

**THE ASSAM TRADE ARTICLES**

**(LICENSING AND CONTROL)**

**ORDER, 1982**

## **PART 1**

### ***(Preliminary)***

#### **1. Short, title, extent and commencement: —**

- (1) This order may be cited the Assam Trade Articles (Licensing and Control) order 1982;
- (2) It extends to the whole of the State of Assam:
- (3) It shall come into force at once.

#### **2. Definitions: --**

In this order unless the context otherwise requires: -

- (a) **“bulk consumer”** means a hotel, a restaurant, canteen, a public caring house, sweet meat shop, a hospital and edges initial institution with hostel facilities or a religious or charitable intention with hotel facilities;
- (b) **“coal”** means coal, coke and other derivatives and includes soft coke, hard coke of various grades;
- (c) **“cloth”** and **“yarn”** means respective any type of cloth or yarn manufactured either wholly from cotton or partly from cotton and partly from any other material, but cloth does not include –

- (i) Ready-made cloth in other than dhuties and sarees,
  - (ii) Hosiery,
  - (iii) Leather cloth, inferior or imitation leather cloth ordinarily used in book binding cloth,
  - (iv) Tracer paper
  - (v) Cloth manufactured partly from cotton and partly, from wool weight.
- (d) **“Deputy Commissioner”** means the Deputy Commissioner of district the Additional Deputy Commissioner of the Sub divisional Officer (Civil) within their respective jurisdiction.
- (e) **“Commissioner”** means a Commissioner of Division.
- (f) **“dealer”** means a person, a firm an association of person or a co-operative society other than a National and State level Co-operative Society gaped in the business of purchase, sale or storage for sale of any trade article whether or not in conjunction with any other business and includes his representative or agent but does not include –
- (i) a person who holds or is in possession of agricultural land under any tenure or any capacity and or which be raises or has raised crop of food grains, oilseeds or whole pulses in respect of his produce only.

- (ii) a manufacturer of sugar. Pur and Khandsari.
  - (iii) a producer of pulses and edible oils and
  - (iv) an industrial undertaking which engaged on the manufacture of sugar cement and .....registered or licensed under the Industries Development and Regulation Act 1951.
- (g) **“Director”** means the Director or Food and Civil supplies, Assam and includes Joint Director of Food and Civil supplies, (Headquarters) Assam.
- (h) **“edible oils”** means any one or more of the edible oils specified in part ‘D’ of Schedule 1.
- (i) **“food grains”** means any one or more of the food grains as specified in part ‘A’ of Schedule 1 and includes products and by produces of such food grains.
- (j) **“Fair Price Shop”** means any retail outlet/rented shop under the public distribution system.
- (k) **“gur”** means article known as gur, Joggery shaker rab and other intermediary products, prepared by boiling sugarcane juice with or without admixture of molasses;

- (l) **“Importer”** means a wholesaler who imports, purchases and store salt, cloth or yarn, or any other trade articles to be notified by the State Government and to be procured by him from outside the State of Assam for sale and distribution to a wholesaler or a retailer within the State;

[The State Government has notified current as a trade article under this clause. All the cement dealers will have to obtain licenses, irrespective of stock, under this order but the consumer need not obtain any storage licences. A person may apply for an import licence in form ‘A’ annexed to the Order duly stamped, court fee stamps for Rs.8.25 along with sales tax and income tax clearance certificate, ..... fee of Rs.200.00 through treasury challan and ..... security money at per clause 6. In case the applicant was a stockiest of cement prior to decontrol, the name of the manufacturer under whom he functioned as the stockiest prior to partial decontrol may be furnished.)<sup>1</sup>

[‘Importer’ should sell and distribute trade articles within the State. The stipulation will be applicable in report of trade article for which the State quota is fixed.]<sup>2</sup>

- (m) **“Khandsari”** means sugar produced by open pan process;

- (n) **“Licensing Authority”** means the Deputy Commissioner and Additional Deputy Commissioner in respect of Sadar Supervisions and Sub divisional Officer (Civil) in respect of their Subdivisions and Director to respect of person.

