

No. FDS.A(3)-2/77,- Whereas the Governor of Himachal Pradesh is of the opinion that it is necessary so to do for maintenance and increase of supplies and for securing the equitable distribution and availability of articles or things specified in schedule I and II appended to this order at fair prices and for controlling the prices or rates at which such articles or things may be sold.

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with GSR No. 316 (E) dated 20.6.1972, No. 452 (E) dated 25.10.72 and No.168 (E) dated 13.3.73 , S.O. No. 681(E) and 682(E) dated 30.11.74 issued by the Government of India, and all other powers enabling him in this behalf and with the prior concurrence of the Central Government, the Governor of Himachal Pradesh is pleased to make the following order namely:-

- 1.
- (1) This order may be called the Himachal Pradesh Commodities Price Marking and Display Order, 1977
- (2) It shall come into force at once.
- (3) It extends to the whole of the State of Himachal Pradesh.

2. In this order, unless the context otherwise requires,-

- (a) 'commodity' means any article or thing specified in column 3 of Schedule I or Schedule II.
- (b) 'dealer' means a person who carries on the wholesale or retail business of selling or storing for sale any commodity whether or not such business is carried on in addition to any other business.
- (c) 'list of price and opening stocks' means the list maintained from time to time by any dealer in the form prescribed in schedule III indicating the prices and the daily opening stocks of the commodities specified in column 3 of schedule I in which the dealer carries on business.
- (d) 'price' in relation to a commodity means the amount of money for which the dealer sells or parts with or agrees to sell or part with or offers to sell or part with that commodity or any variety or quality thereof inclusive of any tax payable under any law for the time being in force in respect of such commodity.
- (e) 'Schedule' means schedules appended to this order.
- (f) 'Director' means the Director of Civil Supplies, Himachal Pradesh and includes the Joint Director Food and Supplies, Himachal Pradesh, Deputy Director of Food and Supplies, Himachal Pradesh , District Food & Supplies Controller, District Inspector (Food & Supplies) ,Inspector (Food & Supplies) ,Sub-Inspector (Food & Supplies) within their respective jurisdiction.
- (g) 'District Magistrate ' means the District Magistrate of the district and shall include the Sub-Divisional Magistrate and Executive Magistrate within their jurisdiction.

3. Every dealer shall from the commencement of this order:-

- (a) In respect of the commodities specified in column 3 of Schedule I, display conspicuously in the form prescribed in schedule III during the hours of business at a place as near to the entrance of his business premises as possible, a list of prices and opening stocks in Devnagri script in Hindi; and
- (b) In respect of the commodities specified in column 3 of schedule II, mark from time to time the price in the manner prescribed in that schedule in the script referred to in clause (a) above;

Provided further that form of numerals to be used shall be the international form of Indian numerical. Provided further that a wholesale cloth dealer may instead of marking in the manner prescribed in schedule II, the prices of various varieties of textiles having specified trade mark and falling within the purview of the aforesaid schedule display the price of each variety in accordance with the provisions of sub-clause(a) of this clause.

Provided further that in the case of any commodity which is out of stock instead of writing the price thereof in the list, the words 'OUT OF STOCK' shall be written in block letters against that commodity.

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Provided further that the retail price of any category of essential article so displayed shall not exceed the retail price, if any, fixed or recommended by the manufacturers or producers in respect of that category of essential articles.

Provided further that the conditions of display of opening stock shall not apply to the retail dealers. Provided further that prices printed on the packages covered under the Standards of Weights and Measures Packaged Commodities Rules, 1977, need not be displayed, if the ultimate retail price including taxes has been written on the packaged commodities.

Provided further that the price list will be dated and no price list will be valid for more than one calendar month.

4. The list of price and opening stocks in clause 3 shall be displayed in the manner as indicated in schedule III and shall be signed and dated by the dealer stating there under the capacity in which he has signed the list i.e. whether he is a proprietor, partner or manager of the firm. The name of the firm shall also be shown on the list.

5. No dealer shall

- (a) sell or agree to sell or offer for sale any article at a price higher than the price displayed in respect of that article in the list of price 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 and opening stock any article ordinarily kept or stored for sale by him or to display in such list the price of any article held by him in stock.

6. For ensuring that the provisions of this order are being complied with by the dealer, the Director, the District Magistrate, Inspector Food and Supplies (Enforcement) or the Police Officer not below the rank of Sub-Inspector shall have the powers to:—

- (i) enter business premises of any dealer during business hours to inspect the list of price and opening stocks or the prices marked in the manner laid down in schedule II.
- (ii) require any dealer or any person carrying on business on his behalf to give a copy of the list of price and opening stocks or any other information in his possession in respect of the business and the dealer or such person as the case may be, shall give the copy of the list of prices and opening stocks or other information required from him.
- (iii) inspect or cause to be inspected any book, document or any stocks of articles belonging to or under the control of any dealer or any person acting on his behalf and take such book, document, or stock in his possession; and
- (iv) search any premises or place and seize any article in respect of which he suspects that any provisions of this order has been, is being or is about to be contravened.

