

[Extract from the Chandigarh Administration, Gazette. dated 1st July, 1984]

CHANDIGARH ADMINISTRATION

HOME DEPARTMENT

Order

The 25th June, 1984.

No. 746-GOI-HIII (3)-84/15043.—Whereas the Administrator, Union Territory, Chandigarh, is of the opinion that it is necessary and expedient so to do for maintaining the supplies of rice and for securing its equitable distribution and availability at fair price;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955), read with the Government of India, Ministry of Agriculture, (Department of Food) Order Nos. G.S.R.-800, dated the 9th June, 1978 and G.S.R. 452(E), dated the 25th October, 1972 and in supersession of Punjab Rice Procurement (Levy) Order, 1958, dated, the 27th October, 1958 and the Chandigarh Rice Procurement (Levy) Order, 1984, dated the 10th February, 1984, the Administrator, Union Territory, Chandigarh with the prior concurrence of the Central Government, is pleased to make the following Order, namely:--

1. **Short title, extent and commencement.** – (1) The order may be called the Chandigarh Rice Procurement (Levy) Order, 1984.

2. It extends to the whole of the Union Territory of Chandigarh.

3. It shall come into force with immediate effect.

2. **Definitions.**— In this order unless the context otherwise requires :--

(a) “Collector” means the Collector of the District or a Deputy Commissioner or a District Magistrate and includes any officer not below the rank of Sub-Divisional Officer, duly authorized by the Government or the District Collector, or the Deputy Commissioner, or the District Magistrate to exercise the powers of the Collector under this order, as may be specified in the said authorisation;

(b) “Custom Milling” means, milling of paddy, not belonging to the miller, into rice in his rice mill on payment of milling charges in cash or in kind;

(c) “Enforcement Officer” means and includes an Inspector, Food and Supplies, any Police Officer not below the rank of Sub-Inspector and any officer authorised in this behalf by the State Government not below the rank of a Sub-Inspector of Police/Civil Supplies Inspector;

(d) “Food Corporation” means, the Food Corporation of India established under section 3 of the Food Corporation Act, 1964 (Central Act 37 of 1964);

(e) “Government” means, the State Government of U.T. Chandigarh;

(f) “Licensed Dealer” means, a person holding a valid licence under the Rice Milling Industry (Regulation) Act, 1958;

- (g) "Licensed Miller" means, the owner or other person incharge of a rice mill holding a valid licence under the Rice Milling Industry (Regulation), Act, 1958 (Central Act 21 of 1958) and includes a person or authority which has the ultimate control over the affairs, of such mill and when the said affairs, are entrusted to a Manager, Managing Director, or Managing Agent, such Manager, Managing Director or Managing Agent;
- (h) "Paddy" and "Rice" means paddy and Rice of the varieties described in Schedule-I and Schedule-II, respectively;
- (i) "Permit" means, a permit, issued by the Collector or an Officer authorized by him to a licensed miller to undertake Custom Milling of paddy;
- (j) "Procurement Price" means, the price, specified in Schedule-III for different varieties of paddy and rice as per specifications specified in Schedules-IV or V as the case may be or as fixed by the State Government with the prior concurrence of the Central Government from time to time;
- (k) "Purchase Officer" means, an Officer appointed by the Food Corporation to purchase paddy/rice from the millers and dealers;
- (l) "Release Certificate" means, a certificate granted in the form given in Schedule-VI by a Collector or an officer authorised by him to a licensed dealer or a licensed miller in token of his having sold the required quantities of rice/paddy to the Food Corporation of India/State Government as the case may be and allowing him to dispose of the quantity specified therein;
- (m) "Rice Mill" means, the plant and machinery with which and the premises including the precincts thereof in which or in any part of which rice milling operation is carried on;
- (n) "Schedule" means, a Schedule to this order;
- (o) "Specification" means, the specifications prescribed for paddy and rice in Schedule-IV and V, respectively.

