



The Mizoram Gazette

EXTRA ORDINARY
Published by Authority

Vol. XIII Aizawl Wednesday 26.9.1984. Asvina 4, SE 1906 Issue No. 45

NOTIFICATION

No. STS. 3/80/Pt/108: the 8th September, 1984. Whereas the Lt. Governor (Administrator) of the Union Territory of Mizoram is of opinion that it is necessary and expedient so to do for securing the equitable distribution and availability of salt at fair prices.

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the Notification of the Government of India in the Ministry of Agriculture & Irrigation's, (Department of food) Order No. 3 (Genl.) (1) - D & R (1). 59 dated 9. 6. 1978 and with the prior concurrence of the Government of India, the Lt. Governor (Administrator) of the Union Territory of Mizoram is pleased to make the following Order, namely :—

1. **SHORT TITLE EXTENT AND COMMENCEMENT** :— (1) This Order may be Mizoram Salt Dealers (Licensing and Control) Order 1981. (2) It extends to the whole of the Union Territory of Mizoram. (3) It shall come into force at once.

2. **DEFINITIONS** :— In this order unless the context otherwise requires.

- (a) "dealer" means a person engaged in the business of purchase, sale and store for sale of salt in quantities of 3.75 quintals or more at any time;
- (b) "Form" means a Form set forth in the Schedule appended to this Order;
- (c) "Government" means the Government of the Union Territory of Mizoram;
- (d) "Importer" means dealer who imports, possesses and store & salt procured by him from outside Mizoram for sale within Mizoram in respect of of dealers other than importers;
- (e) "licensing authority" means the Deputy Commissioners and Additional Deputy Commissioners in respect of Sadar Sub-divisions and sub-divisional Officers (Civil) in respect of other Sub-divisions and in respect of importers the Director of Supply & Transport Mizoram or the Joint Director of Supply and Transport, Mizoram.

(f) "retailer" means a dealer who is not an importer or a wholesaler;

(g) "salt" means any salt except —

- | | | |
|--------------------------------------|---------------|---------------|
| 1) Khari | 2) Salt Patre | 3) Bitterns |
| 4) Denatured salt | 5) Black salt | 6) Block salt |
| 7) Rock salt imported from Pakistan; | | |

(h) "wholesaler" means a dealer who sells salt to other dealers or in bulk to consumers;

3. LICENSING OF DEALERS : (1) No person shall carry on business as dealer except in accordance with the terms and conditions of a licence issued by the licensing authority.

(2) A separate licence shall be necessary for each place of business of a wholesaler or retailer.

EXPLANATION : For the purpose of this clause, any person who stores salt in any quantity exceeding 3.75 quintals at any time shall, unless the contrary is provided, be deemed to have stored the salt for the purpose of sale.

4. ISSUE OF LICENCE :- (1) Every application for issue of licence or renewal thereof shall be made in Form 'A'.

(2) Every licence issued to an importer or renewal thereof shall be in Form 'B' which shall be issued or renewed by the Director of Supply & Transport, Govt. of Mizoram or the Joint Director of Supply & Transport, Govt. of Mizoram as the licensing authority and shall be subject to the conditions specified therein.

(3) Every licence issued to a wholesaler or retailer or renewal thereof shall be in Form 'C' which shall be issued or renewed by the Deputy Commissioners or the Additional Deputy Commissioners in respect of Sadar Sub-divisions and the Sub-Divisional Officers (Civil) in respect of other Sub-divisions and shall be subject to the conditions specified therein.

5. PERIOD OF LICENCE :- (1) Every licence issued under this order shall be valid upto the 31 st day of December of the year in which the licence has been issued and may thereafter, be renewed for a further period of one year.

(2) Notwithstanding anything contained in sub-clause (1), the licence issued in the calendar year 1984 shall be valid upto the 31 st day of December 1984.

6. LICENCE FEES CHARGEABLE :- (1) The fees specified below shall be chargeable in respect of each licence namely :-

(i) for issue of licence to :-

- | | |
|----------------|-------------|
| (a) Importer | - Rs. 50.00 |
| (b) Wholesaler | - Rs. 30.00 |
| (c) Retailer | - Rs. 10.00 |

(ii) for renewal of licence to :-

- | | |
|----------------|-------------|
| (a) Importer | - Rs. 25.00 |
| (b) Wholesaler | - Rs. 15.00 |
| (c) Retailer | - Rs. 5.00 |

(2) Fees for issue of duplicate licence shall be charged as follows namely :-

- | | |
|--------------------------|-------------|
| (a) Importer's licence | - Rs. 15.00 |
| (b) Wholesaler's licence | - Rs. 5.00 |
| (c) Retailer's licence | - Rs. 2.00 |

7. POWER TO REFUSE AND CANCEL LICENCE : 1) Subject to any rules by the Government in this behalf, the licensing authority may, on receiving an application in Form 'A' and having regard to the supplies of salt and the general interest of the public, issue or refuse to issue a licence, and shall, in case of refusal, record the reasons thereof.

