

SUGAR (CONTROL) ORDER, 1966

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SCHEDULE 1 :- THE SCHEDULE

SUGAR (CONTROL) ORDER, 1966

G.S.R. 912, dated the 10th June, 1966 1 -Inexercise of the powers conferred by Sec. 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following Order, namely:

1. Short title, extent and commencement :-

- (1) This Order may be called the Sugar (Control) Order, 1966.
- (2) It extends to the whole of India ¹ [* * *]
- (3) It shall come into force at once.

1. Omitted by G.S.R. 621, dated the 8th April, 1970.

2. Definitions :-

In this Order, unless the context otherwise requires,-

¹[(a) "Bulk consumer" means a halwai, sweetmeat seller or a confectioner;]

²[³[(aa)] "Indian sugar standard grades" means the grades represented by the standard sealed samples of sugar in bottles issued by the Director, National Sugar Institute, Kanpur, conforming to the standards prescribed by the Indian Standards Institution;]

(aaa) 'importer' means a person engaged in the business of buying sugar from any country other than India and selling the same in India.

⁴[(b) "Producer" means a person carrying on the business of manufacturing sugar;

⁴ [(c)] "recognised dealer" means a person carrying on the business of purchasing, selling, or distributing sugar, and licensed under the order relating to licensing of sugar dealer for the time being in force in a State or Union Territory.]

1. Ins. by G.S.R. 387 (E), dated th 22nd August, 1972.

2. Ins. by G.S.R. 1915, dated the 6th August, 1969.

3. Clause (a) re-lettered as Cl. (aa) , by G.S.R. 387(E), dated the 22nd August, 1972.

4. Sub-clauses (a) and (b) re-lettered as sub-clauses (b) and (c) by G.S.R. 1915, dated the 6th August, 1969.

3. Power to regulate production of sugar :-

The Central Government may, by order published in the Official Gazette, direct that no sugar shall be manufactured from sugarcane except under and in accordance with the conditions specified in a licence issued in this behalf, whether on payment of a fee or otherwise.

4. Power to restrict sale, etc. of sugar by producers or importers :-

The Central Government may direct that no producer or importer shall sell or agree to sell or otherwise dispose of, or deliver or agree to deliver any kind of sugar or remove any kind of sugar from the bonded godowns of the factory in which it is produced or from the warehouses of the importers except under and in accordance with a direction issued in writing by the Central Government: Provided that this clause shall not affect the pledging of such sugar by any producer or importer in favour of any scheduled bank as defined in clause (e) of Section 2 of the Reserve Bank of India Act, 1934 (2 of 1934) or any corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1970) and no such bank shall sell the sugar pledged to it except under and in accordance with a direction issued in writing by the Central Government.

5. Power to issue directions to ¹[producer or importer"] and dealers :-

The Central Government ¹[* * *] may, from time to time by general or special order, issue to any [producer or importer"] or recognised dealer, or any class of [producer or importer"] or recognised dealers, such directions regarding the production, maintenance of stocks, storage, sale, grading, packing, marking, weightment, disposal, delivery and distribution of ²[any kind of sugar] as it ¹ [* * *] may deem fit.

1. Omitted by G.S.R. 1747, dated the 16th November, 1967, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated the 16th November, 1967.

2. Subs. by G.S.R. 1747, dated the 16th November, 1967, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated the 16th November,

1967.

5A. Sugar attached by Government officers etc. not to be sold without directions :-

Where any stock of sugar with any [producer or importer"] or recognized dealer is attached or seized,-

(i) by any officer of the Central or a State Government in accordance with the provisions of any enactment for the time being in force, or

(ii) in pursuance of any proceedings in a Civil Court,- the sugar so attached or seized shall not to be ordered to be sold unless the officer or court is satisfied that directions have been issued by the Central Government under Cl. 5 regarding the sale of such sugar.]

6. Power to regulate movement of sugar :-

The Central Government ¹[* * *] may, by general or special order, direct that no person shall transport or offer or accept for transport whether by road, rail or water all or ² [any kind of sugar] except under-

(a) a general or special permit issued in this behalf;

(b) a Military Credit Note: Provided that nothing in this clause shall apply to the transport of sugar not exceeding one kilogram as part of the personal luggage of a bona fide traveller.

1. Omitted by G.S.R. 1747, dated the 16th November, 1967, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated the 16th November, 1967.

2. Subs. by G.S.R. 1747, dated the 16th November, 1967, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated the 16th November, 1967.

7. Power to regulate quality of sugar :-

(a) The Central Government may prescribe the quality of sugar in terms of Indian Sugar Standard Grades to which all or any kind of sugar should conform at the time of delivery in pursuance of the direction issued to a producer under Cl. (f) of sub-section (2) of Sec. 3 of the Essential Commodities Act,

(b) When the Central Government is of the opinion that any stock of sugar with any producer is below any of the Indian Sugar Standard Grades of sugar it may direct the producer to reprocess the said stock with a view to conform to one or more of the Indian Sugar Standard Grades of sugar ¹ [or to sell it only to bulk consumers for use in the manufacture of their products].

