

The Foodgrains [Licensing Control]. Order, 1957

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The Foodgrains [Licensing Control]. Order, 1957

No. 2370(FI) F & A-57/3576, dt 15th April, 1957.—In exercise of the powers conferred by Section 3 of the Foodstuffs (Control) Ordinance, 1 of 1957 (President's Ordinance 1 of 1957), the Governor is pleased to make the following Order.

1. (a) This Order may be called the Foodgrains (licensing Control) Order 1957.
(b) It extends to all the Provinces except the Tribal Areas.
(c) It shall come into force at once.
2. In this Order, unless there is anything repugnant in the subject or context.
 - (i) "Director" means the Director, Food and includes any officer appointed as such by the Provincial Government for the purpose of this Order
"Commissioner" mean, the Commissioner of the Division and includes any other officer invested by the Provincial Government with the powers of a Commissioner for the purpose of this Order.

¹Punjab Amendment: In clause 2

Sub- clauses (ii) and (iii) shall be omitted.

iii) "District Magistrate" means the District Magistrate of a District .

iv) "Inspector" means all the Gazetted officers of the Food Department, the Assistant Food Controller, the Senior Inspectors, Food, the Godown Keepers, the Food Procurement Inspectors and the Price Control Inspector, all the District Magistrates, the Magistrates, the Revenue Officers not below the rank of a Naib Tehsildar and a Police Officer not below the rank of Sub-Inspector within their respective jurisdictions and such Inspectors of the Food Department as are designated by the District Food Controller to be incharge of a Mandi with respect to the Mandi, and other officers so designated by the Provincial Government for the purposes of this Order;

²Punjab Amendment: In Clause2,

Clause (2) In sub-clause (iv), the words and commas "all the District Magistrate, "The Magistrate" Shall be omitted.

(v) "Foodgrains" means the commodities specified in schedule 1. from time to time;

(vi) "Form" means a form as set forth in schedule II to this Order.

(vii) "Producer" means a person who grows any foodgrains by the labour of his own hands or the labour of others;

(viii) "Wholesale dealer" means a person who sells any foodgrains in any one transaction in an aggregate quantity exceeding twenty five maunds;

(ix) "Retail dealer" means a person who sells any foodgrains in any one transaction in a aggregate quantity not exceeding twenty five maunds:-

(x) "Licensing Authority" means the Deputy Director Food, the Assistant Director, Food, the District Food Controller, the Rationing Controller within their respective jurisdiction, the Naib Tehsildar Supplies, Gawadar (For Tehsils of Gawadar and Jiwani,) the Naib Tehsildar Supplies, Pasni Tehsil, the Naib Tehsildar Supplies, Turbat(for Telisils for Turbat and Panjgur), the Naib Tehsildar, Supplies Sibi Nushki(for Chagai District), the Food Controller, Kalat (for Kharan District, the Naib Tehsildar, Supplied, Fortsandman(for Zobe). Naib Tehsildar Sibi(for District of Sibi and Tehsils of Dhadar. Kalat District), the Lehri and Bhagh (in kalat District) the Naib 1 Tehsildar Sibi (for District of Sibi and Tehsils, of Dhadar, Lehri, Bhagh in the Kalat District) the Naib Tehsildar of Loralai (for Loralai District), and any other officer so designated by the Provincial Government for the purpose of this Order.

³Punjab Amendment: For the existing sub-clause (x) of clause 2 the following shall be substituted:

" x Licensing Authority means .

