

The Orissa Foodgrains Dealers' Licensing Order, 1964

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Rule

THE-ORISSA-FOODGRAINS-DEALERS-LICENSING-ORDER-1964 of 1964

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The Orissa Foodgrains Dealers' Licensing Order, 1964Published vide Notification No. 27666, dated 19th December, 1964, Orissa Gazette Extraordinary No. 1862/29.12.1964Notification No. 27666, dated 19th December, 1964. - 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 Ministry of Food and Agriculture (Department of Food) published under G.S.R. 888, dated the 28th June, 1961 in the Gazette of India (Part-II), Section 3, Sub-Section (i), dated the 8th July, 1961 and with prior concurrence of the Central Government, the State Government do hereby make the following Order, namely:

1. Short title, extent and commencement.

(1)This order may be called the Orissa Foodgrains Dealers' Licensing Order, 1964.(2)It extends to the whole of the State of Orissa.(3)It shall come into force at once.

2. Definitions.

- In this Order, unless the context otherwise requires-(a)"dealer" means a person engaged in the business of purchase, sale or storage for sale of any one of the food grains in quantity of ten quintals or more at any one time or in quantity of twenty-five quintals or more of all foodgrains taken together,, but does not include-(i)a cultivator who does not engage in the business of purchase, sale, or storage for sale of foodgrains;(ii)a person dealing with foodgrains on Government account;(iii)Food Corporation of India;(b)"Director of Food Supplies" means the Director of Food Supplies appointed by Government;(c)"foodgrains" means any one or more of the foodgrains specified in Scheduled I including products of such foodgrains other than husk and bran;(d)"Form"

means a form set forth in Schedule II;(e)"Government" means the State Government of Orissa;(f)"Licensing authority" means an officer appointed by Government to exercise the powers and perform the duties of the licensing authority under this Order; and(g)"Schedule" means a Schedule to this Order.

3. Licensing dealers.

(1)No person shall carry on business; as a dealer except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority.(2)For the purpose of this clause, any person who stores in quantity of ten quintals or more of any one of the foodgrains or twenty-five quintals or more of all the foodgrains taken together at any one time shall, unless the contrary is proved, be deemed to be carrying on business as a dealer.(3)Without prejudice to the obligation to comply with terms and conditions specified in the licence every licensee, if he is a licensed wholesaler (other than such wholesaler selling wheat products produced in his own licensed roller flour mill) shall if and when required by the licensing authority so to do, sell foodgrains to only such retailers (including himself, if he also sells in retail) as are under the orders of such authority registered with him, and all such sales shall be in accordance with such directions as the licensing authority or any officer authorised by that authority in this behalf may give from time to time.(4)For the purpose of Sub-clause (3), the register of retailers to be maintained by a licensed wholesaler shall be in Form 'D'.Explanation - For the purpose of this clause, a person shall be deemed to be -(a)a licensed wholesaler, if he sells foodgrains to any person other than a consumer;(b)a retailer, if sells foodgrains only to consumers.

4. Issue of license.

(1)Every application for a licence or renewal thereof shall be made to the licensing authority in Form 'A'.(2)Every licence issued or renewed under this Order shall be in Form 'B'

5. Period of licence and fees chargeable.

(1)Every licence granted under this Order shall, unless revoked, be valid for a year or part of a year ending on the 31st day of March of the year in which it is issued, and may be renewed for a period of one year at a time.Explanation - "Year" means the financial year commencing on the 1st day of April.(2)The fees chargeable in respect of each licence shall be as specified below :

	For wholesaler	For retailer
	Rs.	Rs.
For issue of licence	[200 [Substituted vide Orissa Gazette Extraordinary No. 809/26.5.1989-Notification No. 14098/12.5.1989.]	50
For renewal of licence	100	25
	75]	30

For issue of
duplicate licence

(3)A separate licence shall be obtained for each place of business.(4)The holder of a licence shall immediately obtain from the licensing authority a duplicate of the licence if the original issued to him is lost, destroyed or defaced.(5)[Existing licences are valid till the 31st December, 1984, on application by the licensees for renewal; the licence shall be renewed till the 31st March, 1985 on payment of a fee equal to one-fourth of the fees prescribed under Sub-clause (2).] [Substituted vide Orissa Gazette Extraordinary No. 801/31.5.1985.]

5A. [Maximum limit of storage. [Inserted vide Orissa Gazette Extraordinary No. 106/27.1.1977.]

