

WEST BENGAL HUSKING MACHINES (CONTROL OF OPERATION) ORDER, 1966

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1. Short title, extent and commencement :-

- (1) This Order may be called the West Bengal Husking Machines (Control of Operation) Order, 1966.
- (2) It extends to the whole of the State of West Bengal.
- (3) It shall come into force with effect from the 20th November, 1966.

2. Definitions :-

In this Order, unless the context otherwise requires,- ¹ [* * * *]

(b) "husking machine" means rice mill coming within the meaning of Cl. (i) of S.3 of the Rice Milling Industry (Regulating) Act, 1958 and belonging to that category of rice mills the owners of which are not duly authorised by licences or otherwise under any order for the time being in force made under the Essential Commodities Act, 1955 (10 of 1955) or under any other enactment, to purchase paddy or sell rice, and which do not have arrangements for processing of paddy before milling and for cleaning of rice after milling;

(c) "milling rice", with its grammatical variations means recovering rice or any product thereof from paddy with the aid of power;

(d) "owner" in relation to a husking machine, means the person

who, or the authority which has the ultimate control over the affairs connected with the husking machine, and where such affairs are entrusted to a manager, such manager shall be deemed to be the owner of the husking machine.

1. Omitted by G.S.R. 64, dated the 11th January, 1967.

3. Control of operation of husking machine :-

No person shall carry on the operation of milling rice in a husking machine at any place inside the State of West Bengal which lies-

(i) within a distance of three kilometres all along the border of the State; or

(ii) within a distance of three kilometres all along the border of any district in the State]:

1 [Provided that nothing in this clause shall apply to the milling of rice in a husking machine at any place within a distance of three kilometres along the border of any district in the State out of paddy grown on any land within such distance under and in accordance with a written authority granted by the District Magistrate or the Deputy Commissioner of the district or an officer authorised by him.]

1. Ins. by G.S.R. 682, dated the 1st April, 1968.

4. Powers of entry, search, seizure, etc :-

(1) The District Magistrate or the Deputy Commissioner, of a district or any officer, not below the rank of Sub-Inspector of Food and Supplies in the Department of Food and Supplies, Government of West Bengal or any police officer not below the rank of Assistant Sub-Inspector of police duly authorised in this behalf by the District Magistrate or the Deputy Commissioner, as the case may be, may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with,

(a) inspect or cause to be inspected any book or documents as well as any stock of rice or paddy belonging to or in the custody or possession of the owner of a husking machine and take or cause to be taken extracts from, or copies of any such book or document ;

(b) require the owner of a husking machine to give any information in his possession with respect to storage of rice or paddy ;

(c) enter, inspect or break open and search with such aid or assistance as may be necessary, any place or premises where the operation of milling rice by a husking machine is carried on ;

(d) seal a husking machine or remove any detachable part thereof if he has reason to believe that the operation of milling rice is being or is about to be carried on in that husking machine in contravention of the provisions of this Order ;

(e) search, seize and remove with such aid or assistance as may be necessary, the entire quantity of any stock of rice or paddy along with the packages, or coverings or receptacles in which such stock is found if he has reason to suspect that the provisions of this Order has been, are being or are about to be contravened in respect of such stock or any part thereof and thereafter take or authorise the taking of all measures necessary for securing the production of the stocks of rice or paddy, packages, coverings or receptacles so seized in a court and for their safe custody pending such production.

(2) The provisions of Secs. 102 and S.103 of the Code of Criminal Procedure, 1898, ¹ relating to search and seizure shall, so far as may be, apply to searches and seizures under this paragraph.

1. Section 100 of the Code of Criminal Procedure, 1973 (2 of 1974).