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FOOD SUPPLIES & CONSUMER WELFARE DEPARTMENT

NOTIFICATION

The 20th April, 2016

No. 8286—09-61-08/2016—Whereas for maintaining the supply of rice and for securing its equitable distribution and availability at fair prices in the State of Odisha, the State Government had made the Odisha Rice and Paddy Procurement (Levy) and Restriction on Sale and Movement Order, 2013.

And whereas, the said order has been rescinded in the wake of withdrawal of consent of the Government of India for imposition of rice levy orders, in the notification of the Government of Odisha in the Food Supplies & Consumer Welfare Department No.10759, dated the 3rd June, 2015.

And whereas, there is no Order to control paddy procurement and Custom Milling of rice and the State Government are 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 prices in the State of Odisha.

And whereas, the Government of India in the Ministry of Consumer Affairs Food & Public Distribution, in their letter dated the 9th December, 2015, has given its advance concurrence to the Order, if the Order is in consonance with their observation made in the above said letter.

And whereas, the Order is in consonance with the observation made by the Government of India in their letter dated the 9th December, 2015.

Now, therefore, in exercise of the powers, conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the notification of the Government of India in the erstwhile Ministry of Agriculture and Irrigation (Department of Food) G.S.R. 800, dated the 9th June, 1978, published in the Gazette of India, Part – B, section 3,

sub-section (1) dated the 9th June, 1978, the directions issued by the Government of India in this behalf and the letter of the Government of India in the Ministry of Consumer Affairs, Food and Public Distribution dated the 9th December 2015, the State Government do hereby make the following order, namely : —

1. Short title, extent and commencement: (1) This order may be called the Odisha Rice and Paddy Procurement and Custom Milling of Rice Order, 2016.

(2) It extends to the whole of the State of Odisha.

(3) It shall come into force on the date of its publication in the official Gazette.

2. Definition: (1) In this order unless the context otherwise requires—

(a) 'Authorized Officer' means an officer of the State Government in Food Supplies & Consumer Welfare Department not below the rank of an Inspector of Supplies appointed as such for the purpose of this order;

(b) 'Civil Supplies Officer' means the officer heading the office of the Food Supplies & Consumer Welfare Department of the Government in the district;

(c) 'Collector' means the Collector of a district and includes any officer, not below the rank of Sub-Collector, duly authorized by him or by the State Government to exercise the powers of the Collector under this order;

(d) 'Custom Miller' means the rice miller appointed as such by the Secretary or the Collector to custom-mill the paddy of the State Procuring Agencies and their agents entrusted with the milling of paddy;

(e) '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 kind, prevalent in the locality;

(f) 'Custom Milling of Rice' means custom milling of paddy into rice of the State Procuring Agency by the rice millers on the price fixed by the Government of India or any authority duly empowered;

(g) 'Dealer' means a person or society or company trading in paddy and rice in or outside the State of Odisha registered under Value Added Tax Act, 2004 (Odisha Act 4 of 2005);

- (h) 'Distress Sale' means sale of paddy of Fair Average Quality to any person or the State Procurement Agency at prices lower than the prices fixed by the Government of India during the particular Kharif Marketing Season;
- (i) 'Enforcement Officer' means the officer not below the rank of the Tahasildar of Revenue & Disaster Management Department or Block Development Officer of Panchayati Raj Department or the Joint Director of the Food Supplies & Consumer Welfare Department specially authorized in this behalf by the Government or the Collector of the district or Additional District Magistrate duly authorized by the Collector or any Police Officer or Officer of the Vigilance Department not below the rank of Deputy Superintendent of Police authorized in this behalf by the State Government;
- (j) 'FAQ' means the Fair Average Quality norms of paddy of all varieties declared by the Government of India for each KMS;
- (k) 'Food Corporation' means the Food Corporation of India established under section 3 of the Food Corporation Act, 1964 (37 of 1964);
- (l) 'Form' means form appended to this Order;
- (m) 'KMS' means Kharif Marketing Season which starts on 1st October of current year and ends on 30th September next year;
- (n) 'Managing Director' means the Managing Director or officer of any designation representing the Agency (appointed or selected as State Procuring Agency) in State of Odisha;
- (o) 'Miller' means the owner or any other persons in-charge of a rice mill and includes a person or authority who 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;
- (p) 'Minimum Support Price' means the price of paddy fixed by the Government of India or the State Government as payable to the farmers during a particular Kharif marketing season for Fair Average Quality (FAQ) paddy;
- (q) 'Paddy' means rice (grain) in husk of any variety;

