

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937

ACT No. 1 OF 1937

24th February, 1937

An Act to provide for the grading and marking of agricultural ¹ [and other] produce.

1. Inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act, 1942 (13 of 1942), S.2 (w.e.f.24-2-1937).

WHEREAS it is expedient to provide for the grading and marking of agricultural ¹ [and other] produce;

It is hereby enacted as follows: -

1. Inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act, 1942 (13 of 1942), S.2 (w.e.f.24-2-1937).

1.Short title and extent: (1) This Act may be called The Agricultural Produce (Grading and Marking) Act, 1937.

¹ [(2) It extends ² [] to the whole of India ³ [*****].]

1. Substituted and amended successively by A.C.A.O., 1948, A.L.O., 1950 and the Part B States (Laws) Act, 1951 (3 of 1951), S.3 and Schedule.

2. Extended to the Union Territories of Dadra and Nagar Haveli, Pondicherry and Goa, Daman and Diu - Refer Dadra and Nagar Haveli (Laws) Regulation, 1963 (6 of 1963), S.2 and Sch.I (1-7-1965); Pondicherry (Laws) Regulation, 1963 (7 of 1963), Ss.2, 3 (1-10-65) and G.S.R.679, Gaz.of Ind., 8-5-65, Pt.II, S.3 (i), p.742 reproduced in Goa Gaz., 13-5-65, Sr.I, p.63, respectively. Goa is now a State - Refer Goa, Daman and Diu Reorganisation Act (18 of 1987), S.3 (30-5-1987).

3. Words "except the State of Jammu and Kashmir" were omitted by Act 25 of 1960. Sec.2 (27-8-1960).

2.Explanations: In this Act, unless the contrary appears from the subject or context:

(a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;

(b) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code;

(c) "covering" includes any vessel, box, crate, wrapper, tray or other container;

(d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(e) "grade designation mark" means a mark prescribed as representing a particular grade designation;

(f) "quality", in relation to any article includes the state and condition of the article.

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheduled article" means an article included in the Schedule ; ¹ [*****]

(i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked;

¹ [(j) an article is said to be misgraded if,-

(i) the article is not of the quality prescribed for the grade designation with which it is marked;

(ii) the composition of the article offered for grading is altered in any way after a sample has been drawn for analysis and determination of the grade designation of the article in accordance with the rules made under this Act;

(iii) the article is tampered with in any manner; and

(iv) any false claim is made for the quality prescribed for its grade designation, upon the label or through advertisement or in any other manner.]

1. The word "and" occurring at the end of clause (h) omitted and cl.(j) inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act (76 of 1986), S.2 (15-4-1987).

3.Prescription of grade designation: ¹ [(1)] The Central Government may, after previous publication by notification in the Official Gazette, ² [make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-]

(a) fixing grade designations to indicate the quality of any scheduled article;

(b) defining the quality indicated by every grade designation ;

(c) specifying grade designation marks to represent particular grade designations ;

(d) authorising the person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering:

(f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark 3 [or with measures for the control of the quality of articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles;] 4 [*****]

(g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with the grade designation mark;

4{(h) any other matter which is required to be, or may be, prescribed.]

1 [5{(3)} Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that

any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Section 3 renumbered as sub-section (1) and after sub-section (1) as so renumbered, sub-section (2) [now sub-section (3) - [See F.N.5] inserted by the Delegated Legislation Provisions (Amendment) Act (20 of 1983), S.2, Sch.(15-3-1984).

2. Substituted for the words "make rules -" by the Agricultural Produce (Grading and Marking) (Amendment) Act (76 of 1986), S.3 (15-4-1987).

3. Inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act (20 of 1943), S.2 (13-8-1943).

4. Word "and" occurring at the end of cl.(f) omitted, and cl.(h) inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act (76 of 1986), S.3 (15-4-1987).

5. Sub-section (2) as inserted by Act 20 of 1983, renumbered as sub-section (3), *ibid*, S.3 (15-4-1987).

1 **[3A.Powers of entry, inspection and search:** (1) Any officer of the Central Government or a State Government or any authority, being an officer of a gazetted rank or of equivalent rank, authorised by the Central Government may, if he has reason to believe that any provision of this Act or the rules made thereunder has been, or is being, contravened, enter any premises at any reasonable time and make necessary inspection of, and search for, the agricultural produce in relation to which such contravention has been, or is being, made.

