

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

(As amended upto 1.4.82)

S.O. 780 (E) – Whereas the Central Government is of opinion that it is necessary and expedient son 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 section 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 selected 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-

- [(a) **“bulk consumer”** means a hotel, a restaurant, halwai, an educational institution with hostel facilities, a hospital or a religious or charitable institution,]

Substituted by S.O. 536 (E) dated 20.9.79.

- (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 a Union territory not included in Category A city;
- (d) **“Category C City”** means a commission agent having the customary course of business as such agent

authority either to sell goods, or to consign goods for the purpose of sale or to buy goods;

- (f) **“dealer”** means a person engaged in the business 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.
- (h) **“population”** means populations, as ascertained at the 1981 (Provisional) Census;
- (i) **“primary mandi”** in relation to pulses and edible oilseeds means a mandi where the farmers initially sell their produce;
- (j) **“producer”** means a person carrying on the business of milling any of the pulses or expelling extracting, or [manufacturing or refining]² any edible oil;
 - (i) by buying pulses or edible oilseeds for being processed by himself and selling the finished products through a whole seller or through a commission agent; or
 - (ii) by doing any of the processes of milling extracting, [manufacturing or
 - (iii) refining]³ on behalf of another.]³

1. Substituted vide Notification No. S.O. 10 (E) dated 7.1.82.
2. Substituted vide Notification No. 64 (E) date 4.2.1978 and amended vide S.O. 536(E) dated 20.9.1979.

- (k) **“Pulses”** means Urd, Moong, Arhar, Masoor, 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 of other dealers or to bulk consumers.

3. Licensing of dealers. - Notwithstanding anything contained in State Order, after the expiration of a period of fifteen days in the coming into force of this clause, no person shall carry business as a dealer in pulses or in edible oilseeds or in the oils except under and in accordance with the terms and conditions of a licence granted under a State Order if the stocks pulses or edible oilseeds or edible oils in his possession except the quantities specified below: -

(i)	Pulses	10	quintals for all pulses taken together.
(ii)	Edible Oils included hydrogenated vegetable oils	5	quintals for all edible oils including hydrogenated vegetable oils taken together.
(iii)	Edible Oilseeds including groundnut in shell	30	quintals of all edible oilseeds.

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 this behalf, store or have in his possession at any time any pulses, edible oilseeds or edible oils in excess of the quantities specified below: -

Category of cities	Stock limits in Quintals on the case of whole saler	Remarks	Retailer
(i) Pulses pulse	Category 'A' Cities	1000	50 All
	Category 'B' Cities	750	40 taken
	Category 'C' Cities	500	30 together

(ii)	Edible Oil edible	Category 'A' Cities	1500	100	All
		Category 'B' Cities oilseeds taken	1000	75	
		Category 'C' Cities together	500	50	
2. For		groundnut kernel or ... 75% of the limits special shall apply.			
(iii)	Edible oils All edible	Category 'A' Cities		800	20
		Category 'B' Cities including	600	15	
		Category 'C' Cities drogenated vegetable oil.	350	10	

[Provided that the stock limits specified for a wholesaler 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.

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;

Provided also that no producer specified in column

- (1) of the table below shall store or have in his possession at any time unmilled pulses or [edible oilseeds]⁴, 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 the corresponding entry in column
- (3) of the said table;
- (4) Substituted vide S.O. 536(E) dated 20.9.1979. The Second third and four proviso were substituted vide S.O. 64(E) dated 4.2.78. The fourth proviso was further amended by S.O. 409(E) dated 26.6.78.

Producer	Quantity of unmilled	Pulses or (edible oil seeds)⁵		(Quantity of finished stocks namely pulses
(1)		(2)		(3)
	(a)	(b)	(a)	(b)
	Producer who is carrying on business on the commencement of this order.	Producer who has commenced production after the commencement of this Order.	Producer who is carrying on business on the commencement of this Order.	Producer who has commenced production after the commencement of this Order
1. Producer of pulses	One-twelfth of the maximum quantity of pulses used by him in any of the three years ending on the 31 st October, 1977.	For a period of one year from the date of commencement of his production, one-twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity. (For the second year and third year of his production,	One-twenty fourth of his maximum production if any, of the three years ending on the 31 st day of October, 1977.	For a period of one year for the date of commencement of his production, one twenty fourth of the quantity equal his annual installed capacity (For the second year and the year of his production, 1/2 4 th the quantity of pulses that ...be required for producing a

		<p>one-twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity and thereafter one-twelfth of maximum of pulses used by him in any of the three years immediately after commencement of his production.)⁶</p>		<p>quantity equal to his annual installment capacity and there after twenty-fourth of the maximum quantity of pulses used by ...any of the three years ...diately after the commencement of his production) ⁸.</p>
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5.Substituted vide S.O. 536(E) dated 20.9.79.

