SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY

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No. 50 GANGTOK, WEDNESDAY, APRIL 13, 1977.

HOME DEPARTMENT

NOTIFICATION

Dated Gangtok, the 1st April, 1977

THE SIKKIM ESSENTIAL COMMODITIES (PRICE DISPLAY AND CONTROL OF SUPPLY AND DISTRIBUTION) ORDER, 1977.

No.5/Home:

Whereas the Governor is of opinion that it is necessary and expedient so to do for maintaining supplies and securing the equitable distribution and availability of essential commodities at fair prices;

Now, therefore, in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Act No.10 of 1955) read with the Notification of the Government of India in the Ministry of Industry and Civil Supplies Department of C.S. & C. published under Notification No.S.O.30(E) dated 9th January, 1976 and read with the Government of India Notification No.475(E) dated 24th July, 1976 of the Ministry of Agriculture & Irrigation (Department of Food) published in the Government of India Extra Ordinary Gazette, Part II dated 24th July, 1976, the Governor is hereby pleased to make the following order:

Short title commencement and extent.

1. (1) The Order may be called the Sikkim Essential Commodities (Price Display and Control of Supply and Distribution) Order, 1977.

(2) It shall come into force at once.

(3) It extends to the whole of Sikkim.

Definitions

2. In this order,

(a) "Wholesaler" means a person engaged in the business of purchase, sale or storage for sale of any scheduled commodity by wholesale and includes his representative or agent;

(b) "Retailer" means a person engaged in the business of purchase, sale or storage for sale of any scheduled commodity by retail and includes his representative or agent;

(c) "Distributor" means a person engaged in the distribution of scheduled commodity to the wholesaler or retailer;

(d) "Enforcement Officer" means 1. the Secretary, Food & Civil Supplies, 2. Joint Commissioner, Food & Civil Supplies, 3. Under Secretaries, Food P& Civil Supplies, 4. Marketing Officers, Marketing Inspectors, 5. Inspectors & Sub-Inspectors, Food & Civil Supplies and Police, 6. District Magistrate and such other officers as may be authorised by the State Government to exercise the powers and perform the functions of enforcement officers under this Order;

(e) "Manufacturer or producer" means a person engaged in the business of manufacture or production of a scheduled commodity;

(f) "Scheduled commodity" means any of the commodities specified in the schedule to this Order;

Exhibition of price list and stocks by wholesalers.

3. Every wholesaler of scheduled commodities shall display prominently in the shops or showrooms a list legibly written in English or in Nepali indicating the opening stock of such commodities and the wholesale price thereof each day as fixed or approved by the Central Government or the State Government or if no such price is fixed or approved such prices as may be fixed by the manufacturer, producer, or the distributor and no wholesaler shall charge in excess of such price.

Exhibition of price list and stocks by retailers.

4. Every retailer of scheduled commodities shall display prominently in the shops or showrooms a list legibly written in English or in Nepali indicating the opening stock of such commodities and the retail price thereof as fixed or approved by the Central Government or the State Government or if no such price is fixed or approved, such price as may be fixed by the manufacturer, producer, or the distributor and no retailer shall charge in excess of such price.

Wholsaler or retailer not to withhold from sale.

5. The wholesaler or retailer shall not withouhold from sale of any scheduled commodity held in stock by him for sale:

Provided that the State Government or subject to any directions of the State Government, the District Magistrate may by general or special order and subject to such conditions or restrictions, if any, as may be specified allow any society, employer, institution or other person to give preference to its or his members, employees, inmates or other restricted category of persons, in the sale of any scheduled commodity or to restrict the sale thereof to such persons.

Issue of receipts etc.

6. Every wholesaler or retailer shall issue to every customer of scheduled commodities of the value of more than Rupees Twenty a cash memo or receipt, as the case may be, containing the name, address of the customer, the date of transaction, the quantity and the name of the commodity sold the rate and the total amount charged, and shall keep a duplicate of the same for inspection on demand by any officer authorised in this behalf. Such duplicate, however, need not be preserved for more than a year.

Maintenance of accounts.

