

**THE ASSAM FOODSTUFFS (DISTRIBUTION)
CONTROL ORDER, 1958**

Notification No SDB 304/58/10, dated 10-10-1958. In exercise of the powers conferred by S. 3 of the Essential Commodities Act, 1955 (10 of 1955) read with Government of the India, Ministry of Food and Agriculture, Order No. SRO 1477, dated the 29th April, 1957 notified at pages 988-989 of Part II, S. 3 of the Gazette of India of the 11th May, 1957, the Governor, with the prior concurrence of the Central Government, in pleased to make the following Order namely:

1. (1) This Order may be called the Assam Foodstuffs (Distribution) Control Order, 1958.

(2) It shall apply to the whole of the State of Assam.

2. In this Order-
 - (a) “appointed retailer” means a retail dealer appointed or deemed to be appointed under the provisions of paragraph 3 in respect of any foodstuff.

 - (b) “Director” means the Director of Supply, Government of Assam and includes Joint Director of supply and any other Officer authorised by the State Government to perform all or any functions of the Director.

- (c) “Family Identity Care” means a card or document issued to the head of a family under or pursuance of the provisions of this order.
 - (d) “Government Scheme” means the scheme for distribution of foodstuffs to consumers through shop set up by the Government in this behalf.
- 3.** (1) With a view to distribution foodstuffs under the Government scheme, the Director may, by order, appoint in respect of any area, a 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 be appointed under the provisions of this paragraph.

- (2) The director may, after giving an appointed retailer an opportunity of stating his case for reasons to be recorded in writing, amend, vary, suspend or revoke his appointment wherever, in the opinion of the Director, it is in the interest of the general public necessary on expedient so to do, and in every such

case the appointed retailer shall be bound to surrender, on demand, to the Director the order of appointment for endorsement or cancellation, as the case may be.

COMMENTS

Where the appointment as “appointed retailers” was cancelled or revoked for keeping the shop closed on Assam Bundh Day and no hearing was given, it was held in *Dwijendar Kumar Bhuyan v. The D.C., Kamrup* [(1983) 2 GLR (NOC) 5], that such an order was violative of the principles of natural justice.

4. No appointed retailer shall supply or offer or attempt to supply or omit to be supplied by 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 Director, with a view to regularising supply of foodstuffs to such class of consumers as would, in the opinion of the Director, 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 purpose of this Order.

(2) The Director may, after giving the holder of any such family identity card, an opportunity stating his case and for reason to be recorded in writing, and 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 for endorsement or cancellation, as the case may be.

6. (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.

7. Every family identity card under this order shall be the property of the State 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.

- 8.** (1) If any family identity card be defaced, lost or destroyed, an officer authorised by the Director 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 subparagraph (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.
- 9.** 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.
- 10.** The holder of a family identity card shall get the same registered with an appointed retailer in the manner prescribed by the Director for the purpose of obtaining supplies of foodstuffs for his family.
- 11.** 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 determinate by the said Officer-in-charge of the local supply office.

- 12.** An appointed retailer shall deposit in such manner as may be prescribed in this behalf by the Director the prices of any foodstuff allotted to him.
- 13.** Appointed retailer shall take delivery of foodstuffs for Government godown and/or miller's godown particularly mentioned in and against delivery permits issued to him in this behalf.
- 14.** An appointed retailer, immediately on receipt of the foodstuffs lifted by him from the Government godown and/or miller's godowns shall enter the same in appropriate stock register to be maintained by him in this behalf.
- 15.** 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.
- 16.** On demand and offer of price by or on behalf of holders of family identity card an appointed retailer shall refuse to supply foodstuffs of appropriate quantities against such cards until the stock within him is completely exhausted.

- 17.** When a family identity card has been issued to the head of a family under sub-paragraph (1) of Paragraph 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.
- 18.** Every appointed retailer shall issue each 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.
- 19.** Every appointed retailer shall also maintain a Daily Sale Register which shall be made up-to-date at the end of each day.
- 20.** 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.
- 21.** Every appointed retailer shall comply with such directions as may be issued from time to time by the Director.
- 22.** Every appointed retailer, when so required by an officer authorised by the Director in this behalf, shall-

 - (1) surrender to such office all authorities and documents delivered to such appointed retailer under or for the purpose of this Order; and

- (2) furnish such particulars, accounts and information relating to his dealings in and stocks of any foodstuffs as may be required.

22-A. 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.

COMMENTS

Rule 22-A has been inserted *vide* Notification No. SDB 543/94/102, dated 6-8- 1966.

- 23.** (1) Any person authorised by the Director 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, account or other documents relating to, or believed to be relating to, the purchase, sale, distribution or storage of any foodstuff 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 produce under Cl. (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 person so authorised shall have due regard to the social and religious customs of the persons occupying the premises.

(2) The powers exercisable under this paragraph shall not be exercised except for the purpose of so doing in compliance with the provision of this Order.

24. The provision herein before 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.

NOTIFICATIONS

No. DS 197/58/9, date Shillong, the 4th November, 1958.

In exercise of the powers conferred by Paragraphs 22 and 23 of the Assam Foodstuffs (Distribution) Control Order, 1958, I, B.L. Sen, I. A .S. Director of Supply, Assam do hereby authorised the Deputy Commissioners, Sub-Divisional Officers, Extra-Assistant Commissioner in charge of Supply and Officer of the Supply Department not below the rank of Sub-Inspector to exercise the powers referred to in paragraph 22 and 23 of the said Order.

No. SDB 304/58/36, dated Shillong, the 4th November, 1958.

In exercises of the power conferred by paragraph 2 of the Assam Foodstuffs (Distribution) Control order, 1958, the Governor of Assam is pleased to authorise the Deputy Commissioners and Sub-Divisional Officers to per form within their respective jurisdictions the functions of the Director as referred to in paragraphs 3 (3) and (2), 5 (1) and (2) 10, 18 and 21 of the said Order.

No. DS. 197/58/10, dated the 6th November, 1958.

In exercise of the powers conferred by paragraph 8(1) of the Assam Foodstuffs (Distribution) Control Order, 1958, I, B. L. Sen, I. A. S., Director of Supply, Assam, do hereby authorise the Deputy Commissioners and Sub-Divisional Officer to exercise the power referred to in paragraph 8(1) of the said sOrder.