[Provided that no dealing license will be required by dealer up to 50 litres of Kerosene oil. Street Hawkers of Kerosene oil need not obtain any license up to 200 liters of Kerosene oil provided they hold necessary point used by Corporation Municipal head town Committee/Gaon Panchayat.]<sup>3</sup>

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| <ol style="list-style-type: none"><li>1. Substituted Vide Notification number SDA.96/50/Pt./113 dated 20<sup>th</sup> October 1992.</li><li>2. Substituted Vide Notification number SDA.96/50/Pt./121 dated 20<sup>th</sup> October 1992.</li><li>3. Inserted Vide Notification number SDA.96/80/Pt./110 dated 20<sup>th</sup> October 19....</li></ol> |
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- (o) **“list of prices and stock”** means the list maintained from time to time by a dealer in form “E” indicating the sale prices and stocks of the trade articles in which the dealer carries on business.
- (p) **“oilseeds”** means any one or more of the oilseeds as specified in part ‘C’ of Schedule I.
- (q) **“place or business”** means any place where a dealer sells any of the trade articles held by him in stock and includes a place where the books of accounts a dealer business are kept and where orders or offers involving purchase or sale of any trade article are received and where the dealer stores any trade article;

- (r) **“price”** in relation to a trade article means the amount of money inclusive of all taxes for which the dealer sells or agrees, to sell or part with any trade article;
- (s) **“producer”** means a person carrying on the business of milling any of the pulses or expelling extracting or manufacturing or refining any edible oil: -
- (i) by buying pulses or oilseeds for being produced by himself and selling the finished products to a wholesaler or through a commission agent;
- or
- (ii) by doing any of the processes of milling, expelling, extracting or manufacturing or refining on behalf of another;
- (t) **“Pulses”** means any one or more of the pulses as specified in Part ‘B’ of Schedule I, whether whole or split or with or without husk and including products there of other than husk and bran;
- (u) **“retailer”** means a dealer who purchases any of the trade articles mentioned in Schedule I and II from wholesaler or importer and makes retail sale of such trade articles to the customers other than wholesale important]4
- (v) **“Schedule”** means a Schedule appended this Order.

- (w) **“State Government”** means the Government of the state of Assam;
- (x) **“Sugar”** means any form of sugar including Khandsari sugar containing more than 90 percent sucrose;
- (y) **“Trade Article”** means any commodity mentioned in Schedule I and/or Schedule II;
- (z) **“Wholesaler”** means a dealer who sells any one or more of trade articles mentioned in Schedule I to other dealers or bulk consumers.

4. Saturated vide notification number SDA/96/80/Pt./36 dated the 16 <sup>th</sup> August, 1982.
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**PART II**  
***(LICENSING OF DEALERS)***

**3. Licensing of Dealers: -**

- (1) No dealer shall, after the commencement of this Order, carry on business of purchase, sale or storage for sale of any of the trade articles maintained in Schedule 1 except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing Authority under the provisions of this Order;

Provided that no licence shall be required for dealer who stores for sale at any one time the trade articles, in quantities not exceeding the Limits as indicated in Schedule III to this Order or as may be prescribed by the State Government with prior concurrence of the Central Government for any trade article from time to time.

Provided further that a dealer holding a valid licence of trade articles under the various Licensing Orders mentioned in Schedule IV may obtain a licence for the same trade articles under this Order within thirtieth day of the commencement of this Order. His existing licence shall be deemed to be a licence issued to him as a dealer under this Order upto the said day.

(2) For the purpose of this clause, any person, firm, association of persons or a Co-operative Society, who stores any trade article at any one time in quantities exceeding the limits prescribed in sub-clause (i) shall unless the contrary is proved by him, he deemed to be carrying an business as dealer and to store the same for the purpose of sale.

[(3) A. Fee for license and security money chargeable.