- (r) 'Procurement of Paddy and Rice' means purchase of paddy of Fair Average Quality from the eligible or registered farmers by the State Procuring Agency on payment of Minimum Support Price and collection of rice of such paddy within the stipulated time;
- (s) 'Procuring Agency' means the Food Corporation of India (FCI), Odisha State Civil Supplies Corporation Limited (OSCSC), National Agricultural Co-operative Marketing Federation (NAFED), Odisha State Co-operative Marketing Federation (MARKFED), Tribal Development Co-operative Corporation of Odisha Ltd. (TDCC) and National Federation of Farmers' Procurement, Processing and Retailing Co-operatives of India Ltd. (NACOF) or any other Corporation or Co-operative Society appointed by the State Government to purchase stock of paddy from the farmers directly or otherwise through the sub-agency;
- (t) 'Rice' means any variety of de-husked, polished, raw or parboiled rice and includes rice equivalent to paddy held in stock;

Explanation:— For the purpose of this sub-clause, sixty-seven kilograms of raw rice and sixty-eight kilograms of parboiled rice shall be considered equivalent to one quintal of paddy.

- (u) '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 or stock stored;
- (v) 'Schedule' means the Schedule appended to this Order.
- (w) 'Secretary' means the Secretary to the Government, Food Supplies & Consumer Welfare Department and includes the Principal Secretary or Commissioner-I-Secretary to the Government of this Department, as the case may be;
- (x) 'Specification' means the specification prescribed for paddy and rice by the Government of India in Schedule—III and Schedule—IV respectively.
- (y) 'State Government' means the Government of Odisha;

(2) The words and expressions used in this Order but not defined shall have the same meaning as respectively assigned to them in the Essential Commodities Act, 1955 (10 of 1955).

3. Purchase of paddy : (1) State Procuring Agencies or their agents shall purchase paddy of Fair Average Quality from the registered farmers at prices not lower than the Minimum Support Price as declared by the Government of India or State Government, as the case may be:

Provided that the State Government shall be competent to fix different prices for different grades or varieties of paddy for different KMSs beginning on the 1st day of the month of October.

- (2) No person or miller shall purchase paddy of FAQ specification at price below the Minimum Support Price or be involved in distress sale.
- (3) The Collector shall take every step to declare the market yards of Regulated Market Committees as paddy purchase centers or mandis.
- (4) The Regulated Market Committees shall also declare the designated place of business of dealer or agents of state procuring agencies as additional market yard.
- (5) The provision of the Odisha Agricultural Produce Markets Act, 1956 shall be complied with for such declaration under sub-clauses (3) and (4).

4. Delivery of paddy for custom milling: Paddy purchased by the State Procuring Agencies or their agents shall be delivered to the custom millers for custom milling.

5. Direction for milling of paddy into rice: The Secretary or the Collector, with a view to regulating the production of rice of Fair Average Quality by expeditious milling of paddy, direct a custom miller to convert the stock of paddy delivered by the State Procuring Agencies or their agents within such period and under such terms and conditions as may be specified from time to time by the State Government:

Provided that the quantity of paddy to be given to a custom miller during a particular KMS shall depend on the milling capacity, not exceeding the 70% of the annual milling capacity calculated on average of 250 working days, storage capacity and manpower engaged:

Provided further that the milling capacity of any rice mill shall be determined and ascertained by the Civil Supplies Officer of the District with the assistance of the field functionaries:

Provided also that the quantum of paddy delivery may be modified by the State Government or the Collector basing on paddy availability and milling capacity.

6. Milling of paddy within the paddy season: No paddy shall remain un-milled with a custom miller at the end of the Kharif Marketing Season in which the paddy has been purchased:

Provided that the State Government may, after informing the Government of India of the quantity and the reasons for the paddy remaining un-milled at the end of the season, allow reasonable time for milling of paddy subject to such conditions as may be imposed.

7. Custom Milling of paddy and production of rice conforming to specification: Every custom miller to whom paddy is delivered by the State Procuring Agencies or their agents shall do custom milling of paddy and deliver rice as per the out turn ratio fixed on payment of milling charges as fixed by the Government of India:

Provided that the custom milled rice to be delivered shall conform to the specification of rice for FAQ as determined by the Government of India.

8. Restriction on custom milling: No custom miller shall purchase paddy, sell rice on his own account or undertake custom milling of paddy of persons other than State Procuring agencies, farmers, consumers, dealers and agriculture labourers without permission of the Collector or Civil Supplies Officer of the District duly authorized by the Collector and the permission shall be granted in Form-H:

Provided that no permission shall be granted to a custom miller unless he completes delivery of custom milled rice due against the Kharif Marketing Season for which he is appointed.

