

THE ASSAM PUBLIC DISTRIBUTION OF

ARTICLES ORDER

1982

No. SDA. 60/80/Pt/72 - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Act 10 of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) Order No. GSR. 800, dated ** June, 1978, the Governor of Assam is pleased to make the following order, namely:-

The Assam Public Distribution of Articles Order, 1982.

1.

- (1) The Order may be called the Assam Public Distribution of Articles Order, 1982.
- (2) It shall apply to the whole of the State of Assam.
- (3) It shall come into force at once.

2. In this Order unless the context otherwise requires:-

- (a) **“appointed dealer”** means a person, a firm an association of person or a co-operation society other than a National and State level Co-Operative Society, engaged in the business of purchase, sale or storage for sale of any notified articles whether or not in conjunction with any other business and includes his representation or not an conjunction with any other business and includes his representative or agent appointed as such by the Licensing Authority with such terms and conditions as may be specified in the appointment letter to be issued as a licence in form 1.
- (b) **“Notified article”** means any article or articles that may be notified as such by the State Government from time to time in the official Gazette.

[The following articles were notified by the Government under the Sub-Clause as “Notified Articles” :-

1. Rice.
 2. Levy Sugar.
 3. Salt
 4. Kerosene oil.
 5. Imported Edible oil (RRSO/RBD Palm oil)
 6. Controlled Cloth.
 7. Wheat products (Atta, Maida, Suji & Besan).
- (c) **“Director”** means by the Director of Food and Civil Supplies of the State Government and includes any other officer authorized by the State Government to perform all or any of the functions of the Director.
- (d) **“Family Identify Card”** means a card or document issued to the head of a family under or in pursuance of the provisions of this Order in form II or in such other form as may be specified by the Licensing Authority.
- (e) **“Commissioner”** means the Commissioners of Divisions of the State Government.
- (f) **“Deputy Commissioner”** means the Deputy Commissioners of the districts of the State Government.

- (g) **“Sub-divisional Officer”** means the Sub-divisional Officers of the sub-divisions of the districts of the State Government.
- (h) **“State Government”** means the Government of the State of Assam.
- (i) **“Licensing Authority”** means an office not below the rank of Inspector of Food and Civil Supplies Department appointed by the State Government to exercise all or any of the powers and perform all or any of the duties of the Licensing Authority for different areas.

The following Food and Civil Supplies Officers were appointed as “Licensing Authority” in respective areas shown against each –

1. Special Officer, Food & Civil Supplies, Gauhati Gauhati Sub-division.
2. Superintendent, Food & Civil Supplies, Nalbari Nalbari Sub-division.
3. Asstt. Director of Food & Civil Supplies, Barpeta Barpeta Sub-division.

4. Deputy Director of Food & Civil Supplies, Nowgong, Nowgong Sub-division.
5. Supdt. Of Food & Civil Supplies, Morigaon Morigaon Sub-division.
6. Deputy Director of Food & Civil Supplies, Jorhat Jorhat Sub-division.
7. Asstt. Director of Food & Civil Supplies, Sibsagar Sibsagar Sub-division.
8. Supdt. Of Food & Civil Supplies, Golaghat Golaghat Sub-division.
9. Supdt. Of Food & Civil Supplies, Majuli Majuli Sub-division.
10. Deputy Director of Food & Civil Supplies, Dibrugarh Dibrugarh Sub-division.
11. Asstt. Director of Food & Civil Supplies, Tinsukia Tinsukia Sub-division.
12. Supdt. Of Food & Civil Supplies, Sadiya Sadiya Sub-division.
13. Deputy Director of Food & North Lakhimpur Sub-

- Civil Supplies, North division.
Lakhimpur
14. Suptd. Of Food & Civil Supplies, Dhemaji Dhemaji Sub-division.
15. Suptd. Of Food & Civil Supplies, Jonai Jonai Sub-division.
16. Deputy Director of Food & Civil Supplies, Dhubri, Dhubri Sub-division.
17. Asstt. Director of Food & Civil Supplies, Goalpara Goalpara Sub-division.
18. Suptd. Of Food & Civil Supplies, Kokrajhar. Kokrajhar Sub-division.
19. Deputy Director of Food & Civil Supplies, Silchar Silchar Sub-division.
20. Asstt. Director of Food & Civil Supplies, Karimganj Karimganj Sub-division.
21. Supdt. Of Food & Civil Supplies, Hailakandi. Hailakandi Sub-division.
22. Asstt. Director of Food & Diphu Sub-division.

