

**ASSAM FOODGRAINS (LICENSING AND CONTROL)  
ORDER, 1961**

**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 in force at once.

**COMMENTS**

The order was made in exercise of the powers conferred under sub-S (2) of s. 3 of the Essential Commodities Act, which contains the provisions for controlling production, supply, distribution, etc, of the essential commodities.

The validity of certain Control Orders made from time to time under this section were challenged on various grounds. The Supreme Court in *Narendra Kumar v. Union of India* [AIR1960 SC430], observed that it is fair and proper to presume that in passing this Act, the Parliament could not

possible have intended the words used by it, “may by order provided for regulating the production, supply and distribution thereof, and trade and commerce in” to include a power to make such provisions even though they may be in contravention of the Constitution. The fact that the words “in accordance with the provisions of the Articles of the Constitution” are not used in this section is of no consequence. Such words are to be read by necessary implications in every provision and every law made by the Parliament on any day after the constitution came in to force. It is clear, therefore, that when S. 3 confers power to provide for regulation or prohibition of the production, supply and distribution of any essential commodity it gives such power to make any regulation or prohibition in so far as such regulation and prohibition do not violate any fundamental rights guaranteed by the Constitution of India.

The Assam Food grains (Licensing and control) Order, 1962 came in to consideration in *Munnalal Jain v. The State of Assam* [AIR 1962 SC 386], where the validity of sub - Cl. (e) of Cl. 5 of this Order was challenged on two grounds: Firstly, that the said sub-clauses in *ultra vires* the powers conferred on the State Government under S. 3 read with S. 5 of the Essential Commodities Act; and secondly, even if the said sub -clause is *intra vires* the powers granted to the State Government would be still invalid being a class legislation. Considering all the facts and circumstances, their Lordships upheld the validity of sub-Cl. (e) of Cl 5 of the Control Order, 1961 and observed that no discrimination

has been made between one class of licence – holders and another classes of licence-holders as in the case decided by the Gujarat High court [*Ramanal Nagar Das v. M. S Palnitkar*, AIR1961Guj38] as relied upon by the petitioner in the instant case. Their Lordships further observed that in the instant case the licences were granted to Co-operative Societies and a licence was denied to the petitioner by the Licensing Authority. Proceeding on the footing that a monopoly must be created in favour of Co-operative Societies and as such in the humble opinion of the Supreme Court, there was indeed a discrimination, which is not justified by the provisions of Cl . 5 of the control Order, 1961. Sub-clause (e) of Cl.5 enables the Licensing Authority to give preference to a Co-operative society in certain circumstances but it does not create a monopoly in favour of co-operative Societies. This preference has a reasonable relation to the object of the legislation set out in S. 3 of the Act, and therefore, sub –Cl. (e) of cl.5 of Control Order, 1961 cannot be held to be bad on the ground of class legislation, but the passing of an order under the said sub-clause for a purpose not contemplated by it would amount to discrimination and denial of the guarantee of equal protection of law.

## **2. Definition.**

In this Order, unless there is any thing repugnant in the subject or context –

- (a) **“Deputy commissioner”** includes the Additional Deputy Commissioner and the sub-divisional officer within their respective jurisdiction;
- (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 the officer appointed by the State Government in this behalf;
- (d) **“export”** means to take out , or cause to be take 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 husk and barn;
- (f) **“Form”** means a form set out in the Schedule to this Order;
- (g) **“import”** means to bring in to, or cause to be brought in to 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 receive rent

wholly or parity in kind in respect of the foodgrains so received , but does in included a person holding licence 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.

### **COMMENTS**

The definition of “Director” was amended vide Notification No. SDB 40/64, dated the 10<sup>th</sup> February, 1966, whereby the words “and includes the joint director of Supply Assam” was deleted.

## **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 condition of a 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 produce.