¹ Notifi No. SOF(1)6(0/91)(P-II) dt 10-08-2004

² Notifi. No. SOF(1)6(1)/91 (P.II) dt 10-08-2004

³ Notification NO.SOF(1),-2(1), 71 dated 29 December 1972

- (i) For the Lahore District Deputy Director Food Lahore Region and Assistant Food Controller(District Lahore).
- (ii) For other districts the Deputy Director Food the District Food
- (iii) Controller, the Rationing Controller within their respective jurisdiction, and.
- (iv) any other officer so designated by the Provincial Government for the purpose of this Order;
- (xi) Household consumption” means consumption or use of foodgrains by a person for his personal requirements and those of his household.
- xii) “Normal quantity” means the quantity specified below or such quantities as the Provincial Government may notify from time to time, namely:-
 - (a) in relation to a person other than producer, the quantity a required by him for his consumption or that of his household at the scale of half a seer of foodgrians per day for himself and each member of his household for a period of 6 months.
 - (b) In the case of a producer, 100 maunds of the foodgrians ⁴[or (fifteen maunds of wheat per acre of the area under wheat crop cultivated by the producer whichever is less} or the following:
 - (i) for his personal consumption or that. of his household a stock sufficient to last until the date of the next harvest of the particular foodgrains, such date being reckoned as the thirty first day of October with regard to the Kharif harvest and the thirtieth day of April with regard to the Rabi harvest at the rate of half a seer per day for himself and every member of his household or establishment, and
 - ii) for seed for his own cultivable area a stocks of foodgrains not exceeding the quantity specified in schedule III for every area of that area sown by him with that foodgrians during the period immediately preceding 12 months, the stock not being kept beyond the due date of sowing namely 31st day of July for Kharif crops and 31st day of December of Rabi crop⁵.
- xiii) Schedule” means a schedule appended to this Order.

3. No person, other than a producer with regard to food grains produced by him, shall engage on this own account or on behalf of any other person, as a commission agent, in any undertaking which involves the purchase, sale or storage for sale of any of the foodgrains mentioned, in Schedule1, except under and in accordance with a license issued by license issued Licensing Authority under this Order:

Provided that this restriction shall not apply to retail undertaking in case of wheat and wheat atta.

Explanation-A person who stores food grains in excess of the normal quantity shall, unless the contrary is proved, be deemed to store foodgrains for sale.

4. No person to whom a license has been issued shall withhold from sale the foodgrains stocked by him except--

- a) in accordance with or under any law for the time being in force.
- b) on the ground that the foodgrains are meant for his bona fide private consumption or for supply to the Government of Pakistan or the Provincial Government under a duly executed authority or contract.

5. No person shall, except on the authority in writing of the District or the Licensing Authority at any one time:-

- a) possess more than the normal quantity of the foodgrains; or
- b) acquire any quantity of foodgrains if thereby the total quantity in his possession or under his control exceeds the normal quantity ; or
- c) sell, transfer of otherwise dispose of any quantity of foodgrains, any other person if he knows, or may resanably be presumed know, that by the reason of such sale, transfer or disposal, quantity of the foodgrains in the possession or under the control that other person will exceed the normal quantity;

Provided that nothing in this clause shall apply to ---

⁴ Word added by Notification No. SOF(1)-2(1)-74 dated 13th March, 1975

- (i) any authorized procurement agent of foodgrains appointed by the Ministry of Food and Agriculture (Food Division), Government of Pakistan, of the Food Departments of the Province concerned.
 - (ii) such person or classes of persons as may be exempted by the Provincial Government for any specified period and on such condition as may be specified by the Provincial Government.
6. Every person holding stocks of foodgrains exceeding the normal quantity shall regularly send to the Licensing Authority a fortnightly statement of stocks by the dates in the manner in paragraph 4(ii) of Form "A" of Schedule II:
- Provided that the Director may except any person or class of persons from the operation of this clause
- ⁵Punjab Amendments: For clause 6. the following shall be substituted:
- "6 Every person holding stocks of foodgrains exceeding the normal quantity shall regularly send to the Licensing Authority every month a statement of stock by the dates and in the manner prescribed in paragraph 4(iii) of Form A of Schedule II:
- Provided that the Director may exempt any person or class of persons from the operation of this clause.
7. (i) The Licensing Authority may require any person or class of persons, who according to the information of the Licensing Authority holds stock of foodgrains in excess of the normal quantity to declare and sell the stock, held by him in excess of the normal quantity at such price and to such person or class of persons or agency and in such manner as may be specified by the Licensing Authority. The Licensing Authority may have such excess stocks seized, if the holder does not dispose them of in accordance with the directions issued by the Licensing Authority and may then dispose of as he deems fit.
- (ii) Any person called upon to declare his stocks under sub-clause(i) shall be bound to give a true and correct declaration.
8. (i) Licenses issued under this Order shall be in Form 'A' in Schedule II and specify, among such other things as may be specified.
- (a) the place or places at which the licensee may carry on the dealings to which his license relates; and
 - (b) The places or storage;
- (ii) A license under this Order shall be, issued on payment of a fee of Rs. 10 for one district and Rs. 2 for each subsequent district;
- (iii) A duplicate license shall be issued on payment of Rs. 5 of one district and Re. 1 for each subsequent district when it is proved to the satisfaction of the Licensing Authority that the original license was lost or damaged in bona fide, manner
- (iv) A License granted under the Order shall, unless suspended, withdrawn or cancelled continue to be in force up to the end of calendar year in which it is issued and on the application of the licensee it shall be renewable for a period not exceeding three years, by the Licensing Authority who granted it or by the Ward Rationing Officer, Assistant Storage Officer or Assistant Food Controller of the District/ Sub Division/ Tehsil concerned on the payment of annual renewal fee of Rs. 5/- for the first district and Re. 1/- for the each subsequent District: Provided that if the licensee fails to apply for renewal thereof and to deposit the ⁶ renewal fee 15 before the date on which it is due to expire, the license shall not be renewed unless.
- (a) the Licensing Authority is satisfied that there were good and sufficient reasons for the delay, and
 - (b) the licensee pays a late fee of Rs. 5.00 for the first district and Re. 1 for each subsequent district.
- ⁷Punjab Amendment: For the existing sub-clause (ii), (iii) and (iv) of clause 8, the following shall be substituted:
- v) A license under this order shall be issued on payment of a fee of Rs. 150/- for one District and Rs. 100 for each subsequent District.

