
**Cotton Ginning And Pressing Factories (Andhra Pradesh)
(Andhra Area) Amendment Act, 1948**

25 of 1948

CONTENTS

1. Short Title Extent And Commencement
2. Amendment Of Section 2, Central Act 12 Of 1925
3. Insertion Of New Section 2-A In Central Act 12 Of 1925 Of 1925
4. Insertion Of New Sections 3-A To 3-F In Central Act 12 Of 1925
5. Substitution Of New Section 6 In Central Act 12 Of 1925
6. Amendment Of Section 7, Central Act 12 Of 1925
7. Amendment Of Section 9, Central Act 12 Of 1925
8. Amendment Of Section 13. Central Act 12 Of 1925
9. Insertion Of New Section 16 And 17 In Central Act 12 Of 1925

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An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the 2[Andhra area of the State of Andhra Pradesh] Whereas it is expedient further to amend the cotton Ginning and Pressing Factories Act. 1925, in its application to the 2[Andhra area of the State of Andhra Pradesh], for the purposes hereinafter appearing; It is hereby enacted as follows:- 1. Substituted for the original short title by A.P. Act IX of 1961. 2. The word "State" was Substituted for the word "Province" by the A.P. 1950 and the words "State of Andhra "were Substituted for the words "State of Madras" by the A.A.P. 1953 and these words were Substituted for the words "State of Andhra " by A.P. Act IX of 1961.

1. Short Title Extent And Commencement :-

- (1) This Act may be called 1[the Cotton and Pressing Factories (Andhra Pradesh) (Andhra Area) Amendment Act, 1948].
- (2) It extends to the whole of the 2[Andhra Area of the State of Andhra Pradesh].
- (3) This section shall come into force at once; and the rest of this

Act, shall come into force in such area and on such dates as the 3[State] Government may, by notification in the 4[Andhra Pradesh Gazette], appoint,

1. Substituted for the original short title by A.P. Act IX of 1961.
2. The word "State" was Substituted for the word "Province" by the A.P. 1950 and the words "State of Andhra "were Substituted for the words "State of Madras" by the A.A.P. 1953 and these words were Substituted for the words "State of Andhra " by A.P. Act IX of 1961.
3. Substituted for the words "provincial" by the A.P. 1950.
4. The words " Andhra Gazette" were Substituted for the words "Fort St. George Gazette" by the A. A. O. 1953 and these words were Substituted for the words " Andhra Gazette" by the A.P.A.O. 1957.

2. Amendment Of Section 2, Central Act 12 Of 1925 :-

In Section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (hereinafter referred to as the said Act)-

(i) clause (a) shall be relettered as clause (a-1) and before the clause as so relettered, the following clause shall be inserted, namely:-

"(a) admixed cotton means a mixture of different varieties of cotton ; ";

(ii) in clause (b), the words, "or cotton waste" shall be omitted;

(iii) after clause (e), the following clause shall be inserted, namely:-

"(e-1) foreign substance means a substance other than Cotton lint, and includes cotton waste, but does not include cotton leaf or cotton seed ;";

(iv) after clause (f), the following clause shall be inserted, namely:-

"(f-1) license means a license granted under Section 2-A, sub-section (1)";

(v) after clause (g), the following clause shall be inserted namely:-

"(g-1) owner includes any person authorized to represent the owner";

3. Insertion Of New Section 2-A In Central Act 12 Of 1925 Of 1925 :-

After Section 2 of the said Act, the following section shall be inserted, namely:-

"2-A. License for working cotton ginning or pressing factory.--

(1) No cotton ginning or pressing factory shall be worked without a

license granted to the owner thereof, by such authority, in such form, subject to such conditions, and on payment of such fee, as may be prescribed.

(2) A license for which the prescribed fee has been paid shall be refused only on the ground that the owner or person in charge of the factory has been convicted of an offence punishable under this Act.

(3) A license shall be suspended or cancelled only on the ground that the owner or person in charge of the factory has been convicted of an offence punishable under this Act.

(4) Whoever works a cotton ginning or pressing factory-

(a) in respect of which no license has been granted, or the license granted in respect of which has been suspended or cancelled, or

(b) in contravention of any of the conditions of the license granted in respect thereof,

shall be punishable with fine which may extend to five hundred rupees, and in the case of a second or subsequent conviction, with fine which may extend to one thousand five hundred rupees.