(2) Every authorisation made under sub-section (1) shall be deemed to be a warrant referred to in Section 93 of the Code of Criminal Procedure, 1973.

1. Sections 3-A and 3-B inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act (76 of 1986), S.4 (15-4-1987).

3B.Powers of the authorised officer to seize agricultural produce: (1) An officer authorised under sub-section (1) of Section 3-A may seize and detain any agricultural produce in relation to which an offence under this Act or the rules made thereunder is being, or appears to have been, committed, or which is intended or likely to be used in the commission of such offence:

Provided that where any agricultural produce seized under this sub-section is subject to speedy or natural decay, the officer so authorised may dispose of such produce in such manner as may be prescribed.

(2) The provisions of Section 102 of the Code of Criminal Procedure, 1973 shall apply to every seizure made under this section.]

4.Penalty for unauthorised marking with grade designation mark: Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, shall be punishable 1 [with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.]

1. Substituted for the words "with fine which may extend to five hundred rupees" by the Agricultural Produce (Grading and Marking) (Amendment) Act, (76 of 1986), S.5 (15-4-1987).

5.Penalty for counterfeiting grade designation mark: Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable 1[with imprisonment for a term not exceeding three years and fine not exceeding five thousand rupees.]

1. Substituted for the words "with imprisonment which may extend to two years, or with fine, or with both" by the Agricultural Produce (Grading and Marking) (Amendment) Act (76 of 1986), S.6 (15-4-1987).

1 **[5A.Penalty for selling misgraded articles:** Whoever sells any scheduled article which is misgraded shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

5-B.Power to prescribe compulsory grade designations in respect of certain articles: (1) Where the Central Government is of opinion that it is necessary in the public interest or for the protection of consumers that any scheduled article or class of articles shall not be sold or distributed except after such article or class of articles is marked with the grade designation mark, it may, by notification in the Official Gazette, make a declaration to that effect.

(2) Any notification issued under sub-section (1) shall specify the area or areas in relation to which the notification shall have effect.

(3) Where a notification under sub-section (1) is issued in respect of any area or areas, no person shall sell or offer to sell or distribute or offer to distribute any scheduled article or class thereof in the area or areas except in accordance with the provisions of this Act or the rules made thereunder.

(4) Whoever contravenes the provisions of this section shall be liable for imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

5-C. Institution of prosecution: No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by-

- (a) the Central Government or the State Government or any officer authorised by it in writing; or
- (b) the person aggrieved; or
- (c) a recognised consumer association, whether the person aggrieved is a member of that association or not

Explanation: - For the purposes of this section, "recognised consumer association" means a Voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.]

1. Sections 5-A, 5-B and 5-C inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act (76 of 1986), S.7 (15-4-1987).

6. Extension of application of Act: The Central Government, after such consultation as it thinks fit of the interests likely to be affected, may by notification in the Official Gazette declare that the provisions of this Act shall apply to an article 1 [] of agricultural produce not included in the schedule 2 [or to an article other than an article of agricultural produce] and on the publication of such notification such article shall be deemed to be included in the Schedule.

1. Applied to Mushrooms and poppy seed by S.O.2678, G.I.21-9-63, Pt.II, S.3 (ii), p.3415 and S.O.2893 G.I., 12-10-1963, Pt.II, S.3 (ii), p.3697; to soyabean and Hay and buffalo hair by S.O.Nos.4661, 4878, 4879 - See Gaz.of Ind., 1969, Pt.II, S.3 (ii), pp. 5103 & 5311 to cattle feeds and poultry feeds by S.O.4065 - See Gaz.of Ind., 1972, Pt.II, S.3 (ii), p.5565; cocoa beans and their powder - Gaz.of Ind., 2-1-1982, Pt.II, S.3 (i), p.43.

