

GUJARAT COTTON GINNING AND PRESSING FACTORIES RULES, 1974

CONTENTS

1. Short title
2. Definitions
3. Season
4. Licence under section 2-A
5. Forms of Register
6. Particulars to be entered in the register under sub-section (2) of section 3
- 6A. Powers to examine register
7. Proportion of seed
8. Authority competent to give certificate.
9. Authorities for the purpose of section 3-B and 3-C
10. Complaint of offence
11. Returns under section 5
12. Authority for the purpose of sections 7, 8 and 9
13. Service of Order etc.
14. Power to enter and inspect factories
15. Press mark to be exhibited
16. Repeal

GUJARAT COTTON GINNING AND PRESSING FACTORIES RULES, 1974

In exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), the Government of Gujarat hereby makes the following rules, namely:-

1. Short title :-

These rules may be called the Gujarat Cotton Ginning and Pressing Factories Rules, 1974.

2. Definitions :-

In these rules, unless the context otherwise requires,

- (i) 'Act' means the Cotton Ginning and Pressing Factories Act, 1925;
- (ii) 'Form' means the Form appended to these rules;
- (iii) 'Section' means a section of the Act.

3. Season :-

For the purpose of these rules, the period commencing from 1st September and ending on 31st August shall constitute a season for each year.

4. Licence under section 2-A :-

(1) An application for the grant of a licence under sub-section (1) of section 2A shall be made by the owner of a cotton ginning factory or a cotton pressing factory to ¹[The Assistant Director of Agriculture (Cotton) having Jurisdiction in the area in which factory is situated].

²[(2) The application under sub-rule (1) shall be accompanied by treasury receipt showing the payment in the treasury of a fees as mentioned below:-

³[(3) The licence shall be granted in Form A by the Assistant Director of Agriculture (Cotton) and shall remain In force for the season for which it is granted which shall be entered in the licence and on the expiry of the said period a fresh licence shall be granted on payment

(4) No licence for any cotton ginning factory or cotton pressing factory constructed after the commencement of these rules shall be granted except upon the production of a certificate from the Inspector of Factories within the local limits of whose jurisdiction such factory is situated to the effect that the provisions of sub-sections (1) and (2) of section 9 have been complied with.

(5)

(i) In case where the grant of the certificate referred to in sub-rule (4) is likely to be delayed owing to the Inspector of Factories not being able to verify whether the provisions of sub sections (1) and (2) of section 9 have been complied with ¹ [the Assistant Director of Agriculture (Cotton) or Deputy Director of Agriculture (Cotton) may issue a provisional licence on payment of fee mentioned in sub-rule (2)¹ and on the production of a certificate from such Inspector of Factories to the effect that-

(a) in the case of cotton ginning factory, the plans and specifications have been approved by him, and

(b) in the case of a cotton pressing factory, the flouting of the

press house is suitable.

(ii) The provisional licence granted under clause (1) shall remain in force for the season for which it is granted.

1. Substituted by Notification dt. 12-10-1989.
2. Substituted by Notification dt. 12-10-1989.
3. Substituted by Notification dt. 12-10-1989.

5. Forms of Register :-

(1) The ginning register under sub-section (1) of section 3 shall be maintained in Form B .

(2) The press register under sub-section (2) of section 3 shall be maintained in Form C .

6. Particulars to be entered in the register under sub-section (2) of section 3 :-

The register under sub-section (2) of section 3 , shall mention the following particulars:-

- (i) The name of the factory.
- (ii) The Description of the place where the factory is situated.
- (iii) The name of the owner or lessee of the factory.

6A. Powers to examine register :-

¹ [-The Assistant Director of Agriculture (Cotton) having jurisdiction or any officer working under him specially empowered by the State Government to enter and inspect Cotton Ginning or Cotton Pressing factories may, when making such Inspection, examine the registers mentioned in rule 5 and test the accuracy of the entries made therein.]

1. Inserted by Notification dt. 12-10-1989.

7. Proportion of seed :-

The proportion of seed for the purpose of clause (a) of sub-section (2) of section 3A shall be one per centum.

8. Authority competent to give certificate. :-

¹ [-For the purpose of section 3A the Director of Agriculture Gujarat State or the Joint Director of Agriculture (Cotton) shall be the authority competent to give certificate regarding the quantity of moisture contained in any cotton or quantity of seed in excess of the prescribed proportion or any admixture of two varieties In

cotton or other matters specified in that section].