- No licensee of any category whether he is a wholesaler or a retailer shall have in his possession or store for sale at any one time foodgrains in excess of the quantities specified against each category mentioned below except and in accordance with a permit granted by the Director of Food Supplies or by the Collector of the district. Wholesaler : 400 quintals of any one or of all the foodgrains taken together ;Retailer: 40 quintals of any one or of all the foodgrains taken together.]

6. Security deposit.

(1)Every person applying for a licence after the date of commencement of this Order, shall be before a licence is issued to him, deposit with the licensing authority for each place of business a sum of [Rs. 200 (Rupees two hundred)] [Substituted vide Orissa Gazette Extraordinary No. 801/31.5.1985.] by way of security for the due performance of the conditions subject to which the licence is granted to him :Provided that the provisions of this sub-clause shall not apply to any Co-operative Society registered under the Orissa Co-operative Societies Act, 1951 (Orissa Act XI of 1952) applying for a licence under this Order.(2)The security referred to in Sub-clause (1) may be in any of the forms, namely :(a)Demand draft on the State Bank of India endorsed in favour of the licensing authority;(b)Deposit-at-call-receipt of the State Bank of India endorsed in favour of the licensing authority;(c)Government securities at 5 per cent below market price or at face value, whichever is less, endorsed in favour of the licensing authority;(d)Saving Certificate transferred as provided in Rule 19 of the Post Office Savings Certificates Rules, 1960, to the Governor of Orissa in his official capacity;(e)Treasury receipts endorsed in favour of the licensing authority;(f)Post Office Savings Bank Pass Book the account being pledged to the licensing authority;(g)Cash deposit into Government treasury under the head 'Revenue Deposit'.

7. Power to refuse license.

- The licensing authority may, after giving the applicant an opportunity of stating his case and for reasons to be recorded in writing refuse to grant or renew a licence.

8. Contravention of conditions of licence.

- No holder of a licence issued under this Order or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority; Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

9. Forfeiture of security deposit.

(1) Without prejudice to the provisions of Clause 8 if the licensing authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of, the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture [and of being heard] [Inserted vide SRO No. 965/23.8.1979.] by order, forfeit the whole or any part of the security deposited by him and communicate a copy of the order to the licensee. (2) The licensee shall, if the amount of security at any time falls short of the amount specified in Clause 6, forthwith deposit further security to make up that amount on being required by the licensing authority to do so. (3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof which is not forfeited as aforesaid, shall be refunded to the licensee after the termination of the licence.

10. Appeal.

(1) Any person aggrieved by any order of the licensing authority refusing to grant, re-issue or renew a licence or cancelling or suspending a licence or forfeiting the security deposited by the licensee under the provisions of this Order may appeal to the [State Government] [Substituted vide Orissa Gazette No. 333/20.3.1995.] within thirty days of the date of receipt by him of such order and any appeal preferred after expiry of the said period shall, except in unavoidable circumstances be summarily rejected by the [State Government] [Substituted vide Orissa Gazette No. 333/20.3.1995.]. (2) No order shall be made by the [State Government] [Substituted vide Orissa Gazette No. 333/20.3.1995.] under this clause unless the aggrieved person has been given a reasonable opportunity of [being heard.] [Inserted vide SRO No. 965/23.8.1979.]. (3) Pending disposal of an appeal, the [State Government] [Substituted vide Orissa Gazette No. 333/20.3.1995.] may direct that the order of the licensing authority against which the appeal is preferred under Sub-clause (1) shall not take effect until the appeal is disposed of.

11.

The State Government may, from time to time issue any direction to a dealer with regard to purchase, sale or storage for sale of food grains and every dealer to whom any direction is issued under this Order shall comply with such direction.

12. Powers of entry, search, seizure, etc.

(1)The licensing authority or any other officer authorised by Government in this behalf, may, 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 the order or the conditions of any licence issued thereunder has been, is being, or is about to be committed, to produce any book, accounts or other documents showing transactions 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 or the condition of any licence issued thereunder, has been, is being or is about to be committed;(c)take or cause to be taken, extracts from or copies of, any documents showing transactions relating to such contravention which are produced before him.(d)search, seize and remove stocks of foodgrains and the animals, vehicles, vessels or other conveyances used in carrying the said foodgrains in contravention of the provisions of this Order, or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of foodgrains 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 102 and 103 of the Code of Criminal Procedure, 1898 (V of 1898), relating to search and seizures shall, so far as may be, apply to searches and seizures under this clause.