2. Inserted by the Agricultural Produce (Grading and Marking) (Amendment) Act (13 of 1942), S.3 (w.e.f.24-2-1937).

THE SCHEDULE

(See section 2)

1. Fruit
2. Vegetables
3. Eggs

(g) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;

(h) prescribing the form and conditions of licences for the import of 3 [petroleum Class A], and for the transport or storage of any petroleum, the manner in which applications for such licences shall be made, the authorities which may grant such licences and the fees which may be charged for such licences;

(i) determining in any class of cases whether a licence for the transport of petroleum shall be obtained by the consignor, consignee or carrier;

(j) providing for the granting of combined licences for the import, transport and storage of petroleum, or for any two of such purposes;

(k) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and

(l) generally, providing for any matter which in 4 [its] opinion is expedient for proper control over the import, transport and storage of petroleum 5 [including the charging of fees for any services rendered in connection with the import, transport and storage of petroleum].

1. Substituted by the A. O. 1937.

2. For the Petroleum Rules, 1937, refer Gazette of India, 1937, Part I, pp.720 -775.

3. Substituted for the words "any dangerous petroleum" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 5 (a) (w. e. f. 1-8-1976).

4. Substituted for the word "his" by the A. O. 1937.

5. Inserted by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 5 (b) (w. e. f. 1-8-1976).

5. Production, refining and blending of petroleum: (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2).

(2) The 1 [Central Government] may make rules 2 -

(a) prescribing the conditions subject to which petroleum may be produced, refined or blended; and

(b) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as 3 [petroleum Class A], of any petroleum which has not satisfied the prescribed tests.

(3) 4 [*****]

1. Substituted by the A. O. 1937.

2. For the Petroleum Rules, 1937, refer Gazette of India, 1937, Part I, pp.720 -775.

3. Substituted for the words "any dangerous petroleum" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 6 (w. e. f. 1-8-1976).

4. Sub-section (3) repealed by the A.O.1937.

6.Receptacles of dangerous petroleum to show a warning: All receptacles containing ¹ [petroleum Class A] shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or, where that is impracticable, displayed near the receptacle, exhibiting in conspicuous characters the words "Petrol" or "Motor Spirit", or an equivalent warning of the dangerous nature of the petroleum:

Provided that this section shall not apply to -

- (a) any securely stoppered glass, stoneware or metal receptacle of less than ² [ten litres] capacity containing ¹[petroleum Class A] which is not for sale, or
- (b) a tank incorporated in a motor conveyance, or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or
- (c) a pipe-line for the transport of petroleum, or
- (d) any tank which is wholly under ground, or
- (e) any class of receptacles which the Central Government may, by notification ³ in the Official Gazette, exempt from the operation of this section.

1. Substituted for the words "any dangerous petroleum" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 7 (a) (w. e. f. 1-8-1976).

2. Substituted for the words "two gallons" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 7 (b) (w. e. f. 1-8-1976).

3. For notification exempting tanks within installations or refineries or near oil wells, and receptacles in the possession of Armed forces, refer Gazette of India, 1937, Part I, p.632.

7.No licences needed for transport or storage of limited quantities of petroleum Class B or petroleum Class C: Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the transport or storage of-

(i) petroleum Class B if the total quantity in his possession at any one place does not exceed two thousand and five hundred litres and none of it is contained in a receptacle exceed one thousand litres in capacity; or

(ii) petroleum Class C if the total quantity in his possession at any one place does not exceed forty-five thousand litres and such petroleum is transported or stored in accordance with the rules made under section 4.

8.No licence needed for import, transport or storage of small quantities of petroleum Class A: (1) Notwithstanding anything contained in this Chapter, a person need not obtain a licence for the import, transport or storage of petroleum Class A not intended for sale if the total quantity in his possession does not exceed thirty litres.

(2) Petroleum Class A possessed without a licence under this section shall be kept in securely stoppered receptacles of glass, stoneware or metal which shall not, in the case of receptacles of glass or stoneware, exceed one liter in capacity or, in the case of receptacles of metal, exceed twenty-five litres in capacity.]

1. Sections 7 and (8) substituted for the original Sections by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 8 (w. e. f. 1-8-1976).

