

# The East Punjab Molasses (Control) Act, 1948

PUNJAB

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. Statement of Objects and Reasons. - The Ordinance No. XII of 1947 was promulgated on the 10th December, 1947, to provide for the control of price and movement of molasses in the East Punjab. Such an Ordinance promulgated under section 88 of the Government of India Act, 1935, ceases to operate at the expiration of six weeks from the re-assembly of the Legislative under clause (a) of sub-section (2) of the said section. It is however, necessary to give permanent effect to the provisions of the Ordinance. The present Bill seeks to do so. Published vide East Punjab Government Gazette, 1948, page 160. Received the assent of His Excellency the Governor on the 1st April, 1948 and was first published in the East Punjab Government Gazette (Extra-ordinary) of April 3, 1948. An Act to provide for the control of price and movement of molasses in East Punjab. It is hereby enacted as follows :-

### 1. Short title, extent and commencement.

(1) This Act may be called the East Punjab Molasses (Control) Act, 1949. (2) It extends to the whole of [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.]. (3) It shall come into force at once.

### 2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context, -(a) "the Government" means the Government of [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.]; (b) "Controller" means the Excise and Taxation Commissioner, [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws Order, 1950.]; (c) "molasses" means the mother liquor produced in the final stage of manufacture of sugar or khandsari sugar, by vacuum pans or in open pans, from sugarcane or gur, with or without the aid of power [Substituted vide Punjab Act 23 of 1973.]; (ca) "distillery" means any premises where, under a licence issued under the Punjab Excise Act, 1914, power, potable or industrial alcohol is manufactured] [Clauses

(ca) and (cb) inserted by Punjab Act 9 of 1964, Section 2.];(cb)"occupier of 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, 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.(f)"Khandsari unit" means any premises, including the land, godowns or out-houses appurtenant thereto, wherein, or in any part of which a manufacturing process connected with the production of khandsari sugar from sugarcane or gur in open pans is carried on with or without the aid of power :(g)"occupier of a khandsari unit" means any person who has control over the affairs of a khandsari unit;(h)[ "Excise Officer" means an office defined as such in the Punjab Excise Act, 1914.] [Clause f, g and h added vide punjab Act No 23 of 1973.]

### **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 khandsari unit or distillery or any other person] [Substituted vide Punjab Act 23 of 1973.] 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. [ Power of Controller to direct construction of tanks for storage of molasses. - (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.] [Section 3A Added by Punjab Act 9 of 1964, Section 3.]**

(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. 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(ia)[ store or preserve molasses] [Clause (ia) inserted by Punjab Act 9 of 1964, Section 4.], or,(ii)sell or otherwise dispose of molasses to any 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 [or khandsari unit] [ Inserted vide Punjab Act 23 of 1973.] 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. Owner 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;(aa)[ direct that from the price fixed under clause (a), such portion as may be prescribed shall be accounted for and funded seperately and shall be utilised for providing such storage facilities as may be prescribed; and] [Clause (aa) added by Act No 36 of 1976.](b)prescribe the manner in which molasses shall be graded, marketed, packed or stored for sale.[6. Penalty.] [Section 6 substituted by Punjab Act 9 of 1964.] - (1) Where any person contravenes any provision 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 [ten thousand rupees] [Substituted vide Punjab Act 23 of 1973.] and if the contravention is a continuing one to pay a penalty not exceeding [one thousand rupees] [Substituted vide Punjab Act 23 of 1973.] 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 [along with packages, coverings or receptacles in which such molasses may be found] [words inserted vide Punjab Act 23 of 1973.] 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. 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.] [Section 8 substituted by Punjab Act 9 of 1964, Section 6.] - (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 [or khandasari unit] [Inserted vide Punjab Act 23 of 1973.] 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 police officer not below the rank of a Station House Officer or any Excise Officer not below the rank of an Excise Inspector or any other officer duly empowered by the Controller in this behalf, may -(a)stop and search any person, boat, motor or any vehicle or receptacle used or intended to be used for the transport of molasses;(b)enter and search any place;(c)seize any molasses, in respect of which he suspects that any provision of this Act or any rule made thereunder has been, is being or is about to be contravened, along with the packages, coverings or receptacles in which such molasses is

found, or the animals, vehicles, vessels, boats or other conveyance used in carrying such molasses.(2)[ The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to search and seizure under this section.] [Substituted vide Punjab Act 23 of 1973.]

## **10. [ Procedure for seizure.] [Substituted vide Punjab Act 23 of 1973.]**

(1)A report about the molasses or other Procedure after seized under section 9 shall, as soon as Taxation Officer in charge of the district who may, after making such enquiry as he may consider necessary, give such directions for their temporary custody as he thinks fit.(2)A report about the enquiry held under sub-section (1) shall be sent to the Controller who shall take action thereon in accordance with the provisions of section 6.(3)Where the stock of molasses along with the packages, coverings or receptacles is not forfeited under section 6, the same shall be returned to the person from whom it was seized.

## **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 [or any kind of molasses] [Inserted vide Punjab Act 23 of 1973.] 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 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. Repeal of Ordinance No. XII 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.