

CEMENT CONTROL ORDER, 1967

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SCHEDULE 1 :- THE SCHEDULE

CEMENT CONTROL ORDER, 1967

S.O. 4590/IDRA/18-G/67, dated the 23rd December, 1967.- 2 [* * *] in exercise of the powers conferred by Sec. 18-G and S.25 of the Industries (Development and Regulation) Act, 1951, and all other powers enabling it in that behalf, the Central Government hereby makes the following Order, namely

1. Short title, extent and commencement :-

(1) This Order may be called the Cement Control Order, 1967.

(2) It extends to the whole of India.

(3) It shall come into force on the 1st day of January, 1968. ¹ [1-A. * * *]

1. Omitted by S.O. 168(E), dated 1st March, 1989 (w.e.f. 1st March, 1989).

2. Definitions :-

In this Order, unless the context otherwise requires,-

¹[(a) "cement" means any variety of cement manufactured in India, and includes portland pozzolana cement, blast furnace slag cement, water-proof (hydrophobic) cement, rapid hardening cement, low heat cement, masonry cement and high strength ordinary portland cement but does not include oil-wall cement and white cement and coloured cement made from white cement (other than grey portland cement);

(b) ²["Development Commissioner for Cement Industry"] means any officer of the Central Government duly appointed as such by the Central Government by notification in the Official Gazette;

(c) "Producer", means any person who manufactures cement.

³[(D) ***]

³ [(e) ***]

(f) "non-levy cement" means that part of production of a cement plant which is in excess of the production mentioned in sub-clause (d).

1. Subs. by S.O. 562(E), dated the 23rd September, 1975.

2. Subs. for the word "Controller" by S.O. 172(E), dated 1st March, 1985.

3. Omitted by S.O. 168(E), dated 1st March, 1989 (w.e.f. 1st March, 1989).

3. 3 :-

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3A. 3A :-

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4. 4 :-

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5. 5 :-

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6. Maintenance and production of accounts, etc :-

(1) Every producer shall keep such books, accounts and records, relating to the production, sale and transport of cement as the Central Government may require.

(2) Every producer and every person employed by him in connection with the production, sale and transport of cement shall,

on being required so to do by the Central Government, and within such period as may be allowed in this behalf-

- (a) produce such books, accounts, records or other documents, and
- (b) furnish such returns and other information relating to the business, as may be specified by the Central Government.

7. 7 :-
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8. 8 :-
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9. 9 :-
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10. 10 :-
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11. Cement Regulation Account :-

(1) The ¹[Development Commissioner for Cement Industry] shall maintain an account to be known as the Cement Regulation Account to which shall be credited the amounts paid by the producer under ²[Cl. 9] and such other sums of money as the Central Government may, after due appropriation made by Parliament by law in this behalf, ³[grant from time to time.]

(2) The amount credited under sub-clause (1) shall be spent only for the following purposes, namely:

(i) paying or equalising the expenditure incurred by the producer on freight in accordance with the provisions of this Order;

(ii) equalising concession, if any, granted in the matter of price for supplies to Government or for purposes of export under the second proviso to Cl. 8;

(iii) expenses incurred by the ¹[Development Commissioner for Cement Industry] in discharging the functions under this Order subject to such limits, if any, as may be laid down by the Central Government in this behalf.

⁵[(iv) such expenses by the Development Commissioner for Cement Industry as may be necessary for the purpose of increasing the production of cement, securing its equitable distribution and

availability at fair prices.]

(3) The ⁴ [Development Commissioner for Cement Industry] shall cause accounts to be kept of all moneys received and expended by him from out of the Cement Regulation Account and he shall prepare and submit such report and returns relating to the said account as may be required by the Central Government from time to time.

(4) The balance, if any, remaining unspent in the Cement Regulation Account shall be disbursed in accordance with such directions as may be given by the Central Government in this behalf.

1. Subs. for the word "Controller" by S.O. 172(E), dated 1st March, 1985.

2. Subs. by S.O. 415(E), dated 22nd April, 1987.

3. Subs. by S. O. 3231DRA/18-G/67, dated the 12th January, 1968, published in the Gazette of India, Pt. II, Sec.3(ii), dated the 27th January, 1968.

5. Subs. by S.O. 415(E), dated 22nd April, 1987.

12. 12 :-

* * *]

13. Delegation :-

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[(1) All powers exercisable by the Central Government under ²[Development Commissioner for Cement Industry] .

³ [(2) Without prejudice to the delegation of powers under sub-clause (i) above, the State Governments may exercise powers to the extent provided under proviso to Cl. 4 of this Order.]

1. Renumbered by S.O. 197(E), dated 9th April, 1979 (w.e.f. 9th April, 1979).

2. Subs. for the word "Controller" by S.O. 172(E), dated 1st March, 1985.

3. Added by S.O. 197(E), dated 9th April, 1979 (w.e.f. 9th April, 1979).

14. Procedure regarding claims by producers :-

Every producer shall make an application regarding his claim for any reimbursement towards equalising freight or equalising concession in the matter of export price to the ¹ [Development Commissioner for Cement Industry] who may, in setting the claim, require the producer to furnish all details relating thereto, including

the cost of freight incurred, excise duty, if any, paid etc.

1. Added by S.O. 197(E), dated 9th April, 1979 (w.e.f. 9th April, 1979).

SCHEDULE 1

THE SCHEDULE

* * *] Restriction on the sale of non-levy cement denied.-After the amendment of the Cement Control Order of 1967, by the Central Government by the Notification No. S.O. 105(E), dated 28th February, 1982, which introduced partial decontrol of cement with effect from the above date, no licence was required under the provisions of the U. P. Cement Control Order, 1973, for sale of non-levy cement in the State after the notification of 1982. By this Notification the Central Government had lifted all restrictions on sale and distribution of non-levy cement. Consequently, the State Government had no jurisdiction to impose any restrictions on the sale of non-levy cement. If the accused claims that the cement in question is non levy cement, as he purchase it from the open market, the burden of proving the same lies on him. Punjab Cement (Licensing and Control) Order, 1973.-A person merely being in possession of cement or keeping it without any licence or permit and not for sale would not attract the provisions of Cl. 4 of the Order. Kerala Cement Distribution (Licensing and Regulation) Order, 1974.-In order to constitute violations of Cls. 3 and 4 it is not necessary to prove that they were carrying on business in continuity. Violations are established and the penal provisions is attracted. Orissa Cement Control Order, 1973.-Clause 15 makes liable only the stockist and therefore, the husband who was managing the business cannot be penalised for violation of the provisions of Cl. 15. Rajasthan Cement Control Order, 1974.-The cancellation of a licence under the Cement Order is not a judicial order but it is an administrative order under the statute and should follow the conditions of the statute only. Principle of natural justice cannot be invoked because the proviso of the Cl. 11 expressly provides the nature of the opportunity which is required to be given. When a rule or section provides nature of the opportunity to be given the principles Of natural justice and the ambit and scope of them, as held by many Courts, would not come in picture at all. Similarly, reasonable opportunity available to a civil servant for industrial workman either under Art. 311 of the Constitution of India or the Standing Orders, would not be applicable to a case of defaulting licensee whose licence is sought to be cancelled for certain omission or commissions