

**TRACTORS (DISTRIBUTION AND SALE) CONTROL ORDER,  
1971**

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**SCHEDULE 1 :- SCHEDULE**

**TRACTORS (DISTRIBUTION AND SALE) CONTROL ORDER,  
1971**

S.O. 3258, dated the 1st September, 1971 1. -Whereas it appears to the Central Government that it is necessary so to do for securing the equitable distribution and availability at fair prices' of tractors; 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 Tractors (Distribution and Sale) Control Order, 1971.
- (2) It extends to the whole of India.
- (3) It shall come into force on the first day of September, 1971.

**2. Definitions :-**

In this Order, unless the context otherwise requires,-

- (a) "Controller" means a Controller appointed under Cl. 3.
- (b) "Corporation" means any Agro-Industries Corporation by whatever name called, established by a State Government.
- (c) "Dealer" means any person who carries on the business of buying or selling tractors, whether or not in conjunction with other business.
- (d) "Government of State" in relation to a Union Territory means the administrator thereof.
- (e) "Manufacturer" means a person who is engaged in the manufacture of tractors.
- (f) "Register" means the register maintained by a dealer under this Order.
- (g) "Schedule" means a Schedule to this Order.
- (h) "Tractor" means a tractor of any description specified in Sch. I, manufactured or assembled in India or imported into India.

**3.3 :-**

The Central Government may appoint one or more Controllers for the purposes of this Order and may assign to them such functions as may be specified in the order appointing them.

**4. Controller to fix quotas :-**

The Controller may by order,-

- (a) fix quotas of tractors for meeting the requirements of the Government, or of any Corporation or of any local authority, or of any class of persons having regard to the nature of their duties and functions or of specified regions in India, and different quotas may be fixed for different purposes or for different descriptions of tractors.
- (b) direct a manufacturer or dealer to distribute the tractors manufactured or kept by him for sale in such regions through such dealers, in such number and manner and at such times as may be specified in the Order.

**5. Distribution of tractors by manufacturers :-**

No manufacturer shall, after the commencement of this Order, sell or otherwise dispose of, or offer to sell or otherwise dispose of, any description of tractor manufactured by him, whether manufactured before or after such commencement or whether in assembled or

unassembled condition, except in accordance with the order made by the Controller under Cl. 4.

## **6. Application for purchase of tractors :-**

(1) Every person desirous of purchasing a tractor shall apply to the dealer of the area in which he is resident in the form set out in Sch. II.

(2) Every applicant shall also furnish along with the application, a Post Office Savings Bank Pass Book from a Post Office evidencing the fact that he has opened a Security Deposit Account in the said Post Office for a sum not less than <sup>1</sup>[Rs. 1,000] and pledged to the dealer: Provided that where there is a reasonable possibility of a tractor being delivered to an applicant by the dealer within a period of 45 days from the date of the application, the applicant may not furnish the Post Office Savings Bank Pass Book upto the said period of 45 days.

(3) When the tractor is ready for delivery, the dealer shall send intimation of that fact in writing to the pledger applicant along with the Post Office Savings Bank Pass Book and an authority authorising the pledger applicant to withdraw the money from the post office.

(4) Where, at the commencement of this Order, the name of any person appears in the books of the dealer as an applicant for the purchase of a tractor, such person shall within <sup>2</sup>[two hundred and ten days] of such commencement furnish the Post Office Savings Bank Pass Book as is referred to the-sub-dealer and thereupon the dealer shall return the deposit money forthwith: Provided that the Controller may, having regard to the circumstances of any case and the purposes to be served by this Order extend by order in writing the said period of <sup>2</sup> [two hundred and ten days] in such further period as he deems fit.

1. Subs. by S.O. 5184, dated the 19th November, 1971.

2. Subs. by S.O. 132 (E), dated the 10th February, 1972.

## **7. Maintenance of register :-**

(1) Every dealer shall maintain a register in which he shall register-

(a) the names and other particulars of persons who have applied to him in the manner specified in Cl. 6 for the purchase of tractor;

(b) the names of persons appearing in the books of the dealer at the commencement of this Order.

(2) The names of persons referred to in item (a) of sub-clause (1) shall be registered in accordance with the date of receipt of the application and in the case of persons referred to

(3) Where more than one application is received on the same date the time of receipt of each of the applications shall be entered thereon and the names shall be duly registered according to the point of time of receipt of each of the applications: Provided that where more than one application is received at the same point of time, the priorities inter se shall be determined by drawing lots.

(4) The register shall be open for inspection during working hours-

(a) by any member of the public;

(b) by such officers of the Central Government or a State Government as may be authorised in this behalf by the Central Government or the State Government, as the case may be, by general or special order.

#### **8. Sale of tractors by dealer :-**

Except where the sale of a tractor is to the Government or to a Corporation or to a local authority or to the member of a class of persons to whom a quota has been fixed under this Order, no dealer, shall, after the commencement of this Order, sell a tractor to any person whose name is not on the register maintained by him under Cl. 7 or otherwise than in the order in which the names are registered in that register: Provided that, where the person whose name is already on the register of a dealer is dead, the Controller or, in a State, an officer appointed for the purpose by the Government of that State, may after, making such inquiry as he deems fit, authorise the dealer, by permit in writing, to sell the tractor to the heir of such person.