9.Exemptions for motor conveyances and stationary engines: (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyance and its driver or pilot and the owner of any stationary internal combustion engine shall not be required to obtain a licence -

(a) for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or

(b) for the transport or storage of ¹ [petroleum Class A], not exceeding twenty gallons in quantity in addition to any quantity possessed under clause (a),

Provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine:

² [Provided further that the total quantity of ¹ [petroleum Class A] which may be stored without a licence under clause (b) shall not exceed ³ [one hundred litres], notwithstanding that such owner may possess other motor conveyances or engines.]

(²) ⁴ [Petroleum Class A] transported or stored without a licence ⁵ [under clause (b) of sub-section (1)] shall be kept as provided in sub-section (2) of section 8, and, if it exceeds ⁶ [thirty litres] in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

1. Substituted for the words "any dangerous petroleum" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 9 (a) (i) (w. e. f. 1-8-1976).

2. The second proviso inserted by the Petroleum Amendment Act, 1940 (25 of 1940), Section 2.

3. Substituted for the words "twenty gallons" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 9 (a) (ii) (w. e. f. 1-8-1976).

4. Substituted for the words "The dangerous petroleum" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 9 (b) (i) (w. e. f. 1-8-1976).

5. Inserted by Petroleum Amendment Act, 1940 (25 of 1940), Section 2.

6. Substituted for the words "six gallons" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 9 (b) (ii) (w. e. f. 1-8-1976).

10.No licence needed by railway administration acting as carrier: Notwithstanding anything contained in this Chapter, a railway administration, as defined in section 3 of the ¹ Indian Railways Act, 1890 (9 of 1890), need not obtain any licence for the import or transport of any petroleum in its possession in its capacity as carrier.

1. Now refer Railway Act, 1989 (24 of 1989).

¹ [11.Exemption of heavy oils: Nothing in this Chapter shall apply to any petroleum which has its flash-point not below ninety-three degrees Centigrade.]

1. Substituted for the original Section 11 by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 10 (w. e. f. 1-8-1976).

12. General power of exemption: The 1 [Central Government] may, by notification 2 in the official Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

1. Substituted by the A. O. 1937.

2. For instance of such a notification, refer Gazette of India, 1937, Part I, p.632.

13. Inspection of places: (1) The 1 [Central Government] may authorize 2 any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The Central Government may make rules regulating the procedure of officers authorized under this section.

1. Substituted by the A. O. 1937.

2. For instance of such authorization, refer Gazette of India, 1937, Part I, p.631.

CHAPTER II

THE TESTING OF PETROLEUM

14. Inspection and sampling of petroleum: (1) The 1 [Central Government] may, by notification in the Official Gazette, authorize 2 any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein.

(2) The 1 [Central Government] may make rules 3 -

(a) regulating the taking of samples of petroleum for testing,

(b) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and

(c) generally, regulating the procedure of officers exercising powers under this section.

1. Substituted by the A. O. 1937.

2. For instance of such authorization, refer Gazette of India, 1937, Part I, p.631.

3. For the Petroleum Rules, 1937, refer Gazette of India, 1937, Part I, pp.720 -775.

15. Standard Test Apparatus: (1) A standard apparatus for determining the 1 [flash-point] of petroleum shall be deposited with an officer to be appointed in this behalf by the 2 [Central Government], by notification in the Official Gazette.

(2) Such apparatus shall be engraved with the words "Standard Test Apparatus", and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21.

(3) The Standard Test Apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.

1. Substituted for the words "flashing-point" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 11 (w. e. f. 1-8-1976).

2. Substituted by the A. O. 1937.

16. Certification of other test apparatus: (1) The officer appointed under section 15 shall, on payment of the prescribed fee, if any, compare with the Standard Test Apparatus any apparatus for determining the 1 [flash-point] of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of the comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus.

(3) A certificate granted under this section shall be valid for such period as may be prescribed.

(4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein.

(5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.

1. Substituted for the words "flashing-point" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 12 (w. e. f. 1-8-1976).

