

The East Punjab Exchange of Prisoners Act, 1948

PUNJAB

India

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Act 13 of 1948

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The East Punjab Cotton (Statistics) Act, 1948East Punjab Act. 13 of 1948Statement of Objects and Reasons - The figures for the census of stock of cotton collected by the Indian Central Cotton Committee on an all India basis showed a very wide disparity. Accordingly they expressed the desirability of introducing legislation for this purpose so that accurate figures of stock of cotton held by the trade may be available. There is no doubt that ginning and pressing factories and merchants and middlemen are not bound to divulge correct information to the agricultural staff who are at present engaged on the collection of this data. East Punjab Government considers it desirable that this Province also should fall in line with other Provinces in the collection of these statistics in the interest of cotton trade. A draft Bill has accordingly been prepared to achieve this object. (vide Punjab Government Gazette Extraordinary, dated the 18th March, 1948).Received the assent of his Excellency the Governor on the 10th April, 1948, and was first published in the East Punjab Government Gazette Extraordinary, dated the 12th April, 1948.For Statement of Objects and Reasons see East Punjab Government Gazette Extraordinary, 1948, Page 277; for proceedings in Assembly see East Punjab Legislative Assembly Debates, Volume III, 1948, Pages 945-47.An Act to facilitate the collection of statistics of stocks of Indian raw cotton in the[State] [Substituted for the word 'Province' by the Adaptation of laws (Third Amendment) Order, 1951.]Where it is expedient to facilitate the collection of statistics of stocks of Indian raw cotton in the [State, it is hereby enacted as follows] [Substituted for the word 'Province' by the Adaptation of laws (Third Amendment) Order, 1951.]:-

1. Short title, extent and commencement.

(1)This Act may be called the East Punjab Cotton (Statistics) Act, 1948.(2)It extends to the whole of [Punjab] [Substituted for the words 'East Punjab' by Adaptation of Laws Order, 1950.].(3)It shall come into force on such date as the [State] [Substituted for the word 'Province' by the Adaptation of Laws (Third Amendment) Order, 1951.] Government may, by notification in the official Gazette, appoint.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context.-(1)'Cotton' means Indian raw cotton including seed cotton, lint and fly;(2)'Director' means the Director of Agriculture, [Punjab] [Substituted for the words 'East Punjab' by Adaptation of laws Order, 1950.] and includes every officer who for the time being performs the duties of that officer for the purposes of this Act, and is notified accordingly in the Official Gazette;(3)'Indian Central Cotton Committee' means the Indian Central Cotton Committee constituted under [Indian Cotton (Cess) Act, 1923 (XIV of 1923)] [See unrepealed Central Acts, Volume VII.];(4)'Owner' means the owner of a cotton ginning factory or a cotton pressing factory and includes the managing agent or other principal officer of such factory;(5)'prescribed date' means the thirty-first day of August in each year;(6)[State] [Substituted for the word 'Province' by the Adaptation of Laws Order, 1950.]" means the [State] [Substituted for the word 'Province' by the Adaptation of Laws Order, 1950.] of [Punjab] [Substituted for the word 'East Punjab' by the Adaptation of Laws Order, 1950.];(7)'trader' means the person carrying on the business of selling or purchasing cotton and includes a broker or a commission agent who makes contracts for the sale or purchase of cotton for others and stocks cotton on their behalf or any one holding stocks of cotton;(8)the expressions 'cotton ginning factory' and 'cotton pressing factory' shall have the meanings, respectively, assigned to them by the [Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925).] [See now the Punjab Cotton Ginning and Pressing Factories Act, 1955 (Punjab Act No. 11 of 1955), in its application to Punjab.]

3. Delivery of yearly returns of Indian raw cotton.

(1)Every trader and every owner shall each year prepare and deliver or cause to be prepared and delivered to the Director a return in the form prescribed by rules made under this Act, of the quantity of cotton of different varieties in his possession on the prescribed date.(2)Every such trader or owner shall subscribe a declaration of the truth of the return at the foot thereof.(3)Every such return shall be delivered or sent by post to the Director within seven days of the prescribed date.

4. Right of access to record or document.

- The Director or any person authorised by him in writing in this behalf shall for the purpose of the collection of any statistics required under section 3 have access to any relevant record or document in the possession of any trader or owner and may enter at any reasonable time any premises wherein he believes such record or document to be and may ask any question necessary for obtaining any information required for the aforesaid purpose.

5. Use of returns required under section 3 or information obtained under section 4.

- The Director may use the returns furnished under section 3 or the information obtained under section 4 for such purposes as he may deem fit and may in particular use such returns or information for the purpose of supplying any statistics required by the Indian Central Cotton

Committee.

6. Restriction on the publication of returns and information.

(1) No individual return made under section 3 and no part of such return and no information obtained under section 4 shall without the previous consent in writing of the trader or owner, as the case may be, by whom the return or information was furnished or given, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning factory or a cotton pressing factory or the business or any particular trader. (2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person not engaged in connection with the collection of the statistics required under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

7. Penalties.

(1) If any person (a) wilfully refuses or without lawful excuse neglects to furnish the return required under section 3, or (b) wilfully furnishes or causes to be furnished any such return which he knows to be false, or (c) refuses to answer or wilfully gives a false answer to any question asked in exercise of the powers conferred by section 4, or if any person impedes the right of access to any relevant record or document or the right of entry conferred by section 4, he shall for each such offence be punishable with fine which may extend to rupees five hundred, and in the case of a continuing offence to a further fine which may extend to rupees two hundred for each day after the first during which the offence continues; and in respect of a false return or answer the offence shall be deemed to continue until the true return or answer has been given or made. Offence by Corporation. - [(2) If the person contravening any of the provisions of this Act, is a company or other body corporate the Secretary, Manager or other principal officer managing the affairs of such company or body, as the case may be, shall be presumed to be guilty of such contravention] [Section 7 renumbered as sub-section (1) and sub-section (2) added by Punjab Act No XX of 1952, section 2.].

8. Penalty for improper disclosure of information and return.

- If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purpose of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both imprisonment and fine.

9. Cognizance of an offence.

- No prosecution under section 7 shall be instituted except with the previous sanction in writing of the Director and no prosecution under section 8 shall be instituted except with the previous sanction

in writing of the [State] [Section 7 renumbered as sub-section (1) and sub-section (2) added by Punjab Act No XX of 1952, section 2.] Government.

10. Protection for acts done under this Act.

- No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

11. Exemption.

- The [State] Government may, by general or special order exempt any trader or class of traders from the operation of this Act.

12. Power to make rules.

(1)The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] government may subject to the condition of previous publication, make [rules for carrying out the purpose of this Act.] [For rules, see East Punjab Government notification No. 123 - Agri dated the 8th January, 1949.](2)Without prejudice to the generality of the foregoing powers, rules may be made under this section (a) prescribing the form of the return to be furnished under section 3; and (b) regulating the exercise of the right of access to documents and the right of entry conferred by section 4.