

Meghalaya Foodgrains (Licensing and Control) Order, 1972

MEGHALAYA

India

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Rule

MEGHALAYA-FOODGRAINS-LICENSING-AND-CONTROL-ORDER-1972 of 1972

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Meghalaya Foodgrains (Licensing and Control) Order, 1972Published vide Notification No. M/Sup/315/71, dated 12-1-1972Last Updated 19th February, 2020

1. Short title, extent and commencement.

(1)This Order may be called the Meghalaya Foodgrains (Licensing and Control) Order, 1972.(2)It extends to the whole of Meghalaya.(3)It shall come into force at once.

2. Definitions.

- In this Order, unless there is anything repugnant in the subject or context-(a)"Deputy Commissioner" includes the Additional Deputy Commissioner and the Sub-Divisional Officer within their respective jurisdictions ;(b)"Director" means the Director of Supply, Meghalaya, and any other officer duly authorised by the Government to exercise the powers and discharge the duties of the Director under this Order;(c)"Licensing authority" means the Director, the Deputy Commissioner and the sub-divisional Officer in their respective jurisdictions or any other Officer appointed by the Government in this behalf ;(d)"export" means to take place out, or cause to be taken out, from any place within Meghalaya, to any place outside Meghalaya ;(e)"foodgrains" means rice and paddy and products thereof other than rice husk and bran ;(f)"Form" means a form set out in the Schedule to this Order;(g)"import" means to bring into, or cause to be brought into any place within Meghalaya from any place outside Meghalaya ;(h)"producer" means a person who produces foodgrains by cultivation in includes a landlord who receives rent wholly or partly in kind in respect of the foodgrains so received, but does not include a person holding licence under this Order ;(i)"rice mill" means the plant and machinery with which and the premises, including the precincts thereof, in

which or in any part of which, rice-milling operation is carried on.

Part A

Regulation of Sale, Purchase and Storage for Sale

3. Dealings to be licensed.

- No person shall engage in business which involves the purchase, sale or storage for sale of any foodgrains in wholesale quantities except under and in accordance with the terms and conditions of licence issued under this Order :Provided that nothing in this clause in so far as sale or storage of foodgrains is concerned shall apply to a producer.Explanation. - The expression "purchase or sale in wholesale quantities" means purchase or sale in quantities exceeding 15 quintals in any one transaction and the expression "storage for sale in wholesale quantities" means the storage in quantities exceeding 20 quintals.

4. Application for licence.

- Any application for a licence under this Order shall be made in Form I to the licensing authority.

5. Matters to be taken into consideration for granting a licence.

(1)In granting or refusing a licence under this Order, the licensing authority shall, among other matters, have regard to the following, namely :(a)the stock of foodgrains available in the locality for which the licence is required ;(b)the number of persons who have applied for and those who have been granted licences in respect of the foodgrains under this Order in the locality ;(c)the business ordinarily carried on by the applicant;(d)the past activities of the applicant as a licensee or businessman/firm ; and(e)whether the applicant is a co-operative society.(2)Notwithstanding anything contained in sub-Clause (1), the State Government may, if it is of opinion that it is necessary to channelise distribution of foodgrains through any special or specialised agencies or channels (including Co-operative Societies) direct the licensing authority to grant a licence under this Order only to such agencies or channels.

6. Issue of licences.

- Every licence issued under this Order shall be in Form II.

7. Deposit of security.

- Every dealer who is granted a licence under this Order shall, before the licence is issued to him, deposit with the licensing authority, a security of the value of Rs. 1,000 if his annual turnover is Rs. 1,00,000 or more or of Rs.500 if his annual turnover is less than Rs. 1,00,000 for the due performance of the conditions subject to which the licence is granted to him.

8. Forfeiture of security deposit.

(1) Without prejudice to the provisions of Clause 14 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, 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 7 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 the conditions of the licence, the amount of security or such part, thereof which is not forfeited as aforesaid shall be returned to the licensee after the termination of the licence.

9. Period of validity of licence.

- Every licence issued under this Order shall be valid till the 31st day of October next following the date of issue.

10. Fee for licence.

- The fee payable for a licence under this Order shall be Rs. 7.50.

