

**GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF CIVIL SUPPLIES  
ITANAGAR.**

NO. DCS/MON/92(A)98(Vol-I)

Dated Itanagar, the 1<sup>st</sup> April 2005

**NOTIFICATION**

In exercise of the powers conferred by clause (i) to (viii) sub-section 5 of section 3 of the Essential Commodities Act, 1955, (10 of 1955) delegated under the Government of India, Ministry of Consumer Affairs, Food & Public Distribution GSR No. 630 (B) dated 31<sup>st</sup> Aug/2001. and with the prior concurrence of the Central Government, the Governor of Arunachal Pradesh hereby makes the following Order, namely: -

1. (1) Short title extent and commencement – This order may be called the Arunachal Pradesh Food grains (Licensing and Control) Order, 2005.  
(2) It shall be deemed to have come into force on the date of its publication in Gazettee.
  
2. **Definition:** - In this order, unless the context otherwise requires: -
  - a) ‘Govt.’ means the Government of the State of Arunachal Pradesh.
  - b) ‘Act’ mean the Essential Commodities Act 1955 (10 of 1955).
  - c) ‘Deputy Commissioner’ means the Deputy Commissioner, within their respective jurisdiction.
  - d) ‘CPO Centers’ means the Centers of the Central Purchasing Organization set up by the Government.
  - e) ‘Director’ means the Director of Civil Supplies, Arunachal Pradesh and any other officer duly authorized by the Governor of Arunachal Pradesh to exercise the powers and discharge the duties of the Director under this order.
  - f) ‘Export’ means to take out or cause to be taken out from any place within the State of Arunachal Pradesh, to any other place outside the State of Arunachal Pradesh.
  - g) ‘FPS’ means a shop, which has been licensed to distribute essential commodities by an order issued under section 3 of the Act to the ration card holder, under PDS.
  - h) ‘Fair Shop owner’ means a person and include a Cooperative Society or a Cooperative or a firm or an association of person whose name has been licensed to distribute essential commodities.
  - i) ‘Food grains’ means essential rice, paddy, wheat, maize and product thereof.
  - j) ‘Form’ means a form appended in Schedule to this order.
  - k) ‘Import’ means any person who brings into, or cause to be brought into any place within the State Arunachal Pradesh from any other place outside the State of Arunachal Pradesh.
  - l) ‘Licensing Authority’ means the Director or any other officer appointed by the Governor in this behalf.

- m) 'Producer' means a person produces food grains by cultivation and includes a landlord who receives rent wholly or partly in kind in respect of the food grains so received, but does not include a person holding a license under this order.
- n) 'Rice Mill' means the plant and machinery with which and the premises, including the precincts thereof in which or any part of which rice milling operation is carried on.

### **REGULATION OF SALE PURCHASE AND STORAGE FOR SALE.**

#### 3. **Dealings to be licensed:** -

No person shall engage in any business which involves the purchase, sale or storage for sale of any food grains in wholesale quantities except under and in accordance with the terms and condition of license issued under this order : -

Provided that nothing in this clause in so far as sale or storage of food grains in concerned shall apply to producer.

**Explanation:** - The expression purchase or sale in wholesale quantities means the purchase or sale in quantities exceeding 5 (Five) quintals in any one calendar day, and the expression storage for sale in wholesale quantities means storage in quantities exceeding 20 (twenty) quintals.

#### 4. **Application for Licenses:** - Any application for a License under this order shall be made in Form – I to the Licensing authority.

#### 5. **Matters to be taken into consideration for granting A LICENCE.**

In granting or refusing a license under this order, the licensing authority shall, among other matters have regard to the following, namely: -

1. (a) The stock of food grains available in the locality for which the license is required.
  - (ii) The number of persons who have applied for and those who have been granted licenses in respect of food grains under the order in the locality.
  - (iii) The business ordinarily carried on by the applicant.
  - (iv) The past activities of the applicant or a licensee or businessman/firm and.
  - (v) Whether the applicant is a Co-operative Society.
2. Notwithstanding anything contained in sub-classes (1) the Governor, if he is of opinion that it is necessary to channalise distribution of food grains through any special or specialized agencies or channels (including cooperative society), direct the licensing authority to grant a license under this order only to such agencies or channels.

6. **ISSUE OF LICENSE:**

Every license issued under this order shall be in Form II.

7. **DEPOSIT OF SECURITY:**

Every person applying for license under this Order, shall before the license is issued to him deposit with the licensing authority, a security as specified in the table below in the form of NSC/KVP or Deposit call receipt for the due performance of the conditions subject to which the license is granted to him.