3. **Levy on Licensed Miller.** – Every licensed miller shall sell to the Food Corporation at the procurement price 75% of the Fine and Super Fine varieties and 90% of the Common variety of rice out of the total quantity of-

- (a) each variety or rice conforming to the specification owned by him which is held in stock on the date of commencement of this order;
- (b) each variety or rice conforming to the specification milled by him every day out of stocks of paddy owned by him; and
- (c) each variety of rice conforming to the specification purchased or otherwise acquired by him for the purpose of sale from persons other than a licensed miller or a licensed dealer.

4. **Levy on Licensed Dealer.** – Every licensed dealer shall sell to the Food Corporation at the procurement price 75% of the Fine and Super Fine varieties and 90% of the Common variety of rice out of the total quantity of :-

- (a) each variety of rice conforming to the specification owned by him which is held in stock on the date of commencement of this order;
- (b) each variety of rice conforming to the specification got milled by him every day out of his stocks of paddy; and
- (c) each variety of rice conforming to the specification purchased or otherwise acquired by him for the purpose of sale from persons other than a licensed miller or a licensed dealer.

5. **Levy on Paddy.** – (1) Every licensed Miller and Licensed Dealer shall sell to the Government at the procurement price 75% of Fine and Super Fine varieties and 90% of the Common variety of rice out of the total quantity of each variety of paddy conforming to specification held in stock on the date of commencement of this order or received by him thereafter and remaining unconverted into rice within three months or such extended time as that Collector may, in special circumstances allow:

Provided, however, that in case of time extended beyond three months, the Collector shall make a report of the order to the Government who may, vary, amend or rescind the order:

Provided, further, that no paddy shall remain unmilled with the millers at the end of the marketing season in which the paddy has been purchased:

Provided also, that no levy shall be, payable on any stock of paddy, purchased or otherwise acquired by him from a Licensed Miller or a Licensed Dealer, in respect of which levy in accordance with this sub-clause has been delivered to the Government.

(2) The conditions prescribed in regard to specifications, payment of procurement price and delivery of levy rice shall, mutatis mutandis, apply to the delivery of paddy under sub-clause (1)

6. **Levy rice to conform to specifications.-** The rice required to be sold to the Food Corporation under clause 3 or clause 4, as the case may be, shall conform to the specifications of rice for fair average quality prescribed in Schedule V applicable to the respective variety of rice and shall not contain refractions beyond the rejection limit shown therein and in case any stock of rice offered for sale does not conform to such specifications, it shall be reconditioned or rectified by the Licensed Miller or the Licensed Dealer, as the case may be, before being so offered so as to bring it in conformity with such specifications.

7. **Delivery of levy rice.** – (1) The rice required to be sold to the Food Corporation under clause 3 and clause 4 shall be delivered by the licensed miller or the licensed dealer, as the case may be, to the Purchase Officer in such lots, in such manner at such place and at such time as the State Government or the Food Corporation or the Purchase Officer may direct.

(2) The Purchase Officer shall, subject to such general or special instructions as may be issued from time to time by the State Government or the Food Corporation for taking delivery of the quantity of rice sold under clause 3 or clause 4 as the case may be on behalf of the Licensed Miller

or the Licensed Dealer, shall give a receipt to him specifying the quantity and variety or rice delivered by him and the date of taking delivery thereof.

(3) The Purchase Officer shall, on taking delivery of the rice pay ninety-five per cent of the price for the quantity and the variety of rice so delivered calculated on the basis of the procurement price and obtain a receipt from the seller thereof. The payment of balance five percent of the price shall be made after making such deductions in the total price as are allowed in Schedule V assessed on the basis of analysis as provided in Sub-Clause 4.

(4) The Purchase Officer shall, as far as possible, in the presence of the Licensed Miller or the Licensed Dealer or his agent, cause to be taken three samples of rice delivered under clause 3 and 4 and hand over one, sample to the Licensed Miller or the Licensed Dealer or his agent, the other two samples to the Foodgrains Analytical Laboratory established by the State Government or the Food Corporation one sample analysed in the said Laboratory and the other retained therein.

(5) The price payable for the stocks of rice shall be determined on the basis of the result of the analysis which shall be communicated to the Licensed Miller or the Licensed Dealer as the case may be.