13. Repeal and savings.

- The Orissa Foodgrains' Dealers' Licensing Order, 1959, shall stand repealed except as respects things done or omitted to be done under the Order so repealed :Provided that notwithstanding such repeal, every license under the Order so repealed and not valid immediately before the date of commencement of this Order, shall continue to be valid after the said date for the unexpired portion of period for which it has been issued or for two months whichever is earlier.

14. Power to exempt in special cases.

- If the Government, having regard to the conditions prevailing in any area, considers it necessary or expedient so to do in the public interest, it may, by notification in the Official Gazette, exempt, for such period and subject to such conditions as it may think fit, such class or classes of persons in that area as it may specify in the notification from the operation of all or any of the provisions of this Order.

I

[See Clause 2 (c)]

1. Broken rice
2. Ragi N. No. 1048, dated 1.8.1967.
3. Jowar

4. Suan
5. Gurji
6. Koda N. No. 5652, dated 25.2.1974

II

Form 'A'[See Clause 4 (1)]Application for grant/renewal of licence

1. Applicant's name..

2. Applicant's profession

3. Applicants residence.....

4. Situation of applicant's place of business with particulars as to number of house, mohalla, town or village, police-station and district

5. How long has the applicant been trading in foodgrains?

6. Did the applicant hold a foodgrains licence on any previous occasion ? (If so, give particulars including its supervision or cancellation, if any)

.....

7. Quantities of each foodgrains handled annually during the last three years.....

8. Quantity of foodgrains likely to be handled during the current year

9. Income-tax paid in the two years proceeding the year of application (to be indicated separately)-

(1).....(2).....

10. (a) Quantity of foodgrains in the possession of the applicant on the date of application (separate figures are to be given for each foodgrains).....

(b)Complete address of places where foodgrains are proposed to be stored.....I declare that the quantities of foodgrains specified above are in my possession this day and are held at the places noted above.I have carefully read the conditions of the licence given in Form 'B' appended to the Orissa Foodgrains Dealers' Licensing Order, 1964 and I agree to abide by them.* (a) I have not

previously applied for such licence in this district for foodgrains;* (b) I applied for such licence in his district for.....on..... and was/was not granted a licence on.....* (c) I hereby apply for renewal of licence No dated.....Place.....Date.....Signature of the applicant* Strike of the clause not applicable. Form 'B'[See Clause 4 (2)] Licence for purchase, sale/storage for sale of foodgrains Licence No.....

1. Subject to the provisions of the Orissa Foodgrains Dealers' Licensing Order, 1964 and to the terms and conditions of this licence is/are hereby authorised to purchase, sell or store for sale, the undermentioned foodgrains

2. (a) The licensee shall carry on the aforesaid business at the following place :

(b) Foodgrains in which the aforesaid business is to be carried on shall not be stored at any place other than any of the godowns mentioned below : Note-If the licensee intends storing his foodgrains in places other than those specified above he shall give prior intimation thereof and shall produce the licence for making requisite changes by the licensing authority: Provided that where the licensee is compelled by circumstances beyond his control to store foodgrains in places other than those specified in the licence, he shall inform the licensing authority of his having done so within 48 hours of such storage and shall produce the licence for making requisite changes by the licensing authority.

2A. [The licensee shall take adequate measures that food-grains stored by him are maintained in proper condition and that damages to foodgrains due to ground moisture, rain, insects, rodents, birds, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture and foodgrains shall be fumigated with chemicals approved for the purpose by persons who have under-gone practical training in that regard. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate foodgrains are not stored along with foodgrains in the same godown or in immediate juxtaposition of foodgrains stocks.] [Inserted vide Supply Department Notification No. 2508/8.2.1965.]

3. (i) The licensee shall except when specially exempted by the State Government or by the licensing authority in this behalf, maintain a register of daily accounts for each of the foodgrains mentioned in paragraph I, showing correctly-

(a) the opening stock on each day; (b) the quantities received on the each day showing the place from where and the source from which received; (c) the quantities delivered or otherwise removed on each

day showing the places of destination; and(d)the closing stock on each day.(ii)The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall lie upon him.(iii)A licensee who is a producer himself shall separately show the stocks of his own produce in the daily account, if such stocks are stored in his business premises.

4. The licensee shall, except when specially exempted by the State Government or by an officer authorised by the State Government in this behalf submit to the licensing authority concerned at a true return in Form 'C' of the stocks, receipts and deliveries of each of the foodgrains every fortnight (1st to 15th and 16th to end of the month), so as to reach him within days after the close of the fortnight.