7. Every wholesaler or retailer shall maintain separately for each place of his business or godown correct and true accounts of purchase sale and storage of scheduled commodities to be written up at the end of each day showing -

(a) the opening stock of the day
(b) the quantities received during the day.
(c) the quantities delivered or otherwise disposed of during the day.
(d) the closing stock of the day, and
(e) such other particulars as the Enforcement Officer may, by order in writing, specify.

Production of accounts and other information.

8. The enforcement Officer or any officer authorised by the Enforcement Officer or any Officer in the Department of Food & Civil Supplies or any Police Officer not below the rank of Assistant Sub-Inspector may require the wholesaler or retailer —

(a) to produce for inspection his stocks, accounts and records relating to the scheduled commodities,
(b) to furnish any information in his possession realting to scheduled commodities, and
(c) to give all facilities at all reasonable times for the inspection of his stocks and accounts at any shop, godown or other place used by him for storage or sale of scheduled commodities and for weighment of his stocks and for the taking of samples for examination.

9. (1) The State Government may by order regulate the distribution of scheduled commodities by any manufacturer, producer or distributor in such supply area or areas and in such manner as may be specified.

(2). Every manufacturer, producer or distributor shall comply with any directions issued by the State Government under sub-claues (1)

(3) Without prejudice to sub-clause (2) every manufacturer, producer or distributor shall supply such informations as may be required by the State Goverament in respect of supply and distribution of the scheduled commodities.

(4) Every distributor, wholesaler or retailer shall, on receipt of a scheduled commodity supplied by any manufacturer, producer or distributor, as the case may be, whether in pursuance of an order made under sub-clause (1) or otherwise, distribute the same in the supply area concerned in accordance with any direction issued by the Enforcement Officer in this behalf.

wer of entry, search ure etc.

10. (1) The Enforcement Officer or any other Officer not below the rank of a Sub-Inspector of Food and Civil Supplies and Police authorised by the Enforcement Officer 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 premises, vehicle or vessel in which he has reason to believe that contravention of this order has been, is being, or is about to be committed to produce any book, account or other records showing transactions relating to such contravention;

(b) enter, inspect, or break open and search any premises, vehicle or vessel in which he has been reason to believe that any contravention of the provisions of this order has been, is being or is about to be committed;

(c) take or cause to be taken, extracts from or copies of any document showing transactions relating to such contravention which are produced before him.;

(d) search, seize documents, account books, stocks etc. and also remove stocks of scheduled commodities, in respect of which he has reason to believe that a contravention of the provisions of this Order, has been, is being or is about to be committed, and thereafter take or authorise the taking of all measures necessary for securing the production of the stocks, documents and account books etc. so seized in a Court and for their safe custody pending such production.

SCHEDULE

1. Vanaspati (hydrogenated edible oils)
2. Other edible oils
3. Milk powder(including Baby-food packed in sealed containers).
4. Soaps.
5. Matches
6. Razor blades...
7. Fluroscent tubes.
8. Electrict bulbs.
9. Soda Ash.
10. Dry Cells for torches.
11. Dry cells for transistor radios.
12. Hurricane Lanterns.
13. Tyres, tubes of Motor Cars, buses, jeeps, vans, trucks, animal drawn vehicles and automobiles.
14. Kerosene oil.
15. Paper (including exercise books)
16. Sugar
17. Salt
18. Rice
19. Wheat, wheat products, namely maida, suji, atta.
20. Atta of rice and other grains.
21. Pulses whole or split including gram or gram dal.
22. Gur.
23. Edible oils of all kinds.
24. Mustard seeds.
25. Tinned Milk
26. Horlicks, Viva and Astra.
27. Butter
28. Baker's Bread
29. Tea
30. Coffee
31. Cement
32. Coal including soft coke and charcoal.
33. Petrol and HSD ex-pump and motor oils in sealed tin.
34. Black sheets (plain, corruggated),
35. Galvanised sheets (plain, corrugated), joints, angles, channels, plates, wire, bars, pig-iron, tin plate & terne-plate, pipes & flats.
36. General Lighting service lamps.

BY ORDER,

T. S. Gyaltshen,
Chief Secretary,
Government of Sikkim.
(F.7(8)-Home/77)

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