

**THE TAMIL NADU ESSENTIAL COMMODITIES (DISPLAY
OF STOCKS AND PRICES AND MAINTENANCE OF
ACCOUNTS) ORDER, 1977**

TAMIL NADU ESSENTIAL COMMODITIES

**(DISPLAY OF STOCKS AND PRICES AND MAINTENANCE OF
ACCOUNTS) ORDER, 1977.**

(Published in Part III Section 1(a) of the Tamil Nadu Government Gazette Extraordinary
G.O.Ms.No.206, Food dt.22.9.1977)

Whereas the State Government are of opinion that it is necessary to maintain the increase of supplies and services of certain articles essential to the life of the community.

And whereas, the State Government are of opinion that it is necessary to secure the equitable distribution and availability of certain articles essential to the life of the community at fair prices.

And whereas, the State Government are also of opinion that it is necessary to provide and regulate that the stocks and prices of such articles shall be displayed and accounts relating to the purchase and sale of such articles shall be maintained by the dealer.

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act 1955 (Central Act 10 of 1955), read with the Government of India, Ministry of Agriculture (Department of Food), Order No.G.S.R. 316 (E), dated the 20th June 1972, published in the Extraordinary issue of Part II Section 3, sub-section (i) of the Gazette of India dated the 20th June 1972 and S.O.No.681(E), dated 30th November 1974, published in the Extraordinary issue of part II Section 3, Sub-Section(ii) of the Gazette of India, dated the 30th November 1974 and S.O.No.682(E) dated: 30th November 1974, published in extraordinary issue of Part II Section 3, sub-section (ii) of the Gazette of India, dated 30th November 1974, and with prior concurrence of the Central Government in respect of clause 4 of this order, the Government of Tamil Nadu hereby makes the following order:-

ORDER

1. Short title, extent and commencement:

- (1) This order may be called the Tamil Nadu Essential Commodities (Display of Stocks and Prices and Maintenance of Accounts) Order, 1977.
- (2) It extends to whole of the State of Tamil Nadu.
- (3) It shall come into force at once.

2. Definitions: In this order, unless the context otherwise requires.

- a) 'appellate authority' means in the case of City of Madras including its belt area, Deputy Commissioner of Civil Supplies (City) and elsewhere the Revenue Divisional Officers in their respective jurisdiction:
- b) Authorised Officer means
- i) In the case of City of Madras including the belt area, an officer not below the rank of Assistant Commissioner of Civil Supplies
 - ii) In the case of Coimbatore town including the belt area, the Assistant Rationing Officer, Coimbatore: and
 - iii) elsewhere, the Taluk Supply Officers in the grade of Tahsildars wherever they are in position and Taluk Tahsildars in other areas:
- c) 'Collector' means
- i) in the case of the City of Madras the Joint Commissioner of Civil Supplies; and
 - ii) elsewhere, the Collector of the district concerned;
- d) 'Commissioner' means the Commissioner of Civil Supplies and Consumer Protection Madras;
- e) 'Competent Officer' means any officer of the Revenue or Civil Supplies and Consumer Protection Department not below the rank of Checking Inspector in the City of Madras and Deputy Tahsildars elsewhere, any officer of Police Department not below the rank of Sub-Inspector or any officer of the Commercial Taxes Department not below the rank of Assistant Commercial Tax Officer.
- f) 'cost price' means the price at which commodity is purchased by the dealer inclusive of sales tax and the incidentals such as freight, handling and storage upto the point of sale;
- g) 'dealer' means any person engaged in the business of purchase, movement, sale, supply, distribution or storage of essential commodities directly or otherwise whether for cash or for deferred payment or for commission, remuneration or other valuable consideration and includes:
- (i) a producer; other than producer of sugar
 - (ii) an importer;
 - (iii) a wholesaler;
 - (iv) a retailer;
 - (v) a casual trader;
 - (vi) a commission agent;
 - (vii) a broker;
 - (viii) a delcredere agent;