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

<b>CATEGORY OF LICENCE</b>	<b>LICENCE FEE</b>	<b>RENEWAL FEE</b>
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

	<b>SECURITY DEPOSIT</b>	
A. Wholesaler	Rs.750.00	
B. Sub-Wholesaler	Rs.500.00	
C. Retailer	Rs.300.00	] <sup>5</sup>

**4. Issue of Licence: -**

- 1) (a) Every application for the grant of a licence (wholesale or retail) shall be made to the Licensing Authority in Form 'A' along with the prescribed fee:

5. Inserted vide notification number SDA.60/80/Pt/193 dated the 26 <sup>th</sup> November, 1982
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- (b) Every Licence issued under this Order shall be in Form "C" and subject to the terms and conditions mentioned therein;
- (c) the licence shall be valid upto 31<sup>st</sup> December of each year and
- (d) If a licence granted under this Order is defaced, lost, or destroyed, the licensee shall forthwith inform the Licensing Authority who may, on application and on the payment of prescribed fee by the licensee, issue a duplicate licence.
- 2) A dealer may obtain a licence for any one or more trade articles mentioned in Schedule 1.
- 3) A separate licence shall be necessary for each place of business.
- 4) [A wholesaler can also be a retailer provided he takes separate licence for wholesaler and retail trades.] <sup>6</sup>

- 5) [The same person may be both wholesaler and retailer but he should obtain separate business.]<sup>7</sup>

6. Substituted vide notification number SDA.96/80/Pt./124 dated the 5<sup>th</sup> November, 1982.

7. Inserted vide notification number SDA.96/80/Pt/112 dated the 20<sup>th</sup> October, 1982. The clause 3 has been wrongly written in the Notification. This should be read as clause 4, sub clause (5), and not as Clause 3, sub clause (5).

An Application for renewal of a licence of business in the same or different names shall not be obtained.

Vide Notification No SDA 96/80/PT/118 of dated 30<sup>th</sup> October, 1982 the words “Renewal of Licence” were deleted and as a result the Number of the clause and the remaining words have remained in the Statute Book. In the Notification it was stated that the aforesaid words are detailed as the subsequent clause i.e. 5 (in the Original Order there are two clauses bearing the same number and dealing with the same matter i.e. Renewal of Licences) of the principal order mentioned above also deals with the Renewal of Licence. Perhaps the Government desired either to amalgamate the two clauses. It would have been proper if the words. “As application for renewal of a licence of business in the same or different names shall not be obtained” would have been deleted. The amendment as is more confusing and is to be cited as an example of bad draftsmanship.

**5. Renewal of licence: -**

An application for renewal of a licence shall be made along with the fees determined under clause 6 in the licensing. A hours in Form 'B'. The licence may be renewal for a period upto 5 years at a time in case the licence fails, so furnish the application along with fee within the stipulated time i.e.31<sup>st</sup> December, the Licensing Authority can entertain an application upto 31<sup>st</sup> January, upon the payment of late fee as specified below.

- (i) for the first fortnight Rs.2.
- (ii) for the second fortnight Rs.5.

**6. Fee Chargeable: —**

The fees for issue of licence renewal of licence and issue of a duplicate licence shall be chargeable as may be determined by the State Government from time to time.

The Governor of Assam has noted the following chargeable on issue of licence:

<b>Category of licence</b>	<b>Fees for dealer in case trade article in licence</b>	<b>Fees for dealer in two trade article in a licence</b>	<b>Fees for dealer in more than two trade article in a licence</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1. (a) Importers Licence Fees	Rs.100.00	Rs.150.00	Rs.200.00
(b) Renewal Fee	Rs.50.00	Rs.75.00	Rs.100.00
(c) Duplicate Licence fees	Rs.25.00	Rs.40.00	Rs.50.00
2. (a) Wholesalers licence fee	Rs.75.00	Rs.100.00	Rs.150.00
(b) Renewal fee	Rs.40.00	Rs.50.00	Rs.75.00
(c) Duplicate licence fee	Rs.20.00	Rs.25.00	Rs.30.00
3 (a) Retailers licence fee	Rs.25.00	Rs.40.00	Rs.50.00
(b) Renewal fee	Rs.15.00	Rs.20.00	Rs.25.00
(c) Duplicate licence	Rs.5.00	Rs.20.00	Rs.10.00