(6) If, within a week of the receipt by him of the result of the analysis, the Licensed Miller or the Licensed Dealer disputes the correctness of the result, the Purchase Officer shall arrange to get the other sample, retained in the Laboratory, reanalyzed after previous intimation to the Licensed Miller or Licensed Dealer about the date and time fixed for such analysis. The Licensed Miller or the Licensed Dealer, if he so desires, may either present himself or depute his representative to be present at such analysis.

(7) The result of the reanalysis referred to in sub-clause (6) shall be binding on both the parties and the price payable for the stock of rice shall finally be determined on the basis of that result.

(8) In the case of delivery of levy rice at a place other than the mill premises or the business premises of the Licensed Miller or the Licensed Dealer as the case may be, he shall be entitled to the payment of other charges incidental to such delivery including transportation charges, as regulated in accordance with the instructions issued by the Government from time to time.

8. Restrictions on sale and movement of Rice. – (1) No Licensed Miller/Licensed Dealer shall sell or agree to sell or otherwise dispose of the rice recovered by milling other than the quantity specified in clause 3 or clause 4, as the case may be, except in accordance with a Release Certificate issued by the Collector or any Officer authorised by the Government in this behalf.

(2) Save as otherwise provided in sub-clause (1) no Licensed Miller or Licensed Dealer shall transport rice for sale from the premises of the rice mill or the godown declared in the licensed except in accordance with the Release Certificate referred to in sub-clause (1).

9. Release Certificate. – (1) After delivery of levy rice, every Licensed Miller and Licensed Dealer may make an application in the Form set out in Schedule VI to the Collector or an Officer authorised in this behalf by the Government for issue of a Release Certificate for disposal of levy free rice.

(2) The application referred to in sub-clause (1) shall be accompanied by the receipt in original issued by the Purchase Officer in respect of delivery of rice under levy.

(3) On receipt of an application under sub-clause (1), the Collector or the authorized Officer, shall issue a Release Certificate for movement and disposal of the levy free rice. The Release Certificate shall be in the Form set out in Schedule VII.

(4) An application for Release Certificate shall be made within one month of the date of delivery of rice in accordance with clause 3 and clause 4 and the stock of rice in respect of which such Release Certificate is issued shall be disposed of by the Licensed Miller or the Licensed Dealer within a period of one month from the date of grant of such permit:

Provided that the period specified above may be relaxed by the Government for reasons recorded in writing.

10. **Powers to require Rice Mills to Mill Paddy.**- The Government may direct any Licensed Miller to convert any stock of paddy into rice held by the Government or its agencies or the Food Corporation of India on such terms and conditions as may be notified by the State Government :

Provided that the quantity of paddy to be given to a rice mill by the Government or its agencies or the Food Corporation during one Kharif season beginning from 1st October shall not exceed 40 per cent of the annual licensed milling capacity to be calculated on average of 300 working days.

Explanation – For the purpose of this clause, the licensed milling capacity of any licensed rice mill shall be the same as mentioned in the licence issued under the Rice Milling Industry (Regulation) Act, 1958 and the rules made thereunder-

11. **Restrictions on custom milling by rice millers.**- (1) No licensed rice miller shall undertake custom milling of paddy except under and in accordance with a permit in the Form set out in Schedule – VIII issued by the Collector or an Officer authorised by him in this behalf :

Provided that no permit is required for undertaking custom milling of paddy brought by a Cultivator from the Stocks of paddy grown by him or an agricultural labourer out of the stocks of paddy earned by him as wages or the paddy held in stock by the Government or its agencies or the Food Corporation.

(2) Every rice miller shall maintain separate accounts in respect of custom milling undertaken by him.

12. **Levy of Food Corporation.** – No levy shall be charged from the Food Corporation.

13. **Duty to comply with order or Direction.** – Every licensed Miller or Licensed Dealer to whom an order or direction is issued under powers conferred by or under this order shall comply with such order or direction.

14. **Power to exempt.** - (1) The Government may, in public interest, exempt area from levy or reduce quantum of levy in any area, with the prior concurrence of the Central Government.

