PART II—Section 3—Sub-section (ii)

MINISTRY OF INDUSTRY AND CIVIL SUPPLIES
(Department of Civil Supplies & Cooperation)
ORDERS

New Delhi, the 30th November 1974

S.O. 681(E).—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs—

(a) that the powers conferred on it by sub-section (1) of section 3 of the said Act to make Orders to provide for the matters specified in clauses (d), (e), (f), (g), (h), (i) and (j) of sub-section (2) thereof shall, in relation to all essential commodities, other than foodstuffs and fertilisers (whether inorganic, organic or mixed), be exercisable also by a State Government or, in relation to a Union territory, by the Administrator thereof, subject to the following conditions, namely:

(i) that the delegation of powers under clause (d) shall not extend to inter-State transport or distribution and the powers under that clause shall not be exercised so as to prejudice state transport or distribution in pursuance of any Order issued by the Central Government;

(ii) that all Orders under clause (f) shall require the prior concurrence of the Central Government;

(iii) that no Order shall be issued in pursuance of the powers hereby delegated if it is inconsistent with any Order issued by the Central Government under the said Act;

(iv) that in making an Order relating to any of the matters specified in clause (j), the State Government or, as the case may be, the administrator of a Union territory shall authorise only an officer of Government;

(2437)
(b) that the Order of the Government of India in the Ministry of Commerce No. S.O. 1844 dated the 18th June, 1968 issued under section 5 of the said Act shall stand rescinded:

Provided that, notwithstanding such rescission, any Order (hereinafter referred to as the said Order) made by a State Government or an administrator or any officer subordinate to that State Government or administrator in pursuance of the Order so rescinded and in force immediately before the commencement of this Order, shall be deemed to have been made in pursuance of this Order and under the relevant provisions of section 3 of the said Act, and shall continue in force according to its tenor, and accordingly any action taken or thing done (including any appointment made, licence or permit granted or direction issued) under the said Order and in force immediately before such commencement shall continue in force according to its tenor until and unless it is superseded by any action taken or anything done under any other Order made in pursuance of this Order and under the relevant provisions of section 3 of the said Act.

[No. 20(1)/74-CS.II]

उप्रोगि औरेय नागरिक पूर्ति मंज़ालम

(नागरिक पूर्ति और शहाारालिंगा विभाग)

शासन

नई दिल्ली, 30 नवम्बर, 1974

कार्य 681 (श) ।—राष्ट्रीय सरकार, नागरिक वन्य प्राधिकृतम, 1955 (1955 का 10) की धारा 5 द्वारा प्रकट शासनों का प्रयोग करते हुए, निम्नलिखित है कि—

(क) उन्हें धारा 3 की उपधारा (1) के जरिए, उसकी उपधारा (2) के खिलाफ, (प) (ख), (ग), (घ), (ङ), (ढ) और (ङ्र) में विनियित विविध शासनों की बायां उपयोग नहीं करने का आदेश देने के लिए उन्हें जो शासन। प्रदेश की नई है उनका प्रयोग बाया पदार्थ और वस्तुओं (वाहे में शासन, जैसे हां) या भिड़ठ है) से भिड़ नागरिक वन्य प्राधिकृतम के सम्बन्ध में, विनियम राज्य सरकार द्वारा भी, या सभी राज्यस्तरीय के सम्बन्ध में, उनका धारा 18 तत्त्वात्त्विक शासन के धारण स्वीकार है भावना, भव्यतः:—

(i) कि भाषा (प) के धारण किए गए शासनों का प्रयोग किया गया है उनका विभाग नागरिक राज्य सरकार द्वारा जारी किया गया है, किसी आदेश के खण्ड रूप में ऐसे परिष्क्कर या वितरण पर प्रतिकूल प्रभाव नहीं है;

(ii) कि भाषा (ब) के धारण सभी आदेशों के सम्बन्ध में केंद्रीय सरकार की पूर्व सहजता स्थापित होगी;

(iii) कि प्रयोगात्मक शासनों के खण्ड रूप में, उस दण्य में ऐसा कोई आदेश जारी नहीं किया गया जब कि वह उनका प्राधिकृतम के धारण केंद्रीय सरकार द्वारा जारी किया गया था किसी आदेश के प्रसन्नता है;

(iv) कि भाषा (ग) में विनियित विविध शासनों में से किसी समस्त में आदेश करने के लिए, सहायता, राज्य सरकार या सभी राज्यस्तरीय का प्रभाव, सरकार के किसी आधिकारी की हो प्रतिपादित करेगा;
(a) that the powers conferred on it by sub-section (1) of section 3 of the said Act to make Orders to provide for the matters specified in clause (c) of sub-section (2) thereof shall in relation to all essential commodities, other than foodstuffs and fertilisers (whether inorganic, organic or mixed), be exercisable also by a State Government or, in relation to a Union territory, by the administrator thereof subject to the following conditions, namely:—

(i) that where the price at which any essential commodity may be bought or sold is controlled by or under any other law for the time being in force, no Order shall be made in pursuance of the powers hereby delegated;

(ii) that where the price is not so controlled, no Order shall be made in pursuance of the powers hereby delegated in respect of any essential commodity,—

(A) if the whole-sale prices or retail prices, or both, of such commodity have been fixed by the manufacturers or producers thereof with the approval of Central Government, except on the basis of such prices;

(B) in any other case, except with the prior concurrence of the Central Government;

(iii) that no order shall be issued in pursuance of the powers hereby delegated if it is inconsistent with any Order issued by the Central Government under the said Act;

(b) that the Order of the Government of India in the Ministry of Commerce No. S.O. 2314 dated the 30th July, 1966 issued under section 5 of the said Act shall stand rescinded:

Provided that notwithstanding such rescission, any Order (hereinafter referred to as the said Order) made by a State Government or an administrator or any officer subordinate to that State Government or