1. Substituted by Notification dt. 12-10-1989.

9. Authorities for the purpose of section 3-B and 3-C :-

1 [(1) The following officers are authorised for the purpose of section 3B, namely:-

(a) The Director of Agriculture, Gujarat State.

(b) Joint Director of Agriculture (Cotton), Ahmedabad.

(c) Deputy Director of Agriculture (Cotton) Surat.

(d) Assistant Director of Agriculture (Cotton) of the zone.

(2) The following officers are authorised to enter into or inspect for the purpose of section 3C.

(a) The Director of Agriculture, Gujarat State.

(b) Joint Director of Agriculture (Cotton).

(c) Deputy Director of Agriculture (Cotton). Surat.

(d) Assistant Director of Agriculture (Cotton), of the zone.

(e) Agriculture Officers.

(3) The things seized under section 3C shall be sealed with the official seal of the officer sealing the same and If the owner or the persons In charge of the factory so desires also with the seal of any which he may provide for the purpose).

1. Substituted by Notification (dt. 12-10-1989).

10. Complaint of offence :-

(1) A complaint that there has been a contravention of section 3A or section 3AA in respect of any cotton package or bale shall be made In writing to any of the officers specified in rule 9 and shall be accompanied by a sample of the cotton complained of:

Provided that no such complaint shall be entertained unless a fee of rupees fifty In respect of each package or bale Is paid at the time of making such complaint.

(2) On receipt of such complaint, the officer shall cause the cotton packing or bale In respect of which the complaint has been made to be seized and sealed and shall examine the same or forward it for

examination and report.

Explanation.-The fee prescribed in sub-rule (1) shall be recoverable in the case of bales in respect of actual number of bales to be opened for examination subject to the minimum often percent of a consignment and not in respect of the total number of bales in respect of which that complaint is made.

11. Returns under section 5 :-

(1) The weekly returns under sub-sections (1) and (3) of section 5 shall be in Forms D and E respectively and shall be submitted to the Director of Agriculture, Gujarat State.

(2) The weekly returns under sub-sections (1) and (3) of section 5 shall be for the seven days ending on Friday of each week and shall be posted not later than the following day. The first such returns shall be for the week ending on First Friday for the month of September.

(3) When a pressing factory finally ceases work for the season, a statement to that effect shall be made in the last weekly returns.

(4) The statements to be complied under sub-sections (2) and (4) of section 5 shall be in Forms F and G.

12. Authority for the purpose of sections 7, 8 and 9 :-

1 [(1) The prescribed authority for the purpose of section 7 and Section 8 shall be-

(1) The Director of Agriculture, Gujarat State.

(2) Joint Director of Agriculture (Cotton).

(3) The Deputy Director, of Agriculture (Cotton), Surat.

(4) Assistant Director of Agriculture (Cotton) of the zone.

(2) The prescribed authority for the purpose of Sub-Sections (1) and (1 -A) of section 9 shall be the Inspectors of Factories appointed under the Factories Act, 1948 for the area in which the factory is situated.

(3) The prescribed authority for the purpose of sub-sections (4) and (1) of section 9 shall be the Commissioner of Labour, Gujarat State.

1. Substituted by Notification dt. 12-10-1989.

13. Service of Order etc. :-

The service of any order under section 9 shall be deemed to have been effected, unless the contrary is proved if a letter containing the order is properly addressed and sent by a registered post to the owner.

14. Power to enter and inspect factories :-

The District Magistrate or any officer specified In rule 9 may at any time during the usual working hours, enter any cotton ginning factory or cotton pressing factory and may make such inspection of the premises and machinery and of any prescribed registers as he may deem necessary.

15. Press mark to be exhibited :-

The owner of every cotton pressing factory shall exhibit in a conspicuous place a notice showing the mark allotted to the factory under section 12 .

16. Repeal :-

On the commencement of these rules, the Bombay Cotton Ginning and Pressing Factories Rules, 1925, the Saurashtra Cotton Ginning and Pressing Factories Rules, 1955 and the Kutch Cotton Ginning and Pressing Factories Rules, 1952 shall stand repeal:

Provided that anything done or any action taken under any of the rules so repealed shall be deemed to have done or taken under the corresponding provisions of these rules.