

# **THE MEGHALAYA FOODGRAINS**

## **[ PUBLIC DISTRIBUTION SYSTEM ] CONTROL ORDER, 2004.**

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**NO. SUP. 24 / 99 / PT. I / 71, dated 31<sup>st</sup> January, 2005. :::** In exercise of the Power conferred by Section - 3, of the Essential Commodities Act, 1955, [ 10 of 1955 ] read with the Order of the Govt. of India in the Ministry of Consumer affairs, Food and Public Distribution Distribution, NO. GSR. NO. 630 [ E ], dated 31<sup>st</sup> August, 2001, the Govt. of Meghalaya, hereby makes the following Order namely :-

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

- (1) This Order may be called the **Meghalaya Foodgrains [ Public Distribution System ] Control Order, 2004.**
- (2) It shall apply to the whole of Meghalaya.
- (3) It shall come into force from the date of publication in the Meghalaya Gazette.

**02. Definition :-** In this Order, unless the context otherwise requires :-

- (a) "**Appointed Nominees / Agents** " Government Nominees / Agents appointed or deemed to be appointed under Clause - 3.
- (b) "**Appointed Retailer** " means a Retail Dealer appointed or deemed to be appointed under the Provision of Clause - 20, in respect of any Foodgrains.
- (c) "**Appointing Authority** " means the **Director of Food Civil Supplies and Consumer Affairs**, Govt. of Meghalaya and includes the Deputy Commissioner / Additional Deputy Commissioner and Sub - Divisional Officer, [ C ], in their respective jurisdiction.
- (d) "**Appellate Authority** " means the Commissioner and Secretary, Weight and Measures Department or any other Officers to be appointed by the Govt. for the purpose.
- (e) "**Director** " means the **Director of Food Civil Supplies and Consumer Affairs**, Govt. of Meghalaya, and includes any other Officers authorized by the Govt. to perform all or any function of the Director.
- (f) "**Deputy Commissioner** " includes the **Additional Deputy Commissioner** and the **Sub - Divisional Officer** within the respective jurisdiction.
- (g) "**Family Identity Card** " means a Card or document issued to the head of a Family in pursuance of the Provisions of this Order.
- (h) "**Foodgrains**" means Rice, Paddy and Wheat and Wheat Products.

- (i) " **Form** " means the **Form set** out in the Schedule to this Order.
- (j) " **Government Scheme** " means the **Scheme** for distribution of Foodgrains to **Consumer** through **Fair Price Shops** set up by the Govt. in this behalf.
- (k) " **Person** " includes any Company or Association or a body of individuals incorporated or not.

**PART - A** Appointment of Nominees / Agents and regulation of purchase, storage and Sale of Foodgrains by such Nominees / Agents.

03. **Appointments as Govt. Nominees / Agents :-**

With a view to distributing Foodgrains under the Govt. Scheme, the Director or the Deputy Commissioner, in his respective jurisdiction may by Order, appoint in respect of any Area any Person as Govt. Nominees / Agents in respect of any Foodgrains for the purpose of this Order and thereupon such Nominees / Agents shall lift the Foodgrains allotted by the Govt. of India from the Local F.C.I., Godowns / depots and supply the required quantity to the Retail Dealers of the Area cover by such Nominees / Agents in time.

04. **Application for appointment :-**

An application for appointment under this Order shall be made in **Form - " I "**, to the Appointing Authority when vacancies are duly advertised.

05. **Procedure to be followed and requisites to be taken into consideration for appointing as Nominees / Agents :-**

[ 1 ] In appointing or refusing to appoint under this Order, the Appointing Authority shall, among other things, have regard to the following namely :-

- (a) the stock of Foodgrains available in the Locality for which the appointment is required ;
- (b) the number of Persons who have applied for and those who have been appointed in respect of the Foodgrains under this Order in the Locality ;
- (c) the business ordinarily carried on by the Applicant ;
- (d) the past activities of the Applicant as Businessmen / Firm ; and
- (e) Whether the Applicant is a Co – Operative Society.

[ 2 ] Notwithstanding anything contained in Sub - Clause ( 1 ), the State Govt. may, if it is of opinion that it is necessary to finalise distribution of Foodgrains through any special or specialized Agencies or Channels [ including Co - Operative Societies ] direct the Appointing Authority to appoint under this Order only to such Agencies or Channels.