4. Insertion Of New Sections 3-A To 3-F In Central Act 12 Of 1925 :-

After Section 3 of the said Act, the following Section shall be inserted, namely:-

"3-A. Admixed cotton not to be ginned or pressed in notified areas.--

(1) The 1[State] Government may, by notification in the 2[Andhra Pradesh Gazette], direct that no admixed cotton shall be ginned or pressed in a cotton ginning or pressing factory situated in any specified area.

(2) Any owner or person in charge of a factory who, in contravention of a notification issued under sub-section (1), gins or presses, or allows to be ginned or pressed, in such factory any cotton which he knows or has reason to believe to be admixed cotton, shall be punishable with fine which may extend to one thousand five hundred rupees.

3-B. Watered or impure cotton not to be ginned or pressed.--

Any owner or person in charge of a cotton ginning or pressing factory, who, knowing or having reason to believe that any cotton is watered, or contains cotton leaf or cotton seed in excess of the prescribed proportion, or contains any foreign substance, gins or presses, or allows to be ginned or pressed, such cotton in the

factory, shall be punishable with fine which may extend to one thousand five hundred rupees.

3-C. Owner not to mix different varieties of cotton or to water, etc., cotton.--

Any owner of cotton who knowingly-

(a) mixes one variety with another variety of cotton, in any area specified in a notification issued under Section 3-A, sub-section (1); or

(b) waters any ginned cotton which is being, or is intended to be, pressed in a cotton pressing factory; or

(c) mixes with ginned cotton any foreign substance, cotton leaf or cotton seed ; or

(d) abets, or allows the commission of, any of the acts specified in the foregoing clauses:

shall be punishable with fine which may extend to one thousand five hundred rupees

3-D. Presumptions in certain cases.--

(1) (a) For the purposes of Sections 3-B and 3-C, cotton shall not be deemed to be watered unless it contains moisture in excess of the normal quantity.

(b) The normal quantity of moisture in any given quantity of cotton is the amount of moisture which such cotton may reasonably be expected to contain, regard being had to the variety of the cotton, and the place or places at or to which, and the time or times of the year in which, such cotton was picked, collected, stored, conveyed, left, ginned or pressed.

(c) A certificate given by the prescribed authority as to the normal quantity of moisture in a given quantity of any cotton, and the quantity of moisture which it actually contains, shall be evidence of such matters, and shall, until the contrary is proved, be presumed, to be correct; and if the latter quantity as specified in the certificate exceeds the former, it shall be presumed, until the contrary is proved, that the cotton has been watered.

(2) (a) For the purposes of Sections 3-B and 3-C, no variety of cotton shall be deemed to be mixed with cotton leaf or cotton seed unless such cotton contains cotton leaf or seed in excess of the quantity prescribed for such variety of cotton.

(b) A certificate given by the prescribed authority as to be quantity of cotton leaf or seed which a given quantity of any cotton actually contains shall be evidence thereof and shall, until the contrary is proved, be presumed to be correct; and if the quantity specified in the certificate exceeds the limit prescribed under clause (a) for

cotton of that variety, it shall be presumed, until the contrary is proved, that the cotton has been mixed with cotton leaf or seed in excess of the limit so prescribed.

3-E. Examination of cotton packages or bales.--

(1) The 3[State] Government or any officer authorized by them in this behalf may

(a) suo motu, if such Government or officer has reason to believe that there has been a contravention of the provisions of Section 3-A, 3-B or 3-C in respect of any cotton or package or bale of cotton; or

(b) on receipt of a complaint from any person that there has been such a contravention in respect of any cotton or package or bale of cotton and on payment of the prescribed fee by the complainant; cause such cotton or the contents of such package or bale to be examined by the prescribed authority.

(2) A certificate given by such authority in respect of any such cotton or the contents of any such package or bale, shall be evidence of the facts stated therein, and shall, until the contrary is proved, be presumed to be correct.

3-F. Entry and inspection.--

(1) The 3[State] Government may authorize any officer to enter and inspect, at any reasonable time, any cotton ginning or pressing factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act, or of any rule made thereunder, or of only of the conditions subject to which a license has been granted in respect of such factory, and to seize and remove all things in respect of which an offence punishable under this Act appears to have been committed.