Provided further that nothing in this clause in so far as sale or purchase of food grains is concerned shall apply to purchase or sale in retail quantities not exceeding 2-1/2 quintals of rice or 4 quintals of paddy in any one calendar day or to storage for retail sale in quantities not exceeding 20 quintiles 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 strong in quantities exceeding .20 quintals.

### **COMMENTS**

This clause was substituted *vide* Notification No SDB 274/71/31, dated the 10<sup>th</sup> December, 1973, effective at once and the substituted original Cl. 3 read as follows:

**“3.** *Dealing to be licensed.* No person shall engage in any business which involves the purchase or 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 for sale for foodgrains in concerned, shall apply to a produce.

### ***Explanation.***

The expression “purchase or sale in wholesale quantities” means the purchase or sale in quantities exceeding ten mounds or 3.73 quintals in any one transaction, and the expression “storage for sale in wholesale

quantities” means strong in quantities exceeding fifteen mounds or 5.60 quintals.”

The ***Explanation*** to this clause was substituted *vide* Notification No SDB 525/66/Pt / VI 115, dated 18 the January, 1961.

In order to bring home the offence under S. 7 of the Essential Commodities Act to the practitioner, the prosecution should have established that the petitioner was engaged in some Business involving purchase, sale or storage for sale of paddy. Following the decisions of supreme Court in *Manipur Administration v. M. Neela Chandra Singh* [AIR 1964 SC 1533] and in an unreported case [Criminal Revision No. 147 of 1964] the High court of Assam and Nagaland in *Prem Chand Jain v. State* [AIR 1970 a & N 38] observed that under Assam order, 1961 it must be established (1) that the person convicted was engaged himself in any business; (2) that this business involved the purchase, sale or storage for sale of any foodgrains; (3) that the quantities of the foodgrains involved should be of wholesale quantities, namely, in excess of ten maunds in one transaction purchase or fifteen mounds of the strong of the foodgrains ; and (4) that this should have been done without licence.



**4. Application for licence.**

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

**COMMENTS**

This clause was substituted *vide* Notification No. SDB 34/65/62, dated 6<sup>th</sup> November, 1965, whereby the words “Deputy Commissioner who shall forward the same to the”, between the words “Form I to the, .....

” and “licensing authority” were deleted and the word “Every” was substituted by the word “Any”.

**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 person who have applied for and those who have been granted licence in respect

of the food grains 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-Cl. (1), the state Government may, if it is of opinion that it is necessary to channels distribution of food grains 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.

### **COMMENTS**

Sub- Clause (2) was inserted *vide* Notification No SDB17/61/pt. 6, dated 18<sup>th</sup> November, 1971 having come in to force at once.

**6. Issue of licences.**

Every licence issued under this Order shall be in form II.

**6-A. Deposit of security.**

Every dealer who, on the date of coming in to 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 .

**6-B Forfeiture of security deposit.**

- (1) Without prejudice to the provisions of Cl. 11 if the licence authority is satisfied that the licence has contravened any of the conditions of the licence and that forfeiture of the recruit deposit is called of 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 of at any time falls short of the amount specified in Cl 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 of such part thereof, which is not forfeited as aforesaid shall be returned to the licensee after the termination of the licence.

### **COMMENTS**

Clauses 6- A and 6-B were inserted by Notification no SDB 40 /64, dated the 10<sup>th</sup> February, 1966.

#### **7. Period of validity of licence.**

Every licence issued under this order shall be valid till the 31 of October next following the date of issue.

#### **8. Fee for licence.**

The fee payable for 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.

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

**COMMENTS**

This clause was inserted by Notification No SDB543/64/100, dated the 6<sup>th</sup> August, 1966.

**10. 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

provision 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 objection, suspend or cancel the licence. A copy of the order suspending or canceling the licence shall also be sent to the licencee.

**11. Disposal of stocks in certain cases.**

Where a licence is suspended or cancelled under Cl. 11, the director or the deputy commissioner may, by order, direct the person whose licence is superseded or cancelled to dispose of the stock of foodgrains with him in such manner and within such time as maybe specified in the order.

