

Meghalaya Foodstuffs (Distribution) Control Order, 1972

MEGHALAYA

India

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Rule

MEGHALAYA-FOODSTUFFS-DISTRIBUTION-CONTROL-ORDER-1972 of 1972

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Meghalaya Foodstuffs (Distribution) Control Order, 1972Published vide Notification No. M/Sup/318/71, dated 12th January, 1972Last Updated 19th February, 2020Notification No. M/Sup/318/71, dated 12th January, 1972. - In exercise of the powers conferred by sub-Clauses (c), (d), (h), (i), and (j) of sub-section (2) of 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, Agriculture etc. (Department of Food) No. G. S.R. 224, dated 12-2-1971 and with the prior concurrence of the Central Government, the Governor of Assam, exercising his functions as Governor in relation to Meghalaya hereby makes the following Order namely:

1.

(1)This Order may be called the Meghalaya Foodstuffs (Distribution) Control Order, 1972.(2)It shall apply to the whole of Meghalaya.(3)It shall come into force at once.

2.

(2)In this Order-(a)"Appointed retailer" means a retail dealer appointed or deemed to be appointed under the provisions of Clause 3 in respect of any foodstuff.(b)"Director" means the Director of Supply, Government of Meghalaya and any other Officer authorised by the Government to perform all or any functions of the Director.(c)"Family Identity Card" means a card or document issued to the head of a family under or in pursuance of the provisions of this Order.(d)"Government Scheme" means the Scheme for distribution of foodstuffs to consumers through shops set up by the Government in this behalf.

3.

(1) With a view to distributing foodstuffs under the Government scheme, the Director or the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdiction may, by order, appoint in respect of any area, any person as a retail dealer in respect of any foodstuff for the purpose of this Order and thereupon such retail dealer shall be entitled to supply in accordance with the provisions of this Order such foodstuff within such area: Provided that retail dealers appointed as such under orders of appointment issued before the commencement of this Order and in force immediately before the commencement of this Order shall be deemed to have been appointed under the provisions of this Order. (2) The Director or the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdictions may, after giving an appointed retailer an opportunity of stating his case and for reasons to be recorded in writing, amend, vary, suspend or revoke his appointment whenever, in the opinion of the Director, or the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdictions it is in the interest of the general public necessary or expedient so to do, and in every such case the appointed retailer shall be bound to surrender, on demand, to the Director or the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdictions the Order of appointment for endorsement or cancellation, as the case may be.

4.

No appointed retailer shall supply or offer or attempt to supply or permit to be supplied by any agent or servant of such appointed retailer any foodstuff in respect of which he holds his appointment except under and in accordance with the provisions of this Order.

5.

(1) The appointed retailer shall deposit with the Director or the Deputy Commissioner/Sub-divisional Officer in their respective jurisdictions, as the case may be, security of the value of Rs. 50 in any of the forms prescribed by Government from time to time for the due performance of the conditions of his/her appointment. (2) Without prejudice to the provisions of Clause 3 the Director or the Deputy Commissioner/Sub-divisional Officer in their respective jurisdiction, as the case may be, may by order forfeit the whole or any part of the security deposited and communicate a copy of the order to the retailer.

6.

(1) The Director or the Deputy Commissioner/the Sub-Divisional Officer in their respective jurisdictions, with a view to regularising supply of foodstuffs to such class of consumers as would, in the opinion of the Director or the Deputy Commissioner/Sub-divisional Officer in their respective jurisdictions, require regular supply under the Government scheme, may issue or cause to be issued to every head of a family of such class in any area a family identity card for the purposes of this Order. (2) The Director or the Deputy Commissioner/the Sub-Divisional Officer in their respective jurisdictions may, after giving the holder of any such family identity card, an opportunity stating his

case and for reasons to be recorded in writing, add to, amend, vary or rescind the family identity card, whenever, in the opinion of the Director, it is in the interest of the general public necessary or expedient so to do, and in every such case, the holder of the family identity card shall be bound to surrender the family identity card on demand, to the Director or the Deputy Commissioner/Sub-divisional Officer in their respective jurisdictions, for endorsement or cancellation, as the case may be.

7.

(1)A family identity card shall not be available for lawful use except when it is used by or on behalf of the person in respect of whom it is issued.(2)No person shall transfer to any other person any family identity card issued to him under the provisions of this Order.

8.

Every family identity card under this Order shall be the property of the Government but the person to whom it is issued or surrendered or with whom it is retained under the provisions of this Order shall be entitled to its custody and shall be responsible for its safe custody.

9.

(1)If any family identity card be defaced, lost or destroyed, an officer authorised by the Director or the Deputy Commissioner/Sub-divisional Officer in their respective jurisdictions, in respect of any area in this behalf may, after making such enquiry as he may think fit, issue a new family identity card in place thereof on payment of a penalty of 50 paise per card.(2)When a new family identity card is issued under sub-Clause (1) in place of a lost family identity card it shall be the duty of the person to whom new family identity card has been issued if he subsequently finds the lost family identity card, to return the lost family identity card forthwith to the officer by whom it was issued.

