

**THE MEGHALAYA COTTON CLOTH AND YARN DEALERS' LICENSING
ORDER, 1973.**

NO. SUP. 326 / 71 / , dated **08th January, 1973.** ::: In exercise of the Power conferred by Sub - Clauses - (d), (g), (h), (I) and (j) of Sub - Section (2) of Section - 3 of the **Essential Commodities Act, 1955, [Act 10 of 1955]** read with the Notification of the Govt. of India in the Ministry of Agriculture (Department of Food) NO. S.O. 1844, dated the 18/06/1966 and with the prior concurrence of the Central Govt. The Govt. of Meghalaya hereby makes the following Order namely :-

01. Short title, extend, application and commencement :-

- (i) This Order may be called the **Meghalaya Cotton Cloth and Yarn Dealers' Licensing Order, 1973.**
- (ii) It extends to the whole of the State of Meghalaya and shall come into force at once.

02. Definition :- In this Order, unless there is anything and shall repugnant in the subject or context :-

(a) "**cloth**" means any fabric made either wholly from Cotton or partly from Cotton and partly from any other materials and includes Dhoties, Sarees, Lungis, Chaddars, Bed - Sheets, Towels, Handkerchiefs and other similar articles made from Cloth specified by the Textile Commissioner from time to time but does not include.

- (i) made-up clothing ;
- (ii) hosiery including hosiery knitted tubular fabric which has only a running thread knitted through the entire fabric ;
- (iii) leather Cloth inferior or imitation leather Cloth ordinarily used in book - binding, and book - binding Cloth ;
- (iv) tracing Paper ;
- (v) fabric manufactured partly from Cotton and partly from Wool and containing 40 Percent or more of Wool by weight ;
- (vi) rubberized or synthetic water-proof fabric whether Single textured or Double texture ;
- (vii) plush Cloth in the manufacture of which Cotton Yarn is used ;
- (viii) Fabric manufactured partly from Cotton and partly from Jute and containing not exceeding 10 Percent of Cotton by weight.

- (b) " **yarn** " means any type of Yarn manufactured either wholly from Cotton or partly from any other material.
- (c) " **Dealer** " means a Person including any Company, or other body corporate, Co - Operative, or Association or body of individuals, whether incorporated or not, manufacturing or carrying on the business of selling or storing for sale Cloth or Yarn or both whether Wholesale or Retail, and whether or not in conjunction with any other business and shall include any Person employed by a Dealer or acting on his behalf for manufacturing or carrying on such business of selling or storing for sale, Cloth or Yarn of both.
- (d) " **Petty Dealer / Hawker** " means a Dealer who sells or store Cloth or Yarn upto a value of Rs. 400/- (Rupees Four Hundred) only for sale direct to the Consumers.
- (e) " **Retail Dealer** " means a Dealer than Petty Dealer / hawker who sells Cloth or Yarn direct to the Consumers.
- (f) " **Wholesale Dealer** " means a Dealer who sells cloth or Yarn to other Dealers.
- (g) " **Importer** " means a Dealer who imports, possesses and stores Cloth or Yarn procured by him from outside the State of Meghalaya.
- (h) " **State Textile Commissioner** " means a " **State Textile Commissioner** " appointed by the State Govt. and includes any other Officer employed in this behalf by the State Govt. ; and
- (i) " **Licensing Authority** " means the " **State Textile Commissioner** " and includes in a Sadar Sub - Division of a District and in a District which has not Sub - Division, the District Magistrate and the Additional District Magistrate as the case may be and in any other Sub - Division the Sub - Divisional Magistrate.

03.

No Dealer shall import, sell or store for sale Cloth and Yarn except under and in accordance with the conditions of a Licence granted by the Licensing Authority ;

Provided that any License granted, Order made and Notification issued as such under any Orders before the commencement of this Order and in force immediately before the commencement of this order shall be deemed to have been granted, made and issued under the provision of this Order.

Explanation -- Where a Dealer has more than one Shop or place of business whether in the same Town or Village or in different Towns and Villages he shall obtain a separate License in respect of each Shop or Place of business.

Licenses under this Order shall be issued by the Licensing Authority.

04.

*Every Licence other than an Importer's License issued under this Order shall be in the case of Cloth in **Form - " A "** and in the case of Yarn in **Form - " B "** appended hereto.*

05.