⁵ Notification No. SOF(1)-2(1)/71, dated 24th November, 1972

⁶ Words were inserted by notification No. 9(41)SOF-II-59 dated 23-02-1961

⁷ Notification No. SOF-(6)-2 (b)/75 Dated 16-12-1975

- vi) A duplicate license shall be issued on payment of a fee of Rs. 50 for one District and Rs. 50 for each subsequent District when it is proved to the satisfaction of the Licensing Authority that the original license was lost or damaged in a bonafide manner,
 - vii) A Licence granted under this Order shall, unless suspended, withdrawn or cancelled continue to be in force up to the end of the calendar year in which it is issued and on the application of the licensee it shall be renewable for a period not exceeding three years, by the Licensing Authority who granted it or by the Ward Rationing Officer, Assistant Storage Officer, or Assistant Food Controller of the District/ Sub Division/ Tehsil concerned on payment of annual renewal fee of Rs. 100/- for the first district and Rs. 50/- for the each subsequent District: if the licensee fails to apply for renewal before the date on which it is due to expire the license shall not be renewed unless.
 - (a) the Licensing Authority is satisfied, that there are sufficient reasons for the delay, and
 - (b) the Licensee pays a late fee of Rs. 150”
 - (c) If the licensee fails to apply for renewal of the license on or before 31st March, following the expiry of his license, the same shall stand cancelled and a fresh licence shall not be issued to him thereafter unless the arrears of late fee at the rate of Rs. 15.00 per Month are also paid by him.
9. (i) Applications for licences under clause 3 of this Order shall be made in Form “13” of Schedule II to the Licensing Authority of the District in which the applicant carries on or intends to carry on business, involving the purchase, sale or swage for sale of foodgrains in wholesale quantities.
- (ii) If any applicant carries on such business or intends to carry on such business in more than one district shall apply to the District Magistrate of the District in which he usually resides.

⁸**Punjab Amendment:** in clause 9, in sub clause (ii) the words” District Magistrate of the district in which he usually resides” shall be substituted by the words and comma “Director Food Punjab”

- (iii) A single application may include a request to carry on business in a number of districts in the Province concerned.
- (iv) Application for renewal of licence under clause 8(iv) of this Order, shall be made in Form “BB” of Schedule II Renewal of licences shall, when sanctioned by the Licencing Authority, be granted on the Renewal Endorsement Form shown in Form ‘C’ of Schedule II.

⁹16(10). (i) If any person holding a licence under this Order contravenes any condition of the licence then without prejudice to any other action which may be taken against him, his licence may be suspended for a specified period or cancelled by the Licensing Authority after due notice.

An Appeal against suspension or cancellation of a licence by the Deputy Director of Food shall lie to Government by the Assistant Director Food, to the Commissioner of the Division concerned and by the District Food Controller, Rationing Controller or Naib Tehsildar, Supplies or Naib Tehsildar to the District Magistrate of the District concerned within thirty days of the issue of the order appealed against.

The decision of the Government, the Commissioner and the District Magistrate as the case may be, shall be final.

(ii) notwithstanding anything contained in sub-clause (i), the Director may, at his discretion, after due notice and for reasons to be “recorded in writing, suspend for a specified period or cancel a licence issued under this Order.

¹⁰**Punjab Amendment:** In clause 10, sub clause (i) shall be substituted by the following:-

“(i) if” any person holding a licence under this Order contravenes any condition of the licence, then without prejudice to any other action which may be taken against him, his licence may be suspended for a specified period or cancelled by the Licensing Authority after due notice.