10.

When any person is in possession of a family identity card and such possession is not authorised by or under this Order, he shall forthwith deliver such family identity card to the Officer- in-charge of the local supply office.

11.

The holder of a family identity card shall get the same registered with an appointed retailer in the manner prescribed by the Director or the Deputy Commissioner/Sub-divisional Officer in their respective jurisdictions for the purpose of obtaining supplies of foodstuffs for his family.

12.

An appointed retailer shall obtain his supply of foodstuffs on indent placed by him with the Officer-in charge of the local supply office. The Quantity of foodstuffs to be allotted to each appointed retailer against each indent shall be determined by the said Officer-in-charge of the local supply office from time to time.

13.

An appointed retailer shall deposit in such manner as may be prescribed in this behalf by the Director or the Deputy Commissioner/the Sub-Divisional Officer in their respective jurisdictions the prices of any foodstuff allotted to him.

14.

Appointed retailer shall take delivery of foodstuffs from Government godown and/or wholesaler's godowns particularly mentioned in and against delivery permits issued to him in this behalf.

15.

An appointed retailer, immediately on receipt of the foodstuffs lifted by him from the Government godowns and/or wholesaler's godowns shall enter the same in appropriate stock registers to be maintained by him in this behalf.

16.

Every appointed retailer shall sell foodstuffs to consumers in such quantities and at such rate or rates as may be specified in the orders made from time to time by the Government.

17.

On demand and offer of price by or on behalf of holders of family identity card an appointed retailer shall not refuse to supply foodstuffs of appropriate quantities against such cards until the stock with him is completely exhausted.

18.

When a family identity card has been issued to the head of a family under sub-Clause (1) of Clause 5, no member of such family shall be entitled to a supply of foodstuffs under the Government Scheme otherwise than on production of the family identity card to the appointed retailer with whom such card has been registered.

19.

Every appointed retailer shall issue cash memos for sale noting in each such memo, the name and address of the customer, together with such particulars of family identity card as are specified by or under the order of the Director or the Deputy Commissioner/the Sub-Divisional Officer in their respective jurisdictions.

20.

Every appointed retailer shall also maintain a Daily Sale Register which shall be made up-to-date at the end of each day.

21.

An appointed retailer shall sell foodstuffs during shop hours only as fixed by the Deputy Commissioner or the Sub-Divisional Officer, as the case may be.

22.

Every appointed retailer shall comply with such directions as may be issued from time to time by the Director or the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdictions.

23.

(1)Every appointed retailer, when so required by an officer authorised by the Director or the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdictions in this behalf, shall-(a)surrender to such officer all authorities and documents delivered to such appointed retailers under or for the purpose of this Order; and(b)furnish such particulars, accounts and information relating to his dealings in and stocks of any foodstuffs as may be required.(2)Every appointed retailer to whom any order or direction is issued under any powers conferred by or under this Order shall comply with such order or direction.

24.

(1)Any officer Authorised by the Director or the Deputy Commissioner/the Sub-divisional Officer in their respective jurisdictions in this behalf may-(a)enter any premises used or believed to be used for the sale, distribution or storage for sale or distribution of any foodstuffs and inspect any such premises and any foodstuff therein or thereon;(b)require any person to make any statement or furnish any information or to produce any document or article in his possession or under his control relating to the purchase, sale, distribution or storage of any foodstuff and every person so required shall comply with such requisition;(c)require any person to render any account or to produce books, accounts or other documents relating to, or believed to be relating to, the purchase, sale, distribution or storage of any foodstuffs and every person so required shall comply with such

requisition ;(d)take or cause to be taken extract from or copies of any document relating to the purchase, sale, distribution or storage of any foodstuff which is produced under Clause (b) or (c) or otherwise found in any such premises;(e)test or cause to be tested the correctness of any weight or measure used or believed to be used in any transaction relating to the sale or distribution of any foodstuff;(f)take or cause to be taken the weight of all or any of the foodstuffs found in any such premises.Provided that in entering upon and inspecting any premises the officer so authorised shall have due regard to the social and religious customs of the persons occupying the premises:(2)The powers exercisable under this clause shall not be exercised except for the purpose of securing compliance with the provisions of this Order.

25.

The provisions hereinbefore contained in this Order, relating to the appointment of appointed retailers and the distribution of foodstuffs through them and other obligations imposed on them shall have effect notwithstanding anything inconsistent therewith contained in any prior agreement or instrument appointing the retailers for the same purpose.

26. Appeal.

- Appeal against the orders of the Deputy Commissioner or the Sub-divisional Officer shall lie to the Director, and appeal against the orders of the Director shall lie to the Government.Such appeal shall be filed within 30 (thirty) days from the date of communication of the order.