

Assam Foodgrains (Licensing and Control) order, 1961

ASSAM

India

Assam Foodgrains (Licensing and Control) order, 1961

Rule

ASSAM-FOODGRAINS-LICENSING-AND-CONTROL-ORDER-1961 of 1961

- Published on 1 January 1961
- Commenced on 1 January 1961
- [This is the version of this document from 1 January 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

Assam Foodgrains (Licensing and Control) order, 1961Last Updated 12th February, 2020

1. Short title, extent and commencement.

(1)This Order may be called the Assam Foodgrains (Licensing and Control) Order, 1961.(2)It extends to the whole of the State of Assam.(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, Assam, and any other officer duly authorised by the State Government to exercise the powers and discharge the duties of the Director under this Order ;(c)"Licensing authority" means the Director or any other Officer appointed by the State Government in this behalf ;(d)"export" means to take out, or cause to be taken out, from any place within the State, of Assam to any place outside the State ;(e)"foodgrains" means rice and paddy and products thereof other than rice 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 the State of Assam from any place outside the State ;(h)"producer" means a person who produces foodgrains by cultivation and 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 a licence issued under this Order :Provided that nothing in this clause in so far as sale or storage of foodgrains in concerned shall apply to a producer :Provided further that nothing in this clause in so far as sale or purchase of foodgrains is concerned shall apply to purchase or sale in retail quantities not exceeding 2½ quintals of rice or 4 quintals of paddy in any one calendar day or to storage for retail sale in quantities not exceeding 20 quintals of rice or paddy.Explanation. - The expression "purchase or sale in wholesale quantities" means purchase or sale in quantities exceeding 5 quintals in any one calendar day 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 business man/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 Form II.

6A. Deposit of security.

- Every dealer who, on the date of coming into force of this clause, holds a valid licence granted under the Assam Foodgrains (Licensing and Control) Order, 1961 shall within two months of such date and every person supplying for licence after such date , 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.

6B. Forfeiture of security deposit.

(1) Without prejudice to the provisions of Clause 11 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 6-A 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.

7. 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.

8. Fee for licence.

- The fee payable for a licence under this Order shall be Rs. 5.

9. 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.

10. 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.

10A.

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.

11. Suspension or cancellation of licence.

- If any licensee, either by himself or through his agent or servant acting on his behalf contravenes any of 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.

12. Disposal of stocks in certain cases.

- Where a licence is suspended or cancelled under Clause 11, the Director or the Deputy Commissioner 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.

13. Appeals.

- Appeals against the orders of the Deputy Commissioner shall lie to the Director, and appeals against the original order of the Director shall lie to the State Government, within thirty days of the date of the order appealed against.

Part B

Restriction on Movements

14. 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 State Government in this behalf: Provided that nothing in this clause shall apply to the export 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.

15. Prohibition of import without permit.

- The State Government may, by Notification in the official, Gazette, direct that, with effect from the date specified in the notification, no person shall import or abet to import or attempt 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.

16. Restriction on internal movement.

(1) Subject to notification and restrictions, if any, under Clause 17 below, no person shall, except under and in accordance with a permit issued by the State Government or any officer authorised by that Government in this behalf, move or transport or cause to be moved or transported to any other areas within the State of Assam by land, water or air any foodgrains out of any of the areas specified below, namely : (1) Dibrugarh District and Dhemaji Sub-division. (2) North Lakhimpur Sub-division. (3) Tezpur Sub-division. (4) Mangaldai Sub-division. (5) Part of Gauhati Sub-division at the north bank of the Brahmaputra, Nalbari Sub-division and Barpeta Sub-division. (6) Kokrajhar Sub-division. (7) Dhubri Sub-division and the part of Goalpara Sub-division at the north bank of the Brahmaputra. (8) Part of Gauhati Sub-division and Goalpara Sub-division at the south bank of Brahmaputra. (9) Nowgong District, Mikir Hills District and North Cachar Hills District. (10) Sibsagar District. (11) Cachar District. (2) Subject to notification and restrictions, if any, under Clause 17 below no person either individually or collectively with others 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 2-1/2 (Two and half) quintals of rice or paddy in one calendar day without a permit issued by the Deputy Commissioner/ Sub-divisional Officer concerned : Provided that movement of the rice and paddy on the allotment orders from the Directorate of Supply, Assam or the movement of the rice and paddy by the Assam State Co-operative Marketing and Consumers' Federation Ltd., and by the Food Corporation of India on their own account from one area to another shall be made on the movement permits issued by Director of Supply or the local Deputy Commissioner or the Sub-divisional Officer concerned or by any Officer authorised by him on his half; and provided further that this restriction shall not apply to movement of paddy by a producer from his paddy field to his home-stead : Provided further that no person shall move any foodgrains by road or river between the hours of sunset and sunrise. (3) The Deputy Commissioner or the Sub-divisional Officer, may, by order in writing, direct any rice miller to convert into rice stock of paddy held by the State Government or their agent in such manner and in such circumstances as may be specified in the direction and at such charge and extraction ratio as may be by the State Government. (4) An appeal against any order under sub-Clause (3) shall lie to the State Government or any Officer authorised by the State Government if the order is of the Deputy Commissioner and to the Deputy Commissioner, if the order is of the Sub-divisional Officer. (5) Every rice miller to whom an order or direction is issued under any power conferred by or under this Order shall comply with such order or direction.