<b><u>AMOUNT OF ANNUAL TENURE</u></b>	<b><u>AMOUNT OF SECURITY</u></b>
1. Rs. 25,000/- or less	1000/-
2. More than Rs. 25,000/- and upto Rs. 50,000/-	2000/-
3. More than Rs. 50,000/- and upto Rs. 75,000/-	2500/-
4. More than Rs. 75,000/- and upto Rs. 1,00,000/-	3000/-
5. More than 1,00,000/-	3500/-

8. **FORFEITURE OF SECURITY DEPOSIT:**

1. Without prejudice to the provisions of clause 16 of licensing authority is satisfied that the license has contravened any of the conditions of the license and that forfeiture of the security is called for, he may, after giving the licensee a reasonable opportunity of being heard, 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 rate falls short of the amount specified in clause 9, 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 license, 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 license.

9. **PERIOD OF VALIDITY OF LICENSE:**

Every license issued under this order shall be valid till one year next following the date of issue.

10. **FEE FOR LICENSE:**

The fee payable for a license under the order shall be Rs. 500/-.

11. **DUPLICATE LICENSE:**

If the licensing authority is satisfied that a license 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. 100/- issue duplicate license.

12. **MAINTENANCE OF ACCOUNTS:**

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

13. **COMPLYING WITH ORDERS AND DIRECTIONS:**

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

14. **CANCELLATION OF LICENSE:**

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 license, then without prejudice to any other action that may be taken against him, the authority issuing the license may, after giving him an opportunity for filing his objections, cancel the license. A copy of the order canceling the license shall also be sent to the licensee.

15. **SUSPENSION OF LICENSE:**

During the pendency or in contemplation of proceeding for cancellation of a license under clause 14, the authority issuing the license may suspend the license without giving any opportunity to the licensee of stating his case. A copy of the order suspending the license shall be sent to the licensee.

16. **DISPOSAL OF STOCKS IN CERTAIN CASES:**

Where a license is cancelled under clause 14 or suspended under clause 15, the Director or the Deputy Commissioner may, by order, direct the person whose license is suspended or cancelled to dispose of the stock of food grains with him in such a manner and within such time as may be specified in the order.

17. **APPEALS:**

Appeals against the orders of the Deputy Commissioners shall lie to the Secretary (CS) and appeals against the original orders of the Director shall lie to the Governor within 30 days from the date of the order appealed against.

**PART – C MILLING OF PADDY.**

18.

1. No rice mill shall mill paddy and no persons shall have his paddy milled in the rice mill without a milling permit issued by the Deputy Commissioner or by officers authorized by him provided that these restrictions shall not apply to the milling of paddy by Government or its agents.
2. Deputy Commissioner officers authorized by him. While issuing a milling permit shall not allow any person to mill paddy exceeding 5 (Five) quintals at a time. The validity of milling permit shall terminate from the premises milled rice and unmilled paddy. If any, before the expiry of the validity of the milling permit.
3. The Deputy Commissioner, may be order in writing direct any rice miller to convert into rice stock of paddy held by the Administrator or his 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 fixed by the Administrator.
4. An appeal against any order under sub-clause (3) shall lie to the Governor or any officer authorized by the Governor if the order is of the Deputy Commissioner.
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.

19. **OPERATION OF RICE MILLS:**

No rice mills shall operate between the hours of sun set and sun rise.

Provided that this clause shall not apply to the milling of paddy belonging to Government or its agents.

**PART – D SUPPLEMENTARY AND MISCELLANEOUS:**

20. **RETURNS BY LICENSEES:**

Every licensee under this order shall submit to the DC or any other officer authorized in this behalf by the Director, fortnightly returns in Form – III, III (i) and III (ii) through CO/BDO so as to reach him on the 22<sup>nd</sup> day of each for first fortnight and the 7<sup>th</sup> day on the following month of second fortnight of proceeding month.

21. **POWER TO CALL FOR INFORMATION ETC.**

The Director or any officer authorized by the Governor in this behalf may:

- (i) Issue directions to the licensee regarding the purchase or disposal of food grains.
- (ii) By order, require any licensee to furnish such information or statistics or product or such accounts, books or documents relating to his business as may be specified in the order, for inspection.
- (iii) Enter and search or authorize any person to enter and search any premises of vehicles used or believed to be used for the purchase, sale or storage for sale of food grains in contravention of any provision of this order or seizure authorize the seizure of stocks of food grains in respect of which he has reason to believe of stocks of food grains in respect of which he has been or is being or is about to be committed.

