

Bihar Sugarcane (Distribution and Movement Control) Order, 1966

BIHAR

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Rule

BIHAR-SUGARCANE-DISTRIBUTION-AND-MOVEMENT-CONTROL-OR of 1966

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Bihar Sugarcane (Distribution and Movement Control) Order, 1966Published vide Notification No. B. 23-001/64-C-216 dated 24th September 1966, Published in the Bihar Gazette, Part 2, dated 2.11.1966No. B. XXIII-001/64-C-216 dated 24th September 1966. - In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order No. G.S.R. 906 of the Government of India, in the Ministry of Food, Agriculture, Community Development and Co-operation. (Department of Food), dated the 9th June, 1966 and with the prior concurrence of the Central Government, the Governor of Bihar is pleased to make the following Order, namely:

1. Short title, extent and commencement.

(1)This Order may be called the Bihar Sugarcane (Distribution and Movement Control) Order, 1966.(2)It extends to the whole of Bihar.(3)It shall come into force at once.

2. Definitions

- In this Order, unless there is anything repugnant in the subject or context. -(a)"Cane-grower" means a person who cultivates either by himself or by members of his family or by hired labour and who is not a member of a Cane-growers Co-operative Society;(b)"Cane growers Co-operative Society" means a society registered under the Bihar and Orissa Co-operative Societies Act, 1935 (B. and O. Act, VI of 1935) one of the objects of which is to sell sugarcane grown by its members;(c)"Factory" means any premises including the precincts thereof, in any part of which

sugar is manufactured by vacuum-pan-process;(d)"Form" means a form appended to this Order;(e)"Gur and Khandsari Unit" means a unit ordinarily engaged in the manufacture of Gur or Khandsari from Sugarcane Juice or Rab;(f)"Licensing Authority" means the Cane Commissioner, Bihar;(g)"Licensing year" means the period commencing on the first day of July in any year and ending with the thirtieth day of June in the year next following;(h)"Licence" means a licence granted under the provisions of this Order;(i)"Power crusher" means a crusher working with the aid of diesel, electrical or steam-power and engaged or ordinarily engaged in crushing sugarcane and extracting juice therefrom for the manufacture of Gur, Shakkar, Gul, Jaggery, Rab or Khandsari Sugar;(j)"Reserved area" means any area where sugarcane is grown and reserved for a factory under item (a) of sub-clause (1) of clause 6 of the Sugarcane (Control) Order, 1966.(k)"State Government" means the Government of the State of Bihar.

3. Restrictions on distribution and movement of sugarcane.

(a)No power crusher or power-driven Gur or Khandsari units shall purchase sugarcane for crushing of sugarcane juice for manufacture of Shakkar, Gul, Jaggery, Rab or Khandsari Sugar, as the case may be, except under and in accordance with the terms and conditions of a licence issued in this behalf by the Licensing Authority:Provided that where such a licence is issued-(i)The Cane Commissioner may require the licence holder to purchase sugarcane or sugarcane juice only through a Cane-grower's Co-operative Society, where such a society exists, and to pay commission to the society on the sugarcane or sugarcane juice purchased through it at such rate as may be fixed by the State Government;(ii)The licence-holder shall not crush sugarcane or purchase sugarcane juice in excess of the quantity specified by the Cane Commissioner, Bihar, in the licence and shall work the power-crusher, power-driven Gur or Khandsari unit, as the case may be, only during such period or such hours as may be specified in the licence.(b)The owner or other person incharge of a power-crusher and power driven Gur or Khandsari unit in a reserved area or within 15 kilometres of a factory, existing or to be set up, shall shift it to such a place outside the reserved area or beyond 15 kilometres of such factory as may be specified by the Cane Commissioner, Bihar in the Order issued for the purpose:Provided that no such Order of shifting shall be passed by the Cane Commissioner, Bihar unless the factory for which the area is reserved undertakes to pay the cost of shifting as determined by the Cane Commissioner, Bihar, within such time as may be fixed by him on the basis of an agreement between the parties in this behalf, or in the event of there being no such agreement, on a fair and reasonable basis after affording both the parties an opportunity to make representation in writing as to the cost involved and the basis of the calculation thereof.

