

The United Provinces Control of Supplies (Temporary Powers) Act, 1947

UTTAR PRADESH

India

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Act 2 of 1947

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The United Provinces Control of Supplies (Temporary Powers) Act, 1947(U.P. Act. No. 2 of 1947)An Act to provide the continuance during a United period of powers to control certain essential commoditiesWhereas it is expedient to provide for the continuance during a limited period of powers to control certain essential commodities;It is hereby enacted as follows:

1. Short title, extent, commencement and duration.

(1)This Act may be called the United Provinces Control of Supplies (Temporary Powers) Act, 1947.(2)It extends to the whole of U P.(3)It shall come into force at once.

2. Definition.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"essential commodity" means any of the commodities mentioned in the Schedule, and such other commodity as the State Government may, by notified order, specify;(b)"notified order" means an order notified in the official Gazette;(c)"State Government" means Uttar Pradesh Government.

3. Powers to control essential commodities.

- The State Government, so far as it appears to it to be necessary or expedient to control any essential commodity, may, by notified order provide-(a)for regulating by licenses, permits or otherwise the storage, transport, distribution, disposal, production, acquisition, use, consumption or manufacture of any essential commodity;(b)for controlling the prices at which any essential commodity may be brought or sold;(c)for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;(d)for requiring any person holding stock of any essential

commodity to sell the whole or a specified part of the stock to such parties and such persons or class of persons, or in such circumstances, as may be specified in the order;(e)for regulating or prohibiting any class of commercial or financial transactions relating to any essential commodity which in the opinion of the authority making the order are, or if unregulated are likely to be, detrimental to public interest;(f)for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matter;(g)for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business, and to furnish such information relating thereto, as may be specified in the order;(h)for any incidental and supplementary matter, including in particular the entering and search of premises, vehicles, and aircraft, the seizure by a person authorized to make such search of any article in respect of which such person has reason to believe that contravention of the order has been, is or is about to be committed, the grant or issue of licenses, permit or other documents, and the charging of fees there for.

4. Delegation of powers.

- The State Government may, by notified order, direct that the power to make orders under Section 3 shall, in relation to such matter and subject to such conditions, if any, as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

5. Effect of orders inconsistent with other enactments.

- Any order made or deemed to be made under Section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act

6. Penalties.

- If any person contravenes any order made or deemed to be made under Section 3 he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and if the order so provides, any Court trying such contravention may direct that any property in respect of which the court is satisfied that the orders has been contravened shall be forfeited to Government.

7. Special provisions regarding fines.

- It shall be lawful for any Magistrate of the first class, specially empowered by the State Government in this behalf, to pass sentence of fine exceeding one thousand rupees on any person convicted of any offence punishable under this Act.

8. Attempts etc., to contravene orders.

- Any person who attempts to contravene, or abets a contravention of, any order made or deemed to be made under Section 3 shall be deemed to have contravened that order.

9. Offences by corporations.

- If the person contravening the order made or deemed to be made under Section 3 is a company or other body corporate, every Director, Manager, Secretary or other Officer or Agent of such company or body corporate or of the Managing Agent 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.

10. False statement.

- If any person-(i)when required by any order made or deemed to be made under section 3 to make any statement or furnish any information, which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or(ii)makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

11. Burden of proof in certain cases.

- Where any person is prosecuted for contravening any order made or deemed to be made under Section 3 which prohibits him from doing an act or being in possession of a thing without lawful authority, or without a permit or license the burden of proving that he has such authority, permit or license shall be on him.

12. Cognizance of offences.

- No Court shall take cognizance of any offence punishable under this Act, except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in Section 21 of the Indian Penal Code, 1860 (Act XLV of 1860).

13. Power to try offences summarily.

- Any Magistrate or bench of Magistrates empowered, for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898) [*] [See now Code of Criminal Procedure, 1973] may, on application in this behalf made by the prosecution try in accordance with the provisions contained in Sections 262 to 265 of the said Code any offence punishable under this Act.

14. Savings as to orders.

(1) No order made or deemed to be made in exercise of any power conferred by or under this Act shall be called in question in any Court. (2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act a Court shall, within the meaning of the Indian Evidence Act, 1872 (Act I of 1872), presume that such order was so made by that authority.

15. Protection of action taken under the Act.

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under Section 3. (2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under Section 3.

16. Repeal and savings.

(1) The United Provinces Control of Supplies (Temporary Powers) Ordinance, 1946 (U.P. Ordinance II of 1946) is hereby repealed. (2) Any order made or deemed to be made under the said ordinance and in force immediately before the commencement of this Act, shall continue in force and be deemed to be an order made under this Act; and all appointments made, licenses or permits granted and directions issued under any such order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, granted or issued in pursuance of this Act. (3) For the removal of doubts, it is hereby declared—(a) that for the purposes of said Ordinance and this Act an order of the nature referred to in Section 5 of the said Ordinance made before the commencement of the said Ordinance and not previously rescinded shall be deemed to be, and always to have been, an order in force immediately before such commencement, notwithstanding that such order; or parts of it may not then have been in operation either at all or in particular areas; (b) that for the purposes of this Act an order made or deemed to be made under the said Ordinance and not rescinded prior to the commencement of this Act shall be deemed to be an order in force immediately before the commencement of this Act, notwithstanding that such order, or parts of it, may not then be in operation either at all or in particular areas.

17. Rules making powers.

- The State Government may, after previous publication by notification in the official Gazette make rules to give effect to the purposes of this Act. [Schedule] [Substituted by Section 3 of U.P. Act IV of 1958 for original Schedule.] [See section 2 (a)]

1. Bricks other than fire-brick; and

2. Fire-Wood.