06. **Issue of Appointments :-**

*Every Appointment shall be issued under this order only on furnishing of undertaking in **Form - " II "**, by the Applicant.*

07. **Deposit of Security :-**

*Every Nominee / Agent who is appointed under this Order shall, before an Appointment is issued to him, deposit with the Appointing Authority a Security of ₹ 7,000/- [ Rupees **Seven Thousand** ] only in the Forms as may be prescribed by Govt. from time to time for the due performance of the terms and conditions of his / her Appointment.*

08. **Forfeiture of Security Deposit :-**

- (1) Without prejudices to the Provision of **Clause - 14**, if the Appointing Authority is satisfied that the Nominee / Agent contravened any of the terms and conditions of the appointment and that forfeiture of the Security Deposit is called for, it may after giving a Nominee / Agent a reasonable opportunity of stating his case against the proposed forfeiture, by order, forfeit the whole or any part of the Security Deposited by him and communicated a copy of the Order to the Nominee / Agent.*
- (2) The Nominees / Agents shall, if the amount of Security at any time falls short of the amount specified in **Clause - 7**, forthwith deposit further security to make up that amount on being required by the Appointing Authority so to do.*
- (3) Upon due compliance by the Nominee / Agent with all the terms and conditions of the appointment, the amount of security or such part thereof which is not forfeited as aforesaid, shall be returned to the Nominee / Agent after the termination of the appointment.*

09. **Period of validity of the appointment :-**

*Every appointment issued under this Order be valid till the **31<sup>st</sup> day of December** of the year of issue of the appointment.*

10. **Duplicate copy of the appointment :-**

*If the Appointing Authority is satisfied that an appointment issued under this Order is defaced, lost or destroyed or otherwise rendered useless, he may, on application made in that behalf and on payment of a Fee issue a Duplicate copy of the appointment on payment of Fees as may be determined by Govt.*

11. **Maintenance of Accounts :-**

*Every Nominee / Agent shall maintain correct and true Accounts in respect of his Business in such form and manner as the **Director** may specify.*

12. **Compliance with order and direction :-**

*Every Nominee / Agent to whom any order or direction is issued under any Powers conferred by or under this Order shall comply with such Orders or direction.*

13. **Suspension or cancellation of appointment :-**

*If any Nominee / Agent either by himself or through his Agent or Servant acting on his behalf contravenes any of the Provisions of this Order or any of the terms and conditions of the appointment then, without prejudice to any other action that may be taken against him, the authority issuing the appointment may, after giving him an opportunity of hearing and representing his case, suspend or cancel the appointment. A copy of the Order suspending or cancelling the appointment shall also be furnished to the Nominee / Agent.*

14. **Disposal of stocks in certain cases :-**

*Where the appointment is suspended or cancelled under **Clause – 13**, the Appointing Authority may by order direct the Person who appointment is suspended or cancelled to dispose of the stock of Foodgrains with him in such manner and within such time as may be specified in the Order.*

15. **Returns by Nominees / Agent :-**

*Every Nominee / Agent shall submit to the Appointing Authority or any Officer authorized in this behalf by the State Govt. a Monthly Returns in such forms as may be prescribed so as to reach him on the date as may be fixed by the Competent Authority.*

16. **Returns by Nominees / Agent :-**

*[ 1 ] The Director and the Deputy Commissioner within his respective jurisdiction or any Officer authorized by the Govt. in this behalf may --*

- (a) issue directions to the Nominees / Agents regarding the purchase or disposal of Foodgrains ;*
- (b) by Order any Nominee / Agents to furnish such information or statistics or produce for inspection such Accounts, Books or documents relating to his Business as may be specified in the Order ;*
- (c) Enter and search or authorize any Officer to enter and search any premises or Vehicles used or believed to be used for the purchase, sale or storage for sale of Foodgrains in contravention of any provision of this Order or seize or authorize of stocks of Foodgrains in respect of which he has reason to believe that a contravention of this Order, has been or is being or is about to be committed.*