9. Restriction on sale and movement of paddy: (1) The custom miller shall not be allowed to sell or dispose of paddy in shape of paddy:

Provided that, in case of circumstances beyond the control, he may sell or dispose of paddy with the permission of the Secretary or the Collector.

(2) The producers or farmers are allowed to move stock of paddy outside the area subject to payment of statutory dues and taxes.

(3) Restriction shall not prejudice the free movement of paddy or rice in or outside Odisha, having regard to the law for the time being in force.

10. Delivery of rice stock: (1) Custom milled rice shall be delivered to the godowns whether owned or hired by the Odisha State Civil Supplies Corporation and Food Corporation of India within the time frame failing which penalty shall be imposed as per the agreement entered into by the State Procuring Agency and the custom miller for custom milling operation.

(2) The State Government shall make every arrangement to receive the custom milled rice within the time limit.

11. Maintenance of the Accounts: (1) Every custom miller shall maintain true accounts in a Register in Form 'A' indicating the total transactions right from receipt of paddy from State procuring agencies or their agents and in a register in Form 'B' indicating the total custom milled rice produced and delivered in the account of State Procuring Agency.

(2) Every custom miller shall maintain separate account in a Register in Form 'C' for showing details of paddy received from any person other than State procuring agencies, farmers, agricultural labourers, consumers and registered dealers for custom milling and in a Register in Form 'D' showing details of custom milled rice so procured and delivered to them..

(3) Every custom miller shall maintain his own account in a Register in Form 'E' showing details of paddy purchased, milled and sold and in a register in Form 'F' showing details of rice produced and sold by the miller.

(4) All payments to farmers shall be made in shape of account payee cheque or by way of direct payment through NEFT / RTGS.

(5) Every custom miller shall furnish a fortnightly return, containing detailed information on transaction for fortnightly period ending on the 15th and the last date of every calendar month, to the Collector exercising jurisdiction in the area so as to reach him within five days of the close of the fortnight.

12. Periodical verification of the stocks with the custom millers: The Authorized Officer appointed for the mill shall verify the paddy and rice stocks held with the custom millers and issue a verification report in Form-G or submit the information online as per direction of State Government.

13. Authority of the State Government and State Procuring Agencies: The State Government and the State Procuring Agencies may prescribe special guidelines for the timely purchase of paddy, its delivery to the mills, custom milling, delivery of rice, agreement procedures, security, penalty etc. for smooth procurement.

14. Duty to comply with order or direction: Every agency or the custom miller to whom an order or direction is issued by the State Government or the Collector under powers conferred by or under this Order shall comply with such order or direction.

15. Power to issue direction: The State Government, Secretary or the Collector may, from time to time, give the State Procuring Agency, Custom Miller, Enforcement Officer, Authorised Officer specific direction as necessary for implementation of this Order which may be complied with.

16. Power of entry, search and seizure: (1) The Enforcement Officer or Authorised Officer may, with a view to securing compliance with this Order or to satisfy himself that this Order has been complied with,—

- (a) inspect 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;
- (b) require any person to give any information about paddy or rice in his possession;
- (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 movement of rice or paddy from the mill or other premises of the miller where he has reason to believe that 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 that 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 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 (10 of 1955) and thereafter, 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 account or documents which, in his opinion, shall be useful for or relevant to any proceedings 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 take extracts therefrom in his presence.

17. Applicability of provision of Code of Criminal Procedure,1973: The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this Order.

18. Appeal: Any dealer or Miller or Custom Miller aggrieved by the order passed by the Collector or his authorized officer or any Enforcement Officer authorized under this Order, may prefer appeal to the Secretary for redressal.

Schedule-I
[See Clause 2 (q)]
Classification of Paddy

Sl. No.	Clarification	Description
1	Common	Paddy which will produce rice of short bold and long bold varieties of description contained in Schedule-II
2	Grade-A	Paddy which will produce rice of medium slender variety, of description contained in Schedule-II

Schedule-II
[See Clause 2 (t)]
Classification of Rice

Sl. No.	Clarification	Description
1	Common	Length/ breadth ratio lower than 2.5
2	Grade-A	Length/ Breadth ratio 2.5 and above

SCHEDULE-III
[See clause 2(x)]
UNIFORM SPECIFICATION OF ALL VARIETIES OF PADDY
(MARKETING SEASON 2015-2016)

Paddy shall be in sound merchantable condition dry, clean, wholesome, of good food value, uniform in colour and size of grains and free from moulds, weevils, obnoxious smell, Argemone maxicana, Lathyrus sativus (Khesari) and admixture of deleterious substances.