4. Issue of Licence.

(1)Every application for a licence or a renewal thereof shall be made to the Licensing Authority as in Form A.(2)Every licence issued or renewed under this Order shall be in Form B.

5. Period of licence and fees chargeable.

(1)Every licence-granted under this Order shall be valid for one licensing year and may be renewed for a period of one year at a time. If the licence is renewed, such renewal shall be endorsed on the

licence.(2)The fees specified below shall be chargeable in respect of a licence, namely:-

- (i) For issue of a licence- Rs. 200.
- (ii) For renewal of a licence- Rs. 150.
- (iii) For issue of a duplicate licence- Rs. 50.

Note. - The duplicate licence issued shall bear the word "Duplicate" on it at the top in bold letters.

6. Power to refuse or cancel licence.

- The Licensing Authority may, after giving to the party concerned an opportunity of stating his case and for reasons to be recorded in writing, refuse to grant or renew a licence.

7. Contravention of conditions of licence.

- No holder of a licence issued under this Order shall contravene any of the terms or conditions of the licence and if any such holder contravenes any of the said terms or conditions, then without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by an Order in writing of the Licensing Authority:Provided that no Order regarding cancellation or suspension of a licence shall be passed unless the licence-holder has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension thereof.

8. Appeal.

- Any person aggrieved by any Order of the Licensing Authority refusing to grant or renew a licence or cancelling or suspending a licence under the provisions of this Order may appeal to the State Government within 3 days of the receipt by him of such Order. The decision of the State Government in this behalf shall be final.

9. Power of entry, search, seizure, etc.

- Any person authorised in this behalf by the State Government may with such assistance, if any, as he thinks fit-(a)require the owner, occupier or any other person incharge of a power-crusher or power driven Gur or Khandsari unit in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued thereunder has been, is being or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contraventions;(b)enter, inspect or break open and search any part of the place or premises where such a power crusher or unit is located in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence is being or is about to be committed;(c)take or cause to be taken, extracts from or copies of any documents, showing transaction relating to such contraventions, which are produced before him;(d)search, seize and remove any vital part of the power-crusher so as to make it inoperative:Provided that breaking open and search under this clause shall be made in the presence of two witnesses.

10. Exemption.

- The State Government may, by Order in writing exempt any class of persons from the operation of any or all of the provisions of this Order and may at any time suspend or cancel such exemption.

11. Rescission and saving.

- The Bihar Sugarcane (Distribution and Movement Control) Order, 1966, published under Government of Bihar, Department of Co-operation and Sugarcane (Sugarcane Section) Notification No. 1027, dated the 20th April, 1966, is hereby rescinded: Provided that notwithstanding such rescission, any Order made, notification issued, right accrued, penalty incurred or anything done or deemed to have been done in pursuance of the order so rescinded, shall be deemed to have been made, issued, incurred or done under the corresponding provisions of this Order. Form A Form of Application [Under clause 4(1) of the Bihar Sugarcane (Distribution and Movement Control) Order, 1966] Form of application for grant or renewal of licence of Power Crusher/Gur or Khandsari units, for the licensing year.....

1. Name of the applicant.....

2. Parentage/Name of the firm.....

3. Address for correspondence.....

4. In the case of a firm

(a) Name of the Managing partner with full address.....

5. Location of the units.....

Village P.O Police Station.....District...

6. Machine for which the licence is required:-

(i) No. of power-crushers/Gur or Khandsari units with size, capacity and other details of each.

7. Quantity of Sugarcane to be purchased or crushed in quintals.

8. Quantity of Gur, Shakkar, Gul, Jaggery, Rab or Khandsari Sugar to be manufactured in quintals.

9. Whether the applicant had set up power-crusher/Khandsari units in the previous, year. yes/no-

(if yes, particulars be mentioned)-(a)No. of power crusher/Khandsari units with size and capacity.(b)Quantity of sugarcane purchased or crushed in quintals.(c)Quantity of Gur, Shakkar, Gul, Jaggery, Rab or Khandsari sugar manufactured in quintals.

10. The amount of licence/renewal of licence fee deposited with Treasury Challan No. and name of the Treasury.

(Treasury Challan to be attached with the application).