The licence fees should be deposited under one head of account: -

**7. Deposit of Security: -**

Every dealer applying for licence shall before such licence is issued to him, deposit with the Licencing Authority the sum specified in the Order through National Savings Certificate in lieu of case by way of security for performance of the terms and conditions of the licence to him.

Provided that if the applicant for the grant of a licence of a dealer is a Co-operative Society registered under the Article Co-operative Societies Act., 1949 as amended the amount security to be deposited by it shall be equal in one fourth the amounts mentioned above.

[Provided also that the security money already deposit by the previous licences will continue upto 31.12.82 but new security money under the new Order will have to be depends on 1.1.83 and there will be no adjustment with the provides security deposit. Dealers will get the previous security money refunded within seven days of their submission of application.] <sup>11</sup>

11. Inserted vide Notification No. SDA.96/80/Pt/123 dated the 22 <sup>nd</sup> October 1982.
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**8. Power to refuse licence: -**

- (1) The Licensing Authority may, after giving the person affected an opportunity of being heard, and for reasons to be recorded by him in writing refuse to grant or renew a licence.
- (2) The Licensing authority be refused to grant or refused a licence, (a) the applicant a minor or lunatic or is of unsound mind or (b) the applicant is an undeserved insolvent or (c) three years period have not expired from the date of conviction of the applicant under the essential commodities act 1955 (Central Act 10 of 1955.)

- (3) The licence authority [May] <sup>12</sup> refuse to grant a licence for a particular trade article, if
- (a) a licence has already, been issued to another dealer at the same place of business for the trade article for which the applicant has applied for; or
  - (b) the applicant has applied for both wholesale and retail licence for the same trade article.

**9. Addition and alteration to licence: -**

The Licensing Authority may make necessary additions, deletions and alterations in the entries made in the license relating to godown, place of business, names of partners, trade articles etc, either or the application of the licensee of sue mole.

12. Substituted Vide Notification number SDA./96/80/Pt./ 117 dated the 22 <sup>nd</sup> October,1982
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**10. Contravention of condition of license: -**

No holder of license \*\*\*\*\* under the order of his agent or servant or any other person acting on his behalf shall contravene any of the letter and conditions of the license.

**11. Suspension and cancellation of licence: -**

- (I) If any licence or his agent or servant or any other person getting on behalf contravenes any of the terms and conditions of the hence, than without prejudice in any order action that may be taken against him under



the Essential Commodities (Central Act in of 1955) his licence may be cancelled an 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 a reasonable opportunity of stating his case against the proposed cancellation but during the pendency or in contemplation of proceedings of cancellation of licence, the licence can be suspended for a period not exceeding 90 days without giving any opportunity to the licensee of stating his case. Such suspension shall be limited only to those trade articles regarding which contravention has been made by the licensee.

**12. Disposal of trade articles when licence is suspended or cancelled: -**

When a licence issued under this Order it cancelled or suspended the stocks of trade articles available with the dealer at the time of such cancellation or suspension hall be disposed of by him within 13 days from the date of receipt of the order of cancellation or suspension.

**13. Consequences of conviction: -**

Where a licensee has been convicted by a Court of Law for the contravention of any Order made under Section 3 of the Essential Commodities Act. 1955 (Central Act 10 of 1955). The Licensing Authority shall by order in (writing, cancel his licence;

Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may on an application by the dealer who's licensed has been cancelled for the refuse to such dealer.

