

ORISSA ORDINANCE No. 1 OF 1969

**THE ORISSA KENDU LEAVES (CONTROL OF TRADE)
(AMENDMENT) ORDINANCE, 1969**

*{ Promulgated by the Governor of Orissa on the 16th February 1969,
published in an extraordinary issue of the Orissa Gazette, dated the
17th February 1969 }*

AN

ORDINANCE

TO AMEND THE ORISSA KENDU LEAVES (CONTROL OF TRADE) ACT, 1961

WHEREAS the Legislature of the State of Orissa is not in session;

AND WHEREAS the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Kendu Leaves (Control of Trade) Act, 1961 Orissa Act 28 of 1961. in the manner hereinafter appearing;

AND WHEREAS instructions from the President have been received to promulgate an Ordinance for the said purpose.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Twentieth Year of the Republic of India:—

Short title
and commen-
cement.

1. (1) This Ordinance may be called the Orissa Kendu Leaves (Control of Trade) (Amendment) Ordinance, 1969.

(2) It shall come into force at once.

Amendment
of section 2,
Orissa Act
28 of 1961.

2. In section 2 of the Orissa Kendu Leaves (Control of Trade) Act, 1961 Orissa Act 28 of 1961. (hereinafter referred to as the principal Act)—

(a) for clause (c), the following clause shall be substituted, namely:—

“(c) ‘Grama Panchayat’ means a Grama Panchayat constituted under the Orissa Grama Panchayat Act, 1964;” Orissa Act 1 of 1965.

(b) for clause (e) the following clause shall be substituted, namely:—

“(e) ‘Samiti’ means a Samiti constituted under the Orissa Panchayat Samiti Act, 1959;” Orissa Act 7 of 1960.

(c) after clause (g) the following new clause shall be inserted, namely:—

“(g-1) ‘registered grower’ means a grower of Kendu leaves who has registered himself under section 9;”

Amendment
of section
3, Orissa
Act 28 of
1961.

3. In section 3 of the principal Act in clause (a) of sub-section (2), the word “and” occurring at the end shall be omitted and after the said clause, the following proviso shall be inserted, namely:—

“Provided that a registered grower may also transport his leaves from any place within the unit wherein such leaves have grown to any other place outside the unit for the purpose of sale to the Government or any agent in respect of the unit authorised to purchase the same from him; and”

Amendment
of section 7,
Orissa Act
28 of 1961.

4. In section 7 of the principal Act for sub-section (2) the following sub-sections shall be substituted, namely:—

“(2) Any person aggrieved by the rejection of his leaves by the Government or by an authorised officer or agent under the proviso to sub-section (1), may, within fifteen days therefrom, refer the matter to the Divisional Forest Officer, or such other officer as may be empowered by Government in this behalf, having jurisdiction over the unit in which the leaves have grown.

(2-a) Any person, to whom price is paid at a rate lower than the rate fixed under section 4 for Kendu leaves sold by him to the Government or their authorised officer or agent, may refer the matter to the aforesaid officer within fifteen days from the date of such payment.

(2-b) On receipt of a reference under sub-section (2), the Divisional Forest Officer or such other officer, as the case may be, shall hold an enquiry on the spot or at the Headquarters in the prescribed manner and after hearing the parties concerned or their authorised agent shall pass such orders as he deems fit and in case he finds the rejection of the leaves to be improper, he may,

(i) if he considers the leaves in question still suitable for the manufacture of bidis, direct the Government or the authorised officer or agent, as the case may be, to purchase the same and also to pay to the person aggrieved, such further compensation not exceeding twenty per centum of the price of the leaves payable to him, as he may deem fit;

(ii) if he considers that the leaves in question have since become unsuitable for manufacture of bidis, direct the Government or their authorised officer or agent, as the case may be, to pay to the person aggrieved an amount equal to the price of such leaves payable under sub-section (1) and such further compensation not exceeding twenty per centum of such price as he may deem fit.

(2-c) On receipt of a reference under sub-section (2-a) the said officer shall hold an enquiry in the manner as aforesaid and if he is satisfied about the correctness of the allegations made in the reference he may direct the Government or their authorised officer or agent, as the case may be, to pay to the person making the reference so much of the price as has not been paid to him and such further compensation not exceeding twenty per centum of the amount so directed to be paid as he may deem fit.”

Amendment
of section 8,
Orissa Act
28 of 1961.

5. In section 8 of the principal Act after sub-section (1) the following proviso shall be inserted, namely:—

“Provided that the Government may for the purpose of purchase of leaves from the registered growers, appoint an additional agent in respect of one or more units.”

Amendment
of section 9,
Orissa Act
28 of 1961.

6. In section 9 of the principal Act for the words “ten standard maunds” the words “three hundred and fifty kilogrammes” shall be substituted.

Amendment
of section 11,
Orissa Act
28 of 1961.

7. In section 11 of the principal Act for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) Subject to such conditions as may be prescribed the sums so paid to the Samitis and Grama Panchayats shall be utilised in accordance with the provisions of the Orissa Panchayat Samiti Act, 1959 and the Orissa Grama Panchayat Act, 1964, respectively.”

Orissa Act 7
of 1960.
Orissa Act 1
of 1965.

S. S. ANSARI

Dated the 16th February 1969

Governor of Orissa