more;

(c) "category B-City" means a city, included as a category B City in the Schedule to this Order having a population of 3 lakhs and more but less than 10 lakhs, or the capital of a State or Union Territory not included in category A City;

(d) "category C-City" means a city, which is not a category A City or category B City;

(e) "commission agent" means a commission agent having in the customary course of business as such agent authority either to sell goods, or to consign goods for the purposes of sale or to buy goods;

(f) "dealer" means a person engaged in the business of purchase, sale or storage for sale of any pulses, edible oilseeds or edible oils, whether or not in conjunction with any other business and includes his representative or agent;

(g) "edible oils" means any oil used for cooking for human consumption and includes hydrogenated vegetable oils;

²[(h) "population" means population, as determined in the 1981 census;]

(i) "primary mandi" in relation to pulses and edible oilseeds means a mandi where the farmers initially sell their produce;

³[(j) "producer" means a person carrying on the business of milling any of the pulses or expelling, extracting, ⁴[manufacturing or refining] any edible oil,-

(i) by buying pulses or edible oilseed for being processed by himself and selling the finished products to a wholesaler or through a commission agent; or

(ii) by doing any of the process of milling, expelling, extracting ⁴ [manufacturing or refining] on behalf of another;]

(k) "pulses" means urd, moong, arhar, massoor, lobia, rajmaha, gram including peas or any other dal Whether whole or split with or without husk;

(l) "retailer" means a dealer in pulses or in edible oilseeds or in edible oils, who is not a wholesaler;

(m) "State order" means any order issued by any State Government or a Union Territory Administration under the provisions of the Essential Commodities Act, 1955 (10 of 1955), and for the time being in force;

(n) "wholesaler" means a dealer in pulses or in edible oilseeds or in edible oils who sells such commodities to other dealers or to bulk consumers.

1. Subs. by S.O. 536 (E), dated the 30th September, 1979.
2. Subs. by S.O. 740 (E), dated the 17th October, 1983.
3. Subs. by S.O. 64 (E), dated the 4th February, 1978.
4. Subs. by S.O. 536 (E) dated the 30th September, 1979.

3. Licensing of dealers 7 [and producers] :-

Notwithstanding anything contained in any State Order, ¹ [no person shall carry on business, as a dealer, after the expiration of a period of fifteen days from the coming into force of this clause, or, as a producer, after the expiry of a period of fifteen days from the date of coming into force of the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Amendment Order, 1987] in pulses or in edible oilseeds or in edible oils except under and in accordance with the terms and conditions of a licence granted under a State order if the stocks of pulses or edible oilseeds or edible oils in his possession exceeds the quantities specified below :

(i) Pulses ... 10 quintals for all pulses taken together.

(ii) Edible oils including hydrogenated vegetable. ... 5 quintals of all edible oils including hydro- genated vegetable oils taken together.

(iii) Edible oilseeds including groundnut inshell. ... 30 quintals of all edible oilseeds.

1. Subs. by S.O. 691 (E).

4. Restriction on possession of pulses, edible oilseeds and edible oils :-

(1) No dealer shall after a period of fifteen days from the coming into force of this clause, either by himself or by any person on his behalf, store or have in possession at any time any pulses, edible oilseeds or edible oils in excess of the quantities specified below: ¹(1) Pulses Category A Cities \ 2000 \ 50 All Pulses Category B Cities \ 1000 \ 40 taken Other Areas \ 1000 \ 40 together"

²[" T A B L E _____ \ Category of \ Stock limits in quintals in case of Remarks \ ----- \ Cities Wholsaler \ Retailer _____ (ii) Edible \ Category A \ 1500 \ 100 \ 1. All edible Oilseeds \ Cities \ \ oilseed taken including Groundnut in \ Category B \ 1000 \ 75 \ together. shell \ Cities \ \ \ 2.For ground- \ Other Areas \ 500 \ 50 \ nut kernel \ \ \ or seeds 75% \ limit specified \ \ \ \ shall \ \ \ \ apply-"]

(ii) (a) Edible Oil \ Category 'A' cities \1500 \ 100 \ 1. All edible seeds including ground Category 'B' cities \1000 \ 75 \ oilseeds other nut in shell but \ Other areas Category \500 \ 50 \ than mustard excluding mustard- \ 'A' cities category \3000 \ 200 \ seed/rapeseed seed/rapeseed. \ 'B' cities \ 2000 \ 150 \ taken together (b) Mustard seed/ \ Order Areas \ 1000 \ 100 \ 2. For rapeseed. groundnut \ \ \ \ kernel or \ \ \ \ seed 75% \ \ \ \ limits \ \ \ \

