

**SUGAR (RETENTION AND SALE BY RECOGNISED DEALERS)
ORDER, 1979**

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²2. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), dated the 17th December, 1979, p. 1458. G.S.R. 702 (E)/Ess. Com./Sugar.-Whereas the Central Government is of opinion that it is necessary and expedient so to do for securing the equitable distribution and availability of sugar at fair prices; 2 Now, therefore, in exercise 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 (Retention and Sale by Recognised Dealers) Order, 1979.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

2. Definitions :-

In this Order,-

- (a) "recognised dealer" means a person carrying on the business of purchasing, selling or distributing sugar and licensed under the orders relating to licensing of sugar dealers for the time being in force in a State or Union Territory;
- (b) "sugar" means sugar manufactured by vacuum pan process.

3. Retention of stocks of sugar :-

(1) Every recognised dealer shall retain sixty-five per cent. of the stocks of sugar held by him at the close of business on the date of commencement of this Order for the purpose of sale to the State Government, or to an officer or agent of such Government, or to a corporation owned or controlled by such Government, or to such other person or class of persons as may be specified by the State Government, under the provisions of this Order and subject to such terms and conditions as may be specified by the State Government. Explanation.-For the purpose of this sub-clause sugar delivered or despatched of a recognised dealer by a producer of sugar or any other recognised dealer prior to the commencement of this Order but which is received by such recognised dealer at any time after such commencement shall be deemed to be sugar held by the recognised dealer on the commencement of this Order.

(2) Where sugar has been retained under sub-clause (i) by a recognised dealer, he shall immediately thereafter intimate the quantity of sugar so retained by him to the State Government.

(3) Where a recognised dealer sells sugar under the provisions of this Order, there shall be paid to him the price therefor as hereinafter provided:

(a) where the price can, consistently with the controlled price fixed under Cl. 4, be agreed upon, the agreed price;

(b) where no such agreement can be reached, the price calculated with reference to such controlled price.

4. Controlled price :-

For the purposes of Cl. 3, the controlled price of sugar shall be rupees two hundred and eighty only per quintal.

5. Powers of entry, examination, search, seizure :-

(1) Any police officer, not below the rank of Assistant Sub-Inspector ¹ [or Enforcement Inspector or any other officer of the Central or State Government not below the rank of an Inspector of the Food and Civil Supplies Department] may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with-

(a) stop and search any person or any boat, motor or other vehicle or any receptacle used or intended to be used for the transport of sugar,

(b) enter, search and examine any place;

(c) seize-

(i) any stock of sugar in respect of which he has any reason to believe that a contravention of any of the provisions of this Order has been, is being or is about to be committed;

(ii) any packages, coverings or receptacles in which such stock of sugar is found;

[(iii) the animals, vehicles, vessels or other conveyances used in carrying such stock of sugar if he has reason to believe that such animals, vehicles, vessels or other conveyances are liable to be confiscated under the provisions of the Essential Commodities Act, 1955 (10 of 1955), and thereafter take or authorise the taking of all measures necessary for dealing with the seized properties in accordance with the provisions of the said Act.]

(d) examine or seize any books of accounts or documents which in his opinion, would be useful for, or relevant to, any proceedings in respect of any contravention of this Order and return such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom, as certified by that person, have been taken.

(2) The provisions of S.100 Code Of Criminal Procedure, 1973, relating to search and seizure, shall, so far as may be, apply to searches and seizures under this Order.

1. Subs. by G.S.R. 515 (E), dated 18th July, 1984 (w.e.f. 18th July, 1984)