

EAST PUNJAB MOLASSES (CONTROL) ACT, 1948

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3. Power of the Controller to ask for returns. 3-A. Power of Controller to direct construction of tanks for storage of molasses. Other powers of the Controller. Power of the Government to regulate prices etc. Offences and Penalties. Liability for breaches by corporation or company. Controller to exercise control over sugar factories through subordinates. Power of entry and seizure. Procedure for seizure. Delegation of Powers. Power to exempt. Rules. Repeal. 1948 : East Pb. Act XI] MOLASSES (CONTROL) 169 THE EAST PUNJAB MOLASSES (CONTROL) EAST PUNJAB ACT No. XI OF 1948. [Received the assent of His Excellency the Governor on the 1st April, 1948, and was first published in the East Punjab Government Gazette (Extraordinary) of April 3, 1948. Year No. 3 Short title 1948 East Punjab Molasses (Control) Act, 1948 4 Whether repealed or otherwise affected by legislation Amended in part by the Adaptation of Laws Order, 1950. Extended to the territories, which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, by Punjab Act 23 of 1957. Amended by Punjab Act LX of 1964. 8 Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. An Act to provide for the control of price and movement of molasses in East Punjab. IT is hereby enacted as follows :— 1. (1) This Act may be called the Punjab Short title, extent and commencement. Molasses (Control) Act, 1948. (2) It extends to the whole of the Union territory of Chandigarh. (3) It shall come into force at once. For Statement of Objects and Reasons, see East Punjab Government Gazette, 1948, page 160; for proceedings in the Assembly, see East Punjab Legislative Assembly Debates, Volume 11, 1948, pages 678—80. *For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1957, page 689. 3 For the statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, pages 260-61. 'Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 170 MOLASSES (CONTROL) [1948 : East Pb. Act XI] 2. In this Act, unless there is anything repugnant in the interpretation subject or context— (a) "the Government" means the Government of Punjab; (b) "Controller" means the Excise and Taxation Commissioner, Chandigarh; (c) "molasses" means the heavy, dark-coloured residual syrup drained away in the final stage of the manufacture of sugar by vacuum pans or in open pans in sugar factories either from sugarcane or by refining gur; when such syrup has a density of not less than 75 degrees brix and a fermentable sugar content (expressed as reducing sugars) of 19 per cent; (ca) "distillery" means any premises where, under a licence issued under the Punjab Excise Act, 1914, power, potable or industrial alcohol is manufactured; (cb) "occupier of a distillery" means any person who has control over the affairs of a distillery; (d) "sugar factory" means any premises including the land, godowns or outhouses appurtenant thereto, wherein twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process connected with the production of sugar by means of vacuum pans or in open pans is being carried on, or is ordinarily so carried on, with the aid of power; and (e) "occupier of a sugar factory" means any person who has control over the affairs of a sugar factory

3. The Controller may, by order in writing direct the Power of the Controller to ask owner or occupier of a sugar factory for any other person to furnish, within the time and in the manner specified, for returns. Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 2 Substituted for the word "Punjab" by Punjab Act No. 9 of 1964. 1948: East Pb. Act XI.] MOLASSES (CONTROL) 171 such returns relating to stocks of molasses in his possession as may be specified in the order. 1[3A. (1) The Controller, may by order in writing, Power of Controller direct any owner or occupier of a Sugar Factory or distillery or any other person permitted to store and preserve storage of molasses under clause (ia) of sub-section (1) of section 4 to construct within such time as may be specified in the order tanks for the storage of molasses. (2) Where any person directed under sub-section (1) to construct tanks fails to do so, the Controller may cause tanks to be constructed through any other agency and recover the cost of

construction from the defaulter as arrears of land revenue.] 4. (1) Save in accordance with a written permit is- Other Powers of the Controller. sued by the Controller no person shall— (i) move molasses by road, rail, river, or other means, or Store or preserve molasses, or,] (ii) sell or otherwise dispose of molasses to any person, other than the Government or a person licensed by the Government in this behalf. (2) The Controller may, by order in writing, direct the owner or occupier of a sugar factory to supply molasses of such quality and in such quantity at such times and in such manner to such person or persons as the Controller may direct

