

West Bengal Act XIV of 1949

THE WEST BENGAL MOLASSES CONTROL ACT, 1949.

[Passed by the West Bengal Legislature.]

[Assent of the Governor General was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1949.]

An Act to provide for control of the production, supply and distribution of, and trade in, molasses in West Bengal.

WHEREAS it is expedient to provide for control of the production, supply and distribution of, and trade in, molasses in West Bengal;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Molasses Control Act, 1949.

Short title, extent, commencement and duration.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on the 1st day of April, 1949.

(4) It shall remain in force for three years only but the Provincial Government may, by notification in the *Official Gazette*, direct that it shall remain in force for such further period or periods not exceeding two years in the aggregate as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "molasses" means the final residual by-product of factories manufacturing sugar from cane, or by refining *gur*, by means of vacuum pans, but does not include convertible molasses which are the final residual by-product of factories operating on the open pan system;

(b) "notified order" means an order notified in the *Official Gazette*.

3. (1) The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply of molasses or for securing the equitable distribution or availability of molasses at fair prices, may, by notified order, provide for regulating or prohibiting the production, supply and distribution thereof and trade therein within West Bengal.

Powers to control production, supply and distribution of, and trade in, molasses.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) an order made thereunder may provide,—

(a) for regulating by license, permits or otherwise the production of molasses;

(b) for controlling the prices at which molasses may be purchased or sold;

(c) for regulating by license, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of molasses;

(d) for requiring any person holding stocks of molasses to sell them at fair prices to specified persons or classes of persons or in specified circumstances;

Price—Indian, annas 3; English, 4d.

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(Sections 4-6.)

- (e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;
- (f) for requiring persons engaged in the production, supply or distribution of, or trade in, molasses, to maintain and produce for inspection any books, accounts and records relating to their business and to furnish any information relating thereto;
- (g) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircrafts, the seizure by a person authorised by the Provincial Government in writing to make such search of any molasses in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licenses, permits or other documents, and the charging of fees therefor.

(3) Nothing in sub-sections (1) and (2) shall authorise the making of any order which prohibits or restricts, or enables any action to be taken for prohibiting or restricting, the entry into, or export from, West Bengal of any molasses.

Saving.

4. Any order made or deemed to have been made under any provision of the Bengal Molasses Control Ordinance, 1946, as enacted and continued in operation by or under the Bengal Ordinances Temporary Enactment Act, 1947, and as further enacted and continued in operation by or under the West Bengal Expiring Laws Act, 1948, and in force immediately before the commencement of this Act, shall continue in force and be deemed to have been made under the corresponding provision of this Act, and all licenses or permits granted, orders, directions or notifications issued and prices fixed under any such order, and in force immediately before such commencement, shall likewise continue in force and be deemed to have been granted, issued or fixed in pursuance of the provisions of this Act and all penalties incurred and all proceedings commenced under the said Ordinance as so enacted and continued in operation shall be deemed to have been incurred or commenced under this Act.

Ben. Ord.
III of 1946.Ben. Act I
of 1947.West Ben.
Act V of
1948.Effect of
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ments.

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

Penalties.

6. If any person contravenes any order made or deemed to have been 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 order has been contravened shall be forfeited to His Majesty.

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(Sections 7—10.)

7. Any person who attempts to contravene, or abets a contravention of, any order made or deemed to have been made under section 3 shall be deemed to have contravened that order. Attempts, etc., to contravene orders.

8. If the person contravening an order made or deemed to have been made under section 3 is a company or other body corporate, every director, manager, secretary or other officer or 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. Offences by corporations.

9. 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. Cognizance of offences.

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of 1860.

10. (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 have been made under section 3. Protection of action taken under the Act.

(2) No suit or other legal proceeding shall lie against the Crown 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 have been made under section 3.