17. Testing officers: The Central Government may authorize any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

18. Manner of test: All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.

19. Certificate of testing: (1) ¹ [(1) The testing officer after testing samples of petroleum in the prescribed form, stating whether the petroleum is petroleum Class A or petroleum Class B or petroleum Class C, and if the petroleum is petroleum Class B or petroleum Class C, the flash-point of the petroleum.]

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

² [(3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof, that the petroleum is petroleum Class A or petroleum Class B or petroleum Class C, and, if the petroleum is petroleum Class B or petroleum Class C, of its flash-point.]

1. Substituted for the original Sub-section (1) by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 13 (a) (w. e. f. 1-8-1976).

2. Substituted for the original Sub-section (3) by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 13 (b) (w. e. f. 1-8-1976).

20. Right to require re-test: (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the result of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested.

(2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on such re-test, it appears that the original test was erroneous, the testing officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

21. Power to make rules regarding tests: The ¹ [Central Government] may make rules -

(a) for the specification, verification, correction and replacement of the Standard Test Apparatus;

(b) prescribing fees for the inspection of the Standard Test Apparatus;

(c) regulating the procedure in comparing a test apparatus with the Standard Test Apparatus;

(d) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid;

(e) prescribing the form of the register of such certificates;

(f) prescribing fees for comparing a test apparatus with the Standard Test Apparatus;

(g) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed;

(h) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor;

(i) providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots, and for the selection and, testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples;

(j) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and

(k) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

1. Substituted by the A. O. 1937.

22. Special rules for testing viscous or solid forms of petroleum: The ¹ [Central Government] may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

1. Substituted by the A. O. 1937.

CHAPTER III

PENALTIES AND PROCEDURE

23. General penalty for offences under this Act: (1) Whoever -

(a) in contravention of any of the provisions of Chapter I or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or

(b) contravenes any rule made under section 4 or section 5, or

¹ [(c) being the holder of a licence issued under section 4 or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported or stored, or is under transport, contravenes any condition of such licence or suffers any condition of such licence to be contravened, or]

(d) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorized under section 13 any receptacle plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or

(e) being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorized under section 14 any petroleum in such place, or to give him such assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or

(f) being required, under section 27, to give information of an accident, fails to give such information as so required by that section,

shall be punishable ² [with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both].

(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence 3 [with simple imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both].

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1. Substituted for the original clause (c) by the Petroleum Amendment Act, 1941 (3 of 1941), Section 2.
 2. Substituted for the words "with fine which may extend to five hundred rupees" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 14 (a) (w. e. f. 1-8-1976).
 3. Substituted for the words "with fine which may extend to two thousand rupees" by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 14 (b) (w. e. f. 1-8-1976).

24. Confiscation of petroleum and receptacles: (1) In any case in which an offence under clause (a) or clause (b) or clause (c) of sub-section (1) of section 23 has been committed, the convicting Magistrate may direct that -

- (a) the petroleum in respect of which the offence has been committed, or
- (b) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall, together with the receptacles in which it is contained, be confiscated.

(2) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

25. Jurisdiction: Offences punishable under this Act shall be triable, in the Presidency-towns, by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or by a Magistrate of the second class who has been specially empowered by the 1[Central Government] in this behalf.

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1. Substituted by the A.O.1937.

26. Power of entry and search: (1) The 1 [Central Government] may, by notification in the official Gazette, authorize any officer by name or by virtue of office to enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder, and to seize, detain or remove any or all of the petroleum in respect of which in his opinion an offence under this Act has been committed.

(2) The provisions of the 2 [Code of Criminal Procedure, 1973 (2 of 1974)], relating to searches shall, so far as they are applicable, apply to searches by officers authorized under this section.

(3) The Central Government may make rules regulating the procedure of authorized officers in the exercise of their powers under this section subject, however, to the provisions of sub-section (2).

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1. Substituted by the A.O.1937.

2. Substituted for the words and figures "Code of Criminal Procedure, 1898" by the Petroleum (Amendment) Act, 1977 (31 of 1977) Section 2.