**14. Forfeiture of security deposit: -**

- (1) Without prejudice to the processions of clause 11, if the Licensing Authority is satisfied that the licence has contravened any of the term, and conditions of the licence and that a forfeiture of the security deposit is called for, it may, after giving the licences, the opportunity of stating his case, by order, forfeit the whole or any part of the security deposited by him and communicate a copy of the order in the licence.
- (2) The licence shall, if the amount of security at any time fails short of the amount specified in clause 7, forth with deposit on being required by the Licensing Authority to do so, further security to make up the deficiency.
- (3) Upon due compliance by the licensee of all obligations under the licence, the amount of security or such part thereof which is not forfeited as aforesaid, shall be refunded to the license after the termination of the licence.

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## **PART III**

### ***(Restrictions relating to prices and stocks etc)***

#### **15. Display of list of prices and stocks of trade articles: -**

[The dealers must display the prices and stocks of trade article in form 'E' in the local language and in addition to local language they may display the same in any other language]<sup>13</sup>

Provided that numerals to be used in the list of prices and stocks shall either be in the local numerals or any international numerals.

Provided further that in case on any trade article which is put of stock instead of writing the prices thereof in the list, the word **“OUT OF STOCK”** shall be written in both letters against that, article;

Provided also that the retail price of any category of trade article, to displayed shall not exceed that retail price, if any fixed or recommended by the Central Government or State Government or manufacturer or distributor from time to time in respect of that category of trade article.

[Provided also that particular cloth, i.e. common/coarse varieties only as specified in schedule V should be displayed by the dealer.]<sup>14</sup>

13. Modified by notification number SDA.96/20/Pt dated the 20 <sup>th</sup> October, 1982. 14. Inserted vide notification number SDA.96/20/Pt./122 dated the 22 <sup>nd</sup> October, 1982. But no much Schedule V as referred to has been inserted or specified by the Govt. of Assam.
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**16. Sale of trade articles according to list of prices and stocks - No dealer shall: —**

- (i) sell or offer to sell to any person any trade article or a price higher than that specified in respect of such article in the list of prices and stocks;
- (ii) refuse to sell such article to any person at the price to specified or marked; and
- (iii) Withhold from sale any trade article ordinary has for sale.

**17. Obligation to give receipt: -**

No dealer shall sell any trade article to any person without issuing a cash memo or a bill (Stating his own name, quantity, quality, rate and total price charged for the article sold) and without keeping a duplicate copy of such memo or bill;

Provided that it shall not be necessary for a dealer other than a wholesaler to issue any such any such cash memo or bill or keep any such duplicate copy in respect of sale of any trade article costing not more than Rs.10 unless demanded by the purchaser.

**18. Restriction on possession of trade article: -**

No person shall either by himself or by any person on his behalf, store or have in his possession at any time any trade article mentioned in Schedule I and Schedule II in quantity exceeding the limit fixed—

- (i) under an Order issued by the Central Government; or
- (ii) by the State Government with prior concurrence of the Central Government by issuing a notification in official Gazette from time to time.

**19. Requisitioning of stocks of trade article: -**

Every person holding stock of trade articles mentioned in Schedule I and Schedule II shall sell to the State Government or to any person or class of persons the whole or a specified part of his stock at such prices and in such manner as may be specified in the order of the Deputy Commissioner or the Licensing Authority.

**Explanation: -** For the persons of the clause the prices payable to a person who a required to sell the whole or a specified part of his stock of trade articles shall be determined by the authority concerned in accordance with the provision of sub-section (3-B) of Section 3 of the Essential Commodities Act 1955.

**20. Returns: -**

Every dealer referred to in clause 3 shall furnish a return in form 'D' to such authority, and in such manner or for such period as a may be specified for time to time by the State Government by notification to official Gazette.

**21. Sale on permits: -**

The Licensing Authority may by a order in writing, require any dealer holding stock or a trade article to sell the whole or a specified part of such article of permits issued by the Licensing Authority to a Fair Price shop holder or a Co-operative Society or to any other person within such period and in such circumstances as may be specified in the Order.