(ix) an auctioneer

or other mercantile agent by whatever name called, who carries on such business on behalf of any principal:

Explanation: For the purpose of sub-clause (v) 'casual trader' means a person who has whether as principal agent or in any other capacity, occasional transactions of business nature involving the purchase, movement, sale, supply, distribution or storage of essential commodities whether for cash or for deferred payment or commission, remuneration or other valuable consideration;

- h) 'essential commodity' means the commodities specified in the First Schedule to this order in any form and all products made therefrom including flour and broilers;
- i) 'Government' means the State Government
- j) 'list of prices' means the list of sale prices displayed by the dealer at the entrance of or near his business premises as required by clause 3(2);
- k) 'retailer' means a dealer who sells to consumers and include all dealers who are not wholesalers;
- l) 'sale price' means the price at which the commodity is sold by the dealer excluding the sales tax payable in respect of the sale.
- m) 'wholesaler' means a dealer who sells to retailers and bulk consumers.
- n) 'producer' means any person carrying on the business of edible oil and other essential commodities specified in the first schedule but does not include an agriculturist, a farmer, or a producer of sugar.

3. Display of stocks and prices:

- (1) Every dealer shall display conspicuously at or near the entrance place of his business premises the stock of the essential commodity held by him.
- (2) He shall also display a list of prices showing the cost price and the sale price of such essential commodity;
- (3) The sale price of such essential commodity shall not exceed the retail prices, if any fixed or recommended by the manufacturer or producer, in respect of that category of essential commodity.
- 4. Sale at higher price, refusal to sell, omission to include any article held in the list or failure to furnish demanded information prohibited:

No dealer shall:-

- (a) Sell or agree or offer for sale any article at a price higher than the price displayed in respect of that article in the list of prices or the price marked in respect thereof, as the case may be, or

- (b) refuse to sell or withhold from sale such article to any person at the price so displayed or marked; or
- (c) omit to include in the list of prices any article ordinarily kept or stored for sale by him, to display in such list the price of any article held by him in stock; or
- (d) refuse to furnish on demand such information as may be required by the authorised officer, Collector, Commissioner or Government at any time within the period stipulated for the purpose.

5. Maintenance of accounts:-

- (1) Every dealer shall keep in the form specified in the Second Schedule a true and correct account of any essential commodity acquired, held or sold by him.
- (2) Every dealer shall keep bills in respect of all purchases and issue bills in respect of all sales and such bills shall contain particulars regarding the quantity of commodities purchased or sold, issue price, tax paid or collected.

6. Power to issue direction:

The Government, Commissioner, Collector or authorised officer may by order issue directions to any dealer on any matter covered by and supplementary to the provisions in this order and the dealer shall comply with such directions.

7. Dealer to make facilities for inspection:

Every dealer shall make available to the competent officer for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase and sale of any essential commodity or matters connected therewith as may be required by him.

8. Power of entry, seizure, search, etc.

- (1) any competent officer has reason to believe that any contravention of this order, has been committed or is being committed or is about to be committed, such officer may-
 - (a) Inspect any book, account or other document or any stock of essential commodity in the possession or under the control of any person.
 - (b) seized any such account or other documents
 - (c) stop and search any person, boat, motor or any vehicle or receptacle used or intended to be used for the movement of the essential commodity.
 - (d) enter and search any premises or place; and

(e) seize the stock of any essential commodity in respect of which the competent officer has reason to believe that any provision of this order has been or is being or about to be contravened along with the packages, covering or receptacles in which such essential commodity is found or the animals, vehicles, vessels, boats, or other conveyance used in carrying such essential commodity and thereafter take or authorise the taking of all measures necessary for securing the production of the packages, coverings, receptacles, animals, vehicles, vessels, boats or other conveyance so seized in a court and for their safe custody pending such production.