*[ 2 ] (a) Any Person holding a stock of **20 [ twenty ]** quintals or more of Rice or its equivalent quantity when called upon by general Notification or otherwise by the State Govt. or any Officer authorized by the State Govt. in this behalf to made declaration every fortnight in Form as may be prescribed through the Sub – Divisional Officer [ Sadar ] concerned in respect of Urban Areas and through the Block Development Officers concerned in respect of Rural Areas, shall make written declaration on the **22<sup>nd</sup>** day of each Month for the first fortnight and the **07<sup>th</sup>** day of the following Month for the Second fortnight of each Month.*

17. **Sanction for Prosecution :-**

*No Prosecution in respect of an alleged contravention of any provision this Order by the Govt. Nominees / Agents shall be instituted without the sanction of the Appointing Authority.*

18. **PENALTIES :-**

*If any Appointed Nominees / Agents contravene any order in the **Part - " A "**, of the **Meghalaya Foodgrains [ PDS ] Control Order, 2004**, he shall be punishable with imprisonment of the term which shall not be less than **6 [ six ] Months** but which may extent **2 [ two ] years** and shall also be liable to Fine.*

19. **APPEAL :-**

*An Appeal against the Order of the **Director** shall lie to the **Appellate Authority** within **30 [thirty]** days of the date of the Order appealed against.*

**PART - B**      *Appointment of Retailers and regulation of purchase, storage and sale of Foodgrains by such Retailers.*

20.

*With a view to distributing Foodgrains under the Govt. Scheme, the Deputy Commissioner in his respective jurisdiction may by Order, appoint in respect of any Area any Person as a Retail Dealer in respect of any Foodgrains for the purpose of this Order and thereupon such Retail Dealer shall be entitled to lift the allotted quantities of Foodgrains from the appointed Nominees / Agents which cover the Area of such Retail Dealer and arrange distribution of the Foodgrains so lifted to the Consumers of the Area in accordance with the Provision of this Order.*

21. **Validity of Appointment of Retailer :-**

*Every appointment made under the **Clause - 20**, shall be valid in the **31<sup>st</sup> day of December** of the year of appointment. Such appointment may, however, be renewed by the Appointing Authority of the subsequent period as may be considered necessary and appropriate.*

22. **Power of Deputy Commissioner to suspend or revoke the Appointment Order :-**

*The Deputy Commissioners in their respective jurisdiction may after giving an Appointed Retailer an opportunity on stating his case and for reason to be recorded in writing, amend, vary, suspend or revoke this appointment Order whenever in the opinion of the Deputy Commissioner it is in the interest of the general Public necessary or expedient so to do, and in every such case the appointed Retailer shall be bound to surrender, on demand, to the Deputy commissioner the Order of Appointment for endorsement of cancellation, as the case may be.*

23. **Supply of Foodgrains by Retailer :-**

*No appointed Retailer shall supply or offer or attempt to supply or permit to be supplied by any Agent or Servant of such appointed Retailer any Foodgrains in respect of which he holds his appointment except under and in accordance with the provision of this Order.*

24. **Security Deposit by Retailer :-**

(1) *The appointed Retailer shall deposit with the Deputy Commissioner, Security of the value of ₹ 3,000/- [ Rupees Three Thousand ] only in the Forms as may be prescribed by the Govt. from time to time for the due performance of the conditions of his appointment.*

(2) *Without prejudice to the Provision of the Clause - 20, the Director or the Deputy Commissioner may be Order forfeit the whole or any part of the Security deposited and communicate a copy of the Order to the Retailer.*

25. **Power of the Director or the Deputy Commissioner to issue Family Identity Cards :-**

(1) *The Director or the Deputy Commissioner with a view to regulating supply of Foodgrains to such class of Consumers as would, in the opinion of the Director or the Deputy Commissioner require regular supply under the Govt. Scheme, may issue or cause to be issued to every head of a Family of such class in any Area a Family Identity Card for the purpose of this Order.*

(2) *The Deputy Commissioner may after giving the holder of any such Family Identity Card an opportunity of stating his case and for reasons to be recorded in writing, amend, vary or rescind the Family Identity Card, whenever in the opinion of the Deputy Commissioner it is in the interest of the general Public necessary or expedient so to do and in every such case the holder of the Family Identity Card shall be bound to surrender the Family Identity Card on demand to the Deputy Commissioner for endorsement or cancellation as the case may be.*

26. **Restriction on possession of Family Identity Card :-**

(1) *No Person shall poses or retain any Family Card without the Order of the Officer authorized under the Order.*

