

ASSAM GUR DEALERS LICENSING ORDER, 1963

1. Short title, extent and commencement.

- (1) This Order may be called the Assam Gur dealers Licensing Order, 1963.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.

COMMENTS

Section I.

This Order has been made in exercise of the powers conferred, by S. 3 of the Essential Commodities Act, 1955 read with the Order of the Government of India, in the Ministry of Food and Agriculture, No. GSER 1729, dated the 30th October, 1963 for the purpose of imposing restrictions on the storage etc. of gur.

2. **Definitions.**

- (a) **“Import”** means to take or cause to be taken into any place within the State of Assam, The Tribal Areas specified in Part ‘B’ of the table appended to paragraph 20 of the Sixth Schedule to the Constitution and the Union Territories of Manipur and Tripura, from any place outside it.
- (b) **“Export”** means to take or cause to be taken from any place within the region mentioned in Cl. (a) above to any place outside that region.
- (c) **“Dealer”** means a person engaged in the business of purchase, sale or storage for sale of gur in quantities exceeding 50 quintals at any one time, but does not include an industrial undertaking which is registered or licensed under the Industrial (Development and Regulation) Act, 1951.
- (d) **“Form”** means a form set forth in the Schedule to this Order.
- (e) **“Licensing Authority”** means an officer appointed by the State Government to exercise the powers and perform the duties of the licensing authority under this Order.

- (f) **“State Government”** means the Government of the State of Assam.
- (g) **“Gur”** means the article commonly known as Gur, Gul, Jaggery, Shakkar and Rab and includes uncrystallised Gur in any other form comprising original and convertible molasses and other impurities inherent or foreign, prepared by boiling sugarcane juice with or without admixture mollasses or pure mollasses.

COMMENTS

Section 2.

Manipur and Tripura, the earlier Union Territories acquired the Statehood under the respective provisions of the North-Eastern Region Re-organisation Act.

The Industries (Development and Regulation) Act, 1951 was enacted with the object to provide the Central Government with the means of implementing their industrial policy and to bring under their control the development and regulation of a number of important industries, the activities of which affect the country as a whole and the development of which must be governed by economic factors of all India import. Section 10 of the Act deals with the registration of industrial undertakings.

3. Licensing of dealers.

- (1) No person shall carry on business as a dealer of gur within the State of Assam except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing Authority.
- (2) No person shall import or export gur except under and in accordance with the terms and conditions of a permit issued in this behalf by the Licensing Authority.

For the purpose of this clause, any person who stores gur in any quantity exceeding 25 quintals at any one time shall, unless the contrary is proved, be deemed to store gur for the purposes of sale.

4. Issue of licence.

- (1) Every application for a licence or renewal thereof shall be made to the Licensing Authority in Form 'A'.
- (2) Every licence issued or renewed under this Order shall be in Form 'B' and every permit issued or renewed shall be in Form 'C' and shall be subject to the conditions specified therein.

5. Period of licence and fees chargeable.

(1) Every licence issued under this Order shall be valid from the date of issue to the 31st December following and may thereafter be renewed for a further period of one year at a time.

(2) The fees specified below shall be chargeable in respect of each licence, namely:

For issue of dealers' licence – Rs. 5.

For issue of import or export permit – Rs. 5.

For renewal of licence – Rs. 2.

For issue of a duplicate licence/permit – Rs. 10.

6. Power to refuse licence.

The Licensing Authority may, for reasons to be recorded in writing, refuse to grant or renew a licence.

7. Contravention of conditions of licence.

Any contravention of any of the terms and conditions of the licence issued under this Order shall make the licence liable to cancellation or suspension by orders in writing of

the Licensing Authority without prejudice to any other action that may be taken against the licensee;

Provided that no order shall be made under this clause unless the licensee has been given an opportunity of stating his case in writing against the proposed cancellation or suspension.

8. Appeal.

Any person aggrieved by any order of the Licensing Authority refusing to issue or renew a licence or canceling or suspending a licence under the provisions of this Order may appeal to the State Government within 30 days of the date of the receipt by him of such order.

9. Powers of entry, seizure, etc.

(1) The Licensing Authority or any other officer authorised by the State Government in this behalf may, with such assistance, if any, as he thinks fit.

(a) require the owner, occupier or any other person in charge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any license or permit issued thereunder has been, is being or is about to be committed, to produce any book, account or

their document showing transaction relating to such contravention;

- (b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence or permit issued thereunder, has been, is being or is about to be committed;
- (c) take or cause to be taken extract from or copies of any document showing transactions relating to such contraventions;
- (d) search, seize and remove stocks of gur and the animals, vehicles, vessels, or other conveyance used in carrying the said gur in contravention of the provisions of this Order or of the conditions of the licence or permit issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of gur and the animals, vehicles, vessels or other conveyances so seized, in a Court and for their safe custody pending such production.

- (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.

COMMENTS

Section 9.

The Code of Criminal Procedure has been amended by the Code of 1973 and the original Ss. 102 and 103 of the old Code have been combined into a single section in the new Code in S. 100, for convenience as they related to the same matter.