1. Added by G.S.R. 387(E), dated the 22nd August, 1972.

8. 8 :-

Omitted by G.S.R. 1747, dated the 16th November, 1967, published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(i), dated the 16th November, 1967.]

9. Utilisation of sugar taken delivery of in pursuance of an order under Sec. 3(2) (f) of Act :-

Where any person, class of persons or organisation takes delivery of sugar from any producer in pursuance of a direction made under Cl. (f) of sub-section (2) of Sec. 3 of the Act, such person, class of persons or organisation as the case may be shall-

(i) utilise the sugar so taken delivery of for the purpose for which such delivery was taken and for no other purpose;

(ii) submit to the Chief Director within fifteen days of the utilisation of the sugar so taken delivery of, a certificate to the effect that the sugar has been utilised for the purpose for which it was taken delivery of.]

10. Power to call for information, etc :-

he Central Government [* * *] or any person authorised in this behalf by the Central Government may, with a view to securing compliance with this Order, or to satisfy itself ¹ [* * *] that any order or direction issued under this Order is complied with,-

(a) require any [producer or importer"] or recognised dealer to furnish within such period or at such intervals as may be specified, such information, returns or reports and in such forms as may be required; and

(b) prescribe the manner in which accounts of any sales, purchases or other transactions of sugar should be kept.

1. The words "or the Chief Director" omitted by G.S.R. 1747, dated the 16th November, 1967.

11. Powers of inspection, entry, search, sampling seizure, etc :-

¹[(1)] ²[* * *] Any officer authorised by the Central Government in this behalf may-

(a) direct any [producer or importer"] or recognised dealer to maintain such records as he may specify;

(b) direct any [producer or importer"] or recognised dealer to furnish such information as he may require;

(c) inspect or authorise any person to inspect any books or any documents or stocks of sugar belonging to or under the control of a [producer or importer"] or recognised dealer;

(d) enter and search or authorise any person to enter and search-

(i) any place where sugar is manufactured including the machinery installed therein;

(ii) any place in which there is reason to believe that sugar is stored in contravention of this Order;

(e) draw or authorise any person to draw, in accordance with the procedure laid down in Cl. 12, samples for examination-

(i) from any stock of sugar belonging to, or under the control of a producer or

recognised dealer;

(ii) from any consignment of sugar in the course of its delivery or despatch by a producer,

(f) stop and search or authorise any person to stop and search-

(i) any person transporting sugar; or

(ii) any vehicle vessel or other conveyance used or capable of being used for the transport of sugar in contravention of this order;

(g) seize or authorise the seizure of any sugar 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, along with the packages, coverings or receptacles in which sugar is found or the animals, vehicles, vessels or other conveyances used in carrying such sugar and thereafter take or authorise the taking of all measures necessary for securing the production of such packages, coverings, receptacles, animals, vehicles vessels or other conveyances in a court and for their safe custody pending such production:

³[(2) The provisions of Sec. 102 and S.103 of the Code of Criminal Procedure, 1898, ⁴ relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.]

1. Renumbered by G.S.R. 1747, dated the 16th November, 1967.

2. The words "or the Chief Director" omitted by G.S.R. 1747.

3. Ins. by G.S.R. 1747, dated the 16th November, 1967.

4. See now the Criminal Procedure Code, 1973 (2 of 1974).

12. Procedure for drawing samples :-

¹[(1)] Subject to the provisions of sub- clause (2) of Cl. 11, the person drawing the samples shall follow the procedure as hereunder:

²[(a) The samples shall be drawn in the presence of a producer or recognised dealer, as the case may be, or representative of the producer or recognised dealer.

²[(b)] A separate sample shall be drawn from each lot consisting of sugar bags declared by the producer or recognized dealer to have the same grade or sugar.

⁴[(c) The sample drawn shall be divided into three portions and each portion shall be put in a separate container which shall be sealed both by the person drawing the sample and the producer or recognized dealer, as the case may be, or his representative with their respective seals and shall also be signed by both.]

²[(d)] Two such portions shall be forwarded to the Directorate of Sugar and Vanaspati and the third shall be left with the producer or recognized dealer, as the case may be, or his representative.

⁶[(2) Out of the two sealed portions of the sugar sample received in the

Directorate of Sugar and Vanaspati under sub-clause (1), one sealed portion shall be examined by the Grading Committee to determine its quality with reference to the Indian Sugar Standard grades in force for the year in which the sugar was manufactured. If the grade of the said portion of the sugar sample is found by the Grading Committee to be lower than the grade declared by the producer or recognized dealer, as the case may be, the Directorate of Sugar and Vanaspati shall forward the other sealed portion of the sugar sample, as received, to the National Sugar Institute, Kanpur for determining its grade and the grade determined by the said Institute shall not be called in question.]