11. Duplicate licence.

- If the licensing authority is satisfied that a licence issued under this Order is defaced, lost or destroyed or otherwise rendered useless, he may, on application made in that behalf by the licensee and on payment of a fee of Rs. 10, issue a duplicate licence.

12. Maintenance of accounts.

- Every licensee shall maintain correct and true accounts in respect of his business in such form and manner as the Director may specify.

13. Compliance with order and direction.

- Every licensee to whom any order or direction is issued under any powers conferred by or under this Order shall comply with such order or direction.

14. Suspension or cancellation of licence.

- If any licensee, either by himself or through his agent or servant acting on his behalf contravenes any of the provisions of this Order or any of the conditions of the licence then, without prejudice to any other action that may be taken against him the authority issuing the licence may, after giving him an opportunity for making his objections, suspend or cancel the licence. A copy of the order

suspending or cancelling the licence shall also be sent to the licensee.

15. Disposal of stocks in certain cases.

- Where a licence is suspended or cancelled under Clause 14, the Director or the Deputy Commissioner or the Sub-divisional Officer may, by order, direct the person whose licence is suspended or cancelled to dispose of the stock of foodgrains with him in such manner and within such time as may be specified in the order.

16. Appeals.

- Appeals against the orders of the Deputy Commissioner or the Sub-divisional Officer shall lie to the Director, and appeals against the original order of the Director shall lie to the Government. All such appeals shall be filed within thirty days of the date of communication of the order.

Part B

Restriction on Movements

17. Prohibition of export without permit.

- No person shall export or attempt to export or abet the export of any foodgrains except under and in accordance with a permit issued with the prior approval of the Government in the behalf: Provided that nothing in this clause shall apply to the export of foodgrains-(a) under and in accordance with a military credit note ; or (b) on Government account.

18. Prohibition of import without permit.

- The Government may, by notification in the official Gazette, direct that, with effect from the date specified in the notification, no person shall import or attempt to import or abet the import of any foodgrains except under and in accordance with a permit issued by the State Government in this behalf: Provided that nothing in this clause shall apply to the import of foodgrains-(a) not exceeding 5 kilograms in weight in the aggregate by a bona fide traveller as part of his luggage ; or (b) under and in accordance with a military credit note ; or (c) on Government account.

19. Restriction on internal movement.

(1) Subject to notification and restrictions, if any, under Clause 20 below, no person shall, except under and in accordance with a permit issued by the Director, the Deputy Commissioner or any officer authorised by the Government in this behalf, move or transport or cause to be moved or transported to any other areas within Meghalaya by land, water or air any paddy/rice exceeding 5 (five) quintals out of any of the areas specified below, namely : (a) Khasi Hills District; (b) Jaintia Hills District; (c) Garo Hills District: Provided that movement of paddy/rice by licensees and their agents

may be controlled in the manner deemed necessary by the Deputy Commissioner/Sub-divisional Officer concerned or by any officer authorised by him on his behalf.(2)Subject to notification and restriction, if any, under Clause 20 below, no person shall move or transport or cause to be moved or transported from any place within any one of the areas specified in sub-Clause (1) above to any other place within the same area any foodgrains exceeding 15 quintals without a permit issued by the Deputy Commissioner/Sub-divisional Officer concerned :Provided that movement of foodgrains by licensees and their agents may be controlled in the manner deemed necessary by the Deputy Commissioner/Sub-divisional Officer concerned or by any officer authorised by him on his behalf; and provided further that this restriction shall not apply to movement of paddy by a producer from his paddy field to his home-stead ; andNo person shall move any foodgrains by road or river between the hours of sunset and sunrise.(3)The Government may, by notified order, exempt any class of persons from the provisions of sub-Clause (1).

20. Movement into notified areas.

(1)The Government may, by notification in the official Gazette, declare any area within the districts of Garo Hills, and United Khasi-Jaintia Hills to be a notified area for the purposes of this Order.(2)On the issue of a notification under sub-Clause (1)-(a)no person shall move or transport or cause to be moved or transported into a notified area any foodgrains without a permit issued by the Director or the Deputy Commissioner or any officer authorised by the Government in this behalf; and(b)the acquisition disposal, movement and/or transportation of foodgrains in the notified area shall be subject to such further restrictions as may be specified in the notification.

