

# **The U.P. Scheduled Commodities (Regulation of Distribution) Order, 1989**

UTTAR PRADESH

India

## **The U.P. Scheduled Commodities (Regulation of Distribution) Order, 1989**

### **Rule**

### **THE-U-P-SCHEDULED-COMMODITIES-REGULATION-OF-DISTRIBUTION of 1989**

- Published on 31 August 1989
- Commenced on 31 August 1989
- [This is the version of this document from 31 August 1989.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Scheduled Commodities (Regulation of Distribution) Order, 1989Published vide Notification U.P. Gazette, (Extraordinary), Part 4, Section (Kha), dated 31st August, 1989, vide Notification No. 2350/29-Food-11-44-88, dated August 31, 1989Whereas 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 notifications of the Government of India in the Ministry of Agriculture and Irrigation (Department of Food) published under G.S.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, and with the prior concurrence of the Central Government, 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 (Regulation of Distribution) Order, 1989.(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)"Adult" means any person who has completed the age of five years and "child" means any person who has not completed that

age;(b)"Authorised Retail Distributor" means a person appointed as such by the District Magistrate, City Magistrate or Sub-Divisional Magistrate for sale of Scheduled Commodities that may be supplied by the Government directly or through some agency;(c)"District Magistrate" includes an officer authorised in-writing by the District Magistrate to perform all or any of his functions under this Order;(d)"Scheduled Commodity" means a Commodity and the products thereof specified in Schedule I appended to this Order which is supplied directly or indirectly by the State Government for distribution to identity card holders, at a price fixed, from time to time, by the Central or the State Government or any authority or officer of such Government or the manufacturer, as the case may be, in respect of such commodity;(e)"Food Officer" means the Regional Food Controller, the District Magistrate, District Supply Officer or any other officer authorised by the State Government in this behalf;(f)"Holder" in relation to an identity card, means the person whose name or designation appears as such on that identity card;(g)"House-hold" means the individuals who are held together in the same house and normally eat food prepared in the same kitchen;(h)"Identify Card" or "card" means a card issued under clause 10 of this order or issued under Clause 8 of the Uttar Pradesh Foodgrains and other Essential Articles Distribution Order, 1977;(i)"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 and/or establishment;(j)"Regional Food Controller" includes any officer authorised in writing by the Regional Food Controller to perform all or any of his functions under this Order;(k)"Town" means any area included in a city as defined in the Nagar Mahapalika Adhiniyam, 1959] [Now U.P. Municipal Corporation Act, 1959, by U.P. Act No. 12 of 1994.] or a municipality, cantonment, notified area or town area;(l)"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;(m)"Form" means a form set forth in Schedule II of this Order.

### 3. Appointment of Authorised Retail Distributors.

(1)With a view to securing fair distribution of Scheduled Commodities the State Government or the District Magistrate may appoint any individual, partnership firm, Co-operative Society or Company as Authorised Retail Distributor to obtain and distribute Scheduled Commodities in accordance with the provisions of this Order.(2)Every Authorised Retail Distributor shall deposit by way of security along with an application for authorisation in Form 'A' prescribed in Schedule II to this Order, with the State Government or the District Magistrate a sum of Rs. 250 in respect of each shop. In the case of a shop run by a Co-operative Society the deposit shall be Rs. 50. The sum so deposited or any part thereof may, without prejudice to any other penalty after enquiry and for reasons to be recorded in writing, be forfeited by the State Government or the District Magistrate for contravention of the provisions of this Order and the conditions of the authorisation. If as a result of any departmental action the sum deposited or any part thereof is not sufficient, the Authorised Retail Distributor shall forthwith pay to the Government such amount as may be required to make up the prescribed sum to be deposited as security.(3)Fees for identity cards and other documents supplied by the Government and for replacement thereof-

Rs.