2) The licensing authority may, on being satisfied that a licensee has contravened any of the provisions of this Order or the conditions of the licence or any direction or order issued thereunder and after giving an opportunity to the person concerned to be heard and show cause in writing against the action proposed against him, and for reasons to be recorded in writing, suspend, revoke or refuse to renew, his licence.

8. PROVISION FOR APPEAL - (1) An appeal against an order under sub-clause (1) or sub-clause (2) of clause 7 shall lie, within thirty days from the date of such order to the Government.

(2) The Government may suo-moto call for the record in any case and pass such order thereon as may in the circumstances, appear to be just and proper.

9. RESTRICTION ON EXPORT OF SALT OUTSIDE THE UNION TERRITORY OF MIZORAM -

No person shall carry, cause to be carried or offer for carriage by rail, road or river, salt from any place in Mizoram to any place outside Mizoram except in accordance with the terms of permit issued by the Government or any officer authorised by them in this behalf.

10. POWER OF LICENSING AUTHORITY TO DIRECT DELIVERY OF CONSIGNMENT AND SALE IN CERTAIN CASES :

(1) The licensing authority may direct that any consignment of salt received within its jurisdiction, whether by rail, road or river shall be delivered to any person nominated by it on payment of such charges by the person and in such manner as it may specify.

(2) The licensing authority may also direct that any dealer holding any stock of salt shall sell the whole or any specified part of such stock to such person or class of persons and in such manner as may be specified by the licensing authority.

11. RETURNS - Every licensee shall submit a return of his stock of salt fortnightly in form 'D'

12. PRICE CONTROL - No importer, wholesaler or retailer, and no person who is not a dealer shall sell salt at a price exceeding the price approved by the Government or any Officer authorised by the Government in this behalf.

13. POWER OF INSPECTION, SEARCH, SEIZURE ETC. : The licensing authority or any supply Officer not below the rank of a sub-Inspector of Supply or any other Officer authorised by the Govt. in this behalf may -

(i) 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 provisions of this order or of the conditions of any licence issued thereunder has been or is about to be committed, to produce books, accounts and other documents showing transactions relating to such contravention;

(ii) enter, inspect or break open and search any place 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 issued thereunder, has been, or is about to be committed.

(iii) take or cause to be taken, extracts or copies of any documents showing transactions relating to such contravention.

(iv) search, seize and remove stocks of salt and any animal, vessel, vehicle or other conveyance used in carrying the said salt in contravention of the provisions of this order or of the conditions of the licences issued thereunder, and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of salt and the animals, vehicle; vessels or other conveyance so seized in a court and for their safe custody pending such production.

(2) The provisions of the Code of Criminal procedure 1973 (Act No. 2 of 1974) relating to search and seizure, shall so far as may be, apply to searches and seizures under this clause.

14. SANCTION FOR PROSECUTION - No prosecution in respect of an alleged contravention of any provisions of this order shall be instituted without the sanction in writing of the licensing authority.

15. AWARD OF PENALTY - If any person contravenes any Provision of this order, he shall be punishable in accordance with the provisions of section 7 of the Essential Commodities Act, 1955 (Act No. 10 of 1955).

16. ORDER NOT TO APPLY IN CERTAIN CASES - Nothing in this order shall apply.

(a) to a Corporation or Company owned or controlled by the Central Government or the Government.

(b) to any Central Level or State Co-operative Society.

By order and in the name of the
Administrator.

Vanhela Pachuau,
Secretary to the Govt. of Mizoram,
Supply & Transport Department.

THE SCHEDULE
(See Clause 2 (b))

FORM 'A'
(See Clause 4 (1))

Application for Importer/Wholesaler or Retailer Licence under the Mizoram Salt Dealers (Licensing and Control) order, 1981.