(2) *No Person shall transfer to any other Person any Family Identity Card issued to him by the Officer authorized under this Order.*

(3) *No Person shall posses a Bogus or Ghost Family Identity Card or a Card containing inflated Family Members.*

27. **Custody of Family Identity Card :-**

*Every Family Identity Card under this Order shall be the property of the Govt. but the Person to whom it is issued or surrendered or with whom it is retained under the provisions of this Order shall be entitled to its custody and shall be responsible for its safe custody*

28. **Re – issue of Family Identity Card :-**

- (1) *If any Family Identity Card is defaced, lost or destroyed, any Officer authorised by the Director or the Deputy Commissioner may after making such enquiry as he may think fit, issue a new Family Identity Card in place thereof on payment of Fee ₹ 10/- [ Rupees Ten ] only per Card.*
- (2) *When a new Family Identity Card is issued under Sub Clause – [ i ], in place of a lost Family Identity Card, it shall be the duty of the Person to whom the new Family Identity Card is issued to return the lost Family Identity Card, if and when retrieved, forthwith to the Officer by whom it was issued.*

29. **Possession of Family Identity Card :-**

*When any Person is in possession of a Family Identity Card and such possession is not authorised by or under this Order, he shall forthwith deliver such Family Identity Card to the Officer in charge of the local Supply Office.*

30. **Registration with appointed Retailer by holder of Family Identity Card :-**

*The holder of a Family Identity Card shall get the same registered with an appointed Retailer in the manner prescribed by the Director or the Deputy Commissioner for the purpose of obtaining supplies of Foodgrains for his Family.*

31. **Retailer to obtain supply of Foodgrains :-**

*An appointed Retailer shall obtain his supply of Foodgrains on indents place by him with the Officer in Charge of the local Supply Office.*

*The quantity of Foodgrains to be allotted to each appointed Retailer against each indent shall be determined by the said Officer in Charge of the local Supply Office from time to time.*

32. **Deposit of Price of Foodgrains by the Retailer :-**

*An appointed Retailer shall deposit in such manner as may be prescribed in this behalf by the Director or the Deputy Commissioner the price of any Foodgrains allotted to him.*

33. **Taking of delivery of Foodgrains by the Retailer :-**

*An appointed Retailer shall take delivery of Foodgrains from Godowns of Govt. Nominees / Agents particularly mentioned in and against delivery permits issued in this behalf.*

34. **Entering in the stock Register by Retailer :-**

*An appointed Retailer immediately on receipt of the Foodstuffs lifted by him from the Godowns of the Govt. Nominees / Agents shall enter the same in appropriate stock Registers to be maintained by him in this behalf.*

35. ***Selling of Foodgrains to Consumer :-***

*Every appointed Retailer shall sell Foodgrains to Consumers in such quantities and at such rate of rates as may be specified from time to time by the State Govt. and the Central Govt.*

36. ***Retailer not to refuse to supply Foodgrains at the Price and of the quality and quantities :-***

*On demand and on offer of price by or on behalf of holders of Family Identity Card an appointed Retailer shall not refuse to supply Foodgrains of appropriate quantities and of qualities against such Cards until the stock with him is completely exhausted.*

37. ***Retailer not to refuse to supply Foodgrains at the Price and of the quality and quantities :-***

*When a Family Identity Card has been issued to the head of a Family under **Sub Clause - [ i ],** of **Clause - 25,** no Member of such Family shall be entitled to a supply of Foodgrains under the Govt. Scheme otherwise than on production of the Family Identity Card to the appointed Retailer with whom such Card has been Registered.*

38. ***Retailer to issue Cash Memo for each sale :-***

*Every appointed Retailer shall issue Cash Memos Sale noting in each such Memo, the Name and Address of the Consumer / Customer, together with such particulars of Family Identity Card as are specified by or under the Order of the **Director** or the **Deputy Commissioner.***

39. ***Retailer to maintain Daily Sales Register :-***

*Every appointed Retailer shall also maintain Daily Sale Register which shall be made up to date at the end of each day.*

40. ***Retailer to sell Foodgrains during Houses fixed by Deputy Commissioner :-***

*Every appointed Retailer shall sell Foodgrains during hours as fixed by the **Deputy Commissioner.***