Paddy will be classified into Grade 'A' and Common groups.

Schedule of specification

Sl. No.	Refractions	Maximum Limits (%)
1	Foreign matter a) Inorganic b) Organic	1.0 1.0
2	Damaged, Discoloured, Sprouted and Weevilled grains	5.0*
3	Immature, Shrunken and Shrivelled grains	3.0
4	Admixture of lower class	6.0
5	Moisture content	17.0

* Damaged, sprouted and weevilled grains should not exceed 4%.

N.B.

- (i) The definitions of the above refractions and method of analysis are to be followed as per BIS Method of analysis of food grains' Nos. IS: 4333 (Part-I) 1996, IS: 4333 (Part-II), 2002 and 'Terminology for food grains' IS: 2813-1995, as amended from time to time.
- (ii) The method of sampling is to be followed as per BIS method for sampling of Cereals and Pulses IS: 14818-2000 as amended from time to time.
- (iii) Within the overall limit of 1.0% for organic foreign matter, poisonous seeds shall not exceed 0.5% of which Dhatura and Akra seeds (Vicia species) not to exceed 0.025% and 0.2% respectively.

Schedule- IV
[See Clause 2(x)]
UNIFORM SPECIFICATION FOR GRADE 'A' & COMMON RICE
(MARKETING SEASON 2015-2016)

Rice shall be in sound merchantable condition, sweet, dry, clean, wholesome, of good food value, uniform in colour and size of grains and free from moulds, weevils, obnoxious smell, admixture of unwholesome poisonous substances, Argemone maxicana and Lathyrus sativus (Khesari) in any form, or colouring agent and all impurities except to the extent in the schedule below. It shall also conform to PFA Standards.

SCHEDULE OF SPECIFICATION

Sl. No.	Refractions	Maximum Limit (%)	
		Grade 'A'	Common
1	Brokens*		
	Raw	25.0	25.0
	Parboiled/ single parboiled rice	16.0	16.0
2	Foreign Matter**	0.5	0.5
	Raw/ Parboiled/ Single parboiled rice		
3	Damaged#/ Slightly Damaged grains		
	Raw	3.0	3.0
	Parboiled/ Single parboiled rice	4.0	4.0
4	Discoloured grains		
	Raw	3.0	3.0
	Parboiled/ Single parboiled rice	5.0	5.0
5	Chalky Grains		
	Raw	5.0	5.0
6	Red grains		
	Raw/ Parboiled/ Single parboiled rice	3.0	3.0
7	Admixture of lower class		
	Raw/ Parboiled/ Single parboiled rice	6.0	--
8	Dehusked Grains		
	Raw/ Parboiled/ Single parboiled rice	13.0	13.0
9	Moisture content @		
	Raw/ Parboiled/ Single parboiled rice	14.0	14.0

* Including 1% small brokens

** Not more than 0.25% by weight shall be mineral matter and not more than 0.10% by weight shall be impurities of animal origin.

Including pin point damaged grains.

@ Rice (both raw and parboiled/ Single parboiled rice) can be procured with moisture content upto a maximum limit 15% with value cut. There will be no value cut upto 14%. Between 14% to 15% moisture, value cut will be applicable at the rate of full value.

NOTES APPLICABLE TO THE SPECIFICATION OF GRADE 'A' and COMMON VARIETIES OF RICE

1. The definition of the above refractions and method of analysis are to be followed as given in Bureau of Indian Standard "Method of analysis for food grains" No's IS:4333 (Part-I) 1996 and IS: 4333 (Part-II)2002" Terminology for food grains" IS:2813-1995 as amended from time to time. Dehusked grains are rice kernels whole or broken which have more than ¼ of the surface area of the kernel covered with the bran and determined as follows:

ANALYSIS PROCEDURE:-

Take 5 grams of rice (sound head rice and brokens) in a petri dish (80×70 mm). Dip the grains in about 20 ml. of Methylene Blue solution (0.05% by weight in distilled water) and allow stand for about one minute. Decant the Methylene Blue solution. Give a swirl wash about 20 ml of dilute hydrochloric acid (5% solution by volume in distilled water). Give a swirl wash with water and pour about 20 ml. of Metanil Yellow solution (0.05% by weight in distilled water) on the blue stained grains and allow to stand for about one minute. Decant the effluent and wash with fresh water twice. Keep the stained grains under fresh water and count the dehusked grains. Count the total number of grains in 5 grams of sample under analysis. Three brokens are counted as one whole grain.