(2) The Government may in public interest, exempt any class of persons from levy with the prior concurrence of the Central Government.

15. **Powers of entry, search and seizure.** – (1) The 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) Inspector or cause to be inspected any book or document or accounts as well as any stock of rice or paddy belonging to or under the control of a miller or dealer;
- (b) require any person to give any information in his possession with respect to any undertaking or business for production or manufacture of rice or for purchase, sale or storage for sale of rice or paddy;
- (c) stop and search forthwith, with such aid or assistance as may be necessary, any person or vehicle or vessel or animal used or suspected of being used for delivery of rice or paddy from the mill or other premises of the miller or dealer, where, he has reason to believe, rice or paddy is stored;
- (d) enter and search with such aid or assistance as may be necessary, such mill or other premises;
- (e) seize and remove with such aid or assistance as may be necessary;
 - (i) any stock of rice or paddy in respect of which or part of which, he has reason to believe, contravention of any of the provisions of this order has been or is being or is about to be committed;
 - (ii) any package, covering or receptacle in which such stock of rice or a paddy is found, and
 - (iii) the animal, vehicle, vessel or other conveyance used in carrying such stock of rice or paddy if he has reason to believe that such animal, vehicle, vessel or other conveyance is liable to be forfeited under the provisions of the Essential Commodities Act, 1955 and the reafter, without unreasonable delay make a report to the collector under the provisions of section 6-A of the said Act.
- (f) seize and remove any books of accounts or documents which in his opinion shall be useful for, or relevant to any proceeding in respect of any contravention of this order and allow the person from whose custody such books of accounts or documents are seized to make copies thereof or to take extracts therefrom in his presence.

16. The provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

17. **Maintenance of Accounts** :- (1) Every Licensed Miller and Licensed Dealer shall maintain a register indicating the quantity of the paddy milled and rice delivered under levy during the day in the relevant form.

(2) Every Licensed Miller and Licensed dealer furnish a fortnightly return pertaining to and abstract of the above accounts for fortnightly periods ending on the 15th and the last date of

every calendar month to the Collector exercising jurisdiction in the area, so as to reach within the 5 days of the close of the fortnight.

18. **Periodical verification of Stocks with the Miller/Dealer.** – (1) The Enforcement Officer, shall periodically, which shall not be less than once a week, verify the rice stock in the mill and issue a certificate in the relevant form.

(2) The Enforcement Officer, shall also periodically verify the stock of Rice/Paddy available with the Dealers, and issue a certificate in the relevant form.

(3) Copies of the above Certificates shall be furnished to the Purchase Officer and the Collector exercising the jurisdiction in the area.

19. **Appeal.** – (1) Any Miller or Dealer or other person aggrieved by the order of the Purchase Officer fixing the quantum of levy under any of the clauses 3, 4 and 5 as the case may be, within seven days from the date of such order, appeal to the Collector.

(2) The Collector shall fix the date, time and place for hearing the appeal thus preferred to him and may from time to time adjourn the hearing and make or cause to be made such further enquiries as he deems fit.

(3) In disposing of an appeal, the Collector may confirm or annul the order appealed against or reduce or enhance the quantity of rice to be sold under the said order.

(4) The Collector shall communicate in writing, the order passed in appeal by him to the appellant and also to the Purchase Officer concerned. Every order of the Collector on such appeal shall be final.

20. **Repeal and Saving.** – The Punjab Rice Procurement (Levy) Order, 1958 is hereby repealed. –

Provided that such repeal shall not-

- (a) affect to previous operation of the said order of anything duly done or suffered thereunder, or
- (b) affect any right, privilege, obligation or liability, acquired or accrued or incurred under the said order, or
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order, or
- (d) affect 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 other penalty, forfeiture or punishments may be imposed, as if the said Order had not been repealed.

S.P MITTAL
Secretary, Food and Supplies

SCHEDULE I

[See clause 2(h)]

CLASSIFICATION OF PADDY

Serial No.	Classification	Description
1.	Common	Paddy which will produce rice of short bold and long bold varieties of description contained in Schedule II.
	Fine	Paddy which will produce rice of medium slender variety of description contained in Schedule II.
	Superfine	Paddy which will produce rice of long slender and short slender varieties of description contained in Schedule II.

