

Regd. No N.E. 977



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## ORDER

No. STM. 5/77, the 3rd Aug. 1978. Whereas the Lt. Governor (Administrator) of Mizoram is of opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution and availability at fair prices, of pulses, edible oilseeds and edible oils.

Now, therefore, in exercise of the powers conferred by sub-section (1) and clauses (d) (i) (ii) and (j) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955), read with the order of the Government of India, Ministry of Agriculture, Department of Food No GSR 316 (E) dated the 20th June, 1972 and Ministry of Civil Supplies and Cooperation No. S. O. 701 (E) dated the 30th September, 1977, the Lt. Governor (Administrator) of Mizoram is pleased to make the following order, namely :—

1. Short title, extent and commencement :— (1) This Order may be called the Mizoram Pulses, Edible oilseeds and Edible oils Dealers Licensing Order, 1978

(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 or storage for sale of any pulses, edible oilseeds or edible oils, whether or not in conjunction with any other business and includes his representative or agent;

(b) "edible oils" means any oil used for cooking for human consumption and includes hydrogenated vegetable oils;

(c) "form" means a Form set forth in the schedule to this Order

(d) "Government" means the Government of the Union Territory of Mizoram ;

(e) "licensing authority" means the Deputy Commissioner of the District concerned or any other officer appointed by the Government to exercise the powers and perform the duties of the licensing authority under this Order ;

(f) "pulses" means urd, moong, arhar, massoor, lobia, raj-maha, gram including peas or any other dal whether whole or split with or without husk ;

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

(2) A separate licence shall be necessary for each place of business.

(3) For the purpose of sub-clauses (1) and (2) of this clause, any person who stores pulses, edible oilseeds or edible oils exceeding the quantities specified against each in the Table below at any one time, shall, unless the contrary is proved, be deemed to store the pulses, edible oilseeds or edible oils for the purpose of sale :

## TABLE

- (i) Pulses..... 10 quintals for all pulses taken together.
- (ii) Edible oils including hydrogenated vegetable oils ..... 5 quintals  
for all edible oils including hydrogenated vegetable oils taken together.
- (iii) Edible oilseeds including  
groundnut in shell..... 30 quintals of all edible oilseeds.

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 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 of the year in which the licence has been issued 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 licence - Rs. 30/-

For renewal of licence - Rs. 15/-

For issue of a duplicate licence - Rs. 22/-

6. POWER TO REFUSE LICENCE :- The licensing authority may after giving the dealer concerned an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew a licence.

7 DISPOSAL OF STOCK IN CERTAIN CASES :- Where a licence has not been further renewed under clause 5, the licensing authority may, by order, direct the person whose licence is not further renewed to dispose of the stock of pulses, edible oilseeds and edible oils, if any, in such manner and within such time as may be specified in the order.

8 CONTRAVENTION OF CONDITIONS OF LICENCE :- (1) Every licensed dealer shall submit a fortnightly return to the licensing authority in Form C and shall further submit such reports and returns as may be required by the said authority.

(2) No holder of a licence issued under this order shall contravene any of the terms or conditions of the licence and if any such holder contravenes any of the said terms or conditions, then without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order, in writing of the licensing authority :

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.

9. APPEAL :- (1) Any person aggrieved by any order of the licensing authority refusing to issue or renew a licence or cancelling or suspending a licence under the provisions of this order may appeal to the Government within thirty days from the date of the receipt of such order by him.

(2) No order shall be passed in an appeal unless the aggrieved person has been given an opportunity of stating his case in writing.

#### 10 POWERS OF ENTRY, SEARCH SEIZURE ETC :-

(1) The licensing authority or Sub-Divisional Officer or any officer of the Supply and Transport Department not below the rank of Sub-Inspector of Supply or any police officer not below the rank of Deputy Superintendent of Police, or any other Police officer not below the rank of Sub-Inspector of Police authorised by the Administrator by a general or special order 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 provisions of this Order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed, to produce any book, accounts or other documents 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 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 documents showing transaction relating to such contraventions which are produced before him;
- (d) search, seize and remove stocks of pulses, edible oilseeds and edible oils and the animals, vehicles, vessels or other conveyance

used in carrying the said pulses, edible oilseeds and edible oils in contravention of the provisions of this order, or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of pulses edible oilseeds and edible oils 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 section 100 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 seizure under this clause.

11. Order not to apply in certain cases. Nothing in this order shall apply-

- (i) to a Corporation or company owned or controlled by the Central Government or a State Government ; or
- (ii) to any Central level or State level co-operative society, engaged in the production, procurement, sales, purchase or distribution of pulses, edible oilseeds and edible oils.