⁸ Notification SOF(1)6(1)91 (P.II) dt 10-08-2004

⁹ Words were inserted by notification No. 9(41)SOF-II-59 dated 23-2-1961

¹⁰ Notifi. No. SOF(1)6(1)91.P.II), dated 10-8-2004

An appeal against suspension or cancellation of a licence shall lie to the Secretary, Food Department, Government of the Punjab, against the order of Deputy Director Food and to the Director Food, Punjab against the order of District Food Controller or Rationing Controller or any other authority designated as Licensing Authority under clause (x) of section 2 within thirty days of the issue of the order appealed against.

The decision of the Secretary, Food Department, Government of the Punjab and the Director Food, Punjab as the case may be shall be final.

11. For the more effective enforcement of this Order, and Inspector may:-

- (a) require any person to give any information in his possession with respect to the purchase, sale, storage, transfer or disposal of foodgrains which have been or are in his possession or under his control.
- (b) enter and search any premises and seize any quantity of foodgrains in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed.
- (c) inspect or cause to be inspected any books or other documents relating to the purchase, sale, storage, transfer or disposal of foodgrains

12. If any person contravenes any provisions of this Order, he shall as provided in section 6 of the Foodstuffs(Control) Ordinance, 1957 be punishable with imprisonment for a term which may extend to 3 years or with fine or with both and the Court trying such contravention shall direct that the stock or quantity of wheat together with the packages and covering thereof, in respect of which the Court is satisfied that the offence has been committed, shall be forfeited to Government unless for reasons to be recorded in writing the Court is of the opinion that the directions should not be made in respect of the whole, or as the any portion of the stocks.

13. In this Order any power exercisable by an authority subordinate to Provincial Government may also be exercised by the Provincial Government.

14. The foodgrains (License Control) Order, 1956 promulgated vide notification No. 1922 F&A (f-I-56/1715) , dated the 9th April is hereby rescinded.

15. All licences issued or cancelled or suspended under the provision of (Licencing Control) Order 1956, shall be deemed to have been ! concealed or suspended under this Order.

16. This order shall be notified in the Provincial Gazette.

SCHEDULE 1

- i) Wheat.
- ii) Rice ,broken rice and paddy.

SCHEDULE II (FORMS) FORM "A"

(see Clause 8 (i))

Licence No.under the West Pakistan Foodgrains (Licensing Control) Order, 1957.

1. Licences for the purchase, sale or storage forsale of foodgrains.
 2. Subject to the, provisions of the West Pakistan Foodgrains (Licensing Control Order 1957; and to the terms and conditions of this order Messers..... are hereby authorized to act as whole retail dealers in foodgrains and to purchase, sell are or storage for sale, of foodgrains. The Licence shall carry on the aforesaid business at the following place(s)
 3. the place(s) of storage will be the following
 4. (i) the Licenecee shall maintain a register of daily accounts separately for each foodgrains showing correctly.
 - (a) the opening stock on every day (in mounds);
 - (b) the quantities in mounds received on each day together with their places of origine:
 - (c) the quantities in mounds delivered or otherwise removed on each day showing the place of destination; and.
 - (d) the closing stock on each day (in mounds)
 - (ii) The licensee shall submit to the Licencing Authority or any officer authorized by that authority a statement in Form IT given in Schedule II, to the West Pakistan Foodgrains (Licensing Control) Order, 1957 which statement shall show the receipts and deliveries of each foodgrain separately for the preceding fortnight. This statement shall be submitted by the licensee so as to reach the authority concerned not later than the 20th day of each month for the first fortnight of the month and not later than 5th of the next month for the 2nd " fortnight of the said month.
- ¹¹**Punjab Amendment:** For paragraph (ii) of condition 4 the following shall be substituted.
- (ii) The licensee shall submit to the Licencing Authority or any other officer authorized by that authority, a statement in Form "D" given in this Schedule, which statement shall show the receipts and deliveries of each foodgrains separately for the month. This statement shall be submitted by the licensee so as to reach the Authority concerned not later than the 5th day of the succeeding month"
5. The wholesale/ retail licensee shall, in the case of each sale by him issue to the customer a correct receipt or invoice, as the case may be giving his own name address and Licence No. the name address quantity 07 sold, the pike charged per mound and the total amount realized and shall keep a duplicate the same to be available for inspection on demand by any authorized officer of Government.
 6. The Licensee shall prominently display at each of the places mentioned in paragraph 2 above a correct list, written in urdu, of the prices of each foodgrains separately.
 7. The licensee shall give all facilities at the reasonable times to any authorized officer of Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage or sale of any of the above named commodities and for taking of the samples of any of them.
 8. The licensee shall comply with any directions that may be given to him by the Government of by the Licensing Authority in regard to the purchase, sale or storage for sale of Foodgrains.