Part C

Supplementary and Miscellaneous

21. Returns by licenses.

- Every licensee under this Order shall submit to the licensing authority or any other officer authorised in this behalf by the Government a monthly return in Form III so as to reach him on the 7th day of the following month.

22. Power to call for information, etc.

(1)The Director, the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdictions or any officer authorised by the Government in this behalf may-(a)issue directions to licensees regarding the purchase or disposal of foodgrains ;(b)by order require any licensee to furnish such information or statistics or produce for inspection such accounts, books or documents relating to his business as may be specified in the order ;(c)enter and search or authorise any person to enter and search any premises or vehicles used or believed to be used for the purchase, sale or storage for sale of foodgrains in contravention of any provision of this Order to seize or authorise the seizure of stocks of foodgrains in respect of which he has reason to believe that a contravention of

this Order has been or is being or is about to be committed.(2)(a)Any person holding a stock of 18.66 quintals or more of paddy or its equivalent quantity in rice or in rice and paddy when called upon by general notification or otherwise by the Government or any officer authorised by the Government in this behalf to make a declaration every fortnight in Form V through the Sub-Deputy Collectors in respect of urban areas and through the Block Development Officers in respect of rural areas shall make written declaration on the 22nd day of each month for the first fortnight and the 7th day of the following month for the second fortnight of each month.Explanation. - The Government may by a notified order exempt any person or class of person, firm, company or association from the operation of this clause.(b)The Government or any officer authorised by it on being satisfied that the stock of paddy or rice held by any person is in excess of his consumption requirement may by order in writing require the person to sell the excess stock to any other person and the person so ordered shall comply with the direction within the date specified in the order.Explanation. - Quantity of required consumption will be determined according to circumstances of each case.(3)The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, [Now Code of Criminal Procedure, 1973] relating to search and seizure shall, so far as may be, apply to searches and seizxures under this clause.

23. Exemption of Government transactions.

(1)Nothing in Part A of this Order shall apply to the purchase, sale or storage for sale of foodgrains by or on behalf of the State Government.(2)Nothing in Part A of this Order, shall apply to the purchase, sale or storage for sale of foodgrains by or on behalf of the Food Corporation of India.

24. Sanction for prosecution.

- No prosecution in respect of an alleged contravention of any provision of this Order shall be instituted without the sanction in writing of the Director or the licensing authority.

25. Repeal and savings.

- Any appointment made, licence or permit granted and notification and direction issued under the said Order and in force immediately before the commencement of this Order shall be deemed to have been made, granted or issued under the corresponding provisions of this Order.The ScheduleForm I[See Clause 4]Application for Licence

1. Name of applicant.....

2. Father's name.....

3. Applicant's profession.....

4. Applicant's address.....

5. (a) How long the applicant has been trading in foodgrains ? (Particulars to be given for each kind of foodgrains).....

(b) Whether at any time between 1943 and 1954 the application held a licence under the Assam Foodgrains Control Order/Assam Food-stuffs (Foodgrains) Control Order, 1953, and Procurement and Licensing Control Order, 1952, the Assam Foodgrains (Licensing and Control) Order, 1961.....

6. Applicant's place(s) of business and area in which he wishes to operate. In the case of application for licence to purchase foodgrains, the names of the place of head office and branch offices already in existence or proposed to be opened should be separately stated.....

7. The names and addresses of the agents whom the applicant wishes to engage, the areas wherein they will operate, the location of their godowns and the minimum quantity to be stored by each at a time.....

8. Quantities of each kind of foodgrains handled annually during the last 5 years. If the applicant is a licence holder under any Foodgrains Control Order, the No. of licence ; if not, in what capacity he had been trading in foodgrains in the past.....

9. Name of foodgrains in respect of which licence is required and the kind of licence asked for.....

10. Whether the applicant was refused any licence before ? If so, particulars with date of order to be furnished.....

I declare that the following quantities of foodgrains are in my possession this day and are held at place(s) noted against them :

1.

.....

2.

.....

3.