**22. Permit to be non-transferable: -**

No holder of permit shall transfer the permit of the trade article received on such permit in any other person without prior permission of the Licensing Authority.

**23. Revocation of permit: —**

The Licensing Authority issuing the permit may, after giving the permit holder an opportunity of being heard, at any time revoke the permit issued under clause 21 for any of the following reasons: -

- (a) that the permit has been obtained by the permit holder by misrepresentation of material particulars: or
- (b) that the provisions of this Order have been contravened by the permit holder; or
- (c) that issue of permit was, in the opinion of the Licensing Authority issuing the permit and for reasons to be recorded in writing by Licensing Authority not otherwise justified.

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**PART IV**  
***(Miscellaneous)***

**24. Power to call information: -**

Every dealer shall when so required by general or special direction of Licence. Authority furnishes truthfully and to the best of his knowledge such particulars or information relating to any trade article as may be required.

**25. Power in issue directions: -**

The State Government or the Deputy Commissioner or the Licensing Authority may issue directions to any dealer with regard in purchase sale disposal, storage or exhibition of the price and stock list of all or any of the trade articles.

**26. Power to amend Schedules: -**

The State Government may by an order notified I the official Gazette, add to or omit from the Schedules any trade articles and there upon the Schedules shall be deemed to have been amended accordingly



**27. Inherent person of Commissioner: -**

In addition to the power specified in the Order-

- (a) The Commissioner shall have all the powers of Deputy Commissioner

**28. Appeal: -**

- (1) May person aggrieved by an order made under this order, may—
    - a. if the order is made by any officer lower in rank than the Deputy Commissioner appeal to the Deputy Commissioner and
    - b. If the order is made by the Deputy commissioner appeal to the Commissioner.
    - c. If the order is made by the Director to the State Government.
  - (2) No such appeal shall be entertained if not preferred within 30 days from the date of receipt of the order appeal against by the appellant.
-

**FORM - A**  
***[See Clause 4(1) (A)]***

**APPLICATION FOR GRANT OF  
WHOLESALE/IMPORTERS/RETAILER LICENCE**

To,  
**The Licensing Authority**  
.....

Sir,

I hereby apply for the grant of a licence under the Assam Trade Articles (Licensing and Control) Order, 1982. The require particulars are given hereunder.

1. Applicant's particular -

Name.....s/o.....Age.....  
Caste.....

2. Residential address of applicant -

(A) Village/Town.....  
(b) Police Station.....  
(c) District.....

2. Name/style in which licence in required.....

4. Situation of applicant's 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-

(i) Shri.....S/o.....Age.....  
Address.....

(ii) Shri.....S/o.....Age.....  
Address.....

(iii) Shri.....S/o.....Age.....  
Address.....

(iv) Shri.....S/o.....Age.....  
Address.....

6. Particular of trade articles in which the applicant wants to carry on business

**As a Wholesaler    As an importer    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 trade articles for which licence has now been applied for if so, give details:
  - (i) Name of trade article (s);
  - (ii) Licence No.....
8. How long has the applicant been trading in the trade article for which the licence has been applied for?
9. Particulars regarding stocks of trade article in possession on the date of application.
10. Complete address (with House No/Market etc.) of godowns or place where trade articles 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 particulars mentioned at item No.1 in 13 above are true to the best of my knowledge and belief and nothing has been concealed therein.

I have carefully read the provisions of the Assam Trade Articles (Licensing and Control) Order. 1982 and I agree to abide by them.

**Place .....**

**Date .....**

**SIGNATURE OF PROPRIETOR/PARTNER.**

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**FORM - B**  
**(See Clause 5)**

**APPLICATION FOR RENEWAL OF LICENCE NO.....**

To

**The Licensing Authority,**

.....

I hereby apply for renewal of my Licence No.....issued to me under the Assam Trade Articles (Licensing & Control) Order, 1952. The required particulars are given below.

