

33

44

569

**MINISTRY OF HOME AFFAIRS
NOTIFICATION.**

New Delhi, the 16th June 1962

G.S.R. 320.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends the East Punjab Molasses (Control) Act, 1948 (East Punjab Act No. XI of 1948), as at present in force in the State of Punjab, to the Union territory of Himachal Pradesh, subject to the following modifications, namely:—

Modifications

In the said Act,—

- (1) for the expression "Government" wherever it occurs, except where it occurs for the first time in clause (ii) of sub-section (1) of section 4, the expression "Lieutenant Governor" shall be substituted;
- (2) in section 1, for sub-section (2), the following sub-section shall be substituted, namely:—
“(2) It extends to the whole of the Union territory of Himachal Pradesh;”
- (3) in section 2,—
 - (i) for clauses (a) and (b), the following clauses shall be substituted, namely:—
“(a) 'Controller' means the Excise and Taxation Commissioner, Himachal Pradesh;
(b) 'Lieutenant Governor' means the Lieutenant Governor of Himachal Pradesh;”
 - (ii) after clause (c), the following clause shall be inserted, namely:—
“(cc) 'notification' means notification in the Himachal Pradesh Gazette;”
- (4) section 14 shall be omitted.

ANNEXURE

The East Punjab Molasses (Control) Act, 1948 as extended to the Union territory of Himachal Pradesh.

(East Punjab Act No. XI of 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, 1948.
- (2) It extends to the whole of the Union territory of Himachal Pradesh.
- (3) It shall come into force at once.
- 2. **Interpretation.**—In this Act, unless there is anything repugnant in the subject or context—
 - (a) 'Controller' means the Excise and Taxation Commissioner, Himachal Pradesh;
 - (b) 'Lieutenant Governor' means the Lieutenant Governor of 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 sugar cane 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;

(cc) 'notification' means notification in the Himachal Pradesh Gazette;

(d) "sugar factory" means any premises, including the land, godowns or outhouses appertinent 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.

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) sell or otherwise dispose of molasses to any person, other than the Government or a person licensed by the Lieutenant Governor 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 Lieutenant Governor to regulate prices, etc.—The Lieutenant Governor 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. Offence and Penalties.—Whoever contravenes any provisions of this Act or any 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 Lieutenant Governor in whole or in part.

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. 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).

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

571

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).

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 Lieutenant Governor may by notification exempt any area or any person from all or any of the provisions of this Act.

13. Rules.—(1) The Lieutenant Governor 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 license granted under section 4.

14. Repeal of Ordinance No. XII of 1947.—Omitted.

[No. F. 4/7/61-Judl.II-UTL-44.]

P. N. KAUL, Dy Secy.

Handwritten text at the top of the page, possibly a header or title, which is mostly illegible due to fading and bleed-through.

Handwritten text at the bottom of the page, possibly a footer or signature, which is mostly illegible due to fading and bleed-through.