*An Importer's Licence shall be in **Form - " C "** appended hereto which shall be issued by the State Textile Commissioner, or the Licensing Authority.*

06.

The following Fees shall be payable for the grant of Licences to :-

| | | | | |
|-----|---|----|----------|-------------------------|
| (a) | Importers | -- | Rs. 75/- | (Rupees Seventy Five) |
| (b) | Wholesale Dealers | -- | Rs. 35/- | (Rupees Thirty Five) |
| (c) | Retail Dealers | -- | Rs. 20/- | (Rupees Twenty) |
| (d) | (i) Petty Dealers / Hawkers | -- | Rs. 10/- | (Rupees Ten) |
| | (ii) Petty Dealers / Hawkers belonging to Scheduled Tribes and backward Communities | -- | Rs. 5/- | (Rupees Five) |

07.

(a) *Licenses granted under **Clause - 6** shall be valid for one year from the **01st January** or the Date of issue to **31st December** of each Calendar year and will be renewable on payment of the prescribed Fee.*

(b) *In the event of loss, a duplicate License may issue on payment of a Fee of Re. 1 (Rupee One) for Petty Dealer / Hawker, Retail and Wholesale Licenses and Rs. 10/- (rupees Ten) for Importer License.*

08.

A Licensee shall not be entitled on the strength of his License to carry on business as a Dealer or any Class other than that described in the License ::

Provided that nothing herein contained shall debar him from holding a License as a Dealer of any other class and carrying on business under that License.

09.

If the Holder of a License issued under this Order contravenes any of the conditions mentioned in the License, the Licensing Authority may, without prejudice to any other action that may be taken against such holder, suspend or cancel his License.

10.

If the a License is not renewed in time i.e., within one Month's grace after the expiry of the License, the Licensee shall pay a Penalty of Rs. 2/- (Rupees Two), Rs. 10/- (Rupees Ten), Rs. 15/- (Rupees Fifteen) and Rs. 30/- (Rupees Thirty) for Petty Dealer / Hawker, Retail, Wholesale and Importers' License, respectively.

11.

The State Textile Commissioner or the Licensing Authority or any other Officer Authorised in this behalf by either of them may with a view to securing compliance with this Order :-

- (a) require any Dealer or Importer to furnish such Returns and other information relating to his business in such manner as the State Textile Commissioner or the Licensing Authority or any other Officer may specify and to comply with any other instructions as they think fit to give in this respect.*
- (b) inspect or cause to be inspected any book or other document belonging to or under control of any Dealer or Importer.*
- (c) Enter upon and search or authorise any Officer upon and search any premises and seize or Authorise any officer to seize any Cloth or Yarn in respect of which he has reason to believe that a contravention of the provisions of this Order has been, or is being, or is about to be committed and thereafter to take or authorise the taking of all measures necessary to take or authorise the taking of all measures necessary for securing the production of the seize Articles in a Court of Law.*

12. *Every Dealer or Importer to whom any Order or direction is issued under any Powers conferred by or under this Order shall comply with such Order or direction.*

13. *If any Person with intention to evade a provision of this Order refused to give any information lawfully demanded from him under Clause - 11, or conceals, destroy, mutilates or defaces any book or other document, he shall be deemed to have contravened a provision of this Order.*

14. *Whenever any Cloth or Yarn is sold, offered for sale or otherwise disposed of in contravention of this Order by any Dealer or importer through any partly employed by him or acting on his behalf, such partly as well as the Dealer shall be liable on conviction by a Criminal Court to the Penalty prescribed by the law for contravention of the relevant provision of this Order, unless he can adduce satisfactory proof that due diligence was exercised by him to prevent such contravention.*

15. *The State Textile Commissioner, the Licensing Authority and any other officers as may be empowered in this behalf under Clause - 11 of this Order shall within their respective jurisdiction have power to investigate any officer punishable for contravention of this Order and in conducting any such investigation shall have all the Powers, Duties, Privileges and Liabilities of an Officer - in - charge of a Police Station under the Code of Criminal Procedure, 1998 (**V of 1998**), when investigating a cognizable offence within the limits of his jurisdiction.*

16. *An Appeal shall lie from the Orders of the Licensing Authority to the State Textile Commissioner and from the Orders of the State Textile Commissioner to the State Govt. within 30 (thirty) days in each case from the date of the Orders so passed.*

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F O R M ' A '
FORM OF CLOTH DEALERS' LICENCE UNDER MEGHALAYA
COTTON CLOTH AND YARN DEALERS' LICENCE ORDER, 1973.