_____] Provided that the stock limits specified for a wholesaler in category A cities shall apply to a wholesaler in such primary mandis situated in other categories of cities as the State Government may having regard to the location of such mandis or other relevant factors, from time to time, specify : ³[Provided further that where a dealer is also carrying on business as a producer or commission agent, he shall be entitled to retain the stock limits specified in this sub- clause for each such business, if such business and accounts thereof are kept separate and distinct from one another :⁴Provided further that an exporter shall be entitled to hold stock of seeds/pods in the following proportion in addition to the normal storage limits prescribed under Cl. 4 (1) of the order: (Quantity of MTs) ⁵["6. Mustard/rapeseed extraction 1000 1695";]

(i) Copy of the Export Order or Contract from the export buyer.

(ii) Certified copy of the Registration Authority registering the export contract.

⁶[***] ⁷[Provided that no wholesale dealer shall hold any stock of edible oilseeds including groundnut in shell and edible oils including hydrogenated vegetable oil for a period exceeding fifteen days from the date of physical receipt by him of such stock of edible ⁸[pulses] oilseeds and edible oils : Provided further that only one sale/purchase transaction, if accompanied by physical delivery of stocks, shall be permitted in respect of edible oils and edible oilseeds between one wholesaler and another.] Provided also that no producer specified in column (1) of the Table below shall store ⁹[or edible oilseeds] as the case may be, in excess of the quantity specified in the corresponding entry in column (2) of the said Table, and he shall not hold the finished stock in excess of the quantity specified in t h e corresponding entry in column (3) of the said Table: ¹⁰[" T A B L E \ _____ Producer Quantity of unmilled pulses or \ Quantity of finished stock of \ edible oilseeds or mustard \ milled pulses or edible \ seeds \ oils

_____ (1) \ (2) \ (3)
_____ (a) \ (b) \ (a) \ (b)

Producer who is
 Producer who has P r o d u c e r Producer carrying on busi- commenced produc- who is carry- who has com- ness on
 the com- \ tion after the com- ing on busi- \ menced menced menced of this menced of this ness on the \ production
 order. \ order. \ commence- \ after the comment of this menced of this \ \ order. \ this Order.

(e) (a) (b) \ (a) \ (b)
 Producer One-

One-eighth of the For a period of one One twenty- For a period of edible maximum of \ year from the date fourth of his
 one year oils. quantity of edible commencement of \ maximum the date of oilseeds used by his production one-
 production in commence him in any of the eighth of the any of the ment of his three years ending quantity of edible
 three years production 31st day oilseeds that ending on the one-twenty- \ of October, 1982. would be on the fourth
 of \ required 31st day of quantity \ for producing October, equal to the quantity 1982. his annual equal to \
 installed to his annual capacity. \ installed \ For the \ capacity. For the \ second \ second year and \ and third third
 year of year of his \ his production, \ production \ 1/8th of the \ 1/24th of quantity of the quantity \ edible oilseeds
 \ equal to his that would be anual required for installed producing a capacity and a quantity equal thereafter to his
 annual 1/24th of the installed maximum of capacity and his quantity equal production to his annual in any of the
 thereafter one three years eighth of the immediately of the maximum after the quantity of commencement edible
 oilseeds of his used by him in production." any of three years years immediately after the commencement of his
 production]

(1)	(2)	(3)
(a)	(b)	(a)
	his production.]	immediately after
		the commencement
		of his production.]
2. Produ	One-eighth of	For a period of One-twelfth of
cer of	maximum quan	one year from his maximum
edible	tity of edible oil-	the date of corn- production in
oils	seeds used by	mencement of any of the three
<FNR>1</FNR>[* * *]	him in any of the	his production, years ending on
	three years ending	One-eighth of the <FNR>2</FNR>[31 st day of
	on the <FNR>2</FNR>[31st day	the quantity of October, 1982.]
	of October, 1982.]	edible oilseeds
		that would be
		required for pro
		ducing the quan
		tity equal to his
		annual installed
		capacity.
		<FNR>3</FNR>[For the second
		<FNR>4</FNR>[For the second
		year and third year
		of this Production,
		his production,
		one-twelfth of the
		quantity of edible
		oilseeds that would
		oilseeds that
		would be required
		for producing a
		quantity equal to
		his annual install
		ed capacity and
		thereafter one-
		twelfth of the
		maximum of his
		production in any
		of the three years
		immediately after
		the commence
		ment of his pro
		duction.]
<FNR>1</FNR>[* * *]		