5. The licensee shall not contravene the provisions the Orissa Foodgrains Dealers' Licensing Order, 1964 or any other Order relating to foodstuffs issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The licensee shall not-

(i)enter into any transaction involving purchase', sale or storage for sale of foodgrains in a speculative manner prejudicial to, the maintenance and easy availability of supplies of foodgrains in the market;(ii)withhold from sale supplies of foodgrains ordinarily kept for sale; or(iii)charge, in respect of foodgrains made by him, a margin of profit in excess of the rate prevailing in the market at the time of sale or at a rate in excess of any maximum rate of margin fixed for wholesale transactions in foodgrains by a representative body of foodgrains dealers *or the locality concerned, whichever is less.

8. The licensee shall exhibit at the entrance or some other prominent place of his business premises the price lists of foodgrains held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the prices of different varieties of foodgrains.

9. A licensee shall, except when specially exempted by Government in this behalf, issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number and name, address and licence number, if any, of the customer, as also the date of transaction,

the variety of foodgrains sold, the quantity sold, the rate per quintal or kilogram, as the case may be, the total price charged for each time sold as also the grand total of the amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised by the licensing authority in this behalf.

10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by it or the State Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of foodgrains and for the taking of samples of foodgrains for examination.

11. The licensee shall comply with any direction that may be given to him by the State Government in regard to purchase, sale and storage for sale, of foodgrains and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4, 8, or 9 shall be written and the authentication and maintenance of the register mentioned in paragraph 3 and in Clause 3(4) of the Orissa Foodgrains Dealers' Licensing Order, 1964.

12. The licensee shall in a case where he functions in a regulated market abide by such instructions relating to his business as given by the marketing authority having jurisdiction, and in any other case by such body as may be recognised by the State Government in this behalf.

13. The licensee shall not sell or offer to sell in any locality any foodgrains at a price higher than that fixed for sale of that foodgrain in such locality by the Central Government or the State Government in pursuance of any power conferred by law.

14. This licence shall be attached to any application for renewal.

15. This licence shall be valid up to.....

(Licensing Authority)Place....Date.....Form 'C'[See Condition 4 of Form B](For use by a dealer)Return of stocks, receipts and sale of foodgrains for the fortnight ending 20.....Name.....No. of licence.....Address.....Particulars of godown where stock heldVariety of the foodgrains

Particulars

		Quantity in quintal	Remarks, if any
	(1)	(2)	(3)
1.	Stock at the beginning of the fortnight-		
	(a) actually with the stockist		
	(b) pledged with any person or institution such as a Bank or Co-operative Society	Total :	
2.	(a) Quantity purchased during the fortnight and the source of supply (Name of market only need be indicated if the quantity purchased is less than 200 quintals)		
	(b) Approximate average price paid	Total quantity purchased	
3.	Quantity sold-		
	(a) Quantity sold and delivered, removed during the fortnight-(i) to licensed wholesalers, (ii) retailers, (iii) consumers and (iv) Total		
	(b) Quantity sold but not yet delivered		
	(c) Approximate average price realised/charged	Total sold	
4.	Stock at the end of the fortnight-		
	(a) actually with the stock-		
	(i) Unsold		
	(ii) sold but awaiting delivery		
	(b) Pledged with any person or institution such as Bank or a Co-operative Society.	Total	
5.	Approximate details of average margin in respect of stocks of each of the foodgrains sold during the quarter ending-		
(i)	Rice-		
	(a) Handling		
	(b) Transport		
	(c)		

- (d)
- (e) Net profit
- (ii) Wheat-
 - (a) Handling
 - (b) Transport
 - (c)
 - (d)
 - (e) Net profit

Note-(1) Information in respect of items 2(b), 3 (c), and 5 shall be furnished by the licensee for each of the quarters ending 31st March, 30th June, 30th September and 31st December of every year. This information shall be included in the fortnightly return relating to the second fortnight of the month following the end of the respective quarter.(2)Information in respect of items 2 (b), 3 (c) and 5 need not be furnished by a licensee in respect of his transactions as the person in charge of a roller flour millSignatureToLicensing AuthorityPlace.....Date.....Licence No.Form 'D'[See Clause 3 (4)]Register of Retailers

1. Name of the licensee.....

2. Address.....

3. Licence number.....

Serial number of registration(1) Name and address of the retailer(2)