7. The provisions of section 100 of the Code of Criminal Procedure, 1973 relating to search and seizure shall so far as may, be apply to searches and seizures under this order

SCHEDULE-1

[See Para 2 (a) and (3)]

COMMODITIES IN RESPECT OF WHICH LIST OF PRICES IS TO BE DISPLAYED [See para 2 (a) and (3)]

Sr. No. 1.	Class of commodity 2.	Name of commodity 3.
1.	Food Stuff	(i) Wheat (ii) Chakki Wheat flour (iii) Wheat (iv) Chakki wheat flour (v) Mill wheat flour

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		<p>(vi) Maize (vii) Maize flour (viii) Rice Basmati (ix) Rice Begmi (x) Pulses (xi) Gram Desi (xii) Gram Kabli (xiii) Sugar (xiv) Sugar Desi (Bura) (xv) Gur (xvi) Shakkar (xvii) Khandsari (xviii) Sugar Bura (xix) Desi Ghee (xx) Vegetable Oils (including hydrogenated vanspati) (xxi) Mustard Oil (Sarson Oil) (xxii) Common Salt (xxiii) Haldi (xxiv) Chillies (xxv) Spices (xxvi) Bread (xxvii) Butter (xxviii) Eggs (xxix) Baby Food (xxx) Condensed Milk (xxxi) Tea leaves (xxxii) Meat/Chicken/Fish (xxxiii) Fresh Milk/Milk Products (xxxiv) Sweetmeats (xxxv) Meals, cooked food or dishes served by hotels/restaurant or public eating houses located within the territorial jurisdiction of a Municipal, Corporation, Municipal Committee or a Notified Area Committee. (xxxvi) Fresh vegetable (xxxvii) Sugar Balls/cubes (xxxviii) Patasha</p>
2.	Toilet goods	<p>(i) Toilet soaps Omitted vide Notification dated 5.9.98. (ii) Washing soap -do- (iii) Soap flakes -do- (iv) Tooth Brushes (v) Tooth Pastes</p>
3.	General	<p>(i) Kerosene Oil (ii) Diesel Oil (iii) Lubricating Oil (iv) Petrol (v) Battery Cells (vi) Transistor Cells (vii) Electric bulbs (viii) Torch bulbs (ix) Brass, copper, steel, aluminium, utensils sold by weigh. (x) Steam Coal (xi) Soft Coal (xii) Hard Coke (xiii) Tyres and tubes Omitted vide Notification dated 5.9.98 (xiv) Match Boxes -do- (xv) Liquefied Petroleum Gas (xvi) Firewood (xvii) Electric wires (xviii) C.G.I./P.G.I.s heets, Iron bars, wire nails</p>
4.	Yam and Textile	<p>(i) Poplin (ii) Long cloth (iii) Muslin (iv) Violin (v) Drills (vi) Knitting wool</p>
5.	Bottled Beverages	<p>(i) Bottle containing liquid (ii) Liquid beverages containing milk as ingredient. (iii) Soft drinks (iv) Fruit beverages or the like one, which is returnable by the consumers for being refilled will be covered.</p>

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Note :

- (i) Price shall be specified separately in respect of different kinds, qualities, varieties or types of commodities.
- (ii) Where any commodity of any kind, quality, variety or type thereof is sold in tins, bottles, packages of litres, price shall be specified separately per tin, bottle package, liters, drum, or of any other unit in which prices are generally quoted.
- (iii) In column 5, the unit of price in respect of different or types of each commodity shall be specified in terms of weight, quantity, number, packet, package, bottle, tin, drum or any other unit in which prices are generally quoted. Illustration—The price of sugar may be specified per kilogram of eggs per dozen and of kerosene oil per bottle of per tin of specified capacity measured in terms of milliliters or liters.
- (iv) List of price shall be printed, typed or written in ink.

SCHEDULE-II
[See Para 2 (a) 3 and 5]
COMMODITIES IN RESPECT OF WHICH PRICES ARE TO BE MARKED

Sr.No. 1.	Class of commodities 2.	Name of commodity 3.	Manner of marking price 4.
1.	Textiles	(i) All kinds of cloth whether of synthetic fiber, cotton, Wool , silk or any dmixture (ii) Saris (iii) Dhotis (iv) Blankets (v) Towels (vi) Bed-covers (vii) Bed-sheet (viii) Table cloth (ix) Pillow cover (x) Durries and Kthesis (xi) Carpets (xii) Ready-made garments	In the case of cloth sold by meters, the prices shall be marked by writing it on one end of the roll (Than) thereof. or piece or by pasting or tagging a price label thereto Price shall be marked per article or per set of articles or on the carton thereof or by pasting or tagging a price label to the article or set of articles.
2.	Paper	(i) Paper (ii) Exercise Books	Price shall be marked per article or set of articles or on the carton thereof or by pasting or tagging a price label to the article or set of article.
3.	Utensils	All utensils sold other wise than by weight	The price shall be marked per article or set of articles or on the carton thereof or by pasting or tagging a price label to the article or set of articles.
4.	Leather Goods	(i) Shoes (ii) Chapels (iii) Sleepers (iv) Sandals (v) Suitcases & attachi cases	The prices shall be marked for article or set of articles or on the carton the thereof or by pasting or tagging a price label to the articles or set of articles.
5.	Crockery	(i) Glass Tumblers (ii) Glass Jugs & Jars (iii) Thermos Bottle, Jars (iv) Crockery i.e. cups, saucers ,tea sets,tea-pots, quarter-plates, half plates, full plates	The prices shall be marked for article or set of articles or on the carton thereof or by pasting or tagging a price label to the articles or set of articles.

Note—

- 1. Price shall be embossed, printed, typed or written in Ink.
- 2. It is not necessary to affix separate labels on all articles of a particular commodity of the same quality,. size price and specification stored together at one place. In such cases a single label displaying the price of one piece be put against a entire lot.

SCHEDULE-III

[See para(4)]

(i) Name and address of the dealer.....

(ii) Premises of business.....

(iii) Date.....

Sr.No.	Name of commodity	Quality/make of article	Unit of Price	Opening stock(for wholesalers)	Remarks
1.	2.	3.	4.	5.	6.

Each quality/name of the article should be shown separately so as to indicate the separate price for that quality/make.

Signature of Proprietor/Partner/Manager, Dated:.....
By order, S.M. KANWAR,
Secretary.