



## The East Punjab Molasses (Control) Act, 1948

Act 11 of 1948

**Keyword(s):**

The Government, Molasses, Distillery, Occupier, Sugar Factory, Occupier of a Sugar Factory

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**THE EAST PUNJAB MOLASSES (CONTROL) ACT, 1948**

## ARRANGEMENT OF SECTIONS

## SECTIONS

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**THE EAST PUNJAB MOLASSES (CONTROL) ACT, 1948**

(ACT NO. XI OF 1948)<sup>1</sup>

(Received the assent of His Excellency the Governor on the 1st April, 1948, and was published in the Punjab Gazette, Extra., dated the 3rd April, 1948).

Amended, repealed or otherwise affected by,—

- (i) Adaptation of Laws Order, 1950.
- (ii) Punjab Act No. 9 of 1964, published in Punjab Gazette, Extra., Legislative supplement, Part I, dated the 21st April, 1964.
- (iii) A.O. 1968, published in R.H.P., dated the 1st February, 1969, pages 158—161.
- (iv) A.O. 1973, published in R.H.P. Extra, dated the 20th January, 1973, pages 91—112.

1. For Statement of Objets and Reasons, see East Punjab Government Gazette, 1948, P. 160. The Act applies both to merged as well as old areas. The Act was extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union (some of which now form part of H.P.) by Punjab Act No. 23 of 1957.

The Act is in force in merged areas by virtue of section 88 of the Punjab Re-organisation Act, 1966, and to old areas by Government of India, Ministry of Home Affairs, notification No. F.4/7/61-Jud-II, dated the 16th June, 1962.

The Act as published here is as in force in merged areas and in its application to old areas it is to be read with the modification that clauses (ca) and (cb) of section 2, section 3-A and insertion/substitution made in section (4)(1)(i) and sections 6 and 8, shall not apply. The original sections 6 and 8 are as under :—

“6. *Offences and Penalties.*—Whoever contravenes any provision of this Act or rules made or order passed thereunder, shall, on conviction by a competent criminal court, be punishable with imprisonment of either description for a term which may extend to one year or with fine or with both and any court trying such contravention may direct that any stock of molasses in respect of which the court is satisfied that the contravention has taken place, shall be forfeited to the Government in whole or in part”.

“8. *Jurisdiction.*—(1) No court shall take cognizance of any offence punishable under this Act or any rules made or order passed thereunder except on a report in writing of the facts constituting such offence made by the Controller.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act or any rule or order made thereunder.

(3) An offence punishable under this Act or any rule or order made thereunder shall, subject to the provisions of this Act, be cognizable and bailable within the meaning assigned to these terms in the Code of Criminal Procedure, 1898 (V of 1898).”

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, 1948.

(2) It extends to <sup>1</sup>[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966].

(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 <sup>2</sup>[Punjab]
- (b) “Controller” means the Excise and Taxation Commissioner, <sup>3</sup>[Himachal Pradesh] ;
- (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 ;
- <sup>4</sup>(ca) ‘distillery’ means any premises where, under a licence issued under the Punjab Excise Act, 1914, power, portable 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, godown 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 the sugar factory.

1. Substituted for “the whole of Punjab” by A.O. 1968. The word “Punjab” was substituted for the words “East Punjab” by Adaptation of Laws Order, 1950.

2. Substituted for the words “East Punjab” by Adaptation of Laws Order, 1950. Now Himachal Pradesh.

3. Substituted for the word “Punjab” (which was substituted for “East Punjab” by Adaptation of Laws Order, 1950) by A.O. 1973.

4. Inserted by Punjab Act No. 9 of 1964.

**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.

<sup>1</sup>[3-A. (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].

**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 ; or
- (ii) sell or otherwise dispose of molasses to any person, other than 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. 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 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 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.

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1. Ins. by Punjab Act No. 9 of 1974.

2. Substituted for the original section by Act *ibid*, section 5.

(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. 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 police officer not below the rank of a Station House Officer or any officer duly empowered by the Controller in this behalf, may—

(a) Enter and search at any time any premises in which he has reason to believe that any molasses 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 Procedure, 1898 (V of 1898)<sup>1</sup>.

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1. Substituted for the original section by Punjab Act No. 9 of 1964, section 6.

2. Now the Code of Criminal Procedure, 1973.

**10. Procedure for seizure.**—(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. 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 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.

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