

The U.P. Scheduled Commodities Distribution Order, 1990

UTTAR PRADESH

India

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Rule

THE-U-P-SCHEDULED-COMMODITIES-DISTRIBUTION-ORDER-1990 of 1990

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The U.P. Scheduled Commodities Distribution Order, 1990Published vide Notification U.P. Gazette (Extraordinary), Part 4, Section (Kha), dated 3rd July, 1990, vide Notification No. 1568/29/Food-11-8-64-90, dated July 3, 1990Whereas the State Government is of the opinion that it is necessary and expedient so to do for maintaining the supplies of foodgrains and other essential commodities and for securing their equitable distribution and availability at fair prices.Now, therefore, in exercise of the powers under Section 3 of the Essential Commodities Act, 1955 (Act No. X of 1955), read with notification of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food) published under G.N.R. 800, dated June 9, 1978 in the Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation), published under Ka Aa 681 (A) and Ka Aa 682 (A), dated November 30, 1974 and all other powers enabling him in this behalf, the Governor is pleased to make the following Order, namely:

1. Short title, extent and commencement.

(1)This Order may be called the Uttar Pradesh Scheduled Commodities Distribution Order, 1990.(2)It extends to whole of Uttar Pradesh.(3)It shall come into force at once.

2. Definitions.

- In this Order, unless the context otherwise requires,-(a)"Act" means the Essential Commodities Act, 1955;(b)"Adult" means any person who has completed the age of five years and "child" means any person who has not completed that age;(c)"Agent" means a person authorised to run a fair price shop;(d)"Collector" includes District Magistrate and an officer authorised in writing by the Collector/District Magistrate to perform all or any of his functions under this Order;(e)"Fair Price

Shop" means a shop set up under these orders of the State Government for the distribution of Scheduled Commodities;(f)"Food Officer" means the Food Commissioner, Additional Food Commissioner, Deputy Food Commissioner, Assistant Food Commissioner. Regional Food Controller, District Magistrate, Additional District Magistrate (Civil Supplies), District Supply Officer, Deputy Town and Rationing Officer and Area Rationing Officer or any other officer authorised by the State Government in this behalf;(g)"Holder" in relation to an identity card, means the person whose name or designation appears as such on that identity card;(h)"House-hold" means the collection of individuals who normally eat food prepared in the same kitchen;(i)"Identity Card" or "Card" means a card issued under clause 5 of this Order;(j)"Person" means an individual, a partnership firm, a Co-operative Society, or a Company incorporated under the Companies Act, 1956;(k)"Qualified Resident" means a person resident of any part of the State of Uttar Pradesh and authorised under general or special order of the State Government for the time being in force, to receive an identity card on behalf of himself or a household or an establishment;(l)"Regional Food Controller" includes an officer authorised in writing by the Regional Food Controller to perform all or any of his functions under this Order;(m)"Scheduled Commodity" means a Commodity specified in the Schedule appended to this Order, products thereof and includes such other commodities which the State Government directs to be sold through a fair price shop;(n)"Unit" means quantity of Scheduled Commodities which an adult is entitled to receive or double the quantity which a child is entitled to receive in a month.

3. Setting up of fair price shop.

- With a view to effecting fair distribution of Scheduled Commodities the State Government may issue directions to set up such number of fair price shops in an area as it deems fit.

4. Running of fair price shop.

(1)A fair price shop shall be run through such person and in such manner as the Collector subject to the directions of the State Government, may order.(2)A person appointed to run a fair price shop under sub-clause (1) shall act as the agent of the State Government.

5. Preparation of Identity cards.

- A Food Officer may, either of his own motion or on an application made to him by a qualified resident issue or cause to be issued to such resident for himself and his household or establishment, if any, an identity card authorising purchase of Scheduled Commodities, on payment of such fees as the State Government may from time to time fix.An Identity card issued under clause 8 of the Uttar Pradesh Foodgrains and Other Essential Articles Distribution Order, 1977 or clause 9 of the Uttar Pradesh Scheduled Commodities (Regulation of Distribution) Order, 1989, which was in force in the State immediately preceding the date of commencement of these Orders shall be deemed to have been validly issued under the provisions of this Order.

6. Contents of Identity card.

- The Food Officer shall prepare or cause to be prepared an identity card correctly with clearly marked on it the name and the address of the identity card-holder, the number of persons of the household or establishment and the name or some other indication of the agent from whom the identity card-holder is entitled to purchase Scheduled Commodities.

7. Amendment, etc. of identity card.

(1)The Food Officer may at any time add to, amend, vary or rescind any identity card:Provided that in case of rescission of an identity card the Food Officer shall satisfy himself that there are sufficient reasons for him to do so and shall record such reasons in writing.(2)Where any identity card is so rescinded any person in possession of it shall forthwith surrender it to the Food Officer.

8. Quantity per unit to be prescribed.

- The State Government may prescribe the quantity of a Scheduled Commodity which a unit shall represent generally or for any particular class of persons.

9. Quantities that may be purchased on identity card.

- Unless otherwise directed by the Collector, the entire quota of the month may be lifted by the identity card-holder in one purchase.

10. False presentation and keeping in possession of invalid identity cards.

(1)No identity card-holder shall intentionally present an identity card whether by himself or through any other person, which he knows or has reason to believe includes units for which he is not lawfully entitled to obtain Scheduled Commodities under this Order. Such card is hereinafter in this order called an Invalid Identity Card'.(2)No identity card-holder shall keep in his possession any invalid identity card.

