Essential Commodities Act

Subject: To maintain supplies and for securing equitable distribution and availability at fair prices of pulses Gujarat pulses (Storage Control) Order, 2015.

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PART IV-A

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made by the Government of Gujarat under the Central Acts

FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

ORDER

Sachivalaya, Gandhinagar. 20th October, 2015

No. GTH/2015/25/ECA/10/2014/530975/B.- Whereas the State Government is of opinion that it is necessary and expedient so to do for maintain supplies and for securing equitable distribution and availability at fair prices of pulses.

Now, therefore, in exercise of the powers conferred by Sec. 3 of Essential Commodities Act, 1955 (10 of 1955) Government of India Order No. S.O.4119 (E) dated 29th September, 2015.

1. **Short title, extent and commencement**-(I) This order may be called the Gujarat Pulses (Storage Control) Order, 2015.

   (2) It extends to the whole of Gujarat State.
   (3) It shall come in to force at once with effect from 20th October, 2015 for a period up to the 30th September, 2016.

2. **Definitions**:-

   (a) 'dealer' means a person engaged in the business of purchase, sale or storage for sale of any pulses, whether or not in conjunction with any other business and included his representative or Agent.

   (b) 'producer' means person carrying on the business of milling any of the pulses:

      (i) by buying pulses for being processed by himself and selling the finished products through a wholesaler or throughout a commission agent, or

   (c) "pulses" means urad, moong mooding, arahar, masoor, lobia, raj-mahua, including peas or any other dal whether whole or split with or without husk, (gram and grandal are exempted):
(d) "retailer" means a dealer in pulses, who is not a wholesaler.
(e) "wholesaler" means a dealer in pulses who sells such commodities to other dealers or to bulk consumers.

3. Restriction on possession of pulses.

(1) No dealer shall possess in excess of the stock specified in this order whether by himself or by any person on his behalf store or have in his possession at anytime any pulses specified below:

<table>
<thead>
<tr>
<th>Commodities</th>
<th>Category</th>
<th>Stock limits in quintals in the cases of</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pulses</td>
<td></td>
<td>Wholesaler</td>
<td>Retailer</td>
</tr>
<tr>
<td>All places in the State</td>
<td></td>
<td>1000</td>
<td>50</td>
</tr>
</tbody>
</table>

(2) No producer shall store or have in his possession at anytime unmilled pulses in excess of the stocks specified as under:

<table>
<thead>
<tr>
<th>Producer</th>
<th>Quantity of unmilled pulses</th>
<th>Quantity of finished stock of milled pulses</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Producer who is carrying on business on the commencement of this Order.</td>
<td>(b) Producer who has commenced production after the commencement of this Order.</td>
<td>(a) Producer who is carrying on business on the commencement of this Order.</td>
</tr>
<tr>
<td>One-sixth of the maximum quantity of pulses used by him in any of the three years ending on the 30th day of September, 2015.</td>
<td>For a period of one year from the date of commencement of his production. One sixth of the quantity of pulses that would be required for producing a quantity equal to his annual</td>
<td>One-twelfth of his maximum production in any of the three years ending on the 30th day of September, 2015.</td>
</tr>
</tbody>
</table>

Note: No producer shall store finished product exceeding 1/2 of the quantity unmilled pulses at any time.

4. Returns: Every dealer, producer, retailer shall furnish a fortnightly return to concerned Taluka Mamladhar and Collective information shall be submitted by District Collector to the Director of Civil Supplies.

5. 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 a State Government or
   (ii) to any Central level or State level cooperative society, engaged in the production procurement, sales, purchase or distribution of pulses.

6. 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.

7. Power of entry, search, seizure etc.: Any Civil Supplies Officer not below the rank of a Supplies Inspector, any Revenue Officer not below the rank of a Deputy Mamladhar or any Police Officer not below
may with a view to securing compliance with this order and to satisfying himself that this Order has been complied with,-

(i) enter and search any premises, vehicle, vessel or any other conveyance with such assistance as may be necessary;

(ii) ask of any person all necessary question.

(iii) examine any books or documents

(iv) search and, so far as may be necessary for the purpose, detain any person and seize-

(a) any stock of essential article in respect of which he has reason to believe that contravention of any or the provisions of this Order, has been, is being or is about to be committed:

(b) any package, covering or receptacle in which such essential article is found;

(c) any animal, vehicle, vessel or other conveyance used in carrying such essential article if he has reason to believe that such animal, vehicle, vessel or other conveyance is liable to be forfeited under the provisions of the order.

(d) any books of accounts and documents which in his opinion would be useful for, or relevant to any proceedings under the order.

(e) take, or cause to be taken the weight or measure of all or any of the stocks of essential articles found in any place.

(f) direct by an order in writing any person who owns or is in possession of any stock or any essential article in respect of which he has reason to suspect that a contravention of the provisions of this Order has been, is being or is about to be committed not to remove or dispose of in any manner such stock of essential article and package, covering or receptacle, in which such essential article is found and any animal, vehicle, vessel or other conveyance used in carrying such essential article without further directions from the officer making such order:

Provided that the provisions of section 100 of the Code of Criminal Procedure Act, 1973 (Act 2 of 1974) relating to search and seizure shall apply to search and seizure under this clause.

8. Storage Control Restriction shall not apply to imported pulses.

importers who deals in pulses shall have keep separate records regarding purchase (import), storage, sale and shall maintain separate stock registers and shall have to keep necessary documents with them to assure the inspecting authorities in the regard at the time of inspection and shall have to furnish information to State Government/ Concerned District Collector.

By order and in the name of Governor of Gujarat,

J. M. CHAUDHARY,
Section Officer,
Food, Civil Supplies and Consumer Affairs Department.

Government Central Press, Gandhinagar.