Civil Supplies, Diphu

21. Supdt. Of Food & Civil Supplies, Hamren Hamren Sub-division.
22. Deputy Director of Food & Civil Supplies, Tezpur Tezpur Sub-division.
23. Asstt. Director of Food & Civil Supplies, Mongoldoi Mongoldoi Sub-division.
24. Asstt. Director of Food & Civil Supplies, Haflong Haflong Sub-division.

(j) “ **Form**” means a form or forms appended to this Order or any be declared a form by the Director.

[The State Government has accordingly notified that the form of application for grant of wholesale/Sub-wholesale/Retail licence and also application for renewal of such licence shall be the same as the forms appended to the Assam Trade Articles (L & C) Order, 1982. But such application shall be affixed with non-judicial Court Fee stamp worth Rs. 8.25 (rupees eight and paise twenty five) only]³. The Government of Assam has subsequently prescribed proforma of application for grant of Wholesale/Sub-wholesale/retail licences and

applications for renewal of such licences. The application for grant of Wholeseller/Sub-wholeseller/retail-seller licences shall be in proforma – A and application for renewal of the licences shall be in proforma – B. The notification in this respect was issued vide No. SDA 60/80/pt/104 dt, 22.1.83 in exercise of the powers conferred by Clause 2, sub-clause (j) of the Assam Public Distribution of Articles Order, 1982. The earlier notification in this respect has accordingly been superseded. Each application for issue of licence and renewal of license shall be affixed with non-judicial court-fee stamp @ Rs. 8.25 (rupees eight and paise twenty-five) only.

- (k) **“Bulk Consumer”** means a hotel, a restaurant, a hospital, an education or religious or charitable institutions with hostel facilities, Roller Flour Mills and Chakki Mills, tea garden, police and other para-military battalions or such other institution or organization as may be declared as bulk consumers by the State Government.
- (l) **“Wholesaler”** means such organization or organizations appointed as Wholeseller by the State Government with such terms and conditions as may be specified in the appointment order and sells any or more of the notified articles to sub wholesalers and bulk consumers in such quantities at such intervals of time as may be

instructed by the State Government, the Director or the Licensing Authority.

- (m) **“Sub-Wholeseller”** means an appointed dealer who purchases any one or more the notified articles from, the wholeseller and sells to such retailers at such prices, in such quantities and at such intervals of time as may be directed by the Licensing Authority.

- (n) **“Retailers”** means an appointed dealer who sells any one or more of the notified articles to such holders of Family Identity Cards, at such prices, in such quantities and at such intervals of item as may be ordered by the Licensing Authority after purchasing the same from the sub-wholeseller.

3. The Licensing Authority may issue licences in form 1 to such appointed dealers as may be considered necessary from time to time specifying sub-wholesellers or retailers and areas of operation of each of such appointed dealers.

Provided that the Organization and Co-operative societies performing any or all of the function of the public Distribution System immediately before the commencement of this Order shall continue to function as such until specific instructions to the contrary are issued to them under this Order.

The Fees for licence, renewal of licence and security money of the different categories of licences are as follows :-

<u>CATEGORY OF LICENCE</u>	<u>LICENCE FEE</u>	<u>RENEWAL FEE</u>
A. Wholesaler	Rs. 75.00	Rs. 40.00
B. Sub-wholesaler	Rs. 50.00	Rs. 30.00
C. Retailer	Rs. 25.00	Rs. 15.00

SECURITY DEPOSIT

A. Wholesaler	Rs. 750.00
B. Sub-wholesaler	Rs. 500.00
C. Retailer	Rs. 300.00] ⁴

4. The Licensing Authority may, with a view to regular supply of notified articles, issue to every head of a family, a Family Identity Card in form II on payment of a fee of rupee one per card specifying name of the appointed dealer from whom he may obtain his quota of notified articles.

- 5.** The Licensing Authority may, after giving the holder of a Family Identity Card an opportunity to state his case and after recording the reason, amend, vary or rescind the Family Identity Card in every case the holder of the Family Identity Card shall surrender the Family Identity Card to the Licensing Authority.
- 6.**

 - (i) A Family Identity Card shall not be available for lawful use except when it is used by or on behalf of the person with in respect of whom it is issued.
 - (ii) No person shall transfer to any other person any Family Identity Card issued to him under the provisions of this Order.
 - (iii) Every Family Identity Card issued under this Order shall be the property of the State Government but the person to whom it is issued shall be responsible for its safe custody.
- 7.** If any Family Identity Card be defaced, lost or destroyed, the Licensing Authority may issue a duplicate Family Identity Card on payment of a fee of rupee one per card, after making such enquiries as he may deem fit.
- 8.** When a duplicate Family Identity Card is issued under clause 8, it shall be the duty of the person to whom the duplicate has been issued, if the subsequently finds the lost Family Identity

Card to return the lost Family Identity Card forthwith the Licensing Authority.

