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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,-

 $\mathbf{1}[(a)$ "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;

(I) "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 $1000 \\ 40$ together"

2 [" ТАВ	L E									
Category	of \Stock limits	s in quinta	ils in c	ase of Re	emarks \				- \ Cities	s Wholsaler \
Retailer _										(ii) Edible
\Category	A \ 1500 \ 100) \ 1. All e	dible O	ilseeds \ (Cities \\	\ oilseed tak	en includi	ing Grour	ndnut in '	\Category B \
1000 \ 75	\ together. shel	I \ Cities \	\\2.F	or ground	- \ Other	Areas \ 500	\ 50 \ ni	ut kernel	\ \ \ or	seeds 75% $\$
limit	specified	١	١	١	١	shall	\	١	\	\ apply-"
									1	

(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/ A' Order Areas $1000 \ 100 \ 2$. For rapeseed. groundnut $A' \$ kernel or $A' \$

_] Provided that the

(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 Table: **10**["TABLE\ entry t h e corresponding in column of the said (3) Producer Quantity of

unmilled pulses or \ Quantity of finished stock of \ edible oilseeds or mustard \ milled pulses or edible \ seeds \ oils

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 mencement of this mencement of this ness on the \ production order. \ order. \ commence- \ after the comment of this mencement of \ \ order. \ this Order. (a) (b) \ (a) \ (b)

(e)

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 oneproduction in commence him in any of the eighth of the any of the ment of his three years ending quanity 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 $\$ 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 commencment of his production

()		(2)		(3)		
	(a)	(b)	(a)	(b)		
		his production.]		immediately after		
				the commencement		
				of his production.]		
2. Produ	One-eighth of	For a period of One-tw	velfth of	For a period of		
cer of	maximum quan	one year from his max	timum	of one year from		
edible	tity of edible oil-	the date of corn- prod	uction in	the date of com		
oils	seeds used by	mencement of any of t	mencement of his			
<fnr>1</fnr> [* * *]	him in any of the	his production, years e	production. One-			
	three years ending	One-eighth of the <fn day="" of<="" td=""><td>IR>2[31 st</td><td>twelfth of quan</td></fn>	IR>2[31 st	twelfth of quan		
	on the <fnr>2</fnr> [31st day	the quantity of Octobe	a (a) a production.] (a) r a period of One-twelfth of (a) e year from his maximum (a) a date of corn- production in (a) e year from his maximum (a) a date of corn- production in (a) e quant of any of the three (a) a production, years ending on (a) e-eighth of the <fnr>2</fnr> [31 st y of e quantity of October, 1982.] ble oilseeds twould be quired for pro cing the quan v equal to his nual installed bacity. NR>3[For the second ar and third year this Production, e-eighth of the antity of edible seeds that would required for oducing a quantity ual to his annual talled capacity and ereafter one-eighth the maximum antity of edible oil- eds used by him any of the three aris immediately er the commence	tity equal to his		
	of October, 1982.]	edible oilseeds		annual installed		
		that would be		capacity.		
		required for pro				
		ducing the quan				
		tity equal to his				
		annual installed				
		capacity.				
		<fnr>3</fnr> [For t	<fnr>4</fnr> [For the second			
		year and third year	and third year of			
		of this Production,		his production,		
		one-eighth of the		one-twelfth of the		
		quantity of edible		quantity of edible		
		oilseeds that would		oilseeds that		
		be required for		would be required		
		producing a quantity		for producing a		
		equal to his annual		quantity equal to		
		installed capacity and		his annual install		
		thereafter one-eighth		ed capacity and		
		of the maximum		thereafter one-		
		quantity of edible oil-		twelfth of the		
		seeds used by him		maximum of his		
		in any of the three		production in any		
		years immediately		of the three years		
		after the commence		immediately after		
		ment of his production	n.]	the commence		
				ment of his pro		
				duction.]		
<fnr>1</fnr> [* * *]						

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.1

(2) Every dealer referred to in sub-clause (1) shall, immediately on the expiry of the period specified in that subclause, give intimation to the Collector regarding the stocks of any pulses, edible oilseeds or edible oils left with him or any other person on his behalf in excess of the stocks prescribed in sub-clause (1) and such stocks shall not be disposed of by the dealer or other person except in accordance with the directions of the Collector.

Substituted for "(i) Pulses Category 'A' Cities 1000 50 All pulses taken together. Category 'B' Cities 750 40 Category 'C' Cities 500 30 ", vide " PULSES, EDIBLE OILSEEDS AND EDIBLELS (STORAGE CONTROL) ORDER, 1977" Dt.dated 10th February, 1993 Published in Noti. No. S.O.98 (E), dated 10th February, 1993, Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(ii), dated 10th February, 1993.
Substituted for " 9 ["TABLE