Class of Dealer in which Licensee has been placed 1. *Register No.*

*

Petty Dealer / Hawker

2. (i) *Name of Licensee in full.*
 (ii) *Name of Licensee's*
 Father in full or
 Registered number of
 Co - Operative Society or
 Company.
 (iii) *Address of the Licensee*
 in full.
 (iv) *Occupation of Licensee.*

*

Retail Dealer

Extract description of
premises where the
business is to be carried
on.

*

Wholesale Dealer

3. *Area (District, Sub -*
 Division, Thana, Mauza
 or any other Locality).
4. *Date upto which the*
 License is valid.
5. *This License is granted*
 subject to the conditions
 specified below.

* **Strike off the Clauses not applicable.**

Place _____ ,

Date _____ ,

The _____ .

Signature and Designation of the
Licensing Authority

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CONDITIONS OF LICENSE.

1. (a) *The License is Annually renewable on payment of Fee of Rs. 2/-, Rs. 15/- and Rs. 30/-for the Petty Dealer / Hawker, the Retail Dealer and the Wholesale Dealer respectively.*
(b) *In the event of loss of this License, a Duplicate may be obtained from the Licensing Authority on payment of a Fee of Re. 1/-.*
2. *The Licensee shall display his License prominently at his place of business.*
3. *The Licensee shall furnish correctly such information as may be required of him and shall carry out such instructions as may from time to time be given by the State Textile Commissioner or the other Licensing Authority.*
4. *The Licensee shall afford full facilities at all reasonable times to the State Textile Commissioner or the other Licensing Authority or to any Office Authorised by any of them in this behalf to inspect his Shop or Godown or any other place used for the sale or storage for sale of Cloth and any Books or other documents relating to his business.*
5. *If the Licensee at any time holds any stocks of Cloth at a Godown or place other than the place or business specified in the License, he shall furnish to the Licensing Authority the Address of the Godown or other place where such stocks are stored.*
6. *If the Licensee contravenes any of the provisions of any Order before the commencement of this Order and in force immediately before the commencement of this Order or any of the conditions of this License the commencement of this Order or any of the condition of this License or is found to have made any incorrect statement relevant to his License or complying with condition - 5 of this License, his License shall be liable to cancellation in addition to any other action that may be taken against him.*

RENEWAL ENDORSEMENT.

| <i>DATE OF <u>RENEWAL</u> ISSUE</i> | <i>DATE OF EXPIRY</i> | <i>SIGNATURE AND DESIGNATION OF THE LICENSING AUTHORITY</i> | <i>REMARKS</i> |
|---|-----------------------|---|----------------|
| <i>01.</i> | <i>02.</i> | <i>03.</i> | <i>04.</i> |
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F O R M ' B '
FORM OF YARN DEALERS' LICENCE UNDER MEGHALAYA
COTTON CLOTH AND YARN DEALERS' LICENCE ORDER, 1973.

Class of Dealer in which Licensee has been placed 1. *Register No.*

*

Petty Dealer / Hawker

2. (i) *Name of Licensee in full.*
 (ii) *Name of Licensee's*
 Father in full or
 Registered number of
 Co - Operative Society or
 Company.
 (iii) *Address of the Licensee*
 in full.
 (iv) *Occupation of Licensee.*

*

Retail Dealer

Extract description of
premises where the
business is to be carried
on.

*

Wholesale Dealer

3. *Area (District, Sub -*
 Division, Thana, Mauza
 or any other Locality).
4. *Date upto which the*
 License is valid.
5. *This License is granted*
 subject to the conditions
 specified below.

* **Strike off the Clauses not applicable.**

Place _____ ,

Date _____ ,

The _____ .

Signature and Designation of the
Licensing Authority

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CONDITIONS OF LICENSE.