1. Applicant's Name :—
2. Applicant's Profession :—
3. Applicant's address :—
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 area in which the applicant wants to carry on business :—
6. How long the applicant has been trading in salt :—
7. Quantities of salt dealt in annually during the last 3 years :—
8. Income-Tax, House Tax paid in the year preceding the year of application (to be indicated separately) :—
9. Quantity of salt in the possession of the applicant on the date of application and the places at which the different quantities are kept :—

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

I have carefully read the conditions of the licence given in Form B/C specified in the Schedule to the Mizoram Salt Dealers (Licensing and Control/Order, 1981 and I agree to abide by them.

(a) I have not previously applied for a licence in this District/Suo-Division under this order.

(b) I hereby apply for renewal of Licence No _____ dated _____ issued to me on _____

* Strike off the clauses/word^s not applicable.

Place _____

Date _____

Signature of the Applicant.

FORM 'B'
(See Clause 4 (2))

LICENCE FOR IMPORTER

Importer Licence No. _____

1. Subject to the provisions of the Mizoram Salt Dealers (Licensing and Control) Order 1981 and to the terms and conditions of the Licence is/are hereby authorised to import, purchase/sell or store salt for sale.

2. The Licensee shall carry on the aforesaid business at the following places:—

3. (i) The licensee shall maintain a register of daily account for salt showing correctly :—

- (a) the opening stock on each day;
- (b) the quantities received on each day showing the places 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 close his accounts for each day to which they relate, unless prevented by any reasonable cause.

4. The licensee shall submit to the licensing authority concerned true returns in Form 'D' of the stocks, receipts and deliveries of salt every fortnight (1st to 15th and 16th to the end of the month) so as to reach him within five days after the fortnight and any other return that may be required by the Licensing Authority.

5. The licensee shall issue to every customer a correct receipt or invoice as the case may be showing the name, address and Licence Number, if any, of the customer, the date of transaction, the quantity of salt sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to make 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 time to the Licensing Authority or any Officer authorised by the Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for storage sale or purchase of salt.

7. The licensee shall comply with any direction that may be given to him by the Government or the Licensing Authority in regard to the purchase, sale and storage for sale of salt and in regard to the register, returns, receipts or invoices mentioned in paragraphs 3, 4, or 5 and the authentication and maintenance of the Register mentioned in paragraph 3.

8. This licence shall be attached to an application for renewal.

9. This licence shall be valid upto the
for the Union Territory/District.

Note :- Strike off the word (s) not applicable.

Place
Date

Signature of the Licensing,
Authority.

F O R M 'C'

(See Clause 4 (3))

Under the Mizoram Salt Dealers (Licensing and Control) Order 1981.

LICENCE FOR WHOLESALER OR RETAILER.

Wholesaler/Retailer Licence No.

1. Subject to the provision of the Mizoram Salt Dealers (Licensing and Control) Order 1981 and to the terms and conditions of this Licence is/are hereby authorised to purchase, sell or store salt 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 account for salt 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 close his accounts for each day to which they relate, unless prevented by any reasonable cause.

4. The licensee shall submit to the Licensing Authority concerned true returns in Form 'D' of the stocks receipts, deliveries of salt every fortnight (1st to 15th and 16th to the end of the month) so as to reach him within five days after the close of the fortnight and any other return that may be required by the licensing authority.

5. The licensee shall issue to every customer a correct receipt or invoice, as the case may be showing the name, address and Licence Number if any of the customer, the date of transaction, the quantity of salt sold, the price per quintal and the total amount charged, and shall keep a duplicate of the same to make available for inspection on demand by the licensing authority or any other Officers authorised by him in this behalf.

6. The licensee shall give all facilities at all reasonable time to the licensing authority or any Officer authorised by the Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for storage sale or purchase of salt.

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

8. This licence shall be attached to an application for renewal.

9. This licence shall be valid upto the _____ in the District of _____

Note :— Strike off the word (s) not applicable.

Place

Date

Signature of the Licensing Authority.

FORM 'D'

(See clause II)

Return Form 'D' under the Mizoram Salt Dealers (Licensing and Control) order 1981.

Name of the Licensee

Address

Licence No

Return for the fortnight ending

Name of the commodity (salt)	Opening stock at the beginning of the fortnight	Receipt during the fortnight	Total of Cols. 2&3	Sale during the fortnight	Closing stock at the end of the fortnight	Location of godown where stocked	Remarks
1	2	3	4	5	6	7	8

To
The Licensing Authority

Signature of the Licensee

Date