7 [(3) For the purposes of sub-clause (2), Grading Committee, means the Committee consisting of five Group A officers of the Directorate of Sugar, appointed by the Chief Director, to grade samples of sugar, A majority of the members of the Committee so

1. Sub-clause (1) renumbered by G.S.R. 1266, dated the 7th September, 1971.
2. Items (1), (2), (3) and (4) re-lettered as items (a) , (b) , (c) and (d) by G.S.R. 100, dated the 27th December, 1971.
4. Subs. by G.S.R. 1193, dated the 1st August, 1966.
6. Ins. by G.S.R. 1266, dated the 7th September, 1971.
7. Subs. by G.S.R. 596 (E), dated 30th August, 1977.

13. Certificate regarding samples drawn, etc :-

A certificate to the effect that each of the samples drawn is representative of the lot from which it was drawn shall be furnished along with the particulars of the samples, in the form set out in the Schedule hereto annexed, to the person drawing such samples by the producer or recognized dealer, as the case may be, or his representative and such certificate countersigned by the person drawing the samples and an endorsement to the effect that the procedure prescribed under Cl. 12 has been followed shall be made thereunder by the person drawing the samples and such endorsement shall be countersigned by the producer or recognized dealer, as the case may be, or his representative.]

14. Compliance of orders :-

Every [producer or importer"] or recognized dealer or other person to whom any order or direction is issued under any powers conferred by or under this Order, shall comply with such order or direction.

15. Delegation of powers :-

The Central Government may, by notification in the Official Gazette, direct that all or any powers conferred upon it by this Order shall, subject to such restrictions, exceptions, and conditions, if any, as may be specified in the direction, be exercisable also by-

- (a) any officer or authority of the Central Government;
- (b) a State Government or any officer or authority of a State Government.

16. 16 :-

Omitted by G.S.R. 1747, dated the 10th November, 1967.]

17. Repeal and saving :-

(1) The Sugar (Control) Order, 1955 and any Order made by the Central Government or a State Government or any authority regulating or prohibiting the production, supply and distribution of sugar and trade or commerce therein are hereby repealed except as respects things done or omitted to be done under any such Order before the commencement of this Order.

(2) Notwithstanding such repeal, an Order made by any authority, which is in force immediately before the commencement of this Order and which is consistent with this Order, shall continue in force and all appointments made, prices fixed, licences and permits granted and directions issued under any such order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, fixed granted or issued in pursuance of this Order.

SCHEDULE 1

THE SCHEDULE

(See Cl. 13) (1) Certificate: This is to certify that Shri.....(here enter designation), Directorate of Sugar and Vanaspati, Ministry of Food, Agriculture, Community Development and Co-operation, Government of India has drawn in my presence, a sample in triplicate from the consignment of sugar under despatch, as per particulars given below. The sample is truly representative of the lot from which it is drawn and each of the three portions has been properly packed and sealed with my seal and the official seal of the Inspecting Officer and has also been signed by me and the drawing officer. Of the three portions of the sample, one has been retained by us.5 Couptersignature of the Officer Signature of the producer/recognised Drawing the sample, dealer/accredited representative. Designation. Designation. (2) The sample has been drawn in accordance with the procedure prescribed under clause 12 of the Sugar (Control) Order, 1966. Countersignature of the producer/ Signature of the officer drawing the recognized dealer/accredited sample. representative. Designation. Designation. Date. Date. Forwarded to the Directorate of Sugar and Vanaspati, Ministry of Food, Agriculture, Community Development and Co-operation, New Delhi, along with the two samples of sugar referred to above out of the triplicate samples drawn from consignment under despatch. Signature of the officer drawing sample. II. Particulars of Sugar Sample drawn from consignment under despatch from M/s.....

Drawing \Date of \Wagon/Truck \ Number of \ Factory's Go- \Relevant Officer's \Drawing \No. in which bags loaded down and lot \Excise sample \sample \sugar loaded \ \ No. from which \Gate number \ \ and from which \ \ sugar loaded Pass No. \ \ \ \sample drawn \ \ \ \and date

1 \ \ 2 \ \ \ 3 \ \ 4 \ \ 5 \ \ 6

Name and \Destination \ Season of \ Grade mark- Government \Remarks address of \ station \ production ed/Declared Release Or- \ the consi- \ \ of sugar \ by the factory \der No. and \ gnee to \ \ \ \ \ \ \ \date against \ whom sugar \ \ \ \ \ \ \ \which sugar \ booked \ \ \ \ \ \ \ \despatched \

7 \ \ 8 \ \ \ 9 \ \ 10 \ \ 11 \ 12

III. Impression of the seals used by selling the samples : (a) Producer/Recognized dealer or his representative. (b) Official seal of the officer, taking the sample. To The Chief Director, Directorate of Sugar and Vanaspati, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), Jamnagar House, New Delhi-11.