Machine for which licence applied for	Amount deposited	Treasury challan No. and date	Name of Treasury.
No. of Power crushers		
No. of Khandsari Units		
Total amount		

11. Whether the applicant's firm was ever prosecuted for any offence under the Order-

(a)The detail or details of the offences(b)Licensing year to which the offences relate(c)Punishment awarded.

12. Was the licence under this Order ever cancelled or suspended ? If so details thereof.

Signature of applicant.I/We have read the provisions of the Bihar Sugarcane (Distribution and Movement Control) Order, 1966, and understood that the licences issued to me/us will be subject to the provisions of that Order and that any breach of the condition of such licence will amount to a breach of the Order.I/We declare that to the best to my/our information and belief the information is correct and complete.PlaceDateSignature of applicant/ManagingPartner.[Under Clause 4 of the Bihar Sugarcane (Distribution and Movement Control) Order, 1966],Licence No.

..... dated.....Shri/ Sarvashri

.....Son of/Resident of village/townPO.....Form B.....is hereby permitted to purchase or crush quintals of sugarcane or sugarcane juice and to work the power-crusher/Gur or Khandsari unit of the following description for the manufacture of Gur, Shakkar, Jaggery, Rab or Khandsari Sugar in village/town..... P.O., Police Station District subject to the conditions given below:-

- 1. The licence is non-transferable.**
- 2. The licensee shall use the power-crusher or power-driven Gur or Khandsari unit only for the purpose for which the licence has been issued.**
- 3. The licensee shall not carry out any extension, addition or alteration in the capacity, number and size or change in the location of a power-crusher or power-driven Gur or Khandsari unit covered under the licence without the prior permission of the Licensing Authority.**
- 4. If the unit is disposed of by the licensee to another person the licensee shall inform of the transaction to the Licensing Authority within a week of such transfer.**
- 5. The licensee shall maintain a daily account of the quantity of Gur, Shakkar, Jaggery, Rab, Khandsari Sugar manufactured, kept in storage or despatched.**
- 6. The licensee shall not crush sugarcane, purchase sugarcane juice in excess of the quantity specified by the Cane Commissioner, Bihar and shall work the power-crusher or power-driven Gur or Khandsari unit, only during the period or hours specified in the licence.**
- 7. The licensee shall allow for purpose of inspection immediate access to the entire premises where any of the process connected with the production of Gur, Shakkar, Jaggery, Rab, Khandsari sugar are carried out under the licence, to the Licensing Authority or any person authorised by the Licensing Authority and shall also be bound to produce on demand without prior notice all records which he is required to maintain for inspection and examination.**
- 8. The licensee shall not purchase any cane without actual and correct weighment and shall maintain a proper record of the same.**
- 9. The licence is liable to be suspended or cancelled by Licensing Authority for breach of any of the conditions of the licence or of the Order. The power-crusher or power-driven Gur or Khandsari unit covered by the suspended licence shall not be put into commission again till the suspension Order is withdrawn.**

10. The licensee shall comply with the provisions of the Order and carry out such further instruction of the Licensing Authority or any person authorised by it, as may be issued from time to time, to carry out the purpose of the Order.

11. The licence unless suspended, or cancelled will remain valid up to...

Licensing Authority To be used in case of renewal

Year	No. of the licence	Date of renewal	Details of machinery allowed to work. No. Size.	Maximum Quantity of Sugarcane or Sugarcane juice to be purchased.	Maximum Quantity of Gur. Shakkar, Jaggery, Rab, Khandsari Sugar to be manufactured.	Validity	Signature of the Licensing authority.
1	2	3	4	5	6	7	8

[S.O. 171. dated 4th February, 1975. - In pursuance of clause 9 of the Bihar Sugarcane (Distribution and Movement Control) Order, 1966 and in supersession of this Department Notification No. B.XXII-04/66-110, dated the 12th January, 1967 and in continuation of the Notification No. 2919, dated the 28th October, 1974 the Governor of Bihar is pleased to authorise the following Officers also to perform the functions laid down in sub-clause (a), (b), (c) and (d) of the aforesaid clause, within their respective jurisdictions:-I. Prakhand Vikas Padadhikari-Goraul, Mahua, Kurhani, Lalganj, Vaishali, Bidupur, Hajipur and Mushahari.]