

# The Sugar Distribution Order, 1960

**Notification No. SOF-(vi) 60/1964, dated the 7th April, 1960.**--In exercise of the powers conferred on him by sub-section (1) of section 3 of the Foodstuffs (Control) Act, 1958, the Governor of West Pakistan is pleased to make the following Order:-

1. This Order may be called the Sugar Distribution Order, 1960. 2.

It extends to the whole of Pakistan except the Tribal Areas.

3. It shall come into force on the first day of May, 1960.

4. In this Order, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say:-

- (a) 'Commissioner' means the Commissioner of the Division concerned and includes the Additional Commissioner;
- (b) 'Deputy Director' means the Deputy Director, Food, in charge of a region and includes Assistant Director, Food, in charge of a sub-region;
- (c) 'Director' means the Director, Food, W. Pakistan;
- (d) 'Distribution area' means an area declared as such by clause 5 of this Order;
- (e) 'District Allotment Board' means a Board composed of such office as the District Magistrate may appoint for the selection of suitable persons for working as retail distributors in the District;
- (f) 'District Food Controller' means the District Food Controller of the District and includes a Rationing Controller;
- (g) 'District Magistrate' means the District Magistrate of District concerned;
- (h) 'Establishment' means:--
  - (i) a catering establishment.
  - (ii) an industrial or manufacturing establishment requiring the use of sugar in the process of production, manufacture or finish of any article,

and include a hotel, restaurant, eating house, cafe, tea shop, coffee stall, free feeding centre, club, canteen, boarding house, apartment house, residential hotel, residential club, hostel, nursing house or school, bakery, confectionery or any establishment of a like nature, but does not include a private household;

- (i) "Household consumption" and "Establishment consumption" respectively means consumption of sugar in a household and any consumption of sugar in an establishment;
- j) "Inspector" means the District Magistrate, any Gazetted Officer of the Food Department, Assistant Food Controller, Assistant Ward Rationing Officer, Inspectors of Food Department within their respective jurisdiction and any other official as may be appointed as such by the Government, the District Magistrate or the Director for the purposes of this Order;
- (k) "Ration Document" includes a ration book, a ration card, ration permit or any part of any ration book or ration card or any ration coupon or any declaration, authority, permit or other document issued or made under the provisions of this Order;
- (l) "Retail Distributor" means a person or a class of persons or establishment holding as authorization issued under sub-clause (1) of clause 6 to distribute sugar and includes a person acting on his or their behalf for the purpose of this Order;
- (m) "Sugar" means:--
  - (i) any sugar, produced in a sugar factory or mill, containing more than ninety per cent of sucrose, or
  - (ii) any sugar of crystalline form produced in a sugar factory or mill, or
  - (iii) imported refined sugar.

5. (I) Government or the Director may, by notification, declare any local area to be a distribution area for the purposes of distribution of sugar.

(2) In a distribution area Government shall subject to availability, supply sugar to the retail distributors for the sale to the consumers.

(3) In a distribution area no person other than a retail distributor shall engage on his own account or on behalf of any other person in any undertaking which involves purchase, sale or storage for sale of sugar, under wholesale or retail.

**Explanation:-** A person who stores sugar in excess of the quantity fully issued to him on the authority of a ration document, unless the contrary is proved the onus of which shall lie on him, be deemed to have engaged in the sale or purchase or storage for sale of sugar.

6. (I) With a view to ensuring proper distribution of sugar in a distribution area, the District Magistrate, may, on the recommendation of the District Allotment Board, authorize any person or class of persons of the establishment to distribute sugar for consumption. The authorization shall specify the terms and conditions under which such person or class of persons or establishment shall distribute sugar for the consumption. The authorization shall specify the terms and conditions under which such person or class of persons or establishment shall distribute sugar to the consumers.