Licensing Authority.

¹¹ Notifi. Published in Punjab Gaz. Extr, 12-6-1972,p.1030

Date.....district

Note. The licensee’s attention is drawn to clause 10 of the West Pakistan Foodgrains (Licensing Control) Order 1957.

Form “B”

{See clause 9(1) ante}

- 1. Applicant’s name.
- 2. Applicant’s profession.
- 3. Applicant’s residence.
- 4. Situation of applicant’s place(s) of business with full particulars regarding the number of house or premises which he wants to get this licence.
- 5. Places of storage
- 6. How long has the applicant been trading in foodgrains mentioned in the section I to this order and any other foodgrains.
- 7. Quantity of foodgrains handled annual during the past three years.
- 8. Foodgrains in respect of which licenece is required.
- 9. I have carefully read the conditions of licence given in Form “A” in Schedul appended to the West Pakistan Foodgrians (Licensing Control) Order and I agree to abide to them.

Date..... Signature of the applicant.

¹²**FORIVI “BB”**

(SEE CLAUSE 9(IV) ANTE)

- 1. Applicant’s name.
- 2. Applicant’s address
- 3. Serial No. of the previous licence.
- 4. Date of issue of last renewal of the previous lience.
- 5. Details of godowns reserved for storage of foodgrains.

Sr. No.	Name of godown	Situation	Name of owner
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- 6. Varieties and quantities of Food grains purchased/ sold during the last year .
Receipt
Issue
Balance
- 7. No and date of treasury challan under which the renewal fee prescribed under clause 8(iv) of the West Pakistan Foodgrains (Licensing Control) Order, 1957 has been credited into Government Treasury.

Note: The treasury challan should be attached in original with this form. Signature of Licencee

Licence No.

¹² This form was added by. Notification No. 9(41)-SOF-11:59 dated 22nd June, 1963

FORM ‘C’

(See clause 9(iv) ante)

Serial No.	Date of Renewal	Date of Expiry	Signature of issuing Authority	Remarks
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Form ‘D’

(See condition 4(1) of the Form A Ante)

Return of stocks, receipts and deliveriesif the fortnight ending
.....nameaddress.....place(s) of storage
.....stocks at the beginning of the fortnightquantity received during the
fortnight.....

- (a) from persons in the same district.
- (b) from persons in other district (s) of the Province
- (c) from persons in out side the province, if any

Total

- Quantity delivered or otherwise removed duringfortnight
- (a) to persons in the same district*
 - (b) to persons in other district(s) in the Province
 - (c) To persons outside the Province, if any

Total

Signature of the Licensee
Licence No.

SCHEDULE III
(See clause 2(xii)(b) (ii) ante)

Sr. No.	Foodgrains	Quantity of seed per acre
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- 1. Paddy 10 seers
- 2. Wheat 30 seers

¹³Punjab Amendment: In Punjab, for the existing Form “D” the following shall be
substitueed

FORM “D”
(See condition No.. 4(ii) of Form Load

Sr. No.	Foodgrains	Quantity of seed per acre
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Return of stock, receipts and deliveries of for the months of

Name of Licensee.....
Address of Licensee.....
Place(s) of storage.....

¹³ See Punjab Government Notification published in Punjab Gazette, extra ordinary, 12th June, 1972 p.1031

		Name of foodgrains Figures in maunds	
1.	Stocks on the first day of the month		
2.	Quantity received during the month from		
	a. Within the District		
	b. Other District (s) of the Punjab.....		
	c. Other Province		
	i NWFP		
	ii Sindh		
	iii Balochistan		
		Total	
3.	Quantity disposed during the month	To Government	Others
	a within the Distict	.....	.....
	b In other District (s) in the Punjab	.....	.....
	c To other Province		
	i NWFP	.....	.....
	ii Sindh	.....	.....
	iii Balochistan	.....	.....
		Total	
4.	Balance in hand at the end of .....		.....

Note: Separate columns should be prepared for wheat, wheat atta, basmati rice and irri rice.

Date

Signature of the Licensee
Licence No.