- 9.** When any person is in possession of a Family Identity Card and such possession is not authorized by or under this Order, he shall forthwith delivery such Family Identity Card to the Licensing Authority.
- 10.** No appointed dealer who has been appointed as a retailer shall issue or sell any quantity of notified articles to any consumer otherwise than on production of the Family Identity Card against entries to be made in the Family Identity Card under appropriate column.
- 11.** No appointed dealer who has been appointed as sub-wholeseller shall issue or sell any quantity of notified articles to any customer excepting to excepting to the retailers appointed and attached to his shop by the Licensing Authority.
- 12.** If a licence issued under this Order is defaced, lost or destroyed the Licensee shall forthwith inform the Licensing Authority who may, or application and on payment of the fee of Rs. 5 issue a duplicate licence after making such enquiry as the Licensing Authority may fit.

- 13.** The Licensing Authority may make necessary additions, deletions and alternations in the entries made in the licence as may be considered necessary from time to time.
- 14.** No holder of a licence issued under this Order or his agent or servant of any person acting on his behalf shall contravene any of the terms and conditions of the licence.
- 15.** (1) If any licensee or his agent or servant or any other person acting on his behalf contravenes any of the terms and conditions of the licence, then without prejudice to any other action that may be taken under the Essential Commodities Act 1955 (Central Act 10 of 1955) his licence may be cancelled or suspended by any Order in writing of the Licensing Authority and an entry will be made in his licence relating to such suspension or cancellation.
- (2) No Order of cancellation shall be made under this Clause unless the licensee has been given reasonable opportunity or stating his case against the proposed cancellation by but during the pendency or in contemplation of the proceedings of cancellation of the licence, the licence can be suspended for a period not exceeding 90 days without giving any opportunity to the licensee of stating his case.

- 16.** When a licence issued under this Order is cancelled or suspended, the stock of notified articles shall be disposed of in such a manner as may be considered appropriate by the Licensing Authority.

- 17.** When a licensee has been convicted by a Court of Law or contravention of any Order made under Section 3 of the Essential Commodities Act, (Central Act 10 of 1955), the Licensing Authority shall, be Order in writing, cancel his licence without giving the licensee any opportunity of stating his case.

- 18.** Every appointed dealer shall, during the shop-hours fixed by the Licensing Authority display conspicuously a list of prices and stock of notified articles he holds at a place as near to the entrance of his business premises as possible.

Provided that in case any notified article which is out of stock the words "out of stock" shall be written against that article.

Provided further that the price of any category of notified articles so displayed shall not exceed the price fixed by the Licensing Authority.

- 19.** No appointed dealer shall sell or offer to sell any category of notified articles at a price higher than the fixed by the Licensing Authority.

- 20.** No appointed dealer shall refuse to sell any of the notified articles till his stock exhausts to such customers as may be specified by the Licensing Authority under Clauses 10, 11, 23 and 27 of this Order.
- 21.** Every appointed dealer shall furnish a return to such officers and in such form as may be specified by the Licensing Authority.
- 22.** The Licensing Authority may from time to time by general or special Order in writing, require any appointed dealer to sell notified articles on permits issued by the Licensing Authority or such other officer authorized in this behalf by the Licensing Authority.
- 23.** No holder of a permit shall transfer the permit of the notified articles received on such permit to any other person without prior permission of the officer by whom the permit has been issued.
- 24.** The Officer issuing the permit may, after giving the permit holder any opportunity of being heard, at any time revoke the permit issued under Clause 23 for good and sufficient reasons.
- 25.** Every appointed dealer shall when so required by general or special direction of the Licensing Authority furnish truthfully and to the best of his knowledge such particulars or

information relating to any notified articles, as may be required.

- 26.** The State Government or the Director or the Licensing Authority may issue directions to any appointed dealer with regard to purchase, sale, disposal, storage or exhibition of any of notified articles when shall be forthwith complied with by the appointed dealer.
- 27.** The State Government may, be any Order, publish in the Official Gazette, increase or decrease the number of categories of notified articles and thereunder the number of categories shall be deemed to have been amended accordingly.
- 28.** (a) The Commissioner shall have all the powers of the Deputy Commissioner and the Licensing Authority.

(b) The Deputy Commissioner shall have all the powers of the Sub-divisional Officer and of the Licensing Authority.

(c) The Sub-divisional Officer shall have all the powers of the Licensing Authority.
- 29.** (1) Any Person aggrieved by an Order made by any officer under this Order may.