11. Dishonest application for identity card.

- No person shall-(a)dishonestly apply for or receive or use an identity card when provision has been made for him or any other member of his household or establishment in any other identity card;(b)give incorrect details while applying for an identity card;(c)wilfully alter or destroy an identity card issued to him.

12. Duty to deliver up invalid Identity Card.

- When any person is in possession of an invalid identity card from before the commencement of this Order he shall deliver it up to the Food Officer at once.

13. Report about change in number of unit.

- An identity card-holder shall report to the Food Officer within a fortnight any decrease in the number of units in his identity card whether decrease be on a permanent basis or for a period exceeding three months.

14. Increase in number of units, etc.

- An identity card-holder may apply to the Food Officer for an increase in the number of units furnishing such proof, if any, of the facts necessitating the increase, as the Food Officer may require subject to any directions as may be issued by the State Government in this behalf.

15. Issue of duplicate identity card in case of loss, etc.

- Any person to whom an identity card has been issued may, on proof of its loss, destruction or defacement, be issued, on his application to the Food Officer concerned, a duplicate identity card: Provided that no fee shall be charged when a new identity card is issued on the old card having been filled U.P.

16. Entry on the identity card and keeping of registers, etc.

- The agent shall record on the identity card in the space provided therefor the quantity of Scheduled Commodities purchased by the identity card-holder together with the date of such purchase.

17. Prohibition on keeping of identity card by distributor.

- The agent shall not keep in his possession identity card of any person other than himself, except by way of bona fide collection of identity cards from persons actually present at the shop at a given time, for facility of distribution of scheduled commodities to them at that time.

18. Prohibition on the use of bogus identity cards, etc.

- No agent shall-(a)assist any one in preparation or in obtaining any bogus or invalid identity card; or(b)obtain or use any bogus or invalid identity card; or(c)draw or receive any scheduled commodities by making false entries in the record.

19. Power of entry, search, seizure, etc.

(1)The Food Officer, a Senior Supply Inspector, a Senior Marketing Inspector, a Marketing Inspector, or a Supply Inspector may, within his jurisdiction in the State with such assistance, if any, as he thinks fit-(a)require the owner, occupier or any other person in charge of any place, premises, vehicles or vessel in which he has reason to believe that any contravention of the provisions of this Order has been, is being, or is about to be committed, to produce any book, account or other

documents showing transaction relating to such contravention;(b)enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order has been, is being or is about to be committed;(c)examine and seize any books of accounts and documents which in the opinion of such officer may be useful for, or relevant to, any proceeding under this Order and return such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom as may be considered necessary and certified by that person to be correct, have been taken;(d)seize any Scheduled Commodities, if he is satisfied that there has been contravention of this Order;(e)send a report as provided in Section 6-A of the Act to the Collector of the District in which such seizure is made and the Collector may thereafter proceed to confiscate the scheduled commodities, animal, vehicles, vessel or other conveyance so seized in accordance with the provisions of the Act.(2)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search shall, as far as may be, apply to search under this clause.

20. Power of State Government to authorise any person to inspect, etc.

- The State Government may authorise any person besides those referred to in Clause 19 to perform all or any of the functions detailed below-(a)to inspect any stocks of scheduled commodities, books of accounts or other documents pertaining to any scheduled commodities with a view to ensuring that no contravention of this Order is being made and for purposes of such inspection enter any premises used or believed to be used for the sale or distribution or storage of Scheduled Commodities;(b)to require any person to make any statement or furnish any information or produce any document or article in his possession or under his control relating to the purchase, sale, distribution or storage of any scheduled commodities and any person so required shall comply with such requisition;(c)to inspect any identity card or require any person to give any information in regard to such member, of his household as are included in the identity card.

21. Unlawful identity cards.

(1)No person shall manufacture, prepare, print or keep in his possession any blank identity card or any seal or stamp which is used or is likely to be used for preparation of unlawful identity cards or use such identity cards for receiving any Scheduled Commodities.(2)No person shall knowingly receive or use, or assist any one in receiving or using, any unlawful identity card or receive or assist in receiving any scheduled commodities except on a valid identity card.(3)No public servant shall wilfully or knowingly issue or help in issuing an unlawful identity card to any person.

22. Conditions to be observed by the agent.

- The agent shall observe such conditions as the State Government or the Collector may by an order, in writing, direct from time to time, in respect of opening of shop, maintenance of stocks, supply and distribution of Scheduled Commodities, maintenance of accounts, keeping of the accounts, filing returns and issue of receipts to identity card holder and other matters.

23. Ban on transfer of agency.

- No person authorised as agent by the Collector shall appoint as sub-agent or transfer his agency to any other person by any means whatsoever and no person other than the person authorised as agent shall carry on business either as a sub-agent or as a transferee from the agent or otherwise on behalf of such agent.

24. Rescission.

- The Uttar Pradesh Foodgrains and Other Essential Articles Distribution Order, 1977, published in Gazette vide Notification No 4851/XXIX-F-1117 (8)-67, dated December 3, 1977, and the Uttar Pradesh Scheduled Commodities (Regulation of Distribution) Order, 1989, published in Gazette, vide Notification No. 2350/ XXIX-F-11-44-88, dated August 31. 1989 are hereby repealed and the provisions of Sections 6, 8 and 24 of the General Clauses Act, 1897 (Act No. 10 of 1897) shall apply as they apply in relation to the repeal and re-enactment of a Central Act.

Schedule

[See Clause 2 (m)]

1. Wheat. 5. Edible oil.
2. Rice. 6. Kerosene oil.
3. Pulses. 7. Soft coke.
4. Sugar. 8. Controlled cloth.