#### **9. Registration on purchase of new tractor :-**

(1) A new tractor shall, immediately after it is purchased, be registered by the purchaser with such authority and in accordance with such terms and conditions, including payment of any fees for such registration, as may be specified in this behalf by the State Government.

(2) No person who has purchased a new tractor shall be permitted

to purchase another new tractor until after the expiry of a period of twelve months from the date of purchase, except under a permit in writing from the Government of that State.

**10. Tractors not to be sold :-**

(1) No person shall, before the expiry of two years from the date when the tractor was first purchased as a new tractor, sell or offer to sell it, <sup>1</sup> [or enter into any other transaction involving the transfer or possession of the tractor to any other person] except under and in accordance with the terms and conditions of a permit in writing from the Controller or in a State, an officer appointed for the purpose by the Government of that State.

(2) In granting or refusing a permit under sub-clause (1) the Controller or the officer, shall have regard to the circumstances relating to the proposed resale and to the objects to be served by this Order.

1. Ins. by S.O. 318 (E), dated the 27th April, 1976, published in the Gazette of India, Extraordinary , Pt. II, Sec. 3(ii), dated the 27th April, 1976.

**11. Maintenance and production of books, accounts, etc :-**

(1) Every manufacturer and every dealer shall keep such books, accounts and records relating to the manufacture and distribution or, as the case may be, the sale of tractor as the Controller may prescribe.

(2) Every such book, account or record shall, when so required, be produced for inspection before the Controller or other authority, specified by the Central Government in this behalf.

(3) Every manufacturer and every dealer shall furnish to the Controller such returns, in such manner and at such times as the Controller may specify.

**12. Power to enter, search, seize, etc :-**

(1) <sup>1</sup>[Any Police Officer not below the rank of Inspector, or any other officer of equivalent rank authorised in this behalf], by the Central Government or in a State by the Government of that State may with a view to securing compliance with this Order or to satisfy himself that this Order has been complied with-

(a) stop and search or authorise any person to stop and search any

person or any motor or other vehicle, used or intended to be used for the transport of any tractors:

(b) enter and search or authorise any person to enter and search any place;

(c) seize or authorise the seizure of any tractor in respect of which he suspects that any provision of this Order has been, is being or is about to be contravened along with the motor or other vehicle used in the transport of such tractor and thereafter take or authorise the taking of all measures necessary for securing the production of the motor or other vehicle so seized, in a court and for their safe custody pending such production.

(2) The provision of Secs. 102, 103 of the Code of Criminal Procedure, 1898 ( 5 of 1898), <sup>2</sup> relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

1. Subs. by S.O. 511 (E), published in the Gazette of India, Extraordinary, Pt. II, Sec. 3(ii), dated, 29th August, 1974.

2. Now Sec. 100 of the Code of Criminal Procedure, 19/3 ( 2 of 1974).

### **13. Controller to comply with directions by Central Government :-**

The Controller shall, in the exercise or the functions under this Order, comply with such directions as may be issued to him from time to time by the Central Government.

### **14. Saving :-**

Nothing in Cls. 5,6,7 and 8 shall apply to the tractors allotted for distribution and sale in pursuance of any scheme sponsored by the Central or State Governments or a Corporation.]

#### SCHEDULE 1

#### SCHEDULE

[See Cl. 2 (h) ] Description of Tractors 1. Massey-Ferguson Model M. F.-1035. 2. TAFE-504. 3. [Ford- 3600] [4. Massey-Ferguson Model M.F.-245.]  
SCHEDULE II [ See Cl. 6(i)] Application for purchase of a tractor (Name and address of the dealer) To Dear Sir, I/We want to purchase  
a.....(description of tractor). Please book my/our order and let me/us know the registration number of the order. I/We forward herewith a Post Office Savings Bank Pass Book to show that I/we have opened a Security Deposit Account in.....Post Office for Rs. 500 pledged to your favour which will not be withdrawn by me/us except on a written authority from you at the time when the tractor is ready for delivery. The requisite particulars are given below: (a) Full name and address of the applicant (b) Vocation of the applicant. (c) Whether the applicant owns or has owned any tractor and if so, the date of purchase and

sale, if any, of the last tractor with its make and horse power. (d) Whether the applicant has registered for a tractor with any other dealer (if the answer is yes, the particulars of such registration should be stated). (e) Number and date of opening the Post Office Security Deposit Account. (f) Specifications of the tractor to be purchased: (1) Make. (2) Horse Power. (g) Purpose (h) Details of the agricultural land, if any, owned/held on lease by the applicant (i) Area. (ii) Tehsil/District and State in which situated. I hereby certify that the particulars given above are true and correct to the best of my knowledge and belief. I fully understand that my application for purchase of a tractor is liable to be cancelled if it is found that any particulars furnished are incorrect or false. Yours faithfully, Date: 1st September, 1971. Signature of applicant.