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NOTIFICATIONS

No. STM 5/77/151—4 15th. Oct. 1977 Whereas the Lt. Governor (Administrator) of Mizoram is of opinion that it is necessary so to do for maintaining supplies of essential commodities and for securing their availability at fair prices :

Now, therefore, in exercise of the powers conferred by sub-section (1), and clause (c) of sub-section (2) of the Section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955), read with the order of the Government of India, Ministry of Agriculture, Department of Food No. GSP 316 (E) dated the 30th Civil Supplies S.O. 681 (E) and S.O. 682 (E) dated the 30th November, 1974 and with the prior concurrence of the Central Government, the Lt. Governor (Administrator) of Mizoram is pleased to make the following Order, Namely :

SHORT TITLE AND COMMENCEMENT :

1. (1) This order may be called the Mizoram (Price Fixation of Essential Commodities) Order, 1977.
- (2) It shall come into force at once.

2. IN THIS ORDER, UNLESS THE CONTEXT OTHERWISE REQUIRES -
- (a) "Administrator" means the Administrator of the Union Territory of Mizoram appointed by the President under Article 239 of the Constitution :-
 - (b) "essential commodities" means any of the essential commodities specified in the Schedule :
 - (c) "Schedule" means the Schedule appended to this Order.

FIXATION OF MAXIMUM WHOLESALE OR RETAIL PRICE.

3. (1) The Administrator or any other officer not below the rank of Sub-Divisional Officer duly authorised by him in this behalf (hereinafter referred to as the authorised officer) may, from time to time, by notification in the Mizoram Gazette fix the maximum retail price for all or any of the essential commodities and different prices may be fixed for different areas, subject to such prior concurrence of the Government of India in the appropriate Ministry, as may be required.
- (2) While fixing the maximum price under sub-clause (1) the Administrator or the authorised officer shall have regard to the following factors namely :
- (a) the ex-factory prices of the essential commodity;
 - (b) the printed price in case of packaged commodities;
 - (c) market rates prevailing in places from where the commodity is brought for re-sale;
 - (d) instructions, if any, issued by the Central Government in regard to the matter;
 - (e) transportation, carriage, storage and other handling charges;
 - (f) such other factors as the Administrator or the authorised officer considers necessary in the circumstances of the case.

ESSENTIAL COMMODITIES NOT TO BE SOLD AT A PRICE IN EXCESS OF MAXIMUM PRICE

4. No dealer shall sell or cause to be sold, any essential commodity to any person either wholesale or retail in excess of the maximum wholesale or retail price as the case may be, fixed under clause 3.

POWER OF ENTRY, SEARCH AND SEIZURE.

5. (1) The Deputy Commissioner or Sub-Divisional Officer or any officer of the Supply & Transport Department not below the rank of Sub-Inspector of

Supply or any Police officer not below the rank of Deputy Superintendent of Police, or any other police officer not below the rank of Sub-Inspector of Police authorised by the Administrator by a general or special order in this behalf, may, with a view to securing compliance with the provisions of this order or to satisfying himself that the provisions of this order have been complied with and with such assistance, if any, as he thinks fit -

- (i) enter, inspect or break-open and search any place or premises, vehicle or vessel which he has reason to believe, has been, or is being used, for the contravention of the provisions of this Order; and
- (ii) search, seize and remove stocks of any essential commodity and the animals, vehicles, vessels or the conveyances used in carrying the essential commodity in contravention of any of the provisions of this Order and thereafter take or authorise the taking of all measures necessary for securing the production of the said stocks and the animals, vehicles, vessels or other conveyances so seized in a court and for their safe custody pending such production.

(2) The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this order.

J.K. Khenglawt
Under Secy to the Govt. of Mizoram.