**13. Appeals.**

Appeals against the order 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 appeals against.

**COMMENTS**

This clause was substituted vide Notification No SDB 594/65 /2, date the 16<sup>th</sup> November, 1965 having come in to force at once.

In *Bindewar Presad v. Secretary to the Government of Assam* [AIR 1968 a & N31], their Lordship were concerned with the Assam Foodgrains (Licensing and control) Order, 1958 the then Ss. 6 and 12 of the order and (based on the facts and circumstances thereof), observed that where the order was passed rejecting the application to set up a rice Mill, an the petitioner was directed to file a fresh appeal, the rejection whereof on the ground of limitation was not legal.

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## **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 export 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 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 kilogram in weight in the aggregate by a *bone fide* traveler as part of this 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 Cl 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 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 Cl. 17 below, no person either individually or collectively with other shall move or transport or cause to be moved or transport from any place within any one of the areas specified in sub-Cl. (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 order from the Directorate of Supply, Assam or the movement of the rice and paddy by the Assam state co-operation of Indian on their own account for 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 behalf, and provided further that this restriction shall not apply to movement of paddy by a producer for his paddy field to his home-stead;

Provided further that no person shall move any foodgrains by road or rive between the hours of sunset and sunrise.

- (3) The Deputy Commissioner or the Sub-divisional office may, by order in writing m, direct any rice miller to covert into race stock of paddy held by the State Government or their agent in such manner and in such circumstances and may be specified in the direction and at such charge and extraction ration as may be fixed by the State Government.

- (4) An appeal against any order under Sub-Cl. (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 and order or direction is issued under power conferred by or under this order shall copy with such order or direction.

## **COMMENTS**

Sub-clauses (1) and (2) were amended on various occasions and lastly were amended vide notification no. SDB 274/71/90/ dated the 31<sup>st</sup> October, 1975 having come into force on the 1st November, 1975.

Sub-clauses (3), (4) and (5) were inserted vide notification no SDB 525/66/pt. VI /115, dated 18 the January, 1971 having come in to force on the 18<sup>th</sup> January, 1971.

Non-issue of Notification under Cl. 17, cannot affect operation of prohibition imposed by Cl. 16 as held in *Charan Singh v. State of Assam* [(1982) 1 GIR 111], although Cl. 16 does not stand in the way of free movement of foodgrains

within a district or in some cases a sub division, which may however be restricted by a Notification under Cl 17.

A reading of Cl.16 makes is abundantly clear that what is prohibited is the movement of any food grain by land, water or airport of the area specified therein namely Barpeta sub-division. On the face of the language of this clause it is clear and free from any ambiguity that movement of rice in question towards Barpeta Road Town, a place not covered by road permit cannot attract this clause, since Barpeta town and Barpeta Road are with the same Barpeta Sub-Division. The Case in squarely covered by the principles laid down in *Malkiat singh v State of Punjab* [AIR 1970 SC 713] and *Monmohan Das v. State of Assam* [(1983) 1 GLR 157].

**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 are for the purpose of this order.

(2) On the issue of a notification under sub-Cl. (1) —

(a) No person shall move or transport or cause to move 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 restriction as may be specified in the notification.

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## **PART C**

### **Supplementary and miscellaneous**

#### **18. Returns by licensees.**

Every licensee under this order shall submit out the Director a fortnightly return in Form III so as to reach him on the 22<sup>nd</sup> day of each month for the first fortnight and the 7<sup>th</sup> 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 station or produce for inspection such accounts , books or document relation to his business as may be specified in the order ;
  - (c) enter and search or authorize any person to enter and search any premise 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 authorize the seizure of stocks or foodgrains in respect of which he was reason to believe that contravention of this order has been or is being on is about be committed.

- (2) The provisions of Ss. 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

**19. Exemption of Government transactions.**

Noting 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.

- 20-A.** 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.

