



## THE OIL SEEDS COMMITTEE ACT, 1946



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# THE OILSEEDS COMMITTEE ACT, 1946

<sup>1</sup>ACT No. IX OF 1946

[18th April, 1946]

<sup>2</sup>[An Act to provide for the levy and collection of cesses on oils extracted from oilseeds and oilseeds exported from Pakistan].

<sup>2</sup>[Whereas it is expedient to provide for the levy and collection of cesses on oils extracted from oilseeds and oilseeds exported from Pakistan ;]

It is hereby enacted as follows :—

**1. Short title and extent.**—<sup>2</sup>[(1) This Act may be called the Oilseeds Cesses Act, 1946].

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1946, Pt. V, p. 40; and for the Report of Select Committee, see *ibid.*, pp. 131-146.

The Act has been extended to—

(a) the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953), as amended;

(b) the Khairpur State, see the Khairpur State (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953), as amended; and

(c) the State of Bahawalpur, see the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur (with effect from the 8th September, 1958), by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

<sup>2</sup>Subs. by the Acts relating to Cesses on Agricultural Products (Amdt.) Ordinance, 1982 (10 of 1982), s. 2 and Schedule for the long title, which was previously amended by Act 19 of 1960, s. 2.

<sup>1</sup>[(2) It extends to the whole of Pakistan.]

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

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<sup>2</sup>[(a)] “Collector” means the officer appointed by the <sup>3</sup>[Federal Government] to perform in any specified area the duties of a Collector under the provisions of this Act and the rules made thereunder, and includes any officer subordinate to that officer whom he may by order in writing authorise to perform his duties under those provisions;

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<sup>2</sup>[(c)] “grower” means an agriculturist who grows oilseeds, with or without the aid of hired labour;

<sup>2</sup>[(d)] “mill” means any place in which oilseeds are crushed with the aid of power, which is a factory as defined in section 2 of the Factories Act, 1934; ([XXV of 1934](#)) .

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<sup>1</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by A. O., 1949.

<sup>2</sup>Cls. (a) and (d) omitted, and clauses (b), (c), (e) and (f) re-lettered as clauses (a) (b), (c), and (d) respectively, by Act 19 of 1950, s. 5.

<sup>3</sup>Subs. by F. A. O. 1975, Art. 2 and Table for “Central Government”.

<sup>4</sup>Clause (b) omitted by Ord. 10 of 1982, s. 2 and Sch., which was previously amended by various enactments.

<sup>1</sup>[(e)] “oilseeds” does not include coconuts;

<sup>1</sup>[(f)] “prescribed” means prescribed by rules made under this Act ([XXV of 1934](#)).

**3. Imposition of oilseeds cess.**—(1) There shall be levied and collected on and after the date of the commencement of this Act as cesses for the purposes of this Act,-

(a) on all oils extracted from oilseeds crushed in any mill in <sup>2</sup>[Pakistan], whether the oilseeds are produced in or imported from outside <sup>2</sup>[Pakistan], a duty of excise at the rate of one anna per maund, and

(b) on all oilseeds exported out of <sup>2</sup>[Pakistan], to a destination outside <sup>3</sup>[Pakistan], a duty of customs at the rate of two annas per maund:

Provided that the <sup>4</sup>[Federal Government] may from time to time <sup>5</sup>\* \* \* ,fix by notification in the official Gazette <sup>6</sup>[different] rate at which the duty of excise or duty of customs shall be levied and collected:

Provided further that no such duty of customs shall be levied on any oilseeds exported under a contract for export entered into before the aforesaid date.

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**4 to 8.** [*Constitution of Indian Oilseeds Committee Incorporation of the Committee. Vacancies. President of Committee, Secretary, sub-committees and staff. Appointment of officers.*] Omitted by the Oilseeds Committee (Amdt.) Act, 1950 (XIX of 1950), s. 7.

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<sup>1</sup>Cls. (g) and (h) re-lettered as clauses (e) and (f) respectively by the Oilseeds Committee (Amdt.) Act, 1950 (19 of 1950), s. 3.

<sup>2</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, for “British India”.

<sup>3</sup>Subs. by Act 19, of 1950, s. 6, for “India”.

<sup>4</sup>Subs. by F. A. O., 1975, Art. 2 and Table, for “Central Government”.

<sup>5</sup>The words “and after consulting the Committee” omitted by Act 19 of 1950, s. 6.

<sup>6</sup>Subs. *ibid.*, for “lesser”.

<sup>7</sup>Sub-section (2) omitted by the Acts relating to Cesses on Agricultural Products (Amdt.) Ordinance, 1982 (10 of 1982), s. 2 and Schedule.

<sup>8</sup>Sub-section (3) omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Schedule-II.

9. <sup>1</sup>[*Application of Fund.*] Omitted by the Acts relating to Cesses on Agricultural Products (Amdt) Ordinance, 1982 (X of 1982), s. 2 and Schedule.