1 [27. Notice of accidents with petroleum: Whenever there occurs in or about, or in connection with, any place in which petroleum is refined, blended or kept, or any carriage or vessel either conveying petroleum or on or from which petroleum is being loaded or unloaded, any accident by explosion or by fire as a result of the ignition of petroleum of petroleum vapour attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place or the person for the time being in charge of the petroleum or the person in charge of the carriage or the master of the vessel, as the case may be, shall, within such time and in such manner as may be prescribed, give notice thereof and of the attendant loss of human life, or injury to person or property, if any, to the nearest Magistrate or to the officer in charge of the nearest police station and to the 2 [Chief Controller of Explosives].]

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1. Substituted for the original Section 27 by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 15 (w. e. f. 1-8-1976).

2. Substituted for the words "Chief Inspector of Explosives in India" by the Petroleum (Amendment) Act, 1977 (31 of 1977) Section 3 (w. e. f. 12-8-1977).

28. Inquiries into serious accidents with petroleum: (1) The inquiry mentioned in section 176 of the 1 [Code of Criminal Procedure, 1973 (2 of 1974)], shall 2 [unless section 8 of the Coroners Act, 1871 (4 of 1871), is applicable to the circumstances] be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapour.

(2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapour, if such accident was attended by serious injury to person or property, notwithstanding that no person was killed thereby.

(3) For the purposes of 3 [sub-section (2)] a Commissioner of Police 4 [*****] 5 [*****] shall be deemed to be a Magistrate empowered to hold an inquest.

(4) The result of all inquiries held in pursuance of this section 7 [and of any inquiry held by a coroner in a case to which sub-section (1) refers] shall be submitted as soon as may be to the 8 [Central Government], 9 [the 10 [Chief Controller of Explosives] and the State Government].

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1. Substituted for the words and figures "Code of Criminal Procedure, 1898" by the Petroleum (Amendment) Act, 1977 (31 of 1977) Section (4) (i).

2. Inserted by the Petroleum Amendment Act, 1940 (25 of 1940), Section 3.

3. Substituted for the words "this section" by the Petroleum Amendment Act, 1940 (25 of 1940), Section 3.

4. Substituted for the words "this section" by Petroleum Amendment Act, 1940 (25 of 1940), Section 3.

5. The words "in a Presidency-town" omitted by the Petroleum (Amendment) Act, 1970 (24 of 1970) Section 16 (w. e. f. 1-8-1976).

6. The words "or in Rangoon" omitted by the A.O.1937.

7. Inserted by the Petroleum Amendment Act, 1940 (25 of 1940), Section 3.

8. Substituted by the A.O.1937.

9. Inserted by the Petroleum Amendment Act, 1940 (25 of 1940), Section 3.

10. Substituted for the words "Chief Inspector of Explosives in India" by the Petroleum (Amendment) Act, 1977 (31 of 1977) Section 4 (ii) (w. e. f. 12-8-1977).

CHAPTER IV

SUPPLEMENTAL

29.Provisions relating to rules: (1) In making any rules under this Act, the 1 [Central Government] may -

(a) provide for any matter ancillary to such rules for which in 2 [its] opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and

(b) make special provision for the special circumstances of any State or place.

(2) Every power to make rules conferred by this Act is subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the Official Gazette 3 [*****]

4 [(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however exercise, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Substituted by the A.O.1937.

2. Substituted for the word "his" by the A.O.1937.

3. The words "and in the local official Gazette" omitted by the A.O.1937.

4. Substituted for the original Sub-section (4) by the Petroleum (Amendment) Act, 1977 (31 of 1977) Section 4 (ii) (w. e. f. 12-8-1977).

30.Power to apply Act to other substances: 1 [*****]

1. Repealed by the Inflammable Substances Act, 1952 (20 of 1952), Section 7.

31.Power to limit powers of local authorities over petroleum: Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum, the 1 [Central Government] may, by notification in the Official Gazette, -

(a) limit the operation of such enactment, or

(b) restrict the exercise of such powers, in any manner 2 [it] deems fit.

1. Substituted by the A.O.1937.

2. Substituted for the word "he" by the A.O.1937.

32.Repeals: 1 [*****]

1. Repealed by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.

THE SCHEDULE

Enactments repealed

1 [*****]

1. The Schedule repealed by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.