- (2) An application for an authorization shall be made in the form in Annexure 'A'.
- (3) An authorization shall be issued in the Form in Annexure 'B'.
- (4) No authorization shall be issued unless the applicant deposits a security of:--
  - (i) (a) Two hundred and fifty rupees in the case of distribution of sugar in urban areas, or
  - (b) one hundred rupees in the case of distribution of sugar in rural areas, or
  - (ii) Such amount as may be specified by the Director.

7. (I) The District Magistrate may, for reasons to be recorded in writing, pass an order refusing to issue an authorization.

(2) The Director, District Magistrate, Deputy Director, District Food Controller, may, for a reason to be recorded in writing, pass an order suspending or cancelling an authorization and direct that the security deposited or any party thereof may be forfeited to Government.

8. (I) Any person aggrieved by an order passed under clause 7 may prefer an appeal:--

- (a) to the Commissioner, when the order is passed under sub-clause (I) of clause 7;
- (b) to the Deputy Director, when the order is passed by the District Food Controller.

(2) To the Commissioner, when the order, not being an order in appeal under clause (b), is passed by the Deputy Director or the District Magistrate.

(3) Government may at any time, either at its own motion or on an application made to it in this behalf; call for record of any case relating to any of the purposes of this Order, which is pending before or has been disposed of by a District Food Controller, Deputy Director, District Magistrate or Commissioner for the purpose of satisfying itself to the propriety of any order passed in the said case and may after perusal of the record, pass such order in relation thereto as it may think fit:

Provided that Government shall not under this sub-clause pass an order revising or modifying an order affecting any person without giving such person an opportunity of being heard.

(4) Government, Commissioner, Director, Deputy Director, District Magistrate or District Food Controller, may, after giving notice to the parties concerned review its or his own order so far as justice may require, to correct errors or supply omission which are apparent upon the face of the record.

(5) The period of limitation for an appeal shall be thirty days from the date of announcement or communication of the, order.

(6) Subject to the provisions of sub-clauses (1), (2) and (3), any order passed by the Government, Director, Commissioner, Deputy Director or District Magistrate shall be final.

9. (1) No retail distributor shall sell or dispose of or attempt to sell or dispose of any sugar entrusted to him for distribution to any person except under the terms and conditions specified in the authorization and in accordance with the provisions of this Order.

(2) A retail distributor shall be responsible for the safe custody of sugar supplied to him by distribution under the provision of this Order.

(3) A retail distributor shall distribute or sell sugar in such manner, at such scales and at such rates, as Government may prescribe and shall keep an accurate and complete account of the distribution or scale as the case may be.

(4) A retail distributor shall maintain such register and submit such returns to such authorities as the Director, Deputy Director, Magistrate or the District Food Controller may prescribe.

10. In a distribution area no person shall obtain or attempt to obtain any sugar from a retail distributor except:-

(a) on the authority of a ration document lawfully issued Under the provisions of this Order; and

(b) (i) for himself and those residing with him; or

(ii) in the case of an establishment, for the declared purpose for which any authority or a ration document has been issued.

**Explanation.**--Nothing contained in this clause shall apply to any person obtaining 'any sugar in the open market otherwise than from a retail distributor. "

11. (1) With a view to controlling the distribution of sugar in any distribution area the Director, Deputy Director, District Magistrate or District Food Controller may issue or cause to be issued to any person or class of persons or establishment or to the general public a ration document on the basis of information supplied by the person applying for the same.

(2) The Director, Deputy Director, District Magistrate or District Food Controller may prescribe the particulars to be furnished by any person applying for the issue of a ration document.

(3) The, Director, Deputy Director, District Magistrate or District Food Controller may at any time add to, amend, vary or cancel the ration document.

12. Save as provided in this Order, no retail contributor in a distribution area shall distribute, sell or otherwise dispose of sugar except:-

(a) on the authority of a ration document lawfully issued under the provisions of this Order; and

(b) in such quantity as is represented by the unit specified in the ration document.