**10. Delivery of monthly returns.**—(1) The owner of every mill shall furnish to the Collector, on or before the 7th day of each month, a return stating the total amount of oils extracted in the mill during the preceding month, together with such further information in regard thereto as may be prescribed:

Provided that no return shall be required in regard to oils extracted before the commencement of this Act.

(2) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

**11. Collection of duty of excise.**—(1) On receiving any return made under section 10, the Collector shall assess the amount of the duty of excise payable under section 3 in respect of the period to which the return relates, and if the amount has not already been paid, shall cause a notice to be served upon the owner of the mill requiring him to make payment of the amount assessed within thirty days of the service of the notice.

(2) if the owner of any mill fails to furnish in due time the return referred to in sub-section (1) of section 10 or furnishes a return which the Collector has reason to believe is incorrect or defective, the Collector shall assess the amount, if any payable by him in such manner as may be prescribed, and the provisions of sub-section (1) shall thereupon apply as if such assessment had been made on the basis of a return furnished by the owner:

Provided that, in the case of a return which he has reason to believe is incorrect, or defective, the collector shall not assess the duty of excise at an amount higher than that at which it is assessable on the basis of the return without giving to the owner a reasonable opportunity of proving the correctness and completeness of the return.

(3) A notice under sub-section (1) may be served on the owner of a mill either by post or by delivering it or tendering it to the owner or his agent at the mill.

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<sup>1</sup>This Act was previously amended by various enactments.

**12. Finality of assessment and recovery of unpaid duty of excise.**—(1) Any owner of a mill who is aggrieved by an assessment made under section 11 may, within three months of service of the notice referred to in sub-section (1) of that section, apply to the District Judge, <sup>1</sup>\* \* \* for the cancellation or modification of the assessment and, on such application, the said Judge may cancel or modify the assessment and order the refund to such owner of the whole or part, as the case may be, of any amount paid thereunder.

(2) The decision under sub-section (1) of the District Judge <sup>2</sup>\* \* \* shall be final.

(3) Any sum recoverable under section 11 may be recovered as an arrear of land revenue.

**13. Power to inspect mills and take copies of records and accounts.**—(1) The Collector or any officer empowered by general or special order of the <sup>3</sup>[Federal Government] in this behalf shall have free access at all reasonable times during working hours to any mill or to any part of any mill.

(2) The Collector or any such officer may, at any time during working hours, with or without notice to the owner, examine the purchase, sale and stock records and accounts of any mill and take copies of or extracts from all or any of the said records or accounts for the purpose of testing the accuracy of any return or of informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder:

Provided that nothing in this section shall be deemed to authorise the examination of any description or formulae of any trade process.

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<sup>1</sup>The words and comma "or in a Presidency-town, to the Chief Judge of the Small Cause Court" omitted by the Oilseeds Committee (Amdt.) Act, 1950 (19 of 1950), s. 9.

<sup>2</sup>The words and commas "or the Chief Judge of the Small Cause Court, as the case may be," omitted, *ibid.*

<sup>3</sup>Subs. by F. A. O., 1975, Art. 2 and Table, for "Central Government".

**14. Information acquired to be confidential.**—(1) All such copies and extracts and all information acquired by a Collector or any other officer from an inspection of any mill or warehouse or from any return submitted under this Act shall be treated as confidential.

(2) If the Collector or any such officer discloses to any person other than a superior officer any such information as aforesaid without the previous sanction of the <sup>1</sup>[Federal Government], he shall be punishable with imprisonment which may extend to six months and shall also be liable to fine:

Provided that nothing in this section shall apply to the disclosure of any such information for the purposes of a prosecution in respect of the making of a false return under this Act.

**15 to 16. [Keeping and auditing of accounts. Dissolution of Committee.]** [Omitted by the Oilseeds Committee (Amdt.) Act, 1950 (XIX of 1950) s.10.]

**17. Power of the Federal Government to make rules.**—(1) The <sup>1</sup>[Federal Government] may, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

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<sup>3</sup>[**17A. Penalty for contravention of rules.** Rules made under section 17 may provide that a breach of any of them shall be punishable with fine not exceeding one thousand rupees.]

**18. [Power of the Committee to make regulations.]** Omitted by the Oilseeds Committee (Amdt.) Act, 1950, (XIX of 1950), s.12.

**19. Publication of rules and regulations.** All rules made under section 17 <sup>4</sup>\* \* \* shall be published in the <sup>5</sup>[official Gazette].

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<sup>1</sup>Subs. by F. A. O. 1975, Art. 2 and Table, for "Central Government".

<sup>2</sup>Sub-section (2) omitted by the Oilseeds Committee (Amdt.) Act, 1950 (19 of 1950), s. 11.

<sup>3</sup>Section 17A ins. by the Coconut and Oilseeds Committees Acts (Amdt.) Ordinance, 1962 (25 of 1962), s. 3.

<sup>4</sup>The words "and all regulations made under section 18" omitted by Act 19 of 1950, s. 13.

<sup>5</sup>Subs. *ibid.*, for "Gazette of India".