SCHEDULE

FORM A

[See Clause 4 (1)]

Application for Licence/Permit

1. Applicant's name.....
2. Applicant's profession.....
3. Applicant's residence.....
4. Situation of applicant's place or places of business with particulars as to number of houses, mohalla, town or village, police station and district.....
- *5. The State, district, mohalla, town or village from/to which the applicant proposes to import/export gur and quantity.....
- *6. The route (rail, road or steamer) by which the applicant proposes to import/export gur.....
7. How long the applicant has been trading in gur?.....

8. Did the applicant hold a gur license on any previous occasion? (If so, give particulars including its suspension or cancellation, if any).....

- 9 Quantities of gur handled during the last three (November-October).....

10. Income-tax paid in the two years pending the year of application (to be indicated separately).....

(1).....
(2).....

11. Quantity of gur in the possession of the applicant on the date of application and the places at which different quantities are kept.....

I declare that the quantities of gur specified above are in my possession this day and are held at the places noted against them.

I have carefully read the conditions of licence given in Form 'B' appended to the Assam Gur Dealers' Licensing Order, 1963, and I agree to abide by them.

*(a) I have not previously applied for a license in this District under this Order;

(b) I applied for such license in this district
for.....on.....
and was/was not granted a license
on.....

*(c) I hereby apply for renewal of license
No.....dated.....
...issued to me on.....

Place.....

Date.....

Signature of the Applicant

* Strike off the clauses and words not applicable.

FORM 'B'

[See Clause 4 (2)]

License for purchase, sale or storage of gur (or sale License No.....)

1. Subject to the provisions of the Assam Gur Dealers' Licensing Order, 1963 and the terms and conditions of this License.....is/are hereby authorised to purchase, sale or storage gur for sale.

2. The licensee shall carry on the aforesaid business at the following place:
.....

3. (i) The licensee shall maintain a register of daily accounts for gur 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 places of destination; and

 - (d) the closing stock on each day.

- (ii) The licensee shall complete his accounts for each day on the day which they relate, unless prevented by reasonable cause the burden of proving which shall be open to him.
 - (iii) Separate register shall be maintained for import and export of gur.
- 4. The licensee shall submit to the licensing authority concerned a true return, in Form D, of the stocks, receipts and deliveries of gur every fortnight (1st to 15th and 16th to end of the month) so as to reach him within five days after the close of the fortnight.
- 5. The licensee shall issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and license number, the name, address, the 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 other officer authorised by him in this behalf.
- 6. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by the State Government 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 gur and for the taking of samples of gur for examination.

7. The licensee shall comply with any direction that may be given to him by the State Government or the licensing authority in regard to purchase, sale and storage for sale of gur in regard to the language in which the register, returns, receipts or invoices mentioned paragraphs 3, 4 or 5 shall be written and authentication and maintenance of the register mentioned in paragraph 3.

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

9. This license shall be valid up to.....

Place.....

Date

Signature of the Officer
issuing the licence

FORM 'C'

[See Clause 4 (2)]

Permit for import/export of gur

Permit No.....

Subject to the provisions of the Assam Gur Dealers' Licensing Order, 1963 and to the terms and conditions of this permit.....is/are hereby authorised to export/import.....quintals of gur from/into.....to/from.....

This permit will remain valid for thirty days with effect from the date of issuing as specified below.

Place.....

Dated.....

Licensing Authority

FORM 'D'

[See Condition 4 of Form B]

(For use by a Dealer)

**Return of stocks, receipts and sales of gur for the fortnight
ending.....19...**

Name.....

No. of license.....

Address.....

Particulars of godowns where stock held and quantity in stock in each quality of gur in stock in bags/quintals.

Particulars of godowns	Quantity in stock bags/quintals	Remarks, if any
------------------------	------------------------------------	-----------------

- 1.
- 2.
- 3.

1. Stock at the beginning of the fortnight -

(a) actually with the licensee
bags/quintals.

(b) pledged with any person or institution such as a bank
or co-operative society
bags/quintals.

Total.....bags/quintals

2. Quantity purchased and imported during the fortnight -

Name of the State, Town and the Quantity (in bags/quintals)
factory from which purchased

(i)

(ii)

(iii)

(iv)

Total.....

3. Quantity received out of quantity purchased -

From (name of the State, Town and the factory)	Quantity (in bags/quintals)	Date of purchase
--	-----------------------------	------------------

(i)

(ii)

(iii)

(iv)

Total.....

4. Quantity sold or exported:

(a) Quantity sold/and delivered/removed/exported during the fortnight.....bags/quintals.

(b) Name of the State, Town, Village to which exported.....

(c) Quantity sold but not yet delivered/exported.....
.....

Total sold.....bags/quintals.

5. Stock at the end of the fortnight -

(a) actually with the licensee -

(i) unsold.....

(ii) sold but awaiting delivery.....

(b) pledged with any other person or institution such as a bank of a co-operative society.

Total.....

Licensing Authority

District

Place.....

Date: Shillong

Signature