CALCULATIONS:

$$\text{Percentage of dehusked grains} = \frac{N \times 100}{W}$$

Where N= Number of dehusked grains in 5 grams of sample

W= Total grains in 5 grams of sample

2. The method of sampling is to be followed as given in Bureau of Indian Standard "Method of sampling of Cereals and Pulses" No IS: 14818-2000 as amended from time to time.

3. Brokens less than $1/8^{\text{th}}$ of the size of full kernels will be treated as organic foreign matter. For determination of the size of the brokens average length of the principal class of rice should be taken into account.
4. Inorganic foreign matter shall not exceed 0.25% in any lot, if it is more, the stocks should be cleaned and brought within the limit. Kernels or pieces of kernels having mud sticking on surface of rice, shall be treated as inorganic foreign matter.
5. In case of rice prepared by pressure parboiled technique, it will be ensured that correct process of parboiling is adopted i.e. pressure applied, the time for which pressure is applied, proper gelatinisation, aeration and drying before milling are adequate so that the colour and cooking time of parboiled rice are good and free from encrustation of the grains.

Form-F

[(See clause-11(3))]

REGISTER SHOWING DETAILS OF RICE, BROKEN, BRAN RECEIVED AND SOLD BY THE MILLER ON HIS OWN ACCOUNT

(Figures in Qtls.)

Date	Opening Balance			Quantity produced during the day			Quantity sold			Details of bill number	Closing stock			Remark
	Rice	Broken	Bran	Rice	Broken	Bran	Rice	Broken	Bran		Rice	Broken	Bran	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

Form-G
(See clause-12)

VERIFICATION REPORT OF AUTHORIZED OFFICER

KMS..... Miller Code..... Variety of paddy

Name of the miller and address:.....		
Milling Capacity.....	Last Verification Date.....	Present Verification Date.....
Electricity Contract Load (KV)	Meter reading at last verification	Present meter reading
Name and designation of Authorised Officer.....		Total units consumed.....

(Figure in Quintal)

	Item	OSCSC	MARKFED	NAFED	TDCC	NACOF	FCI	TOTAL
PADDY	(i) Prog. Paddy received till verification date							
	(ii) Prog. Paddy milled till verification date							
	(iii) Book balance of paddy (i-ii)							
RICE	(iv) Prog. Rice received from milling till date							
	(v) Prog. DC issued till verification							
	(vi) Prog. Rice delivered against total DC issued							
	(vii) Balance of rice remaining undelivered against DC (v-vi)							
	(viii) Book balance of Rice (iv-vi)							

- (ix) Book balance of paddy, if any, in custom milling account (other than Government Agencies).....
- (x) Book balance of paddy, if any, in own account (xi) **Total book balance of paddy** (iii+ix+x).....
- (xii) **Verified balance of paddy**.....
- (xiii) Book balance of rice, if any, in custom milling account (other than Government Agencies).....
- (xiv) Book balance of rice, if any, in own account (xv) **Total book balance of rice** (viii+xiii+xiv).....
- (xvi) **Verified balance of rice**.....

Total Qty. of Custom Milled Rice delivered as per M-reporting by the Miller.....Qtls.....

It is certified that there is no misappropriation/diversion by the miller and paddy/rice available has been stored safely.

Name & Signature of Miller Agent/Authorized Representative
Copy submitted to CSO-cum-District Manager...../concerned Miller

Signature of Authorized Officer
(With Name & Designation)

* Milling capacity per shift 8 hours.

** Progressive figure means cumulative in the KMS: till verification date.

Form-H

(See clause – 8)

Permission for custom milling of paddy not belonging to the custom miller, milling of purchased paddy and sale of rice.

Sri / Mrs., (Name, location, appointment order, code no.) effecting 100% delivery of custom milled rice due is / are permitted :

1. To custom mill the paddy brought by persons, farmers, agricultural labourers, consumers and dealers during the KMS.....
2. To purchase or sale of paddy and rice in his own account having regard to or in compliance with any other statutory requirements.

The permit shall also insist upon the maintenance of accounts in the manner prescribed in the Odisha Rice and Paddy Procurement and Custom Milling of Rice Order, 2016.

Date :

Signature of the Collector
or Authorized Officer

Note — This shall be prepared in quadruplicate, one to the custom miller, second to the authorized officer, third to the Sub-Collector concerned and last to be retained in the office.

By Order of the Governor

M.S. PADHI

Principal Secretary to Government