

East Punjab Factories (Control Of Dismantling) Act, 1948**20 of 1948****[10 April 1948]**

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Dismantling A Factory
4. Offences By Corporations
5. Power Of Entry, Examination, Taking Evidence, Etc.
6. Cognizance Of Offences
7. Bar Of Legal Proceedings
8. Power To Make Rules

East Punjab Factories (Control Of Dismantling) Act, 1948**20 of 1948****[10 April 1948]**

An Act to control the dismantling of factories. It is hereby enacted as follows :- 1. For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1948, page 174; for proceedings in Assembly, see East Punjab Legislative Assembly Debates, Volume II, 1948, pages 957-60. 2. For Statement of Objects and Reasons, see Punjab Government Gazette (Extra), 1957, page 689. 3. See Haryana Government Gazette, 1968, pages 531-567.

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 1[State] of 2[Haryana].

(3) It shall come into force at once 3[in the principal territories and on the 24th July, 1957, in the transferred territories].

1. Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

2. Substituted for the word "Punjab" by the Adaptation of Laws Order, 1968.

3. Added by the Haryana Adaptation of Laws Order. 1968.

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, 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 Factories Act, 1934 (25 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 1 Factories Act, 1934 (25 of 1934).

1. See now the Factories Act, 1948 (Act 63 of 1948).

3. Dismantling A Factory :-

(1) No person shall, without the written permission of the 1[State] Government or of an officer authorized in this behalf by the 2[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.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order. 1950.

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. Power Of Entry, Examination, Taking Evidence, Etc. :-

(1) Subject to any rules made by the 1[State] Government, any officer authorized 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 authorized,-

(a) enter with such assistants (if any), being persons in the service of the 1[State] 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 willfully obstructs an officer authorized 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 a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

1. Substituted for the word "Provincial" by the Adaptation of Laws Order. 1950.

6. Cognizance Of Offences :-

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

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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 1[State] Government may make rules² 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 (I) of section 3 when such refusal is by an officer authorized in pursuance of that section ; and

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

1. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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