22.

Any person holding a stock of 20 quintals or more or paddy or its equivalent quantity in rice or in rice and paddy when called upon by general notification or otherwise by the Governor or any officer authorized by the governor in this behalf to make a declaration in Form V through the circle officer in respect of Urban areas and through Block Development officers in respect of Rural areas shall make written declaration on the 22<sup>nd</sup> day of each month.

Provided that the Governor may, by a notified order, exempt any person or class of persons, firm company or association from the operation of this clause.

23. **Sanction for prosecution:**

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

24. **Repealing and saving: -**

Arunachal Pradesh food stuff (Licensing and Control) Order, 1988 published under Notification No. SUP/C/8/85 dated 24/11/88 and the Arunachal Pradesh food grains (Licensing and Control) order and Amendment order 1989 as published vide Notification No. SUP(4)8/86 dated 23/11/89 are hereby repealed.

Provided that anything done or any action taken under the order so repealed shall be deemed to be validity done or taken under the corresponding provision of this order.

Sd/- J. P. Rai  
Secretary (CS)  
Govt. of Arunachal Pradesh,  
Itanagar.

Copy to : -

1. The Under Secretary to Government of India, Ministry of Consumer Affairs, and Food and Public Distribution, Krishi Bhawan, New Delhi with reference to his letter No. 1-1/2001-BP-III dated 7/1/2001.
2. The Secretary to the Governor of Arunachal Pradesh, Itanagar for information of the Governor.
3. The private Secretary to the Chief Secretary, Arunachal Pradesh, Itanagar for information of the Chief Secretary.
4. The Director of Information and Public Relation & Printing, Naharlagun with a request to get the notification published in the next Arunachal Pradesh gazetted (2 copies).
5. The Inspector general of Police, Arunachal Pradesh, Itanagar.
6. The Director of Civil Supplies, Arunachal Pradesh Naharlagun.
7. All Deputy Commissioner, Arunachal Pradesh.
8. The Director of Supply & Transport, Arunachal Pradesh, Naharlagun.
9. The Register of Cooperative Society, Arunachal Pradesh, Naharlagun.
10. The Controller Legal Metrology, Arunachal Pradesh, Naharlagun.

(K.P.Balachandran)  
Under Secretary (CS)  
Govt. of Arunachal Pradesh,  
Itanagar.

THE SCHEDULE

FORM –1  
(See Clause 4)

APPLICATION FOR LICENSE

1. Name of applicant :-
2. Father's name :-
3. Applicant's profession :-
4. Applicant's address ;-
5. How long the applicant has been trading in food grains? (Particulars to be given for each kind of food grains) :-
6. Applicant's place(s) of business and area in which he wishes to operate. In the case of applicant for license to purchase food grains, the name of 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 where in they will operate the location of their godowns and the minimum quantity to be stored by each at a time. :-
8. Quantities of each of food grains handed annually during the last five years :-
9. Name of food grains in respect of which license is required and the kind of license asked for :-
10. Whether the applicant was refused any license before? If so, particulars with date of order to be furnished :-
11. I declare that the following quantities of food grains 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 Arunachal Pradesh Food grains (Licensing and Control) order, 2005 and the conditions of the license, 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 5)

License for purchase, sale/storage for sale of food grains, license No.

1. Subject to the provisions of the Arunachal Pradesh Food grains (Licensing and Control) Order 2005 and to be terms and conditions of this License ..... is are hereby authorized to purchase, sell or storage for sale, the under mentioned food grains.  
.....  
.....

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

(b) Food grains in which the aforesaid business is to be carried on shall be stored at any place other than any of the godowns mentioned below:-

The licensee shall stores ..... tonnes of food grains.

3. (i) The licensee shall, except when specially exempted both Governor or by the licensing authority in this behalf maintain a register of daily accounts for each of the food grains mentioned in paragraph I showing correction:-

(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 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 providing which, shall be upon him.

4. The licensee shall not contravene the provisions of the Arunachal Pradesh Food grains (Licensing and Control) order 2005 or any other relating to foodstuffs issued under the Essential Commodities Act (10 of 1995).

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

6. The licensee shall not: -

(i) Enter into any transaction involving purchase, sale or storage of food grains in a speculative manner prejudicial to the maintenance and easy availability of supplies of food grains in the market.