(a) if the Order is made by the Director appeal to the State Government

- (b) if the Order is made by any Officer lower in rank than the Deputy Commissioner appeal to the Deputy Commissioner.
 - (c) if the Order is made by the Deputy Commissioner appeal to the Commissioner.
- (2) No such appeal shall be entertained if not preferred within 30 days from the date of receipt of the Order appealed against by the appellant.
 - (3) No Order which adversely affects any person shall be passed under this Clause unless such person has been given a reasonable opportunity of being heard.
 - (4) Pending disposal of the appeal, the Appellate Authority may direct in appropriate cases that the Order against which the appeal is made shall not take effect until the appeal is disposed of.

30. The Commissioner, sumo to or on an application may call for the record of any case decided by the Deputy Commissioner, Sub-divisional Officer or the Licensing Authority under the provision of the Order and if the is satisfied that the Deputy Commissioner, Sub-divisional Officer or the Licensing Authority.

- (a) has exercised a jurisdiction not vested in him on it or
- (b) has exercised the jurisdiction vested in him on it with material irregularity or,
- (c) has improperly failed to exercise the jurisdiction vested in him on it : he may pass such orders as thinks fit.

31. The Licensing Authority or any Executive Magistrate or Police Officer not below the rank of Deputy Superintendent of Police or any Sub-Deputy Collector or any or any officer of the Food and Civil Supplies Department not below the rank of Sub-Inspector of Food and Civil Supplies and authorized by the State Government in this behalf, within his jurisdiction may with a view to securing the compliance of this Order or to satisfy himself that this Order has been complied with, with such assistance, if any, as he think fit.

- (a) require the owner, occupier of any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order has been or is being or if about to be made, to produce any books, of accounts or documents showing transaction refuting to such contravention :

- (b) Enter, inspect or open and search anyplace or premises vehicle or vessel in which he has reason to believe that any contravention of the provision of this Order has been or is being or is about to be made.
- (c) Seize any books of accounts and documents which in his opinion may be useful for, or retreat for any proceedings under the Essential Commodities Act 1955 (Central Act 10 of 1955) and the person from whose custody such books of accounts of documents are to take extracts therefrom in presence of an officer having custody of such books of accounts or documents.
- (d) Search, seize and remove stocks of notified ** *** along with the packages, coverings or receptions it which such stock is found, if he has reason to believe that any provision of this Order has been, is being or is about to be contravened in respect of such stock or any part thereof any may also search, seize or remove the animals, vehicle, vessel or other conveyance used in carrying the said notified articulated in contravention of the provision of this Order and thereafter take or authorize the taking of all measures necessary for securing the production of stock of notified article and the animals, vehicles, vessels or other conveyance so seized before the nearest Sub-divisional Officer or the Deputy Commissioner and for their safe custody during each production and

- (e) For the purpose of such inspection etc. ask any person all necessary questions.
- (f) Take or cause to be taken extracts from or copies of any documents relating to the purchase, sale or storage or distribution of any notified articles.
- (g) Test of cause to be tested the correctness of any weight or measure used or believed to be used in any transaction relating to notified articles.
- (h) Take to cause to be taken the weight of any of the notified articles found in possession of the appointed dealer.

The Provision of the Section 100 of the Criminal Procedure Code, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may be, apply to search and seizure under this clause.

- 32.** (1) The State Government may by general or special Order, and subject to such conditions or restrictions as may be specified in such Order, exempt any person or class of person, firm or association of persons or any co-operative society from the operation of all or any of the provisions of this Order and may at any time suspend or rescind such exemption.

- (2) Nothing in this Order shall apply to the purchase, sale or storage for sale of notified articles by or on behalf of -
- (i) the Criminal Government; or
 - (ii) the State Government; or
 - (iii) the offices, departments, institutions or other organization of the State or Central Government, or such agencies as may be specified by the State Government.

33. Repeal and Saving : - From the date of commencement of this Order, the Assam Food Stuff (Distribution and Control) Order 1958 shall stand repealed :

Provided that such repeal shall not –

- (a) affect the previous operation of the said order or anything duly done or suffered thereunder;
- (b) affect any right, privilege, obligation or liability acquired or accrued or incurred under the said order;
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order;
- (d) affect any investigation, legal proceeding or remedy in respect may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if the said order had not be repealed.

FORM 1

**THE ASSAM PUBLIC DISTRIBUTION OF
ARTICLES ORDER**

1982

LICENCE

(i) Licence No

(ii) Name of appointed dealer along with partners, if any

(1)

(2)

(3)

Terms and conditions : -

1. Subject to the provisions of the Assam Public Distribution of Articles Order, 1982 and to the terms and conditions of the licence Shri / Smti. / M/s is/are hereby authorized to operate as a sub-wholeseller/retailer from the area. The purchase and sales shall be carried on only as

per directions to be given in writing by the Licensing Authority from time to time.