.....I have carefully read the provisions of the Meghalaya Foodgrains (Licensing and Control) Order, 1972 and the conditions of the licence, and I agree to abide by them. The information given above is, to the best of my knowledge and belief, correct. Signature,.....Date.....Form II[See Clause 6]Licence for Purchase, Sale/storage for Sale of Foodgrains Licence No.....

1. Subject to the provisions of the Meghalaya Foodgrains (Licensing and Control) Order, 1972, 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 :Notes. - 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.The licensee shall store.....tonnes of foodgrains.

3. (i) The licensee shall, except when specially exempted by the Government or by the licensing authority in this behalf, maintain a register of daily accounts for each of the foodgrains mentioned in paragraph 1, showing correctly-

(a)the opening stock on each day ;(b)the quantities received on 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 place 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 be upon him.

4. The licensee shall, except when specially exempted by the Government or by an officer authorised by the Government in this behalf, submit to the licensing authority concerned a true return, in Form III of the stocks, receipts and deliveries of each of the foodgrains every month (1st to 15th and 16th to the end of the month) so as to reach him within 7 days after the close of the

month.

5. The licensee shall not contravene the provisions of the Meghalaya Foodgrains (Licensing and Control) Order, 1972, 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 sales of foodgrains made by him, a margin of profit in excess of the rate fixed by the Government.

8. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list 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 price of different varieties of foodgrains.

9. The licensee, if he is a whole-saler, shall sell foodgrains only to retailers who are registered with him and/or 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. The register of retailers shall be in Form IV.

10. The licensee shall except when specially exempted by the Chief Commissioner or by the licensing authority in this behalf, issue to every customer a correct receipt of invoice, as the case may be, by giving his own name, address and licence number, the name and address and licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any officer authorised by it in this behalf, under Clause 22 of Meghalaya Foodgrains (Licensing and Control) Order, 1972.

11. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by it to the Government under Clause 22 of the Meghalaya Foodgrains (Licensing and Control) Order, 1972 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.

11A. Every licensee shall take adequate measures to ensure that foodgrains stored by him are maintained to proper condition and that damages to foodgrains due to ground moisture, rain, insects, rodents, birds,, fire and such other cases are avoided. Suitable damage shall be used to avoid damage from ground moisture and foodgrains shall be fumigated, with chemicals approved for the purpose by persons who have undergone 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.

12. The licensee shall comply with any direction that may be given to him by the State Government or licensing authority or any other officer authorised by him in regard to purchase, sale and storage for sale, of foodgrains and in regard to the language in which the register, returns, receipt or invoices mentioned in paragraphs 3, 4, 8, 9 and 10 shall be written and the authentication and maintenance of the register mentioned in paragraphs 3 and 9.

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

14. 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 foodgrains in such locality the by Central Government, or the Government of Meghalaya in pursuance of any power conferred by law.

15. The licensee is allowed to purchase foodgrains through the following agents operating in the area noted against each:_____

Agent's name Father's name and address	Area of operation	Location of godown	Qty. he stored
1.	2.	3.	4.

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

17. This licence shall be valid up to

(Licensing Authority)PlaceDateForm III (i)[See Condition 4 of Form II]Monthly return of stocks, receipts and sales of foodgrains

1. Name of foodgrain.....

2. Name of licensee.....

3. Month ending

4. State

5. District

6. Town

7. Licence No.....

8. Annual turnover in all foodgrains Rs.....

9. Security deposit Rs.....

10. Stock at the beginning of the month and the particulars of godown held

Particulars and Address of godowns	Code	Quantity in quintals	
Unsold	Sold but not delivered		
CC(10.1)	(10.2)	(10.3)	(10.4)
Total of all Godowns			

11. Stocks pledged with any person or institution co-operative society, etc. -

Particulars of party with whom pledged	Stock held at	Code	Quantity in Qtls.
CC(11.1)	(11.2)	(11.3)	(11.4)
Totals			

12. Total of stocks held by the stockist and pledged (i.e., total of items 10 and 11 above in quintals)...

Quintals

13. Quantity purchased during the month and source of supply-

Source of supply	Quantity purchased earlier but received now	Quantity purchased and received	Average price paid per quintal
CC(13.1)	(13.2)	(13.3)	(13.4)