(i) Household Identity card

...0.50

(ii) Establishment Supply card	...2.00
(iii) Duplicate in place of lost, stolen or defaced household supply card	...0.50
(iv) Duplicate in place of lost, stolen or defaced supply card	...2.00
(v) Authorisation for Retail Distributor	...5.00
(vi) Renewal of authorisation for Retail Distributor	...2.00
(vii) Duplicate renewed authorisation for Retail Distributor	...5.00

Every authorisation for Retail Distributor shall be for a period of one year ending on 31st December of the year in which it is issued. It may be renewed every year after depositing renewal fee.

#### **4. Form of authorisation.**

- The authorisation issued under Clause 3 shall be in Form 'B' given in Schedule II appended to this order.

#### **5. Sale only through authorised retail distributor.**

- No person other than an Authorised Retail Distributor shall sell any of the Scheduled Commodities supplied by the Government for distribution under this order.

#### **6. Distributor's obligation to sell.**

- No authorised Retail Distributor shall refuse to sell Government scheduled commodities during business hours fixed by the District Magistrate on the presentation to him of a valid identity card to the extent of the amount of Scheduled Commodities due on the card or to the extent of his stock, whichever is less.

#### **7. Duty to observe business hours.**

- Every Authorised Retail Distributor shall strictly observe such business hours as may be fixed by the District Magistrate and shall punctually and regularly open his shop or place of business during such hours.

#### **8. Price to be charged.**

- No Authorised Retail Distributor shall sell Government Scheduled Commodities at a price in excess of that fixed by or under an agreement in this behalf between the Authorised Retail Distributor and the District Magistrate or shall sell any other Scheduled Commodities at a price in excess of that fixed by the Central or the State Government or any authority or officer of such Government or the manufacturer, as the case may be, in that behalf.

## **9. Preparation of identity card.**

- 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.

## **10. 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 Authorised Retail Distributor from whom the identity card-holder is entitled, to purchase Scheduled Commodities.

## **11. 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.

## **12. 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.

## **13. Quantities that may be purchased on identity card.**

(1)An identity card shall be valid for the purchase at one time unless directed otherwise by the District Magistrate, in respect of any Scheduled Commodities:(a)If the purchase is made on or before fifteenth day of any month, half the quantity of units on the identity card;(b)If the purchase is made on or after sixteenth day of any month, the full quantity of units on the identity card;Provided that if one or more purchases have been made during such period the identity card shall be valid for purchase of only the balance of the units to which the holder is entitled in a month.(2)Unless otherwise specifically directed by the District Magistrate by order, the quantity not purchased during the month for which it is due, shall lapse after expiry of that month.

## **14. 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 (hereinafter in this order called an Invalid Identity Card' or obtain or presentation of a valid identity card scheduled commodities in excess of the quantity for the purchase of which such card is valid at the time of presentation.(2)No

identity card-holder shall keep in his possession any invalid identity card.

### **15. 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)willfully alter or destroy an identity card issued to him.

### **16. Duty to deliver up invalid Identity Card.**

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

### **17. Report about change in number of unit.**

- An identity cardholder 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.

### **18. 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 proof, if any, of the facts necessitating the increase, as the Food Officer may require.

### **19. 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 given, 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.

### **20. Entry on the identity card and keeping of registers etc.**

- The authorised retail distributor 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.

### **21. Prohibition on keeping of identity card by distributor.**

- An authorised retail distributor 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.

## **22. Prohibition on the uses of bogus identity cards, etc.**

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

## **23. Maintenance of accounts, etc.**

- Every Authorised Retail Distributor shall maintain in such form and manner as the District Magistrate may direct, an account of all purchases, sales and transactions made by him of any scheduled commodities. He shall also furnish information, returns, statements and reports as he may be required to furnish by the District Magistrate or under an order of the State Government made under the Act.

## **24. Display of notices.**

- Every Authorised Retail Distributor shall display such notices of such sizes containing such information as the District Magistrate may direct.

## **25. Power of entry, search, seizure, etc.**

(1)The Food Officer, Deputy Town Rationing Officer, an Area Rationing Officer, 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 contraventions;(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 if 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.