- (1) Date on which the licence expires.....
- (2) Name in which the licence stands.....
- (3) For how many years the renewal is desired.....
- (4) Details of the action, if any, taken against the licensee during the last three years for contravention of an Order issued under the Essential Commodities Act, 1955.....

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

**Place.....**

**Date.....**

**SIGNATURE OF APPLICANT**

\_\_\_\_\_

**FORM - C**

***[See Clause 4 (I) (b)]***

**THE ASSAM TRADE ARTICLES (LICENSING AND  
CONTROL) ORDER 1982**

**LICENCE**

- (I) Licence No. ....Wholesaler/Importer/Retailer.
  
- (ii) Security deposited Rs.....vide challan No.  
and Date.....
  
- (iii) Name of dealer along with partners, if any
  - (1) .....
  - (2) .....
  - (3) .....

Hereby authorized to purchase, sell or store for sale the  
under mentioned trade articles –

**TERMS AND CONDITIONS**

- 1. Subject to the provisions of the Assam Trade Articles  
(Licensing and Control) Order 1982 and to the terms and



conditions of this licence. Mr./M/s.....is/are hereby authorized to purchase sell or store for sale the under mentioned trade articles.

<u>As Wholesaler</u>	<u>As Importer</u>	<u>As Retailer</u>
(1).....	(1).....	(1).....
(2).....	(2).....	(2).....
(3).....	(3).....	(3).....
(4).....	(4).....	(4).....
(5).....	(5).....	(5).....

2. (a) The licence shall carry on the business of aforesaid trade articles at the following place:--
  
- (b) Trade 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 trade articles in places other than those specified above he shall give intimation in writing to the licensing Authority within a period of seventy-two hours of actually storing of

these trade articles therein. He shall also produce the licence before the Licensing Authority within a fortnight of his intimation mentioned above, for the presence of making requisite changes.

3. (a) The licensee shall maintain a stock register of daily accounts in form 'F' for the trade articles mentioned in paragraph I 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 on.
  - (iii) the quantities delivered or otherwise removed on each day showing the places of destination; and
  - (iv) the closing stock on each day.

**EXPLANATION: -**

- (a) The licensee may maintain more than one stock register for the various trade articles and may allow separate page (s) for each trade article.
- (b) The licensee shall enter all the transactions held on telephone or through Biller or otherwise relating to purchase or sale of trade articles, in the stock register. In case the purchased trade articles are not received physically by the licensee on the date of entering into any transaction, a note shall be recorded in this behalf in the stock register.

- (c) The quantities of the various trade articles shall be entered in the stock register as under: -
  - (i) Food-grains, Sugar, gur, khandsari in quintals or Kgs. Khandsari oilseeds and pulses.
  - (ii) Edible oils .. .. In tins/Kgs.
  - (iii) Kerosene oil.. .. In liters.
- (d) The licensee shall complete the entries in the stock register for each day latest by the beginning of the transactions on the following day, unless prevented by reasonable cause, the burden of proving which shall be upon him.
- (e) A licensee, who himself is a producer of food-grains, oilseeds or whole pulses shall separately show the stocks of his own produce in the stock register, if such stocks are stored in his business premises.

4. The licensee shall not contravene the provisions of this Order or any other law relating to essential commodities for the time being in force.

5. The licensee shall not -

- (i) enter into any transaction involving purchase, sale or storage for sale of trade articles in speculative manner prejudicial to the maintenance and easy availability or their purchase of their articles.
- (ii) sell or offer to sell any trade articles at a price higher than that specified in respect of such articles in the list of prices and stocks;
- (iii) refuse to sell to any person any trade articles kept for sale at the price specified in the list of prices and stocks; and

(iv) keep in his possession stocks of trade articles exceeding the limit fixed under clause 18.

6. The licensee shall display occupiously in form 'E' legibly written in local language a list of prices and stocks of the trade articles he deals with in accordance with the provision of clause 15.
7. The license shall issue in every customer of such trade articles cash memo or invoice, as the case may be giving his own name and license No., Name, address and license number (if any) of the customer, the date of transaction, the quantity sold and the price charged. He shall keep a duplicate of the same to be available for inspection on demand by the Licensing Authority or any other officer authorized in this behalf.

