

The East Punjab Factories (Control of Dismantling) Act, 1948
Act No. 20 of 1948

hl213

Received the assent of His Excellency of Governor on the 10th April, 1948, and was first published in the East Punjab Gazette dated the 10th April, 1948.

LEGISLATIVE HISTORY 6

- Amended in part by the Adaptation of Laws Order, 1950
- Extended to Pepsu Territory by Punjab Act, 23 of 1957
- Amended by Haryana Adoption of Laws Order, 1968

An Act to control the dismantling of factories.

It is hereby enacted as follows.

- 1. Short title, extent and commencement.** - (1) This Act may be called The East Punjab Factories (Control of Dismantling) Act, 1948.
(2) It extends to the whole of the [State] of [Haryana].
(3) It shall come into force at once.

Object & Reasons6

Statement of Objects and Reasons. - Owing to the partition of the country and the recent communal disturbances there is a move on the part of the factory owners to dismantle their factories and remove plant and machinery to places outside the Province of East Punjab. Any movement of this kind will result in the dislocation and disruption of the economic life of the Province and bring large scale unemployment. It is, therefore, necessary to take steps to prevent any such movement. This bill is introduced with that object in view.

Published vide East Punjab Government Gazette Extraordinary, dated the 4th March, 1948, Page 174.

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

- (a) "to dismantle" a factory means to remove from its position the machinery or part of the machinery of the factory, where by such removal the factory is rendered wholly or partly useless for its purposes; 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 [Factories 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;

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

3. Dismantling a factory. - (1) No person shall, without the written permission of the State Government or of an officer authorised in this behalf by the State 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.

4. Offences by corporations. - 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.

5. Powers of entry, examination, taking evidence, etc. - (1) Subject to any rules made by the [State] 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 State Government 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 the 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 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 makes to such officer a statement false in any material particulars shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

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

7. Bar of legal proceedings. - 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.

8. Power to make rules. - (1) The State Government may make rules for carrying out the purposes of this Act.

(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.