

The 18th April, 1953.

No.L.63/52/29:- The following act of the Assam Legislative Assembly, which received the assent of the President is hereby published for general information.

(Received the assent of the President on the 15th April, 53).

ASSAM ACT VII OF 1953
THE ASSAM CEMENT CONTROL ACT, 1953

(Published in the Assam Gazette, Extraordinary, dated the 18th April, 1953).

An
Act

to confer power to control the supply and distribution of and trade and commerce in cement in Assam

Preamble

Whereas it is expedient to confer powers to control the supply and distribution of, the trade and commerce in, cement in Assam,

And whereas the sanction of the President as required under Article 304 of the Constitution of India has been obtained.

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Cement Control Act, 1953.

(2) It extends to the whole of Assam.

(3) It shall come into force on the date on which the Assam Cement Control Ordinance, 1952 ceases to operate.

Assam Ordinance
No. II of 1952.

Definiti-
on.

2. In this Act, unless there is anything repugnant in the subject or context, "Cement" includes Portland Cement, any other cementitious product manufactured by/intergrinding or intermixing Portland Cement as defined in the Indian Standard Specification 260 of 1951, with any active inert material white and coloured cements, high alumina cement and any product manufactured by direct mixing of some or all oxides constituting normal Portland Cement.

Power to
control sup-
ply distri-
bution etc.
of cement.

3. (1) The State Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply of cement or for securing its equitable distribution and availability at fair prices, may by order, in the official Gazette, provide for regulating or prohibiting the supply and distribution thereof and trade and commerce therein within Assam.

Provided however, that any order issued under this clause shall be subject to such instruction as may be issued by the Central Govt. under section 16 of the Industries (Development and Regulation) Act, 1951.

Act. LXV of
1951.

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

(a) for regulating or constrolling the prices at which cement may be purchased or sold and for prescribing the conditions of sale thereof;

(b) for regulating by licenses, permits or otherwise the storage, transport, movement, possession, distribution disposal, acquisition, use or consumption of cement;

(c) for prohibiting the withholding from sale of cement ordinarily kept for sale;

(d) for requiring any person holding stock of cement to sell the whole or specified part of the stock at such prices and to such persons or classes of persons or in such circumstances as may be specified in the order;

(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 supply or distribution of, or trade or commerce in, cement to maintain and produce for inspection such books accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order; and

(g) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make 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 thereof.

3. When any cement is seized under the authority of any order made under sub-section (1) the person seizing the cement shall make a report of such seizure to a Magistrate who may give such directions as to its temporary custody as he thinks fit, provided, however, that where no prosecution is instituted for controvension of the order in respect of the cement seized within a period in his opinion reasonable, the Magistrate shall direct its return to the person from who it was seized; and the provisions of the Code of Criminal Procedure, 1898 shall so far as they may be applicable apply to any search for seizure under any such order as they apply to any search or seizure under Chapter VII of that Code.

Delegation
of powers.

4. The State Government may by order in the official gazette, direct that the power to make orders under Section 3 shall in relation to such matters and subject to such conditions, if any as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction.

Effect of
order in
constant
with other
enactments.

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

6. If any person contravenes any order 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 the Government.

Attempts
and
abetments.

7. Any person who attempts to contravene or abets a contravention of any order made under Section 3 shall be deemed to have contravened that order.

Officers
by corporation
etc.

8. If the person contravening an order made under Section 3 is a company or other body corporate or association of persons whether incorporated or not, 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.

False
Statement.

9. If any person:-
(i) when required by any order made under Section 3 to make any statement or furnish any information, makes any statement or furnished any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true or,

Contd...4.

(ii) made any such statement as aforesaid in any book, account, record, declaration, return or other to maintain or furnish he shall be punishable with imprisonment for term which may extend to three years or with fine or with both.

Cognizance of offences.

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offences made by a person who is a public servant as defined in Section 21 of the Indian Penal Code Act XLV of 1860.

Power to try offences summarily

11. Any Magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub section (1) of Section 260 of the Code of Criminal Procedure, 1898 may on application in this behalf being made by the prosecution, try in accordance with the provisions contained in Section 262 to 265 of the said Code any offence punishable under this Act.

Special provision regarding fines.

12. Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898 it shall be lawful for any Magistrate of the First Class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under section 3.

Savings.

13. No order made in exercise of any power conferred by or under this Act shall be called in question in Court.

Protection.

14. (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 under section 3.

(2) No suit or other legal proceeding shall lie against the Govt. for any damages 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 under Section 3.

Power to exempt certain varieties of cement.

15. The State Govt. may by notification in the official Gazette exempt any variety of cement from all or any of the provisions of this Act.

Continuance of action taken under Assam Cement Control Act, 1949.

16. Any order made or direction issued under section 3 or 4 of the Assam Cement Control Act, 1949 or under section 3 or 4 of the Assam Cement Control Ordinance 1952 which is in force immediately before the Assam

Cement Control Ordinance, 1952 which ~~is~~ is in force immediately before the commencement of this Act shall be deemed to have been made or Assam Ordinance issued under the provisions of this No.II of 1952 Act and continue to be in force to sar as they are not inconsistent with the provisions of this Act until repealed or altered.

Savings.

17. One the expiration of this Act, Such expiration shall not:-

(a) affect any penalty or punishment incurred in respect of any offences committed under this Act before its expiration or

(b) affect any investigation legal proceeding of remedy in respect of any such penalty or punishment as aforesaid; and such investigation, legal proceeding or remedy may be substituted continued or enforced and any such penalty or punishment may be imposed as if this Act and not expired.

Sd/-S.K.Dutta.
Secy. to the Govt. of Assam, .Leg.Deptt.

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