Provided that the officer conducting the seizure shall give a receipt for what is seized immediately after the seizure is effected.

Provided further that no competent officer shall seize stocks of any essential commodity without obtaining the prior concurrence of the authorised officer.

(2) The competent officer or any officer authorised under sub clause (1) may requisition the services of any police officer or of any other officer of the State Government to assign such officer in the lawful exercise of any power vesting in him under this clause and it shall be the duty every officer requisitioned to comply with such requisition.

(3) Subject to the provisions of sub-clause (1) the provisions of section 100 of the Code of Criminal procedure, 1973 (Central Act 2 of 1974) relating to search and seizure shall, so far as may, apply to searches and seizures under this clause.

9. **Sanction of Prosecution:-**

No prosecution for contravention of any of the provisions of this order shall be instituted without the previous sanction of the Collector, Additional Collector or District Revenue Officer of the District concerned in the case of the places other than the City of Madras, and the Joint Commissioner of Civil Supplies or the Deputy Commissioner of Civil Supplies (City) in the case of City of Madras and its belt area comprising Saidapet taluk and Avadi Township in Chengalpattu District.

10. **Appeal:-**

(1) Any person aggrieved by an order or action taken by a competent officer or authorised officer, may within fifteen days of the date of receipt by him of such order or of the action taken, appeal to the appellate authority.

(2) Any person aggrieved by an order or action taken by the appellate authority (other than under sub-clause (1) of this clause) may, within fifteen day of the date of receipt by him of

such order or of the action taken, appeal to the Joint Commissioner of Civil Supplies in the case of Madras City including its belt area and in other areas to the Collector of the district.

11. **Power to alter First Schedule:** The Government may, by notification, add to alter or amend the First Schedule.

12. **Exemption to Food Corporation of India and the Tamil Nadu Civil Supplies Corporation:**

Nothing contained in this order shall apply to the Food Corporation of India established under the Food Corporation Act, 1964 (Central Act 37 of 1964) and to the Tamil Nadu Civil Supplies Corporation. (Omitted in G.O.Ms.No.527, F & C.P. dt.09.05.86)

FIRST SCHEDULE

(See Clause 2(b))

1. Paddy
2. Rice
3. Wheat
4. All coarse grains (including cholam, cumbu, ragi, maize)
5. All pulses and grams
6. Groundnut oil
7. Gingelly oil
8. Cocount oil
9. Refined oil
10. All Edible oils
11. Baby and invalid food
12. Tamarind
13. Chillies
14. Firewood
15. Charcoal
16. Leco
17. Kerosene
18. Soaps(Toilet and Washing)
19. Salt
20. Deleted in G.O.Ms.No.157 Food dated 4th June 1979
21. Sugar
22. Palm Gur and Jaggery
23. Vanaspati
24. Tinned milk
25. Ghee
26. Butter
27. Coffee seeds and coffee powder
28. Matches
29. Bread and biscuits
30. Madia
31. Sooji

32. Tinned Food
33. Cement
34. HSD and motoroils
35. Bulbs, Petromax lights and hurrican lights
36. Tea
37. Paper (all varieties)
38. Exercise books
39. Groundnut
40. Groundnut Kerala

(G.O. Ms.No.74, F & C.P. dt 31.01.85)

SECOND SCHEDULE

(See Clause 5(1))

FORM OF DAILY ACCOUNT OF STOCKS

Form

To

Name of dealer

Whether producer, importer,
Wholesaler or retailer

Address of place of business

Description of essential commodities	Opening stock	Stock acquired during the day with reference to purchase bills	Stock sold during the day with reference to sale receipt	Closing stock
1	2	3	4	5
		Purchase bills and sale receipts shall be serially numbered and shall show clearly the name and address of seller and the purchaser, quantity, price of purchase, sales tax and other details and in filling the relevant columns of the above account of stocks the serial number of the bill shall be referred to.		