

## **POWER ALCOHOL ACT, 1948**

**22 of 1948**

**[3rd April, 1948]**

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## **POWER ALCOHOL ACT, 1948**

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STATEMENT OF OBJECTS AND REASONS "The development of the Power Alcohol Industry is of national importance both from the point of view of using the molasses which would otherwise be wasted and of creating in the country the nucleus of an industry which would be of importance in times of emergency. The utilisation of Power Alcohol would also reduce the price of sugar and reduce our dependence on petrol. It would, however, not be possible for most of the Provinces producing molasses to absorb their total production of Power Alcohol within their own limits. It is, therefore, necessary to adopt measures to utilise their surpluses in other Provinces in which production will not be sufficient to meet their requirements. The Panel for the development of Sugar, Power Alcohol and Food Yeast Industries which was set up by the Government of India recommended that admixture of Power Alcohol with petrol should be made compulsory for the whole country and enforced in such areas as are notified from time to time. The Industries Conference held in December, 1947 in which

representatives of Provincial and State Governments participated, also unanimously passed a resolution in support of the proposal legislation."-Gaz. of Ind., 1948, Part V, page 200.

### **1. Short title, extent and duration :-**

( 1 ) This Act may be called The Indian Power Alcohol Act, 1948.

(2) It extends to the whole of India <sup>1</sup> [except the State of Jammu and Kashmir].

(3) This Act or such portion thereof shall come into force in such area, and on such date as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Sub-section (2) as amended in 1952.-"The Indian Power Alcohol Act. 1948, was enacted for the development of the power alcohol industry under the control of the Central Government, but the Act has not so far been extended to Part B States. Some of the Part B .States like the Patiala and the East Punjab States Union are close to the areas in which power alcohol is produced, e.g., Uttar Pradesh, and offer a convenient outlet for power alcohol by reason of their geographical location. With a view to providing a better outlet for power alcohol produced in this country, its is necessary to make the Act applicable to Part B States as well and the present Bill seeks to do so"-S.O.R. Gaz.. of Ind., 15-11-1952, Pt. II, S. 2, p. 531.

1. Substituted for "except Part B States" by the Indian Power Alcohol (Amendment) Act, 1952 (73 of 1952), Section 2 (26-12-1952).

### **2. Declaration as to expediency of control by the Union :-**

It is hereby declared that it is expedient in the public interest that the Union should take under it control the power alcohol industry.]

### **3. Definitions :-**

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

(a) "molasses" means the heavy, dark-coloured residua] syrup drained away in the final stage of the manufacture of sugar by vacuum pans in sugar factories either from sugarcane or by refining gur, when such a syrup has fermentable sugars (expressed as reducing sugars), but does not include the final residual syrup left in the manufacture of sugar by the open-pan process:

(b) "petrol" means dangerous petroleum as defined in clause (b) of Section 2 of the Petroleum Act, 1934 :

(c) "power alcohol" means ethyl alcohol containing not less than 99.5 per cent by volume of ethanol measured at sixty degrees Fahrenheit corresponding to 74.4 over proof strength.

#### **4. Production of power alcohol :-**

( 1 ) No person shall manufacture power alcohol from any substance other than molasses or such other substance as may be specified by the Central Government.

(2) If any dispute arises as to whether any substance is or is not molasses, the decision of an officer, authorized by the Central Government in this behalf, regarding such dispute shall be final and shall not be called in question in any Court.

#### **5. Power to regulate production and disposal of power alcohol :-**

The Central Government may regulate the production and disposal of power alcohol by any distillery situated in any area in which this section is for the time being in force.

#### **6. Power to direct use of power alcohol as motive power :-**

(1) The Central Government may, by notification in the Official Gazette, direct that in such area as may be specified therein no petrol shall be sold or kept for sale except with an admixture of power alcohol.

(2) The proportion of petrol and power alcohol in such mixture shall in any area and for any purpose be such as may from time to time be specified by the Central Government but such proportion of power alcohol in the case of mixture with petrol meant for use as motive power for any motor vehicle shall not be more than twenty-five per cent or less than five per cent by volume.

(3) The power alcohol to be employed for such mixture shall be obtained from such distilleries as may from time to time, be specified by the Central Government.

#### **7. Penalty :-**

Whoever contravenes any of the provisions of section 4 and section 6 or any order of the Central Government issued thereunder shall be punishable with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both, and in the case of a continued contravention with a further fine which may extend to one hundred rupees, for every day during which the

contravention is continued after conviction therefor.

**8. Delegation of powers :-**

The Central Government may, by notification in the Official Gazette, direct that any power conferred by this Act shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by-

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such other officer or authority subordinate to a State Government, as may be specified in the direction.

**9. Offences to be bailable :-**

All offences punishable under this Act or any rule made thereunder shall be bailable within the meaning of Code of Criminal Procedure, 1908.

**10. Power to make rules :-**

(1) The Central Government may, by notification in the Official Gazette, make rules<sup>1</sup> for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may-

(a) provide for the licensing of the manufacture of power alcohol;

(b) prescribe the specifications and tests in respect of the purity of power alcohol intended for admixture with petrol in order to ensure its suitability for use in motor vehicles:

(c) fix the price at which power alcohol may be sold for the purpose of admixture with petrol;

(d) provide for imposing and collecting a duty of excise on power alcohol intended for admixture with petrol:

(e) prescribe conditions in respect of the transport and storage of power alcohol intended for admixture with petrol and for the manner in which the admixture is to be affected:

(f) prescribe the submission by a manufacturer of power alcohol or importer or distributor of petrol of returns regarding the power alcohol and petrol manufactured, purchased, stored or sold, as the

case may be:

(h) provide for any other matter which is to be or may be prescribed under this Act.

(3) Rules made under this Act may provide that any contravention of such rules shall render the offender liable on conviction to a fine not exceeding one thousand rupees,

1. For the Indian Power Alcohol Rules. 1950, See Gazette of India, Extraordinary, 1950, Pt. II, S. 3, p. 909 (S.R.O.907, dated 2-1 1-1950).

**11. Power of exemption :-**

Notwithstanding anything contained in this Act, the Central Government may, by notification <sup>1</sup> in the Official Gazette, declare that any of the provisions of this Act shall not apply to any case or class of cases.

1. For such notifications, see Gazette of India, 1953, Pt. II, s. 3, pp. 549 and 756 and Gazette of India, Extraordinary, 1950, Pt. II, S. 3, p. 909 (S.R.O. 907, dated 2-1 1-1950), 1955, p. 240. Section 6 does not apply to the Military, Naval and Air Forces and other Armed Forces of the Union and to any aircrafts-See S.R.O. 797, Gazette of India, 2-5-53, Pt. II, s. 3, p.549; Out-bound motor boats also exempted by S.O. 2812, Gaz.of Ind.. 2-12-1961, Pt. II,S.3(ii),p. 3061.