Provided that it shall not be necessary for a retailer to issue any such cash memo or invoice or to keep any such duplicate in respect of sale of trade articles costing not more than Rs.10 unless demanded by the customer.

8. The licensee shall furnish security such information relating to the business as may be demanded from him and shall carry of such instructions any from time to time to give by the licensing authority.

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10. The licensee shall comply with any direction that may be given to him by the state Government or the deputy commissioner or the licensing authority with regard to the purchase, sell and storage for sale, of these trade articles as in regard to the language in which the registers, return received of invoices shall be retain and in regard to the authoritication and maintenance of the register mentioned in the paragraph 3 above.

[The dealers may use local language or English in return registers, receipts or invoices.] <sup>19</sup>

11. The licensee shall in case when he functions in regulated market, abide by such instructions relating to business as are given by the marketing authority having jurisdiction and in any other case by such body as may be recognized the State Government in this behalf.
12. Every licensee shall take adequate measures to ensure that the trade articles stored by his are maintained in proper condition and that damages to these articles due to ground moisture, rains, insects, rodents, birds, fire and such 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 articles in the same godowns or in immediate juxtaposition to the stocks of the trade articles.
13. (i) The licensee shall supply or sell the trade articles to the consumer or dealer in the same quantity or weight and at a price marked on the container/package, but if any shortage limit is allowed by any Order of the

Central Government or State Government the same will be deducted from the marked quantity or weight.

19. Inserted vide notification number SDA.96/80/Pt/119 dated the 20<sup>th</sup> October, 1982.

- (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 any 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 either any of the above mentioned holiday on any day other any of the above mentioned holiday.

[Provided that in case of death or accident or serious sickness of the licensee, the dealer may close his premises without prior approval of the Licensing Authority.]<sup>20</sup>

- 14. This License shall be attached to an application for renewal.
- 15. This licence shall be valid up to 31<sup>st</sup> December, 19..

**Place.....**

**Date.....**

**(Licensing Authority)**  
**J.HAZARIKA.**  
**Secretary to the Govt. of Assam,**  
**Food & Civil Supplies Deptt.**

Return for the Period.....Name.....

Licence No.....Wholesale/Importer/Retail.....

<b>Sl.No</b>	<b>Name of trade article</b>	<b>Stock at the beginning of week/fortnight month.</b>	<b>Stock purchased or otherwise received during the week fortnight/month</b>	<b>TOTAL</b>	<b>Stock sold or otherwise removed during the week fortnight/ month.</b>	<b>Stock at the end of the week, /fort night/month.</b>	<b>REMA</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>

Place.....

Date.....

**The Licensing Authority**

**Signature**

- N.B.** I. Weight is to be entered in quintal/liters/tonne.
- II Goods pledged with Bank, Cooperative Society etc. are also to be included in the above figures and a note be given in remarks column.
- III. Fraction need not be mentioned Figures may be rounded off to the nearest quintal/liters/tonne.
- IV. Small packs of Hydrogenated Vegetable Oil. Edible oil or gur etc. maybe first converted into oils. Etc. and then included in this return.



**FORM 'E'**  
**(See Clause 15)**

List of prices and stocks of Trade Articles.

Name of the Dealer.....Date.....

<b>Sl.No</b>	<b>Name of the trade articles.</b>	<b>Price of trade articles.</b>	<b>Stock of trade articles at the beginning of the day.</b>	<b>REMA at the RKS.</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>

- N.B.** (i) Each quality/make of the trade article should be shown separately to as to indicate the separate price quality/make.
- (ii) In fourth column of above list if a trade article other than oilseeds pulse, kerosene oils, edible oils is in stock the words “Available” be written and if a trade article is out of stock the words “ Out of stock” be written by a dealer.

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