## **26. Power of State Government to authorise any person to inspect, etc.**

- The State Government may authorise any person other than those referred to in Clause 27 to perform all or any of the functions detailed below-(a)to inspect any stocks of scheduled commodities, books, 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.

## **27. 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 anyone in receiving or using, any invalid 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 invalid identity card to any person.

## **28. Conditions to be observed by the Authorised Retail Distributor.**

- Further conditions to be observed by the Authorised Retail Distributor:(1)Every Authorised Retail Distributor shall purchase such stocks of scheduled commodities as may be released in his favour for distribution and at such rates, as may be fixed by the Central Government or by the State Government on receipt of an indent from him and against payment of the cost thereof in the manner prescribed by the District Magistrate.Note. - Every Authorised Retail Distributor shall indent for only such quantities of scheduled commodities as may be required for distribution to consumers for a period of two weeks at any one time on the basis of maximum obtainable in relation to the quantum fixed by the Government or the District Magistrate and the number of identity cards registered and unit thereon, loss backlog quantity available. On receipt of indent from an Authorised Retail Distributor, the District Magistrate or any other Officer authorised by him shall after verification of indent issue or cause to be issued release order for purchase of stocks of scheduled commodities specified therein from Government godowns or from any other agency appointed by the Government.(2)Every Authorised Retail Distributor shall-(a)be held responsible for all the acts of omissions of his partners, agents, servants' and other persons who are allowed to work in the shop;(b)always maintain adequate stocks of scheduled commodities;(c)take adequate measures to ensure that the scheduled commodities stored by him are maintained in good condition and that damage to them due to ground moisture, rain, insects, rodents, birds, fire and such other causes is avoided. Suitable dunnage shall be used where necessary to avoid ground moisture. Fertilizers, insecticides and poisonous chemicals likely to contaminate shall not be stored along with the scheduled commodities in the same godown or shop or in immediate position of such commodities.

It shall further be ensured that at the time of sale the said commodities are in good condition;(d)display a board in Devanagri script showing its authorisation number, name and address of the shop, retail prices of scheduled commodities time of working division of the area in which the shop is conducted. Another board in Devanagri of the Size 45 X 60, centimetres, with red letters indicating 'F.P.S. No.....' on white background shall also be displayed;(e)display the authorisation issued under Clause 3 of the said Order;(f)maintain on the premises of the shop, true and proper accounts with regard to the receipt, distribution and sale of scheduled commodities, together with all the supporting vouchers and other papers particularly the following books and registers duly certified in the form prescribed by the State Government or the District Magistrate:(i)Visit Book;(ii)Instruction Book (for instructions of general type by inspector and other inspecting officials);(iii)Register of Guards;(iv)File of Godown Bills;(v)File of copies of indents;(vi)Stock Book;(vii)Cash Memo Book;(viii)Sales Book;(ix)Complaint Book;(g)sell scheduled commodities to the persons holding household or establishment Identity Cards issued by the Government on production of such Identity Cards according to the quantum and at the price fixed by the Government;(h)Sign in full on the reverse of the first and last cash memo every day in the morning and evening, as also on the first and the last cash memo of every cash memo book used during the day;(i)Submit periodically abstract of Register of cards and fortnightly return of sales, in such form as the District Magistrate may require;(j)Obey and carry out all such instructions as may be given by the District Magistrate, or any other officer authorised by the Government, from time to time;(3)Every Authorised Retail Distributor shall be liable for departmental action, or prosecution, or both for the contravention of the provisions of this order and any instructions, directions, or orders issued under any such provision.(4)No Authorised Retail Distributor shall, without reasonable cause, stop the working of the shop abruptly or allow the shop to remain closed during working hours on any working day without the prior approval of the District Magistrate.(5)Every Authorised Retail Distributor intending to stop the business of supplying scheduled commodities shall give 30 days previous notice to the District Magistrate to enable him to make alternate arrangements for supplying scheduled commodities to the household and establishment card-holders allotted to the shop.