6. Inserted vide Notification No. S.O. 10(E) Dated 7.1.1982.

<p>2.Producer of Edible oils)7</p>	<p>One eighth of the maximum quantity of edible oil-seeds by him in any used of the three years ending on the 31st day of October, 1977.</p>	<p>For a period of one year from the date of commencement of his production, one-eighth of the quantity of edible oilseeds that would be required for producing the quantity equal to his annual installed capacity and thereafter one-eighth of the maximum quantity of edible oilseeds used by him in any of the three years immediately after the commencement of his production.)8</p>	<p>One-twelfth of his maximum production in any of the three years ending on the 31st day of October, 1977.</p>	<p>For a period of one year from the date of commencement of his production, one-twelfth of a quantity equal to his annual installed capacity. (For the second year and third year of his production 1/12th of the quantity of edible oil-seeds that would be required for producing a quantity equal to his annual installed capacity and thereafter 1/12th of the maximum of his production in any of the three years</p>
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				immediately after' the commencement of his production.}3
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3(...) 9

8. Amended vide S.O. 64(E) Dated 4.2.1978 and S.O. 536(E) Dated 20.9.79.
9. Inserted vide Notification No. S.O. 10(E) Date 7.1.1982.
10. Item 3 was inserted vide S.O. 64(E) Dated 4.2.1978 and deleted vide S.O. 536(E) Dated 20.9.79.

Provided also that where any quantity of pulses edible oil-seeds or edible seeds is in transit then for the purposes of this sub clause such quantity shall not during the period when such a quantity is 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 with the terms of any contract or agreement in pursuance of which the quantity is put in such transit.

[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. days from the date of its receipt] 10

(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 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.

5. Returns – Every dealer referred to in clause 3 and every producer who holds in excess of the stocks limits of pulses or edible oilseeds or edible oils specified for a retailer in clause shall furnish a fortnightly return to such authority and in such manner as may be specified by the State Governments in this behalf by notification in the Official Gazette in respect of such stocks of pulses edible oilseeds and edible oils held by him.

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 a State Government; or

- (ii) to any Central level or State level cooperative society, engaged in the production, procurement, sales, purchase distribution of pulses edible oilseeds and edible oilseeds and edible oils.

Substituted by S.O. 536 (E) dated 20.9.79.

[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].

[7B. Power to fix lower stock limits- The State Government may, if it considers necessary for just and sufficient reasons by notification in the Official Gazette, fix and stock limit within the maximum limits specified in clause 4, either generally or for specified period, subject to such conditions as may be specified in notification.

Provided that no notification under this clause shall be issued except with the previous approval of the Central Government] ¹².

8. Repeal and saving- The pulses and Edible Oils (Storage Control) 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, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.
- (d) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order ; or

11. Inserted vide Notification No. 64(E) dated 4.2.1978.

12. Inserted vide S.O. 536(E) dated 20.9.1979.

- (e) 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, of punishment, may be imposed as if the said Order had not been repealed.

SCHEDULE
(See Clause 2(b) and (c))

Category 'A' Cities (having a population
10,00,000 and above).

Categories 'B' cities
(having a of
Population of
3,00,000 & more
but less than
10,00,000 and
Capital cities of
State and Union
Territories other than
Category 'A' cities).

1. Calcutta
2. Greater Bombay
3. Delhi
4. Hyderabad
5. Madras
6. Bangalore
7. Ahmedabad
8. Kanpur
9. Poona
10. Nagpur
11. Lucknow

1. Coimbatore
2. Madurai
3. Agra
4. Varanasi
5. Indore
6. Jabalpur
7. Allahabad
8. Surat
9. Vadodara
10. Tiruchirapalli
11. Amritsar

12. Jaipur]¹³

12. Jamshedpur
13. Cochin
14. Dhanbad
15. Salem
16. Gwalior
17. Ludhiana
18. Sholapur
19. Ulhasnagar
20. Hubli-Dyarwar
21. Meerut
22. Visakhapatnam
23. Mysore
24. Vijoyawada
25. Calicut
26. Bareilly
27. Jodhpur
28. Rajkot
29. Ranchi
30. Durg-Bhilai Nagar
31. Nasik
32. Jullundur
33. Jhane
34. Ajmer
35. Guntur
36. Asansol
37. Kolhapur
38. Moradabad
39. Kota
40. Raipur

41. Warangal
42. Faribad Complex
43. Cuttack
44. Tirunelveli
45. Rourkela
46. Aligarh
47. Jamnagar
48. Aurangabad
49. Bhavnagar
50. Gorakhpur
51. Durgapur
52. Mangalore
53. Belgaum
54. The Capital cities of States and Union Territories, other than Category 'A' cities.