Provided also that where any quantity of pulses, edible oils, or edible oilseeds is in transit, then for the purposes of this sub-clause, such quantity <FNR>5</FNR>[shall not, during the period when such quantity in transit, be deemed] to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance

Provided also that where any quantity of pulses, edible oils, or edible oilseeds is in transit, then for the purposes of this sub-clause, such quantity ¹¹[shall not, during the period when such quantity in transit, be deemed] to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance ¹² [Provided also that nothing in this clause shall apply to a commission agent who does not retain any consignment of pulses or edible oilseeds received by him for a period exceeding fifteen days from the date of its receipt.]

(2) Every dealer referred to in sub-clause (1) shall, immediately on the expiry of the period specified in that sub-clause, give intimation to the Collector regarding the stocks of any pulses, edible oilseeds or edible oils left with him

(i) to a corporation or company owned or controlled by the Central Government or State Government,¹²["or a statutory corporation"]or

(ii) to any Central level or State level co-operative society engaged in the

³["NOTE :- A Corporation or a Company² ["or a statutory corporation"]mentioned in sub-clause (i) shall furnish detailed information relating to purchase, sales and stocks of edible oilseeds/edible oils held by them as and when required by the Central Government or the State Governments."] production, procurement, sales, purchase or distribution of pulses, edible oilseeds or edible oils.

1. Inserted vide " PULSES, EDIBLE OILSEEDS ANBDIBLE OILS (STORAGE CONTROL) ORDER, 1977" Dt.dated May, 1992 Published in Noti. No. S.O 332 (E), dated the May, 1992, Published in the Gazetteof India, Extraordinary, Pt. II, Sec. 3 (ii), dated May, 1992.

2. Substituted for "or a body corporate ", vide " PULSES, EDIBLE OILSEEDS AND EDIBLE OILS (STORAGE CONTROL) ORDER, 1977" Dt.dated 1st October, 1992 Published in Noti. No. S.O. 730 (E), dated 1st October, 1992, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(ii), dated 1st October, 1992.

3. Inserted vide " PULSES, EDIBLE OILSEEDS ANBDIBLE OILS (STORAGE CONTROL) ORDER, 1977" Dt.dated May, 1992 Published in Noti. No. S.O 332 (E), dated the May, 1992, Published in the Gazetteof India, Extraordinary, Pt. II, Sec. 3 (ii), dated May, 1992.

7A. Power to exempt :-

The State Government may, if it considers it necessary for avoiding any hardship or for any other just and sufficient reason, by notification in the Official Gazette, exempt any producer, dealer or commission agent from the operation of all or any of the provisions of this order either generally or for any specified period, subject to such conditions as may be specified in the notification : Provided that no notification under this clause shall be issued except with the previous approval of the Central Government.]¹ [Provided further that no previous approval of the Central Government shall be necessary for granting exemption to importers from the stock limits specified in sub- clause (1) of Cl. 4 in case of pulses imported under Open General Licence (O.G.L.). The notification issued by theState Government shall indicate the period for disposal of the excess stock.]

1. Added by S.O. 750 (E), dated 11th August, 1088 (w.e.f. 11th August, 1988).

7B. Power to fix lower stock limits :-

The State Government may, if it considers it necessary for just and sufficient reason, by notification in the Official Gazette, fix any stock limit within the maximum limits specified in Cl. 4, either generally or for any specified period, subject to such conditions as may be specified in the notification: Provided that no notification under this clause shall be issued except with the previous approval of the Central Government.]

8. Repeal and savings :-

The Pulses and Edible Oils (StorageControl) Order, 1977, is hereby repealed : Provided that such repeal shall not affect-

- (a) the previous operation of the said order or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said order; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order; 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 order had not been repealed.

SCHEDULE 1

SCHEDULE

[See Cls. 2 (b) and (c)]	
Category "A" Cities (having a population of 10,00,000 and above)	Category "B" Cities (having a population of 3,00,000 and more but less than 10,00,000 and Capital Cities of States and Union Territories other than Category "A" Cities)
(1)	(2)
I. Calcutta	<FNR>4</FNR>[1. Coimbatore