2. (a) The licensee shall carry on sub-wholeseller/retail business of notified articles at the following place

.....
.....

- (b) The Notified articles in which the aforesaid business is to be carried on shall not be stored at any place other than the godown mentioned below : -

- 1.
- 2.
- 3.
- 4.
- 5.

NOTE :- If the licensee intends to store the notified articles in place other than those specified above, he shall give intimation in writing to the Licensing Authority within a period of seventy two hours of actual storing of these article therein. He shall also produce the license before the Licensing Authority with in a fortnight of his giving intimation mentioned above, for the purpose of making requisite changes.

3. (a) The licensee shall maintain daily stock register for the notified articles showing correctly : -
- (i) the opening stock on each day;
 - (ii) the quantities received on each day showing the place from where and the source from which received;
 - (iii) the quantities delivered or otherwise removed on each day showing the place of destination;
 - (iv) the closing stock on each day.

EXPLANATION:-

- (a) The licensee may maintain more than one stock register for various notified articles. In case the purchased notified articles are not received physically by licensee on the date of entering into any transaction or sold notified articles are not removed physically, by the purchaser on the date of entering into any transaction, a note should be recovered in this behalf – in Stock Register.

- (b) The licensee should complete the entries in the Stock Register for each day by the beginning of the transaction on the following day, unless prevented by reasonable cause, the burden of proving which shall be upon him.
4. The licensee shall not contravene the provisions of the Assam Public Distribution of Articles Order 1982, or any law relating to essential commodities for the time being in force.
 5. The licensee shall issue to every customer of such notified articles a cash memo giving his own name, licence number, name, address and licence number (if any) of the customer – the date of transaction, the quantity sold and the price charged. He shall keep a duplicate copy of the same to be available for inspection of demand by the Licensing Authority or any other officer authorized in this behalf.
 6. The licensee shall furnish correctly such information relating to the business as may be required from him and shall carry out such instructions as may from time to time, be given by the Licensing Authority.
 7. The licensee shall give all facilities at all reasonable times to the inspecting authority for the inspection of his stocks and accounts at any shop, godown, or other places used by him for the storage, sale or purchase and for the taking of samples of the notified articles for examination.

8. (1) The licensee shall comply with any direction that may be given to him by the State Government or by the Deputy Commissioner or by the Licensing Authority with regard to the purchase, sale and storage for sale of the notified articles and in regard to the language in which the registers, return, receipt or invoices shall be written and in regard to the authentication and maintenance of the register etc.
- (2) The licensee shall keep open his shop-premises on all days except the day which has been declared weekly holiday under Assam Shops and Establishment Act, 1971.

Provided that the licensee may keep his premises closed on public holiday.

Provided further that the Licensing Authority may by an order in writing permit any licensee to keep his shop premises closed on any day other than any of the above mentioned holidays.

9. Every licensee shall take adequate measures to ensure that the notified articles stored by him are maintained in proper condition and that damage to these articles due to ground moisture, rain, insects, rodents, birds, fire and other causes are avoided. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate such articles are not stored along with these notified articles

in the same godowns or in immediate juxtaposition to the stock of the notified articles.

10. This license shall be attached to an application for renewal.
11. This licence shall be valid upto 31st March, 1983.

FAMILY IDENTITY CARD

(To be retained by the Card Holder)

Card No. _____

Sl. No. _____ Holding No. _____ Area/Ward _____

Name of the Card Holder with address : _____

Name of the Appointed Dealer from whom the Notified Articles are to be drawn : _____

Profession of the Card Holder with monthly income :

Maximum quantity of Notified Articles to be issued every month subject to availability of stock .

Central Rice : _____

Atta : _____

Levy Sugar : _____

Salt : _____

(Others) : _____

Members of the Family :

Major _____

Minor _____

Total _____

Seal

**Dated Signature of the Licensing
Authority issuing the card.**

**Particulars of quantities issued
to be entered by the Notified Dealer in
Standard Units**

Date of issue	Quantity Issued					Card	Remarks
	Central Rice	Atta	Levy Sugar	Salt	Other	Signature of the appointed dealer	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FAMILY IDENTITY CARD

(To be retained by the Issuing Authority)

Card No _____

Holding No _____ Area / Ward _____

Sl. No. _____

Name of the Card Holder with _____
address

Name of the appointed Dealer _____
from whom the Notified Articles
are to be drawn.

Profession of the card holder
with monthly income _____

Maximum quantity of Notified articles to be issued every month subject to availability of stock.