17. Movement into notified areas.

(1) The State Government may, by notification in the official Gazette, declare any area within the districts of Goalpara, Cachar, Garo Hills, United Khasi-Jaintia Hills and Lakhimpur District 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 State Government in this behalf; (b) the acquisition and disposal 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

18. Returns by licensees.

- Every licensee under this Order shall submit to the Director or any other Officer authorised in this behalf by the Director a fortnightly return in Form 111 so as to reach him on the 22nd day of each month for the first fortnight and the 7th day of the following month for the second fortnight of the preceding month.

19. Power to call for information, etc.

(1)The Director or any Officer authorised by the State 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)The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, [Now Code of Criminal Procedure, 1973 (2 of 1974)] relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

20. Exemption of Government transactions.

- 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.

20A.

Nothing in Part A of the Assam Foodgrains (Licensing and Control) Order, 1961, shall apply to the purchase, sale or storage for sale of foodgrains by or on behalf of the Food Corporation of India.

21. Sanction for prosecution.

- No prosecution on 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.

22. Repeal and savings.

(1)The Assam Foodgrains (Licensing Control) Order, 1960, is hereby repealed.(2)Notwithstanding the repeal referred to in sub-Clause (1) any appointment made, licence or permit granted and notification and direction issued under the said Order and in force immediately before such repeal shall be deemed to have been made, granted or issued under the corresponding provisions of this Order.The Schedule Form 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 applicant held a licence under the Assam Foodgrains Control Order/Assam Food-stuffs (Foodgrains) Control Order, 1953, and Procurement and Licensing Control Order, 1952.....

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 address 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 or order to 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 Assam Foodgrains (Licensing and Control) Order, 1961 and the conditions of the licence, and I agree to abide by them. The information given above is, to 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 Assam Foodgrains (Licensing and Control) Order, 1961, 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 State 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 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 be upon him.

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 a true return, in Form III of the stocks, receipts and deliveries of each of the foodgrains every fortnight (1st to 15th and 16th to the end of the month), so as to reach him within 7 days after the close of the fortnight.

5. The licensee shall not contravene the provisions of the Assam Foodgrains (Licensing and Control) Order, 1961, or any to other Order relating to foodstuffs issued under the 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 sale of foodgrains made by him, a margin of profit in excess of the rate fixed by the State 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 prices 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 State Government or by the licensing authority in this behalf, issue to every customer a correct receipt of invoice, as the case may be, giving his own name, address and licence number, the name 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 the available for inspection on demand by the licensing authority or any Officer authorised by it in this behalf, under Clause 19 of Assam Foodgrains (Licensing and Control) Order, 1961.

11. The licensee shall give all facilities at all reasonable times to the licensing authority or any Officer authorised by it to the State Government under Cl. 19 of the Assam Foodgrains (Licensing and Control) Order, 1961 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 in proper condition and that damages to foodgrains due to ground moisture, rain, insects, rodents, birds, fire and such other cases 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 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 the 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 State 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 foodgrain in such locality by the Central Government, or the State Government 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 and address. Father's name Area of operation. Location of godown. Qty. he stored.

1.
2.

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

17. This licence shall be valid up to

(Licensing Authority)Place.....Date.....Form III[See Clause 18]Fortnight returns of stocks, receipt and deliveries of (mention the names of foodgrains) for the fortnight ending.....Name and address of licensee.....Licence No.....Card No.....

	Quantity in maunds/quintals	Remarks, if any.
1. Stock at the beginning of the fortnight-		
(a) Actually with the stokist....		
(b) Pledged with any person or institution such as a bank orco-operative society....		
Total-		
2. Quantity received during the fortnight and source ofsupply.....		
Total-		
3. (a) Quantity sold and delivered-		
(i) to Government.....		
to persons authorised by the Director of Supply or		
(ii) thelicensing authority or any person authorised by the licensingauthority in this behalf.....		
(b) Quantity sold to authorised persons but not		

yetdelivered.....

Total-

4. Stock at the end of the fortnight-

(a) Actually with the stockists-

(i) unsold.....

(ii) sold but awaiting delivery.

(b) Pledged with any other person or institution such as a Bank or co-operative society.

Total-

Rs. nP.

5. (a) Maximum price paid ex-godown.....

(b) Minimum price paid ex-godown.....

(c) Average price paid during the the fortnight.....

I declare that the above return is true to my knowledge and belief and that the stocks at the end of the fortnight are in the godowns noted below:

Location of godown.	Paddy, rice or other foodgrains stored.	Quantity mds., srs., Quintals, Kg.	Remarks
1.2.....3.			
.....4.....			

DateSignature of Licensee. 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