

The East Punjab Molasses (Control) Act, 1948

HARYANA

India

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Act 11 of 1948

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The East Punjab Molasses (Control) Act, 1948 East Punjab Act No. 11 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.] An Act to provide for the control of price and movement of molasses in Haryana. It is hereby enacted as follows :-

1. Short title extent and commencement.

(1) This Act may be called the East Punjab Molasses (Control) Act, 1948. (2) It extends to the whole of [Haryana] [Substituted for the word 'Punjab' by the Adaptation of Laws Order, 1968.]. (3) It shall come into force at once [in the principal territories and on the 24th July, 1957 in the transferred territories] [Added by Haryana Adaptation of Laws Order, 1968.]

2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context -(a) "the Government" means the Government of [Haryana] [Substituted for the word 'Punjab' by the Adaptation of Laws Order 1968.]; (b) "Controller" means the Excise and Taxation Commissioner, [Haryana] [Substituted for the word 'Punjab' by the Adaptation of Laws Order, 1968.]; (bb) ["export" means to take molasses out of the State of Haryana;] [Added by Haryana Act No. 20 of 2002.] (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; (d) "sugar factory" means any premises, including the land, godowns or outhouses appurtenant thereto, whereon 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. Power of the Controller to ask for returns.

- The Controller may, by order in writing direct the owner or occupier of a sugar factory or any other person to furnish, within the time and in the manner specified, such returns relating to stocks of molasses in his possession as may be specified in the order.

3A. [(1) The Controller, may by order in writing direct any owner or occupier of a Sugar Factory or distillery or any other person permitted to store and preserve 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.] [Section 3-A inserted by Punjab Act 9 of 1964.]

4. Other Powers of the Controller.

(1)Save in accordance with a written permit issued by the Controller no person shall -(i)move molasses by road, rail, river, or other means, or(ii)[store or preserve molasses, or] [Inserted by ibid.](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.(3)[The owner or occupier of a sugar factory situated in the State of Haryana or any other person exporting molasses shall pay to the Government such administrative charges at such rate as the Government may fix by notification in the Official Gazette, not exceeding fifty rupees per quintal on export of molasses.] [Substituted by Haryana Act No. 18 of 2004.]

5. Power of the Government to regulate prices, etc.

- The Government may from time to time, -(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.

6. Penalty.

- [(1) Where any person -(i)fails to account for the shortage of molasses to the satisfaction of the Controller or disposes them of otherwise than in accordance with the directions of the Controller, the Controller may, after affording such person an opportunity of being heard, direct him to pay by way of penalty a sum not less than fifty rupees and not more than one hundred rupees per quintal; and(ii)contravenes any provision, other than those referred to in clause (i), 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 by way of penalty a sum not exceeding fifty thousand rupees and if the contravention is a continuing one to pay a daily penalty not exceeding five thousand rupees during the period of the continuance of the contravention.](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)[Any person aggrieved by an order passed by the Controller under this Act in case of discovery of any new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when such order was made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, may apply for a review of such order to the Controller within thirty days from the date of that order. The Controller may, after giving notice to the parties concerned, review the order made by him.] [Substituted for sub-section (3) by Haryana Act 7 of 1971.](4)[-] [Omitted by Haryana Act 35 of 1976.](5)The Government may, at any time, of its own motion or on an application made to it by an aggrieved person, call for the record of any proceeding pending before, or disposed of by, the Controller [-] [Omitted by Haryana Act 35 of 1976.] for the purpose of satisfying itself as to the legality or propriety of such proceedings or of any order made therein and may pass such orders in relation thereto as it may think fit :Provided that no order shall be passed by the Government which adversely affects the rights of any person unless such person has been given a reasonable opportunity of being heard.(6)[The amount of penalty imposed may be recovered as arrears of land revenue.] [Inserted by Haryana Act No. 8 of 1982.]

7. Liability for breaches by corporation or company.

- If the person contravening an order made under this Act or any rules made thereunder is a corporation, 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.

8. Controller to exercise supervision and control over sugar factories through subordinates.

(1)The Controller may, for carrying out the purpose of this Act or the rules, orders or directions made or given thereunder, post at or depute to any sugar 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. Power of entry and seizure. - [(1) Any officer, duly empowered by the Controller in this behalf may -

(a)search at any time any premises or a vehicle in which he has reason to believe that any molasses, in respect of which any contravention under this Act or any rule or order made thereunder, has been, or is about to be, committed, are kept, canceled or carried; and(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 Procedure, 1898 (5 of 1898).

10. Procedure for seizure.

(1)A report about any molasses or article seized under section 9 shall, as soon as possible, be submitted to [Controller] [Substituted by Haryana Act 44 of 1973.] who may after making such inquiry as he may consider necessary, give such directions for their temporary custody as he thinks fit.(2)[If the Controller is satisfied that no contravention of any provision of this Act or of any rule, order or direction made or given thereunder, has taken place he shall direct the return of such molasses or article to the person who may be found entitled to it after making such enquiry as he may consider necessary. If no person be found entitled to it, the Controller may pass such order for its disposal as he may deem fit.] [Substituted by Haryana Act No. 44 of 1973.]

11. Delegation of powers.

- The Controller may, by notification, direct that any power conferred or any duty imposed on him may, subject to such conditions as he may specify, be exercisable by any officer subordinate to him.

12. Power to exempt.

- The Government may, by notification, exempt any area or any person from all or any of the provisions of this Act.

13. Rules.

(1)The Government may, by notification, make 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 specification 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. Repeal of Ordinance No. 12 of 1947.

- The East Punjab Molasses, Control Ordinance, 1947, is hereby repealed, and any rules made or notification issued, anything done and any action taken in exercise of 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.[Substituted by Haryana Act No. 44 of 1973.][Sub section (1) substituted by Haryana Act No. 18 of 2004.]