14. Quantity sold during the month-

To whom sold	Quantity sold and delivered/removed during the fortnight.	Total.	Quantity sold but not yet delivered.	Total.			
Locally or for movement to places within Arunachal Pradesh	For movement to other Union territories/States	Locally or for movement within Arunachal Pradesh	For movement to other Union territories/States	Total	Cols. 14.4-14.7		
CC14.1	14.2	14.3	14.4	14.5	14.6	14.7	14.8

To Bulk Consumers To Registered Retailers To other wholesalers To Government Total Note. -

Quantity sold earlier but delivered during the month will also be included in Cols. 14.2, 14.3 and 14.4.

15. Stock at the end of the month-

Particulars of the Godown where held	Code	Actually with the stockist	Pledged Total		
Unsold	Sold but not delivered				
CC15.1	15.2	15.3	15.4	15.5	15.6
Total:-					

16. Place

17. Date

18. Signature

To Dealer's Stamp and Licence No.

1. The licensing Authority

2.

.....Form III (ii)[See Condition 4 of Form II]Quarterly return of approximate margins in respect of stocks of each foodgrain sold during the quarter ending.....20.(All quantities in this return are to be mentioned in terms of quintals rounded to the nearest unit of quintal)

1. Name of Licensee.....

2. Address.....

3. State.....

4. District.....

5. Town.....

6. Licence No.....

7. Annual Turnover Rs

8. Security Deposit Rs.....

9. Date of close of the year's accounts.

Name of foodgrain	Foodgrain code	Quantity purchased	Average price paid per quintal	Quantity sold	Average price received/ realised
CC10.1	10.2	10.3	10.4	10.5	10.6
Approximate average margin in respect of each foodgrain sold during the quarter					

Handling	Transport	Net Profit
10.7	10.8	10.9 10.10 10.11 10.12 10.13

Note. - Information in respect of the above table shall be furnished by the licensee for each quarter ending 31st March, 30th June, 30th September and 31st December of every year. This information shall be supplied along with the return [Form III (i)] for the month following the end of the quarter.

11. Place

12. Date

13. Signature.....

To Dealer's Stamp and Licence No.

1. Licensing Authority

2.

.....Form III (iii)[See Condition 4 of Form 11]Annual return of actual margins in respect of stock of each foodgrain sold during the year ending on.. 20.

1. Name of Licensee.....

2. Address.....

3. State.....

4. District.....

5. Town.....

6. Licence No.....

7. Annual Turnover Rs

8. Security Deposit Rs.....

9. Date of close of the year's accounts.,

Name of foodgrain	Foodgrain code	Quantity purchased	Average price paid per quintal	Quantity sold	Average price received/ realised
CC10.1	10.2	10.3	10.4Rs. P.	10.5	10.6Rs. P.
Approximate average margin in respect of each foodgrain sold during the quarter					
Handling		Transport			Net Profit
10.7Rs. P.		10.8Rs. P.	10.9Rs. P.	10.10Rs. P.	10.11Rs. P.
				10.12Rs. P.	10.13Rs. P.

Note. - Information in respect of the above table shall be furnished by the licensee for each year within two weeks of the closing of the Annual Accounts for that year. This statement shall be furnished along with the return [Form III (i)] for the month following the end of year.

11. Place.....**12. Date.....****13. Signature.....**

To Dealer's Stamp and Licence No

1. Licensing Authority**2.**

.....Form IV[See Condition 9 of Form II]Register of Retailers

1. Name of the Licensee.....**2. Address.....****3. Licence No.....**

Date Serial No. of retailer Name and address of the retailer Quantity sold

Form V[See Clause 22 (2) (a)]Fortnightly return of stocks of foodgrains for the fortnight ending.

1. Date of declaration.....

2. Name and full address of the declarant.....

3. Quantity of foodgrains held on.....

Rice	Paddy
(in quintals)	(in quintals)

4. Purposes for which the stocks are held.....

5. Place(s) where the stocks are kept.....

I hereby solemnly declare that the above statement is true to the best of my knowledge andSignature
of Declarant.Date.