(2) The owner or person in charge of the factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or person in charge of the factory shall be permitted to be present during the inspection; and the things seized during such inspection shall be sealed in the prescribed manner."

1. Substituted for the word "Provincial" by A.O. of 1956

2. Substituted by A.p. A.O. 1957.

3. Substituted for the words "Provincial" by the A.P. 1950.

5. Substitution Of New Section 6 In Central Act 12 Of 1925

:-

For Sec. 6 of the said Act, the following section shall be

substituted, namely:-

"6. Scales and weights to be used in factories:--

(1) No scale or weights shall be kept or used in any cotton ginning or pressing factory other than scales or weights, prescribed by the Central Government or notified by the 1[State] Government, in this behalf.

(2) If, in any such factory, any scales or weights not so prescribed or notified are kept or used, the owner of the factory shall be punishable with fine which may extend to fifty rupees, or in case he has been convicted previously of any offence under this sub-section or sub-section (3), with fine which may extend to five hundred rupees.

(3) The owner or person in charge of any such factory shall produce the scales and weights kept or used therein, at the factory on demand by any person appointed by the 1[State] Government in this behalf; and if the owner or person in charge fails to do so, he shall be punishable with fine which may extend to fifty rupees; or in case he has been convicted previously of any offence under sub-section (2) or this subsection (2) with fine which may extend to five hundred rupees."

1. Substituted for the word " Provincial" by the A.P. 1950.

6. Amendment Of Section 7, Central Act 12 Of 1925 :-

In Section 7, sub-section (1), of the said Act, for the words and figures "for the purposes of Sections 4, 5," the words, figures and letters "for the purpose of Sections 3-A, 3-B, 3-F, 4, 5" shall be substituted.

7. Amendment Of Section 9, Central Act 12 Of 1925 :-

In Section 9 of the said Act-

(i) in sub-section (1), the word "and" at the end of clause (a) shall be omitted and after clause (b), the following clause shall be inserted, namely:-

"(c) a kapas opener shall be installed and worked for the purpose of freeing the kapas, before ginning, from foreign substance other than cotton waste;"

(ii) in the same sub-section, the proviso shall be omitted;

(iii) in sub-section (1-A), for clause (a), the following clause shall be substituted, namely:-

"(a) no structural alteration or additions shall be made so as to diminish the degree of compliance of the factory as a whole-

- (i) with the requirements set forth in clause (a) and (b) of sub-section (1), if the alterations or additions, commenced after the 27th February 1939 and before the 31st March, 1949; or
- (ii) with the requirements set forth in clauses (a), (b) and (c) of sub-section (1), if the alterations or additions commenced on or after the 31st March, 1949;"
- (iv) in the same sub-section, in clause (b), for the words "last mentioned date", the date "27th February 1939" shall be substituted;
- (v) in the same sub-section, the proviso shall be omitted.

8. Amendment Of Section 13. Central Act 12 Of 1925 :-

In Section 13 of the said Act, after clause (a), the following clauses shall be inserted, namely: -

- "(a-1) the specification of what shall constitute different varieties of cotton for the purposes of Sections 2, clause (a), Section 3-C, clause (a), or other purposes;
- (a-2) the postponement of the application of rules made under this Act, to cotton ginning or pressing factories in any specified area; and the exemption of factories in any specified area from the operation of such rules;
- (a-3) the procedure for making a complaint under Section 3-E and the investigation thereof;"

9. Insertion Of New Section 16 And 17 In Central Act 12 Of 1925 :-

After Section 15 of the said Act, the following sections shall be added, namely:-

"16. Fealty in cases not otherwise provided for.--

Whoever contravenes any of the provisions of this Act or any rule made thereunder of any of the conditions subject to which a license has been granted to him shall, if no other penalty is provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees, and in the case of a second or subsequent conviction, with fine which may extend to one thousand five hundred rupees.

17. Compounding of offences, etc.--

(1) Any officer empowered by the 1[State] Government in this behalf may accept from any person whose license is liable to be suspended or cancelled under this Act, or who has committed or is reasonably suspected of having committed an offence punishable

under this Act, a sum of money in lieu of such suspension or cancellation or by way of composition for the offence which has been or may have been committed.

(2) The composition of an offence under sub-section (1) shall have the effect of an acquittal of the offender, and if he is in custody, he shall be set at liberty."

1. Substituted for the word " Provincial" by the A.P. 1950.