The Jammu and Kashmir Food Control Act, 1929

Act 1 of 1929

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THE FOOD CONTROL ACT, 1986 (1929 A.D.)

Act No. I of 1986

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1. XL of 1966.

THE FOOD CONTROL ACT, 1986 (1929 A. D.)

Act No. I of 1986

[Sanctioned by His Highness the Maharaja Bahadur vide Minister-in-Waiting's endorsement No. 1052-C, dated 29th April, 1929 and published in Government Gazette dated 27th Baisakh, 1986.]

Preamble. — Whereas it is expedient to consolidate and amend the law relating to food control in Kashmir Province; It is hereby enacted as follows: —

1. Title, extent and commencement. — (a) This Act may be called "The Food Control Act, 1986".

(b) It extends to the whole of the Kashmir Province.

(c) It shall come into force on and from the date of its third publication in the Jammu and Kashmir Government Gazette.

2. Method of acquisition and distribution of grain.— The 1 [Director, Kashmir Valley Food Control,] under the control of the 2 [Government,] shall continue to make arrangements to purchase shali with the object of stabilizing prices in the interest of the producer and the consumer in the Kashmir Province. The rates at which shali shall be purchased by the 1 [Director, Kashmir Valley Food Control,] through Government agency or by such other agencies as may be employed by the 1 [Director, Kashmir Valley
Food Control,] for this purpose, shall be in accordance with the rates 3 [fixed by the Government with the advice of the Board constituted under the provisions of section 11 of this Act]. The distribution of shali so purchased shall be effected by the 1 [Director, Kashmir Valley Food Control,] who shall work directly under the guidance of the 2 [Government] or such other officer by whom the Jammu and Kashmir Government may direct the activities of the 1 [Kashmir Valley Food Control] to be controlled. The profits accruing to the 1 [Kashmir Valley Food Control] after meeting expenditure incurred in connection with its authorized operations shall be devoted exclusively to the furtherance of the 2 [Food Control] scheme in Kashmir, with the approval of 3 [the Jammu and Kashmir Government.]

3. **Ward transaction not enforceable.**—No agreement to repay in the form of agricultural produce any loan advanced in the Kashmir Valley otherwise than by Government agency shall be enforceable.

4 [4. **Advances recoverable as arrears of land revenue.**—(1) Advances made by the Kashmir Valley Food Control Department on account of shali, wheat or maize in addition to such penalty (not exceeding Rs. 12 per Khinvar of grain recoverable in lieu of such advances) as may be determined from time to time by the Minister in-charge of the said Department by a general or special order, shall be recoverable as arrears of land revenue where failure to deliver grain necessitates such recoveries being made. (2) Balances other than those referred to in sub-section (1) due to the Kashmir Valley Food Control Department in cash or kind as may be certified in writing by the Director of the said Department as such balances, shall be recovered as arrears of land revenue.]

5 [5. After consulting the Advisory Board constituted under the provisions of section 11 of the Act, the Director, Kashmir Valley Food Control, may from time to time subject to the control of the 6 [Government] by order published in the Jammu and Kashmir Government Gazette and in such other manner, if any, as might be prescribed by the 6 [Government] prohibit, restrict or control the import into the Municipal limits of the Srinagar City or the transport within the
Province of Kashmir of shali or rice (including any preparation thereof) by any person or persons without the authority or permission of the said Director.]

1 [6. Export of shall, rice or maize.—Shali, rice, maize, or any preparation thereof shall not be exported from the Kashmir Province except with the previous permission in writing of the Director, Kashmir Valley Food Control.]

7. Declaration of stocks.—(1) The [Deputy Commissioner of a District] or any officer authorized by him in this behalf may by notice in writing require any person to declare within 24 hours of the service of the notice the total stock of any shali or rice in his possession or held on his behalf within the province of Kashmir and such person shall be bound to comply accordingly. (2) A notice under sub-section (1) shall be deemed to have been served when it is served in the manner provided in the Code of Civil Procedure, 1977, for the service of summons or when proclaimed by beat of drum or when posted in a conspicuous place in the locality or localities where the stocks are believed to be held.

(3) If any attempt is made or apprehended to remove any stock or stocks regarding which action under sub-section (1) has been authorized the [Deputy Commissioner of a District] or any officer authorized by him in this behalf may take all necessary steps to prevent such removal.

(4) If the notice issued under sub-section (1) is not complied with within the prescribed time or if there is reason to doubt the accuracy of any declaration made under this Act the [Deputy Commissioner of a District] or any officer authorized by him in this behalf may enter into and search any house, place, tent or vessel believed to contain stock regarding which the notice was issued and served. The provisions of the Code of Criminal Procedure, 3 [1989], shall apply so far as possible to all searches and entries made under this Act.
8. Power to commandeer stocks of shah' or rice.—(1) Any person or persons other than an authorized agent of the 4 [Director, Kashmir Valley Food Control,] acquiring or holding shali or rice or any preparation thereof in excess of the quantity considered sufficient by the 1 [Deputy Commissioner of a District] to meet all legitimate household requirements (which shall include the requirements of guests and dependents according to the position of such person) for a period of one year, at any time may be required by notice in writing served in the manner provided in section 7, sub-section (2) by the 1 [Deputy Commissioner of a District] to hand over such surplus shall or rice or other preparation thereof to the 2 [Director, Kashmir Valley Food Control] or his authorized agents 3 [at the price sanctioned by the Government with the advice of the board constituted under the provisions of section 11 of the Act. Where shall or rice or any preparation thereof is commandeered at a place other than a recognized collection center, the price to be paid shall be the price fixed for the nearest collection center less nine pies per mile per kharwar for each mile of the distance from the nearest collection center.]