The State Governments may indicate the names of varieties falling under different classification.

SCHEDULE II

[See clause 2(h)]

CLASSIFICATION OF RICE

Serial No.	Classification	Description
1.	Common (Short Bold and Long Bold)	Length less than 6 mm; length/breadth ratio lower than 2.5.
	Fine (Medium Slender)	Length less than 6 mm; length/breadth ratio 2.5 to 3 or length 4.5 mm; and length/breadth ratio between 2 and 2.5.
	Superfine (Short Slender and Long Slender)	Length less than 6 mm to more than 6 mm; length/breadth ratio 3 and above.

The State Governments may indicate the names of varieties falling under different classification.

SCHEDULE III

[See clause 2(g)]

PROCUREMENT PRICE OF PADDY AND RICE

(A) Procurement price of Paddy-

Serial No.	Classification	Price per quintal	
1.	Common	Rs.	132.00
	Fine	Rs.	136.00
	Superfine	Rs.	136.00

Note._ The Prices indicated above are for naked grain of Grade quality specified in Schedule IV.

(B) Procurement price of rice-

Serial No.	Classification	Price per quintal	
1.	Common	Rs.	217.75
	Fine	Rs.	230.75
	Superfine	Rs.	239.00

Note._ The Prices indicated above are for naked grain of Grade quality specified in Schedule V.

SCHEDULE IV

[See clause 2(o)]

SPECIFICATIONS OF PADDY

(As finalised by Central Government)

SCHEDULE V

[See clause 2(o)]

SPECIFICATIONS FOR RICE

(As finalised by Central Government)

SCHEDULE VI

[See Clause 9(1)]

Form of application for Release Certificate

The Collector/District Food and Supplies Officer,
Union Territory, Chandigarh

In accordance with the provisions contained in clause 3*/4*/Clause 5* of the Chandigarh Rice Procurement (Levy) Order, 1983, I*/We* have delivered _____ quintals of rice/paddy to _____ (Purchase Officer). You are requested to issue a Release Certificate to enable me*/us* to dispose of the levy free share of my*/our* rice/paddy.

Encl. : Receipt issued by
Purchase Officer
in original.

Yours faithfully,
Licensed Miller/Licensed Dealer/Agent.

@ Designation to be indicated.
* Strike out whichever is not applicable.

SCHEDULE VII

[See Clause 9(3)]

Form of Release Certificate

No. _____

It is hereby certified that levy due on the stocks of rice*/paddy* of Shri*/Ms* _____
_____ (Licensed Miller*/Licensed Dealer*) (Licence No. _____), details of
which is given below has been realized and accordingly the quantity of rice*/paddy* indicated in
column (5) below is released for disposal by him*/them* :-

Grade	Name of variety	Total quantity (in quintals)	Quantity delivered (in quintals)	Levy-free quantity (in quintals)
1	2	3	4	5

Date :

Collector/Authorised Officer @

Place :

@ Designation to be indicated.
* Delete whichever is not applicable.

SCHEDULE VIII

[See Clause 11 (1)]

Form of permit for Undertaking Custom Milling of Paddy on Private Account

No. _____

Shri/M/s. _____ (Rice Mill Licence No. _____) I hereby permitted to undertake custom-milling of paddy on private account subject to the following conditions:-

- (1) He shall maintain separately a true and correct account of paddy received for custom-milling, indicating the name and complete address of the person(s) from whom such paddy is received, the Foodgrain-Dealer Licence No. (if the customer is a dealer) and the quantity of paddy milled and rice manufactured the reform.
- (2) He shall furnish an abstract of the account mentioned in condition (1) above to the Collector/Authorised Officer, every month.
- (3) This permission is liable for cancellation in the event of violation of any provision of the _____ Rice Procurement (Levy) Order, 19 _____ and/or _____ Foodgrain Dealers Licensing Order, 19 _____.

(Sd.) ,
Collector/Authorised Officer