

THE EAST PUNJAB FACTORIES (CONTROL OF DISMANTLING) ACT, 1948.

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**THE EAST PUNJAB FACTORIES (CONTROL OF
DISMANTLING) ACT, 1948.**

East Punjab Act No. XX of 1948.

*[Received the assent of His Excellency the Governor on
the 10th April, 1948, and was first published in the
East Punjab Government Gazette (Extraordinary) of
April 10, 1948.]*

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Year	No.	Short title	Whether repealed or otherwise affected by legislation
1948	XX	East Punjab Factories (Control of Dismant- ling) Act, 1948	Amended in part by the Adaptation of Laws Order, 1950 Extend to the territories, which imme- diately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 23 of 1957. ² Amended by the Punjab Re-organisa- tion (Chandigarh) (Adaptation of Laws on State and Concurrent Sub- jects) Order, 1968.

An Act to control the dismantling of factories.

It is hereby enacted as follows:—

1. (1) This Act may be called the East Punjab Factories (Control of Dismantling) Act, 1948. Short title, extent
and commencement.

(2) It extends to the whole of the ³[Union Territory of Chandigarh].

(3) It shall come into force at once.

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

(a) “to dismantle” a factory means to remove from its position the machinery or part of the machinery of the factory, whereby such removal the factory is rendered wholly or partly useless for its purpose; but does not include any temporary removal within the premises of the factory of the machinery or part of the machinery for purposes such as adjustment, cleaning and repairs;

(b) “factory” means a factory as defined in clause (j) of section 2 of the ⁴Factories Act, 1934 (XXV of 1934), but includes also any premises which were at any time, after the 14th day of August, 1947, a factory as so defined;

¹For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1948, page 174; for proceedings in East Punjab Legislative Assembly Debates, Volume II, 1948, pages 957—60.

²For Statement of objects and Reasons, see Punjab Government Gazette (Extraordinary) 1957, page 689.

³Substituted for the words “State of Punjab” by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

⁴See now the Factories Act, 1948 (Act LXIII of 1968).

(c) "machinery" has the meaning assigned to that word in clause (k) of section 2 of the ¹Factories Act, 1934 (XXV of 1934).

Dismantling
factory.

3. (1) No person shall, without the written permission of the ²[Central Government] or of an officer authorised in this behalf by the ²[Central Government], dismantle any factory or remove from a factory any spare parts kept for maintaining the machinery of the factory in order.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with imprisonment which may extend to two years or with fine or with both.

Offences by corporations.

4. If the person contravening any of the provisions of sub-section (1) of section 3 is a company or other corporate body, every director, manager or 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.

Power of entry
examination, taking
evidence, etc.

5. (1) Subject to any rules made by the ²[Central Government], any officer authorised in this behalf by that Government may, if he has reason to believe that any person has contravened any of the provisions of sub-section (1) of section 3 within the local limits for which he is so authorised,—

(a) enter with such assistants (if any), being persons in the service of the ²[Central Government], as he thinks fit, any place;

(b) make such examination of the place and of any machinery, books or documents therein and take on the spot or elsewhere such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

(2) Whoever wilfully obstructs an officer authorised

¹See now the Factories Act, 1948 (Act LXIII of 1948).

²Substituted for the words "State Government" by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

under sub-section (1) in the exercise of any power conferred by that sub-section, or fails to produce on demand any book or document in his custody or to comply with any demand for information or knowingly or recklessly make to such officer a statement false in a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

6. No prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the ¹[Central Government] or the officer authorised by the ¹[Central Government] for the purposes of sub-section (1) of section 3. Cognizance of offences.

7. No suit, prosecution, or other legal proceedings shall lie against any person for anything which is in good faith done, or intended to be done, under this Act. Bar of legal proceedings.

8. (1) The ¹[Central Government] may make rules² for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide—

(a) the procedure for the grant of the permission referred to in sub-section (1) of section 3;

(b) for an appeal against a refusal to grant the permission referred to in sub-section (1) of section 3 when such refusal is by an officer authorised in pursuance of that section ; and

(c) for regulating the manner in which officers authorised under sub-section (1) of section 5 shall exercise their powers.

¹Substituted for the words "State Government" by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²For rules, see East Punjab Government Notification No. 7138-LP-50/5340, dated 7th October, 1950, published in the East Punjab Government Gazette, 1950, Part I, pages 1007-08.