(ii) Withheld from sale supplies of food grains ordinarily kept for sale or

- (iii) Charge in respect of sales of food grains made by him a margin of profit in excess of the rate fixed by the Govt.
7. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of food grains held for 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 food grains.
  8. The licensee if he is a Whole sale shall sell food grains only to retailers who are registered with him and or in accordance with such directions as the licensing authority or any officer authority or any authorized by that authority in his behalf may give from time to time. The register of retailers shall be in form IV.
  9. The licensee shall except when specially exempt by the Governor or by the licensing authority in this behalf issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and license 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 office authorized by it in this behalf, under clause 26 of Arunachal Pradesh food grains (Licensing and Control) Order 2005.
  10. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authority or any officer authorized by it to the Governor under clause 27 of the Arunachal Pradesh Food grains (licensing and Control) Order 2005 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 food grains and for the taking samples of food grains for examination.
  11. The Licensee shall comply with any direction that may be given to him by the Governor or licensing authority or any other officer authorized by him in regard to purchase, sale and storage for sale of food grains and in regard to the language in which the registers, returns, receipts or invoices mentioned in 3 & 9.
  12. The licensee shall in a case where he functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority jurisdiction and in any other case by such body as may be recognized by the Governor in this behalf.
  18. The licensee shall not sell or offer to sell in any locality and food grains at a price higher than that fixed for sale of that food grains in such locality by the Central Govt. or by the State Govt. in pursuance of any powers conferred by law.
  19. The licensee is allowed to purchase food grains 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	Quantity be stored.
1.				
2.				
3.				
4.				
5.				

20. This license shall be attached to any application for renewal.

21. This license shall valid upto .....

Place

Date

(Licensing Authority)

FORM III (i)

(CONDITION 4 OF FORM – III)

QUARTERLY RETURN OF APPROXIMATE MARGIN IN RESPECT OF STOCK OF EACH FOOD GRAINS SOLD DURING THE QUARTER ENDING ON :

- |                |                    |  |
|----------------|--------------------|--|
| 1. Name : -    | 4. District : -    | 7. Annual turn over : -                  |
| 2. Address : - | 5. Town : -        | 8. Security Deposit Rs. : -              |
| 3. State : -   | 6. License No. : - | 9. Date of close of the year account : - |

Average margin in respect of each food grains sold during the year based on

Name of Foodgrains	Foodgrains code	Quantity purchased	Average price received/ realized	Quantity sold	Average price receipt realized	Handling	Transport				Net profit	Net profit
10.1	10.2	10.3	10.4	10.5	10.6	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 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> Sept and 31<sup>st</sup> December of every year.

Place : -  
Date : -

Signature  
Dealers Stamps & License No.

Licensing Authority

FORM III (ii)

(CONDITION 4 OF FORM – III)

ANNUAL RETURN OF ACTUAL MARGIN IN RESPECT OF STOCK OF EACH FOOD GRAINS SOLD DURING THE YEAR ENDING ON :

- |                |                    |  |
|----------------|--------------------|--|
| 1. Name : -    | 4. District : -    | 7. Annual turn over : -                  |
| 2. Address : - | 5. Town : -        | 8. Security Deposit Rs. : -              |
| 3. State : -   | 6. License No. : - | 9. Date of close of the year account : - |

Average margin in respect of each food grains sold during the year based on actual accounts.

Name of Foodgrains	Foodgrains code	Quantity purchased	Average price received/ realized	Quantity sold	Average price receipt realized	Handling	Transport				Net profit	Net profit
10.1	10.2	10.3	10.4	10.5	10.6	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 within two weeks of the closing of the annual accounts for that year. This statement shall be furnished alongwith the return (Form III) (i) for the second fortnight of the month.

Place : -  
Date : -

Signature  
Dealers Stamps & License No.

Licensing Authority

FORM IV  
(See condition 8 of II)  
Register of Retailers

1. Name of the License
2. Address .....
3. License Number .....

Date	Serial Number of Retailer	Name and Address of the	Qty sold
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FORM V

FORTHNIGHTLY RETURN OF STOCKS OF FOOD GRAINS FOR THE FORTHNIGHT  
ENDING .....

1. Date of declaration
2. Name and full address of the declarant on .....
3. Quantity of food grains held on .....

Rice (in qtls.) ..... Paddy (in qtls.) .....

Purpose for which the stocks are held.

Place(s) where the stocks are kept.

I hereby solemnly declare that the above statement is true to the best of my  
knowledge and belief.

Signature of declarant.