Central Rice _____
Atta _____
Levy Sugar _____
Salt _____

(Others)

Members of the Family	Major _____
	Minor _____
	Total _____

Seal

Dated Signature of the Licence

FAMILY IDENTITY CARD

(To be retained by the Appointed Dealer)

Card No. _____

Sl. No. _____

Holding No. _____ Area/Ward _____

Name of the Card Holder with address : _____

Name of the Appointed Dealer from whom the Notified Articles are to
be drawn _____

Profession of the Card Holder with monthly income

Maximum quantity of Notified Articles to be issued every month
subject to availability of stock .

Central Rice : _____

Atta : _____

Levy Sugar : _____

Salt : _____

(Others) _____

Members of the Family :

Major _____

Minor _____

Total _____

Dated Signature of the licencing Authority

Important Instructions

- 1.** Under provisions of the Assam Public Distribution of Article, 1982 the Family Identity Cards are issued and please familiarize with all such provisions.
- 2.** This Card is not transferable.
- 3.** Any change in address be immediately reported to the Licensing Authority issuing the card.
- 4.** Duplicate may be issued on payment of Rs. 1.00 and after such enquires as the Licencing Authority issuing the card may deem fit.
- 5.** Due care may be taken for safe custody and against any misuse of the card.
- 6.** The Appointed Dealer to whom this card is target shall issue notified articles during shop-hors in such quantities; as such intervals of time and at such prices as may be specified by the licencing Authority on presentation of the card and necessary entries made in the card.

- 7.** Only one family identity card shall be in the possible of the deserving head of the family.

- 8.** Any violation of the provisions of the Assam Public Distribution of Articles Order, 1982 or any order or instruction issued thereunder or nay conditions of this card shall be punishable under Section 7 of Essential Commodities Act, 1955.

- 9.** You are welcome to contact he nearest officer of the Food and Civil Supplies Department for any clarification or help.

**Dated Signature of the Licencing
Authority issuing the card with Seal.**

Back Cover Page

Serial No.

Price Re. 1.00

Form 2

Front Cover Page

STATE EMBLEM

**GOVERNMENT OF ASSAM
FAMILY IDENTITY CARD**

Form 2

PROFORMA 'A'
(See Clause 2 (j)]⁵

**APPLICATION FOR GRANT OF
WHOLESALE/SUB-WHOLESALE/RETAIL
LICENCE**

To

The Licensing Authority

Sir,

I hereby apply for the grant of a licence under the Assam Public Distribution of Articles Order, 1982. The required particulars are given hereunder : -

(1) APPLICATION PARTICULAR

Name

S/o Age

Caste

(2) RESIDENTIAL ADDRESS OF APPLICANT

(a) Village / Town

(b) Police Station

(c) District

(3) Name / Style in which licence is required

(4) Situation of applicants place of business

(a) House / Shop No.

(b) Market

(c) Village / Town

(d) Police Station

(e) District

(5) Name of Partners, if any of the firm :-

(1) Shri

S/o

Age

Address

(2) Shri

S/o

Age Address

(2) Shri S/o

.....

Age Address

(3) Shri S/o Age Address

(6) Particulars of notified article(s) in which the applicant want to carry on business :-

As a Wholeseller	As a Sub-Wholeseller	As a Retailer.
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.

(7) Did the applicant previously hold a licence of the non-**** articles for which licence has now been applied for. So, given below :-

- (i) Name of notified article(s) :
- (ii) Licence No.

(8) How long has the applicant been trading in the notified articles for which the licence has been applied for ?

(9) Particulars regarding stocks of notified articles in possession on the date of application.

(10) Complete address/with House No. (Market etc. or godowns or place where notified for which licence has been applied will be stored :-

- (1)
- (2)
- (3)
- (4)

(11) Has the applicant ever been convicted by a Court of Law for contravention of any Order issued under Essential Commodities Act, 1955 during last 3 years ?

(12) Particulars of suspension or cancellation of the licence held the applicant during last 3 years ?

(13) Whether the applicant was declared or adjudged as an insolvent by a Court ?

I declare that the particular mentioned at item NO. 1 to 13 above are true to the best of my knowledge and belief and nothing has been canceled therein .

I have carefully read the provisions of the Assam Public Distribution of Articles Order, 1982 and I agree to abide by them.

PLACE

SIGNATURE OF PROPRIETOR/PARTNERS

Date

PROFORMA 'B'

[See Clause 2 (j)]⁵

APPLICATION FOR RENEWAL OF LICENCE NO. –

Licensing Authority

I hereby apply for renewal of my licence No. **** to me under the Assam Public Distribution of Articles under, 1982. The required particulars are given below :-

- (1) Date on which the licence expire –

- (2) Name in which the licence stands –

- (3) For how many years in the renewal is desired .
.....