13. No person or class of persons or establishment shall obtain a ration document by furnishing any false information.

14. In a distribution area no person shall obtain any sugar by use of more than one ration document issued in his name or in the name of another person who resides with him and whose name is included in such document or by the use of a ration document issued in the name of any other person who is for the time being residing outside the distribution area.

15. Government may make regulation providing for:--

- (a) the form of ration document which may be used;
- (h) the particulars required from consumers for supplying ration document;
- (c) the manner in which, such ration document may be used for supplying or obtaining sugar and the manner and conditions subject to which such document may be registered with a retail distributor;
- (d) the period for which any ration document shall be valid;
- (e) the quantity per unit and the number of units that may be allotted to any person, class of persons for establishment or to the general public;
- (f) the conditions subject to which a retail distributor may obtain sugar;
- (g) any other matter connected with the distribution of sugar.

16. If any ration document is defaced, lost or destroyed, the District Food Controller may, subject to any regulations that may be made by Government in this behalf, after making such enquiry as he may think fit of a new ration document in place thereof provided that every person to whom a new ration document has been issued shall, if he subsequently with the lost ration document, return the latter document to the said loss.

17. When any person is in possession of a ration document and such possession is not authorised by this Order, he shall, unless he has a reasonable excuse the onus of which shall lie on him, forthwith deliver the quota to the Assistant Ward Rationing Officer or Assistant Food Controller.

18. Every retail distributor shall, when so required by general or special order by the Director, Deputy Director, District Magistrate or District Food Controller in this behalf:--

- (a) deliver to the authority issuing the order all coupons or any other documents given to him under or for the purpose of this order;
- (b) furnish such particulars relating to his dealing in and stocks of sugar as may be required.

19. Notwithstanding any provision of this Order, Government or the Director may subject to such conditions as may be prescribed:

- (i) authorize distribution of any sugar without a ration document whether or not for household consumption or establishment consumption;
- (ii) exempt any sugar from the operation of all or any of the provisions of this Order.

20. (I) For the more effective enforcement of the provisions of this Order, an Inspector may:-

- (a) enter any premises;
- (b) ask any person all necessary questions;
- (c) search any person or premises or vessel, conveyance or animal and so far as may be as necessary for that purpose, detain any person or vessel, conveyance and animal may seize any sugar found in such persons' possession or in such vessel, conveyance or on such animal in respect of which he has reasons to believe that a contravention of any provision of this Order has been, is being or is about to be committed;

(2) Every person in charge of premises, vessel, conveyance or animal which is or is sought to be searched under the provisions of sub-clause (I) shall allow the authority making the demand, access to such premises, vessel, conveyance or animal and any person so questioned shall answer all questions truthfully and to the best of his knowledge.

21. If any person contravenes any of the provisions of this Order, then without prejudice to any other punishment to which he may be liable the Court trying such contravention shall direct that the stock or quantity of sugar, together with the packages and coverings thereof in respect of which the Court is satisfied that the offence has been committed shall be forfeited to Government unless for reasons to be recorded in writing the Court is of the opinion that the direction should not be made in respect of the whole or, as the case may be, any portion of the stock or quantity.

22. Government may exercise all or any of the powers under this Order vested in any authority subordinate to it.

23. The District Food Controller shall give the publicity to all the orders issued under this Order in such manner as he deems fit.

24. (I) The West Pakistan Foodstuffs Distribution Order, 1959 hereinafter referred to as the said Order is hereby repealed.

(2) Notwithstanding the repeal of the said Order:-

- (a) any licence or authorization in respect of sugar issued or deemed to have been issued there under and not previously suspended, or cancelled shall be deemed to have been issued under this Order; and

(b) everything done, action taken, obligation, liability, penalty or punishment incurred, enquiry or proceedings commenced, person authorised, jurisdiction or power conferred, or rule made and order issued or deemed to have been issued under the said Order shall, if not inconsistent with the provisions of this Order, be continued and so far as may be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, or issued under this Order .

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