(2) In the event of the person from whom shall or rice or other preparation thereof may be thus commandeered refusing to accept payment for the same at the rates 3 [sanctioned by the Jammu and Kashmir Government with advice of the Board constituted under the provisions of this Act] or refusing to give a proper receipt for the payment so made, the price due shall be deposited with the Tehsildar in whose Tehsil the shall or rice was lying at the time it was commandeered.

On receipt of such deposit the Tehsildar concerned shall issue a notification through the Government Gazette to the effect that if the amount so deposited is not claimed within a period of six months after publication of the notification, the amount shall with the sanction of the 1 [Deputy Commissioner of a District] and the concurrence of the 2 [Director, Kashmir Valley Food Control,] be credited to Government and shall not be refundable unless the claimant can show cause to the 1 [Deputy Commissioner of a District] for not having claimed the amount previously.
4 [(3) In calculating the price to be paid for rice commandeered under this Act, ten \textit{tracks} rice shall be taken as the equivalent of one \textit{kharwar shall, shall} commandeered with the Srinagar Municipal area shall be paid for at a rate which shall be rupee one below the rate at which the Kashmir Valley Food Control Department is authorized to sell shall on the date such grain was commandeered.]

9. Penalties. — Any person who makes a false declaration when called upon under section 7 of this Act to declare his stocks, shall be punishable with simple imprisonment for a period not exceeding one year or with fine not exceeding Rs. 1000, or with both, and any \textit{shali} and rice or other preparation thereof found in the possession of such a person or held on his behalf shall be confiscated with the exception of such quantity as may be deemed by the Court to be sufficient to meet all legitimate household requirements of such person for one year. 10. Any person who disobeys any order issued under this Act \textit{[x x x]} or endeavors to defeat its objects or contravenes any provision of this Act in any other way shall be punishable with simple imprisonment for a period not exceeding one year or with fine not exceeding, Rs; 1000.

8r fen. \textit{Act shall be triable by a Court not lower in rank than that of a 2 [Judicial Magistrate] of the first class, and shall be cognizable by the Police and not compoundable except with the previous written sanction of the 3 [Deputy Commissioner of the District.]}

4[10-A. The Director, Kashmir Valley Food Control, shall at his discretion impose a fine not exceeding \textit{Rs. 50} on a \textit{hanji} and not exceeding \textit{Rs. 10} on a \textit{hamal} for any of the following irregularities committed by the \textit{hanji} or \textit{hamal} and he is authorized to recover or remit the fine imposed by him in any case: —

\textbf{Irregularities}

(a) adulteration of grain;
(b) misbehavior of any kind resulting in a disturbance;

(c) misappropriation of grain belonging to the Department;

(d) unauthorized sale of grain belonging to the Department;

(e) direct dealing with Zamindars and ticket-holders;

(f) short weighments;

(g) attempt to cheat Zamindars who deal with the Department;

(h) non-compliance with any legal order passed by the Director, Kashmir Valley Food Control.]

1 [10-B. The Director Kashmir Valley Food Control, may at his discretion demand cash security from hanjis and hainals, before or after they are employed by the Department, and may for reasons to be recorded in writing confiscate such security money or any portion thereof. 10-C. The orders of fine and confiscation of security passed by the Director, Kashmir Valley Food Control, shall be final and shall not be open to any appeal or application for revision to any higher authority.]

2[10-D. Notwithstanding anything said in section 10 above, any markban or pony-man found guilty of any of the following irregularities with respect to shall committed to their charge by Zamindars for delivery to the Kashmir Valley Food Control Department at appointed centers shall be punished on conviction by any 3 [Judicial Magistrate]with a fine not exceeding Rs. 50:—

Irregularities
(a) adulteration of grain;

(b) misbehavior of any kind resulting in an affray;

(c) misappropriation of grain belonging to a Zamindars;

(d) unauthorized disposal of grain belonging to a Zamindars;

(e) attempt to cheat a Zamindars who entrusts him with shali for delivery at Kashmir Valley Food Control Department;

(f) attempt to cheat the staff of the Kashmir Valley Food Control Department responsible for accepting the delivery of shali from Zamindars.

1 [11. Constitution of the Board.—There shall be constituted an Advisory Board to suggest to the Government from time to time a schedule of rates regarding the purchase and sale of shali at different ghats. The Board shall consist of seven members. The Revenue Minister and the Director Food Control shall be ex-officio members of the Board. The remaining five shall be elected by the 2[Praja Sabha from amongst its non-official members belonging to Kashmir Valley. Three shall be from the rural area and two from the city of Srinagar.]

1 [12. Repeal of previous orders.—All previous orders and Regulations passed in regard to the control of maize, shali and rice and preparation thereof in the Kashmir Province are hereby repealed.

3 ANNEXURE. Repealed.