The Flour Mills (Control) Order, 1959

Contents

1. (1) This Order may be called the Flour Mills (Control) Order, 1959.................................2
THE FLOUR MILLS (CONTROL) ORDER, 1959

No. SOF-III-IV-15/58 (1180), 24th April, 1959 (Gazette Extraordinary, 25th April, 1959)—In exercise of the powers conferred by section 3 of the Foodstuffs (Control) Act, 1958, the Provincial Governor is pleased to make the following Order:-

1. (1) This Order may be called the Flour Mills (Control) Order, 1959.
   (2) It shall come into force at once.
   (3) It extends to all the Provinces except the Tribal Areas

2. 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) “Controller” means the Director of Food and includes any other person notified as such by Government;
   (b) “Flour Mill” means:-
      i) a roller flour mill equipped with rollers, cleaning and washing arrangements;
      ii) a modern wheat grinding plant equipped with cleaning and washing grinders excluding rollers;
      iii) a Chakki equipped with stone grinder (excluding rollers) and without cleaning, washing and fines manufacturing arrangements;

Where the business of cleaning or milling of wheat or the manufacture of wheat products is carried on with the aid of electrical or any other form of mechanical energy excluding human or animal energy.

(b) “producer” means a person carrying on the business of cleaning or milling of wheat or the manufacture of wheat products with the aid of a flour mill.

3. No producer shall manufacture wheat products except from wholesome and healthy wheat.

4. The Controller may, from time to time, direct the producer generally or any producer in particular.
   (a) to procure or purchase- wheat from such sources or such places or area as may be specified;
   (b) to manufacture such wheat products or to limit the manufacture thereof to such quantities or varieties or not to manufacture such wheat products as may be specified;
   (c) to supply such wheat products to such area, market, person or class of persons or organization in such quantities and in such manner as may be specified;
   (d) to charge for cleaning or milling of wheat at such rates as may be specified; and
   (e) generally to regulate production, sale and delivery of wheat products.

Notification No. SOF-(iii) IV/60, dated 20-08-1960- Working of a mill round the clock. Order not illegal.

The direction in the impugned notification that the flour mill should work for 24 hours is necessary for maintaining supplies, and is an order which is competent in exercise of the power given by the Order and within the four comers of the purposes of the Act, under which it has been enforced. Machinery is a valuable asset for the achievement of human objectives and its well being. It functions automatically with the aid of oil, gas or electricity and it often becomes necessary to order by legislation that it shall work for 24 hours. Instances of such legislation are common in countries over the world and there is no difficulty in holding that orders in this behalf can be made under the law.

5. The Controller or Government or any person authorized by the Controller or Government in this behalf may require any producer to mechanically clean or mill wheat and every such producer shall, notwithstanding any existing agreement with any other person, promptly comply with such requisition.

6. Every producer shall maintain such records, furnish such returns or supply such information as may be prescribed or required by the Controller.

---

1 Added by No. SOF(III)1-1/62, dated 30-05-63
2 Sub. By PLD (Sec PLD
3 Subs. By No. SOP-IV-X-68/17, dated 28th March, 19(19;
(2) Not producer shall use bags of inferior quality in excess of the limit specified by
the Controller from time to time.
(3) Every bag of wheat products shall be legibly stencilled in accordance with the
specifications as may from time to time be directed by the Controller."

7. The Controller may apply or cause to be applied such tests as be may consider
necessary to satisfy himself that-
   (a) the wheat used for milling and the wheat products manufactured in the mill
       are clean, wholesome and fit for human consumption;
   (b) the processes employed in the flour mills are clean and hygienic;
   (c) the producer is maintaining reasonable standard of cleanliness in the flour
       mills, appurtenant building and godowns.

8. The Controller may, if he deems it necessary as a result of action under the
preceding paragraph or otherwise, seize any wheat or wheat products and prohibit the
cleaning or milling of any such wheat or production or sale of any such wheat products
unconditionally or until any such defects which may be pointed out have been removed to
his satisfaction.

   (2) Where the Controller is of opinion that the Flour Mill has violated any
       instructions issued to it under this Order, he may declare such security or a portion thereof
       to be forfeited to Government:
           Provided that before taking any action under this sub-clause it shall be necessary for
           the Controller afford to the management of the Flour Mill concerned an opportunity of being
           heard.

   (3) Where any security or a portion thereof is forfeited to Government under sub-
       clause (2), the Controller may require the Flour Mill concerned to deposit within a specified
time, fresh security or make up the portion which has been so forfeited.

   (4) Where the fresh security or a portion thereof is not deposited on or before the
       specified day under sub-clause (3), the Controller may by order in writing prohibit the
       cleaning or milling of wheat or the manufacture of wheat products from the Flour Mills
       concerned until such time as fresh security or portion thereof is so deposited"

9. (1) The Controller or any other person authorized by Government or the
       Controller in this behalf may, at any time, enter the premises of any flour mill
       including its godowns and other buildings appurtenant thereto and the
       godowns or other places where wheat required for milling or wheat products
       manufactured in such flour mill are stocked.

   (2) Every producer or person incharge of a flour mill including its godowns and
       other buildings, as aforesaid, shall allow the Controller or other authorized
       person making the demand, access to such flour mill, buildings, godowns and
       place and shall answer all questions truthfully and to the best of his
       knowledge.

10. Any person aggrieved by any direction issued by the Controller under the provision
     of this Order may within sixty days of the issue of the direction, appeal to Government and
     thereupon Government may make any order as it may deem fit.

11. If any person contravene the provisions of this Order, then without prejudice to any
     other punishment to which he may be liable under section 6 or section 7 of the Foodstuffs
     (Control) Act, 1958, the Court trying the offence may order that any stocks of wheat and
     wheat products together with the packages and coverings thereof in respect of which the
     Court is satisfied that the offence has been committed; shall be forfeited by Government.

12. The Controller may, with the previous approval of Government make rules for
     carrying into effect the purposes of this Order.