Ζ.	Substituted	101		9	LIADLE
					\ Category of
\Stock limits in	quintals in case of	Remarks \		\ Cities Wh	olsaler \ Retailer
	•				(ii) Edible
\Category A \ 15	00 \ 100 \ 1 All edib	le Oilseeds \ Cities \\ \	oilseed taken includi	na Groundnut	
		$\ 2.For ground- \ Other$			
limit speci					
•	•				
		·		,] 10
L		· · · · · · · · · · · · · · · · · · ·		<u> </u>	Category \ Stock
limits in \ \Re	marks \ of cities	\quintals in the \ \	\ \ case of \ \	\ \ wholesa	ller Retailer \ \
			" PULSES, EDIBLE		
(STORAGE CONT	ROL) ORDER, 1977"	Dt.dated 26tBuly, 1991	L Published in Noti. No	o. S.O.485 (E), dated the 26th
July, 1991, publis	hed in the Gazette of	India, extraordinary, Pt	. II, Sec. 3 (ii) dated 2	26th July, 199	1.
3. Subs. by S.O. 6	54 (E), dated the 4th	February, 1978.			
		OILSEEDS ANEDIBLE	OILS (STORAGE CON	NTROL) ORD	ER, 1977" Dt.dated
		S.O.298 (E), dated the			
	II, Sec. 3 (ii), dated				,
		OILSEEDS ANEDIBLE	OUS (STORAGE CO	NTROL) OR)FR 1977" Dt 10th
		S.O.612 (E), dated 10			
	II, Sec. 3(ii), dated 1		th August, 1992, pub	iisiieuiii tiie	Gazette of India,
			manad an a Dank as	tified by the	Deplor " vide "
		ocable letter of credit of			
		E OILS (STORAGE CON			
		August, 1992, published	d in the Gazette of In	idia, Extraord	inary, Pt. 11, Sec.
3(ii), dated 10th /	5 /				
		November, 1987 (w.e.f			
8. Ins. by S.O. 10	52 (E), dated 10th De	ecember, 1987 (w.e.f. 1	0th December, 1987).		
9. Subs. by S.O. 5	536 (E), dated the 30	th September, 1979			
10.	Subst	ituted	for		"TABLE
				Pro	ducer Quantity of
unmilled pulse, 1	[or 1[Quantity of fir	nished \ \edible oilseeds	stock of milled pulse		ε,
including	refined	oil]	(1)	(2)	(3)
	i cinica	0.11	(-)	• • •) (b) \ (a) (d)

Producer who is \ Producer who has Producer who is Producer who has carrying on busi- commenced pro- carrying on busicommenced pro- ness on the corn- duction after the ness on the corn- duction after the mencementof comme- of commencement mencement commencement ncement this order. of this order. this order. of this order. 1. Produ-One-twelfth of For a period of One twenty- For a period of cer of the maximum one year from fourth of his one year from the pulses, quantityofpul-' the date of com- maximum pro- date of eommence- ses used by him mencement of duction in any ment of his in any of the his production of the three years production. One- three years end- onetwelfth of ending on the twenty-fourth of ing on the the quantity of 2 [31st the quantity 2 [31st pulses that October, day of 1982]. equal to his day of October, would be req- annual installed uired for pro- capacity. \ \ ducing a quan- $\ \$ bis $\ \$ annual installed $\ \$ capacity. $\ \$ 5 [For the $\ \$ second 2 [For the $\$ bis $\$ bis 2 [For the $\$ bis 2 [For the \ bis 2 [For quantity $\ \$ his annual installed $\ \$ equal to his annual $\ \$ after and there $\ \$ $\ \$ his annual installed capacity $\ \$ after annual $\$ the maximum \\\of the three years \\\\quantity of pulses \\\immediately after \\\\used by him in any \\\ commencement of \\\\of the three years ", vide " PULSES, EDIBLE OILSEEDS AND EDIBLEILS (STORAGE CONTROL) ORDER, 1977" Dt.dated 22nd June, 1990 Publishedn Noti. No. S.O.505 (E), dated 22nd June, 1990, Published in the GAzette of India, Extraordinary, Pt. II, Sec. 3 (ii), dated 22nd June, 1990.

11. Subs. by S.O. 409 (E), dated 26th June, 1978.

12. Subs. by S.O. 536 (E), dated the 30th September, 1979.

4A. Restriction on possession of edible oilseeds and edible oils for a temporary period :-

Notwithstanding anything contained in Cls. (ii) and (iii) of sub-paragraph (1) of para. 4 of this Order, no dealer shall in addition to such limits as are specified therein, either by himself or by any person on his behalf for the period commencing on 11th August, 1989 and ending with 10th September, 1989 store or have in his possession, Rapeseed, Rapeseed Oil, Mustard Seed and Mustard Oil in excess of the quantities specified below:

5. Returns :-

Every licensed dealer or producer who holds in excess of the stocks limits of pulses or edible oilseeds or edible oils specified for a retailer in Cl. 4 shall furnish a fortnightly return to such authority and in such manner as may be specified by the State Government in this behalf by notification in the official Gazette in respect of such stocks of pulses, edible oilseeds and edible oils by them.]

6. State Orders to apply :-

The provisions of the State Orders relating to storage of pulses, edible oilseeds or edible oils shall apply in respect of any matter for which no provision has been specifically made in this Order.

7. Order not to apply in certain cases :-

Nothing in this Order shall apply-

(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 Company 2 ["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 AN DIBLE 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 AND DIBLE 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 is provided that no 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.

<u>SCHEDULE 1</u> SCHEDULE

[See Cls. 2 (b) and (c)]					
Category "A" Cities	Category "B" Cities				
(having a population of 10,00,000 and above)	(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				