5. The Government may from time to time—Power of the Government to regulate prices, etc. (a) regulate the prices at which and the manner in which different grades of molasses may be sold; and (b) prescribe the manner in which molasses shall be graded, marketed, packed or stored for sale. 316. (1) Where any person contravenes any provision penalties. of this Act or of any rule, order or direction made or given thereunder, the Controller may, after affording such person an opportunity of being heard, direct him to pay inserted by Punjab Act No. 9 of 1964. *Inserted by *ibid.* by *ibid.* 172 MOLASSES (CONTROL) [1948: East Pb. Act by way of penalty a sum not exceeding five hundred rupees and if the contravention is a continuing one to pay a penalty not exceeding one hundred rupees for each day after the first during which the contravention continues. (2). In addition to the penalty specified in sub-section (1) the Controller may direct that any stock of molasses in respect of which the Controller is satisfied that the contravention has taken place, shall be forfeited to the Government in whole or in part. (3) An appeal against the order of the Controller passed under sub-section (1) or sub-section (2) shall lie to the Financial Commissioner, Taxation, within thirty days of the date of passing of such order and in such manner as may be prescribed by rules made under this Act.] 7. If the person contravening an order made under Liability for breaches by COP- this Act or any rules made thereunder is a corporation, ratio.. or company. company, partnership firm, or association of persons, every director, partner, manager or secretary thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention be deemed to be guilty of such contravention. 1[8. (1) The Controller may, for carrying out the Controller to exercise supervision and purpose of this Act or the rules, orders or directions made contra over sugar through or given thereunder, post at or depute to any sugar factories subordinates. factory any person subordinate to him for supervising and controlling the issue, storage and sale of molasses at the sugar factory. (2) For the purposes of sub-section (1), the occupier of a sugar factory shall provide all reasonable facilities to the person referred to in that sub-section of entry and inspection and for being posted at or deputed to his sugar factory.] 9. (1) Any police officer not below the rank of a Station House Officer or any officer duly empowered by the and seizure. Controller in this behalf, may— (a) enter and search at any time any premises in which he has reason to believe that any molasses substituted by Punjab Act No. 9 of 1964. 1948: East Pb. Act XI.] MOLASSES (CONTROL) 173 in respect of which any offence punishable under this Act or any rule or order made thereunder has been, or is about to be committed, are kept or concealed, (b) seize such molasses and any box, receptacle, package or covering containing such molasses. (2) All searches made under this section shall be in accordance with the provisions of the Code of Criminal v of Procedure, 1898 (V of 1898). 1898. 10. (1) A report about any molasses or article seized under section 9 shall, as soon as possible, be submitted to the Magistrate having jurisdiction who may, after making such inquiry as he may consider necessary, give such directions for their temporary custody as he thinks fit. (2) Where no prosecution is instituted, the Magistrate shall direct the return of such molasses or articles to the person from whom they were seized

11. The Controller may, by notification, direct that Delegation any power conferred or any duty imposed on him may' powers, subject to such conditions as he may specify, be exercise able by any officer subordinate to him.for 12. The Government may by notification exempt any power to exempt. area or any person from all or any of the provisions of this Act. 13. (1) The Government may? by notification, make Rules. rules to carry out the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may,— (a) prescribe the specifications and tests in respect of the purity of molasses, (b) prescribe the forms and returns to be submitted, and records and books to be maintained by any sugar factory (c) regulate the taking of samples of molasses; and (d) prescribe the form and conditions of any licence granted under section 4

14. The East Punjab Molasses Control Ordinance Repeal of Ordi- 1947, is hereby repealed, and any rules made or notification nance No.of issued, anything done and any action taken in exercise of 1947• any power conferred by or under the said Ordinance shall be deemed to have been made, issued, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 10th day of December, 1947.