- (4) Details of the action, if any, taken against the licensee during the last (3) years for contravention of an order issued under the Essential Commodities Act, 1953.

(5) Original licence is enclosed.

I hereby declare that the particulars mentioned above are correct and true to the best of my knowledge and belief, nothing has been concealed therein.

SIGNATURE OF THE APPLICANT

Place

Date

5. Proforma 'A' and Proforma 'B' inserted vide Notification No. SDA 60/80/Pt.II/104 Dated 22.1.1983

**THE PREVENTION OF BLACKMARKETING
AND MAINTENANCE OF SUPPLIES OF
ESSENTIAL COMMODITIES
ACT, 1980¹**

[No. 7 OF 1980]

[12th February, 1980]

An Act to provide for detention in certain cases for the purpose of prevention of black-marketing and maintenance of supplies of commodities essential to the community and for matters connected therewith.

Be it enacted by Parliament in the Thirtieth Year of the Republic of India as follows :-

1. Short title, extent and commencement. –

- (1) This Act may be called the Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall be deemed to have come into force on the 5th of October, 1979.

2. Definitions. – In this Act, unless the context otherwise requires –

- (a) **“appropriate Government”** means as respects a detention **** made by the Central Government or by an officer of the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government or as respects a person detained under such order, the State Government.
- (b) **“detention order”** means an order made under Section – 3.

- (c) **“State Government”**, in relation to a Union territory, means the administrator thereof.

3. Power to make orders detaining certain persons.-

- (1) The Central Government or a State Government or any officer of the Central Government, not below the rank of a Joint Secretary to the Government specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of Secretary to that Government, Specially empowered for the purposes of this section by that Government, may if satisfied, with respect to any person that with a view to preventing him from action in an manner prejudicial to the maintenance of supplies of commodities essential to the community it is necessary so to do, make an order directing that such person detained.

Explanation – For the purposes of this sub-section, the expression “acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community” means –

- (a) committing or instigating any person to commit and offence punishable under the Essential Commodities Act, 1955 (10 of 1955), or under any other law for time

being in form relating to the control of the production, supply or distribution of or trade and commerce in, any commodity essential to the community; or

- (b) dealing in any commodity –
 - (i) which is an essential commodity as defined in the Essential Commodities Act, 1955 (10 of 1955), or
 - (ii) with respect to which provisions have been made any such other law as is referred to in clause (a).

with a view to making gain in any manner which may directly indirectly defeat the provisions of that Act other law aforesaid.

- (2) Any of the following officers, namely: -
 - (a) District Magistrates;
 - (b) Commissioners of Police, wherever they have been appointed, may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section.
- (3) When any order is made under this section by an office mentioned in sub-section (2), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the

order has been made and such other particulars are in his option have a bearing on the matter; and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government.

Provided that where under Section 8 the grounds of detention are communicated by the authority making the order after five days but *** later than ten days from the date of detention, this sub-section shall apply subject to the modification that for the words “twelve ***”. The words “fifteen days” shall be substituted.

- (4) When any order is made or approved by the State Government under this section by an officer of the State Government not below the rank of ***tary to that Government specially empowered under sub-section in the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the ** has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the ***.

- 4. Execution of detention orders.** – A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, **** (2 of 1974)

5. Power to regulate place and conditions of detention. –

Every *** in respect of whom a detention order has been made shall be **** -

- (a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify : and
- (b) to be removed from one place detention to another place of detention, whether within the same State or in another late, by order of the appropriate Government :

Provided that no order shall be made by a State Government under clause (b) for the removal of person from one State to another State except with the consent of the Government of that the State.

6. Detention orders not to be invalid or in inoperative on certain orders. –

NO detention order shall be invalid or inoperative merely by **** -

- (a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making in order, or

- (b) that the place of detention of such person is outside the said limits.

7. Powers in relation to absconding persons. –

- (1) If appropriate Government has reason to believe that a person in respect of whom detention order has been made has absconded or is concealing him so that the order cannot be executed, that Government may –

- (a) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of Section 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply in respect of the said person and his property as if the order directing that he be detained were warrant issued by the Magistrate;

- (b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and **** such period as may be specified in the order; and if the *** person that it was not possible for him to comply therewith ** that he had, within the period specified in the order, inform the officer mentioned in the order of the reason which renders compliance therewith impossible and of his whereabouts, punishable

with imprisonment for a term which may extend one year or with fine or with both.

- (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under clause (b) of section (1) shall be cognizable.