I

[See Clause 2 (d)]

## **1. Wheat.**

## **2. Rice.**

## **3. Pulses.**

## **4. Sugar.**



**5. Edible oils.**

**6. Kerosene oil.**

**7. Soft coke.**

**8. Controlled cloth.**

**II**

Form A(See Clause 3)Application for grant/renewal of Authorisation for Authorised Retail Distribution(1)Applicant's name.(2)Applicant's profession.(3)Applicant's residence.(4)(a)Situation of applicant's place of business with particulars such as number of house, mohalla, town or village, police station and district,(b)Full and complete address of places where scheduled commodities are proposed to be stored.(5)How long has the applicant been trading in scheduled commodities or working as Authorised Retail Distributor.(6)Did the applicant hold an authorisation on any previous occasion (if so, give particulars including its suspension or cancellation, if any).(7)Quantities of each scheduled commodity sold in each of the last three years.(8)Quantity of scheduled commodities likely to be handled during the current year.(9)Income-tax paid in the two years preceding the year of application to be indicated separately-(1).....(2).....(10)Quantity of each scheduled commodity in the possession of the applicant on the date of application and the places at which the same is stored.I have carefully read the condition of authorisation given in Form 'B' of Schedule II of the Uttar Pradesh Scheduled Commodities (Regulation of Distribution) Order, 1989 and I agree to abide them.(a)I have not previously applied for such authorisation in this district for scheduled commodities.(b)I applied for such authorisation in this district for.....on .....and was not granted, authorisation No.....(c)I hereby apply for renewal of authorisation No..... dated..... issued to me on.....Place.....Dare .....Signature of the applicant.Strike off the clause not applicable.Form B(See Clause 4)Authorisation under the Uttar Pradesh Scheduled Commodities (Regulation of Distribution) Order, 1989.

For Retailers Office of the District Magistrate.

Authorisation. Date.....

Shop No.....Address of the shop .....Name of the Authorised Retail Distributor.....Address of the Authorised Retail Distributor.....Name of the person incharge of the shop .....Address of the person incharge .....Name/Names of the owner or partners or Secretary or Manager (in case of firm, Co-operative Society or Company or Employer's shop)-

1. Shri .....

2. Shri .....

3. Shri .....

4. Shri .....

5. Shri .....

Address of other premises, if any, where the dealer is permitted to stock or store scheduled commodities .....The said Sri ..... is hereby appointed authorised Retail Distributor for the purpose of purchase, distribution and sale of scheduled commodities which Government intends to supply to the public at the controlled price.

**2. The authorisation is valid up to 31st December ..... and its validity may be extended from time to time.**

**3. The authorisation may be amended, suspended or cancelled during the period of its validity in accordance with the provisions of the Uttar Pradesh Scheduled Commodities (Regulation of Distribution) Order, 1989.**

**4. The authorisation should be displayed at place of the shop and produced for inspection when so required by an authorised officer of the Government.**

**5. This authorisation is valid for the period specified in it. The holder of the authorisation should get it extended in due time by the District Magistrate before the expiry of the validity period. No Authorised Retail Distributor shall carry on business in any scheduled commodities after the expiry of the validity period of his authorisation. Where any Authorised Retail Distributor carries on such business after the expiry of the validity period of his authorisation, he shall be deemed to have contravened the Order and shall be liable for departmental action, prosecution or both.**

**6. The Authorised Retail Distributor shall comply with such directions as may be given to him by the District Magistrate in regard to purchase, sale or storage for sale of scheduled commodities and in regard to the maintenance of accounts, keeping of the register, returns and issue of receipts and the language in which they shall be written and such other matters.**

**7. the holder of the authorisation shall be liable for departmental action, prosecution or both, as the case may be, for any contravention of the provisions of the Uttar Pradesh Scheduled Commodities (Regulation of Distribution) Order, 1989 or any instructions, directions or orders issued thereunder.**

Dated ..... District Magistrate

Extended to (1) (1)

(2) (2)

(3) (3)

(Authorising Authority)