Application for licence under the Mizoram pulses, Edible Oilseeds and Edible Oils Dealers Licensing Order, 1978.

1. Applicant's name :
2. Applicant's profession :
3. Applicant's address :
4. Situation of applicant's place or places of bussines with particulars as to number of houses; mohalla, town or village police Station and Dist.
5. How long the applicant has been trading in pulses, edible oilseeds and edible oils.
6. Did the applicant hold a pulses, edible oilseeds and edidle oils licence or any previous occation ? (If so, give particulars including its suspension or cancellation, if any).
7. Quantities of pulse, edible oilseeds and edible oils handled annually during the last three years.
8. Income-tax, paid in the two years preceding the Year of application ( to be indicated separately)
  - i) \_\_\_\_\_
  - ii) \_\_\_\_\_

9. Quantity of pulses, edible, oilseeds and edible oils 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 pulses, edible oilseeds and edible oils 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' appended to the Mizoram pulses, Edible Oilseeds and Edible Oils Dealers Licensing Order, 1978 and I agree to abide by them.

\*(a) I have not previously applied for a licence in this District under this Order.

\*(b) I applied for such licence in this District for \_\_\_\_\_  
on \_\_\_\_\_ and was/was not granted a licence

on \_\_\_\_\_  
\*(c) I hereby apply for renewal of Licence No. \_\_\_\_\_  
date \_\_\_\_\_

Issued to me on \_\_\_\_\_

\*Strike off the clause not applicable.

Place :  
Date :

Signature of the applicant.

#### FORM 'B'

Under the Mizoram Pulses, Edible Oilseeds and Edible OILS DEALER LICENSING ORDER, 1978.

License for purchase, sale or storage of pulses, edible oilseeds and edible oils for sale.

Licence No. ....

1. Subject to the provisions of the Mizoram Pulses, Edible Oilseeds and Edible Oils Dealers Licensing Order, 1978 and to the terms and conditions of this Licence..... is/are hereby authorised, to purchase, sell or store pulses, edible oilseeds and edible oils for sale.
2. The license shall carry on the aforesaid business at the following places :—
3. (i) The licensee shall maintain separate registers of daily account for pulses, edible oilseeds and edible oils 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 in 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.

(iii) Separate registers should be maintained for each kind of pulses, edible oilseeds and edible oils dealt in by him.

4. The licensee shall submit to the licensing authority true return in Form C of the stock, receipt and deliveries of each of the categories of pulses, edible oilseeds and edible oils 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 customers a correct receipt of invoice, as the case may be, giving his own name, address and licence number, the name, address, the 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 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 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 pulses, edible oilseeds and edible oils and for the taking of samples of pulses, edible oilseeds and edible oils for examination.
7. The licensee shall comply with any direction that may be given to him by the Government or the licensing authority in regard to purchase, sale and storage for sale, of pulses edible oilseeds and edible oils and in regard to the language in which the register, returns receipts or invoice mentioned in paragraph 3, 4 or 5 shall be written and the authentication and maintenance of register mentioned in paragraph 3.
8. This licence shall be attached to any application for renewal.
9. This licence shall be valid up to .....

Date .....

Signature of the Licencing Authority.

**FORM 'C'**

Return of stocks, receipts and sales of Pulses, Edible Oilseeds and Edible Oils for the fortnight under the Mizoram Pulses Edible Oilseeds and Edible Oils Dealers Licensing Order, 1978 ending ..... 19

Name of the Dealer .....

No. of Licence .....

Address .....

Particulars of godowns where stock held and quantity in stock in respect of each quantity of pulses, edible oilseeds and edible oils in stock in quintals.

Particulars of godowns quantity in stock/quintals Remarks, if any.

- 1.
- 2.
- 3.

1. Stock at the beginning of the fortnight:—  
 (a) actually with the licensee..... quintals. ....  
 (b) pledged with any person or institution such as a bank or Co-operative Society..... Quintals Total.... quintals.
2. Quantity purchased during the fortnight:—  
 Name/Source/Supplier Quantity (in Quintals) from where purchased.  
 (i)  
 (ii)  
 (iii)  
 (iv)  
 Total.....
3. Quantity received out of quantity purchased..... From (Name of Supplier)  
 Quantity (quintals) Date of purchase.
4. Quantity sold .....  
 (a) Quantity sold and delivered/removed/transferred during the fortnight (quintals)  
 (b) Quantity sold but not yet delivered.....  
 Total sold ..... quintals.  
 Total otherwise disposed of ..... 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 or a Co-operative Society .....  
 .....  
 Total .....

To

1. Licensing Authority

District

Place

Signature

Madan Jha,  
 Secretary to the Government of Mizoram  
 Supply & Transport Department.