1. (a) *The License is Annually renewable on payment of Fee of Rs. 2/-, Rs. 15/- and Rs. 30/-for the Petty Dealer / Hawker, the Retail Dealer and the Wholesale Dealer respectively.*

(b) *In the event of loss of this License, a Duplicate may be obtained from the Licensing Authority on payment of a Fee of Re. 1/-.*
2. *The Licensee shall display his License prominently at his place.*
3. *The Licensee shall furnish correctly such information as may be required of him and shall carry out such instructions as may from time to time be given by the State Textile Commissioner or the other Licensing Authority.*
4. *The Licensee shall afford full facilities at all reasonable times to the State Textile Commissioner or the other Licensing Authority or to any Office Authorised by either of them in this behalf to inspect his Shop or Godown or any other place used for the sale or storage for sale of Yarn and any Books or other documents relating to his business.*
5. *If the Licensee at any time holds any stocks of Yarn at a Godown or place other than the place other than the place of business specified in the License, he shall furnish to the Licensing Authority the Address of the Godown or other place where such stocks are stored.*
6. *If the Licensee contravenes any of the provisions of any Order before the commencement of this Order and in force immediately before the commencement of this Order or any of the conditions of this License or is found to have made any incorrect statement in his Application for a License or in complying with condition - 5 of this License, his License shall be cancellation in addition to any other action that may be taken against him.*

RENEWAL ENDORSEMENT.

| <i>DATE OF <u>RENEWAL</u> ISUE</i> | <i>DATE OF EXPITY</i> | <i>SIGNATURE AND DESIGNATION OF THE LICENSING AUTHORITY</i> | <i>REMARKS</i> |
|--|-----------------------|---|----------------|
| <i>01.</i> | <i>02.</i> | <i>03.</i> | <i>04.</i> |
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FORM ' C '
FORM OF IMPORTERS' LICENCE UNDER MEGHALAYA
COTTON CLOTH AND YARN DEALERS' LICENCE ORDER, 1973.

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|----|-------|--|----|--|
| 1. | | Register No. | :: | |
| 2. | (i) | Name of Licensee in full. | :: | |
| | (ii) | Name of Licensee's Father in full or Registered number of Co - Operative Society or Company. | :: | |
| | (iii) | Address of the Licensee in full. | :: | |
| | (iv) | Occupation of Licensee. | :: | |
| 3. | | Extract description of premises where the business is to be carried on. | :: | |
| 4. | | Area for which the business is to be carried on. | :: | |
| 5. | | Date upto which the License is valid. | :: | |
| 6. | | This License is granted subject to the conditions specified below. | :: | |

Place _____ ,
Date _____ ,
The _____ .

Signature and Designation of the

Licensing Authority

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CONDITIONS OF LICENSE.

1. (a) *The License is Annually renewable on payment of Fee of Rs. 70/- only.*
(b) *In the event of loss of this License, a Duplicate may be obtained from the State Textile Commissioner (Licensing Authority) on payment of a Fee of Re. 10/-.*
2. *The Licensee entitles a Dealer only to import, possess and store Textile procured by him from outside the State in Areas mentioned in this Licence.*
3. *The Licensee does not entitle to carry on business as Wholesaler and Retailer for which the usual Wholesaler and Retailer Licence shall have to be taken out separately.*
4. *The Licensee shall produce his Licence for Inspection on demand by any Licensing Authority or any Officer Authorised in this behalf by him.*
5. *The Licensee shall furnish correctly such information as may be required of him and shall carry out such instructions as may from time to time be given by any Licensing Authority or any Officer Authorised in this behalf by him in regard to the purchase and import of Cloth and Yarn.*
6. *The Licensee shall give all facilities at all reasonable time to any Licensing Authority or any officer Authorised in this behalf by him to inspect his Shop or Godown or any other place used for storage of Cloth and Yarn and Books or other documents relating to his business.*
7. *If the Licensee contravenes any of the provisions of any Order before the commencement of this Order and in force immediately before the commencement of this Order or any of the conditions of this License or is found to have made any incorrect statement relevant to his Licence the Licence shall be liable to cancellation in addition to any other action that may be taken against him.*

RENEWAL ENDORSEMENT.

| <i>DATE OF RENEWAL ISSUE</i> | <i>DATE OF EXPITY</i> | <i>SIGNATURE AND DESIGNATION OF THE LICENSING authority</i> | <i>REMARKS</i> |
|----------------------------------|-----------------------|---|----------------|
| <i>01.</i> | <i>02.</i> | <i>03.</i> | <i>04.</i> |
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