8. Grounds of order of detention to be disclosed to person al* by the order.-**

- (1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be but ordinarily not later than five days and in exceptional circumstance and for reason to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds which the order has been made and shall afford him the *** opportunity of making a representation against the order to the appropriate Government.
- (2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest.

9. Constitution of Advisory Board. –

- (1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

- [(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court and such persons shall be appointed by the appropriate Government.
- (3) The appropriate Government shall appoint one of the members of the Advisory Board who is, or has been , a Judge of a High Court to be its Chairman, and in the case of a Union territory, the appointment to the Advisory Board of any person who is a judge of the High Court of a State shall be with the previous approval of the State Government concerned]²

Explanation- In this section “**appropriate High Court**” means –

- (a) in the case of the detention of a person in pursuance of an order of detention made by the Central Government or an officer of the Central Government or the administrator of the Union territory of Delhi or an officer subordinate to such administrator, the High Court for the Union territory of Delhi;
- (b) in the case of the detention of a person in pursuance of an order of detention made by any State Government (other than the administrator of a Union territory) or an officer of such State Government, the High Court for that State; and

(c) in the case of the detention of a person in pursuance of an order of detention made by the administrator of a Union territory (other than the Union territory of Delhi) or an officer subordinate to such administrator, such High Court as the Central Government may, by order published in the Official Gazette, specially with respect to such Union territory.

10. Reference to Advisory Boards. – Save as otherwise expressly provided in this Act, in every case where as detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of person under the order, place before the Advisory Board constituted by it under Section 9, the -

2. Subs. By Act 19 of 1981. Section 3 of Act 19 of 1981 in this regard provides :

“3. Saving as to pending reference under Section 10. – Any reference made under Section 10 of the principal Act and pending before any Advisory Board immediately before the commencement of this Act may, notwithstanding anything contained in this Act, continue to be dealt with by the Board after such commencement as if this Act had not been enacted.

grounds on which the order has been made and the representation if any, made by the person affected by the order, and in case where the order has been made by an

officer referred to in sub-section ** of Section 3, also the report by such officer under sub-section ** of that section.

11. Procedure of Advisory Boards. –

- (1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from *** appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned and if, in any particular case, it considered it essential so to do if the person concerned desires to be heard, after hearing him person, submit its report to the appropriate Government within se**** weeks from the date of detention of the person concerned.
- (2) There report of the Advisory Board shall specify in an separate part thereof the opinion of the Advisory Board as to whether not there is sufficient cause for the detention of the person concern.
- (3) When there is a difference of opinion among the member forming the Advisory Board, the opinion of the majority of members shall be deemed to be the opinion of the Board.

- (4) Nothing in this section shall entitle any person against *** a detention order has been made to appear by any legal practice in any matter connected with the reference to the Advisory Board and any proceedings of the Advisory Board, and its report, except that part of the report in which the opinion of the Advisory *** specified, shall be confidential.

12. Action upon the report of Advisory Board. –

- (1) In any where the Advisory Bard has reported that there is in its op**** sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention the person concerned for such period as it think fit.
- (2) In any case where the Advisory Board has reported there is in its opinion no sufficient cause of the detention of person concerned, the appropriate Government shall revoke the decision order cause the person to be released forthwith.

13. Maximum period of detection. – The maximum period of which any person may be detained in pursuance of any detention which has been confirmed under Section 12, shall be six months the date of detention :

Provided that nothing contained in the section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

14. Revocation of detention orders. –

- (1) Without prejudice to the provisions of Section 21 of the General Clauses Act, 1897 (10 of 1897), a detention order may, at any time, be revoked for modified –
 - (a) notwithstanding that the order has been made by an officer of the State Government., by that State Government or by the Central Government.
 - (b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.
- (2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under Section 3 against the same person in any case where fresh acts have arisen after the date of revocation or expiry on which the Central Government or a State Government or an officer, as the case may be, is satisfied that such an order should be made.

15. Temporary release of person detained. –

- (1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.
- (2) In directing the release of any person under sub-section (1) the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.
- (3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or canceling his release, as the case may be.
- (4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
- (5) If any person released under sub-section (1) fails to fulfill any of the conditions imposed upon him under the said sub-section or in the bond entered into by him,

the bond shall be decided to be ***** and any person bound thereby shall be liable to the penalty thereof.

16. Protection of action taken in good faith. – No suit or *** legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution for other legal procedure shall lie against any person, for anything in good faith done o***** tended to be done in pursuance of this Act.

17. Repeal and saving. –

(1) The Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Or***** 1979 (10 of 1979),is hereby repealed.

(2) Notwithstanding such repeal anything done or any ** taken under the Ordinance so repealed shall be deemed to have *** done of taken under corresponding provisions of this Act.

***** *** *****