**COMMENTS**

This clause was inserted vide Notification No SDB40/64/pt. III/5 date the 21st February the 21<sup>st</sup> February, 1967.



**21. 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.

**COMMENTS**

In this clause the words “or the licensing authority” were added after the word “Director” *vide* Notification No SDB 594/65/2/, dated the 16<sup>th</sup> November, 1965.

**22. Repeal and savings.**

- (1) The Assam Foodgrains (Licensing and control) Order, 1960 is hereby repealed.
- (2) Notwithstanding the repeal referred to in Sub-C1 (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 provision 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 food grains? (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 addresses of the agents whom the applicant wishes to engage, the areas wherein they will operate the location of their god owns 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 on respect of which licence required and the kind of licence asked for.....
10. Whether 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 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 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 Assam Foodgrains (Licensing and control) Order, 1961, and the term and condition of this licence ..... is/are hereby authorised to purchase, sell or store for sale, the under mentioned 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, maintaining 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 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 (1<sup>st</sup> to 15<sup>th</sup> and 16<sup>th</sup> 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 other Order relating to foodstuffs issued under the Essential commodities act, 1955 (10 of 1955).
- 6.** The licensee shall not contravene the provision 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 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 seller, shall sell foodgrains only to retailers who are registered with him and/or in accordance with such direction as the licensing authority or any officer authorize 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 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 be available for inspection of demand by the licensing authority or any officer authorize by it in this behalf under Cl. 19 of Assam Foodgrains ( Licensing and Control ) Order, 1961.
- 11.** The licensee shall give all facilities at all reasonable time to the licensing authority or any officer authorize 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 under his control for the storage, sale or purchase of foodgrains and for the taking of samples of foodgrains for examination.

- 11-A** 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 causes are avoided. Suitable drainage shall be provided to avoid damage for ground moisture and foodgrains shall be fumigated, with chemical approved for the purpose by a person who has undergone practical training in the regard. The licensee shall also ensure that the fertilizers, insecticides and poisonous chemicals likely to contaminate foodgrains are not stored along with foodgrains in the same godown or in immediate juxtapositions 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 paragraphs 3, 4, 8, 9 and 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 recombined 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 foodgrains 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	Quantity he stored
1.	..	..	..	..
2.	..	..	..	..

**16.** This license shall be attached to any application for renewal.

**17.** This licence shall be valid up to .....

(Licensing Authority )

Place ... ..

Date ... ..

## COMMENTS

Clause 11-A was inserted by Notification dated 14<sup>th</sup> October, 1960.

This Form was finally substituted *vide* Notification No SCB 40/ 64, date the 10<sup>th</sup> February, 1966.

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**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 ... ..

License No ... ..

Card No ... ..

1. Stock at the beginning of the Fortnight —

	Quantity in maunds/ quintals	Remarks, if any
(a) Actually with the stockiest .....		
(b) Pledged with any person or institution such as bank or co- operative society ... ..		

Total —

2. Quantity received during the fortnight  
and source of supply .....

Total —

3. (a) Quantity sold and delivered —

(i) to Government ... ..

(ii) to person authorised by the  
Director of Supply or the  
licensing authority or any  
person authorised by the  
licensing authority in this  
behalf ... ..

(b) Quantity sold to authorised persons  
but not yet delivered ... ..

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 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 godown noted below :

Location of godown	Paddy, rice or other foodgrains stored	Quantity Mounds. srs. Quintals Kg.	Remarks
1.			
2.			
3.			
4.			

Date ... ..

Signature of Licensee

## **COMMENTS**

In item (ii) of sub-CL. (a) of Cl. 3, after the word “Director of Supply “ the words “or the licensing authority or any person authorised by the licensing authority in this behalf” were added vide Notification No. SDB 594/65/2, dated the 16<sup>th</sup> November, 1965 having come in to force at once.

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# 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

## COMMENTS

This form was inserted *vide* Notification No SDB 40/64,  
dated 10<sup>th</sup> February, 1966 .

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