41. ***Retailer to comply such other directions issued from time to time :-***

*Every appointed Retailer shall comply with such other directions as may be issued from time to time by the **Deputy Commissioner.***

42. ***Retailer to comply with Order of the Director or the Deputy Commissioner :-***

*Every appointed Retailer, when so require by an Officer authorised by the **Director** or the **Deputy Commissioner,** in his behalf shall :-*

- (a) Surrender to such Officer all documents delivered to such appointed Retailers under or for the purpose of this Order ; and*



- (b) *Furnish such particulars, Accounts and information relating to his dealing in and stocks of a Foodgrains as may be required.*

43. **Power of entry, search and seizure, etc :-**

- (1) *The Director of Supply, the Deputy Commissioner or an Officer of the Supply Department or Police Officer not below the rank of Sub - Inspector authorised this behalf by the Govt. may, with a view to securing compliance with this Order or to satisfy himself that this Order has been complied with ;*

(a) *enter and search any premises used or believed to be used for the sale, distribution or storage for sale or distribution of any Foodgrains and inspect any such premises and any Foodgrains therein and thereon.*

(b) *require any person to make any statement or furnish any information or to produce any document or Article in his possession or under his control relating to the purchase, sale, distribution or storage of any Foodgrains and every Person so required shall comply with such requisition ;*

(c) *Require any person to render any account or to produce Books, Account or other documents relating to or believed to be relating to the purchase, sale, distribution or storage of any Foodgrains and ever Person so required shall comply with such requisition.*

(d) *Take or cause to be taken extract from or copies of any document relating to the purchase, sale, distribution or storage of any Foodgrains which is produce under ( b ) or ( c ) of under **Sub Clause – [ i ]**, or otherwise found in any such premises ;*

(e) *Test or cause to be tested the correctness of any weight or measures used or believed to be used in any transaction relating to the sale or distribution of any Foodgrains ;*

(f) *take or cause to be taken the weight of all or any of the Foodgrains found in any such premises ;*

(g) *seize or authorize the seize of any Family Identity Card in respect of which he suspects that any provision of this Order has been or is being violated.*

- (2) *All searches and seizures under this Order shall be to conducted as far as may be in accordance with the provisions of the **Code of Criminal Procedure, 1973.***

*Provided that in entering upon, inspecting and searching any premises the Officer so authorised shall have due regard to the social customs and religious sentiments of the persons occupying the premises.*

- (3) *The powers under this Clause shall not be exercised except for the purpose of securing compliance with the provisions of this Order.*

44. **Distribution of Foodgrains and other obligation of Retailer :-**

*The Provision contained in this Order, relating to the appointment of Retailers and the distribution of Foodgrains through them and other obligations imposed on them shall have effect notwithstanding anything in consistent contained in any prior agreement or instrument appointing the Retailers for the same purpose.*

45. **PENALTIES :-**

*If any Appointed Retailer contravenes any provision in the **Part - " B "**, of the **Meghalaya Foodgrains [ PDS ] Control Order, 2004**, he shall be punishable with imprisonment of the term which shall not be less than 2 [ two ] Months but which may extent to 1 [ one ] years and shall also be liable to Fine.*

46. **APPEAL :-**

*An Appeal against the Order of the **Deputy Commissioner / Sub – Divisional Officer [ C ]**, shall lie to the **Appellate Authority** within 30 [thirty] days of the date of the Order appealed against.*

47. **Repeal and Saving :-**

- (1) The **Meghalaya Foodstuff [ Distribution ] Control Order, 1976**, issued under this **Department Notification NO. SUP. 92 / 75 / 19**, dated 29<sup>th</sup> October, 1976 and the **Meghalaya Foodgrains [ Licensing ] Control Order, 1985**, issued under this **Department Notification NO. SUP. 315 / 71 / PT. / 200**, dated 23<sup>rd</sup> December, 1985, are hereby repealed.*
- (2) Notwithstanding the repeal referred to **Sub Clause – [ i ]**, any appointment made License or Permit granted Notification and direction issued or action taken under the aforesaid Order and in force granted immediately before such repeal shall be deemed to have been made issued or taken under the corresponding provision of this Order.*

**[ B. Lyngdoh ]**  
**Secretary** to the Govt. of Meghalaya,  
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