

**Cotton Ginning And Presssing Factories (Maharashtra
Provision For Uniform Application And Amendment) Act,
1981**

1 of 1962

[12 February 1962]

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SCHEDULE 1 :- SCHEDULE

**Cotton Ginning And Presssing Factories (Maharashtra
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PREAMBLE

An Act to provide for uniformity in the application of the Cotton Ginning and Pressing Factories Act, 1925 to the whole of the State of Maharashtra, and to further amend that Act as so uniformly applied.

WHEREAS it is expedient to provide for uniformity in the application of the Cotton Ginning and Pressing Factories Act, 1925 to the whole of the State of Maharashtra, and for that purpose to extend throughout the State certain enactments which amend the said Act in its application only to a part of the State;

AND WHEREAS it is also expedient further to amend, for the purposes hereinafter appearing, the said Act as so uniformly applied to the whole State; It is hereby enacted in the Twelfth Year of the Republic of India as follows :-

NOTES

The Cotton Ginning and Pressing Factories Act. 1925. a Central Act was in force in the whole of India except the State of Jammu and Kashmir, and was amended in its application to the Bombay area, the Vidarbha region and the Hyderabad area of the State. In order to secure uniformity in the law relating to better regulation of Cotton Ginning and Pressing Factories throughout the State of Maharashtra, it was proposed to extend the said Act. as in force in the Bombay area of the State of Maharashtra to the rest of the State and to repeal the corresponding amending laws in force in Vidarbha and Marathwada.

The Act is designed to achieve the above object.-- Statement of Objects and Reasons.

1 . For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1961. Part V. p. 410.

1. Short Title And Commencement :-

(1) This Act maybe called the Cotton Ginning and Pressing Factories Maharashtra Provision for Uniform Application and Amendment) Act, 1961.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Extension Of Certain Enactments Amending Act Xii Of 1925 To Whole State :-

For the purpose of providing for the uniform application of the Cotton Ginning and Pressing Factories Act, 1925, throughout the State of Maharashtra, the enactments mentioned in Part I of the Schedule (which amend that Act in its application only to the Bombay area of the State of Maharashtra) are hereby extended to, and shall by virtue of such extension be in force also in, the rest of the State of Maharashtra: and accordingly -

(a) all amendments made by each of the laws mentioned in Part II of the Schedule shall (except as regards things done or omitted to be done) cease to have effect, and shall stand repealed, and

(b) the Cotton Ginning and Pressing Factories Act, 1925 shall be

deemed to be amended by the enactments mentioned in Part I of the Schedule throughout the State.

3. Amendment Of Section 3-A Of Act Xii Of 1925 :-

In section 3-A of the Cotton Ginning and Pressing Factories Act, 1925 as uniformly applied throughout the State by section 2 (hereinafter called "the principal Act"), in sub-section (3) thereof, for the Explanation the following shall be substituted, namely :-

"Explanation.-- For the purposes of this section cotton shall be deemed to be watered -

(a) if it contains moisture in excess of the normal quantity, or

(b) if the prescribed authority duly certifies that it contains caked material or patches due to deliberate watering.

For the purposes of clause (a), the normal quantity of moisture in any given quantity of cotton is the amount of moisture that such cotton is reasonably expected to have, regard being had to the place or places at or to which, and the time or times of the year in which, such cotton has been picked, collected, stored, conveyed, left ginned or pressed. A certificate given by prescribed authority as to the normal quantity of moisture that a given quantity of such cotton should have and the quantity of moisture that it possesses shall be evidence of such matter, until the contrary is proved: and if the latter quantity exceeds the former it shall be evidence, until the contrary is proved, that the cotton contains moisture in excess of the normal quantity.

4. Amendment Of Section 3-B Of Act Xii Of 1925 :-

In section 3-B of the principal Act, in sub-section (1) thereof, for the words "any Gazetted Officer authorised by it in this behalf* the words and brackets "any Government servant authorised by it in this behalf (being a Government servant not below such rank as may be prescribed)" shall be substituted.

5. Amendment Of Section 3-C Of Act Xii Of 1925 :-

In section 3-C of the principal Act, in sub-section (1), for the words "any gazetted officer" the words "any government servant not below such rank as may be prescribed" shall be substituted.

6. Amendment Of Section 4 Of Act Xii Of 1925 :-

In section 4 of the principal Act, -

- (a) in sub-section (1) for the words "every bale pressed" the words "every bale stocked or pressed" shall be substituted;
- (b) in sub-section (2) for the words "bale is removed" the words "bale is stocked or removed" shall be substituted.

7. Amendment Of Section 5 Of Act Xii Of 1925 :-

In section 5 of the principal Act, in sub-sections (2) and (4) for the words "in the Bombay area of the State of Maharashtra" the words "in the State" shall be substituted.

8. Amendment Of Section 5-B Of Act Xii Of 1925 :-

In section 5-B of the principal Act,-

- (a) in sub-section (2),-
 - (i) for the words "in the notification" the words "in the order notified" shall be substituted,
 - (ii) the words "or Deputy Commissioner" shall be deleted:
- (b) in-sub-section (3), the words "or Deputy Commissioner" shall be deleted.

9. Amendment Of Section 9 Of Act Xii Of 1925 :-

In section 9 of the principal Act. in sub-section (2),-

- (a) for the words "the owner of every cotton pressing factory" the words "the owner of every cotton pressing or cotton ginning factory" shall be substituted;
- (b) for the words "shall cause the press house" the words and brackets "shall cause the press house or, as the case may be, the gin house (including any place used for storing cotton)" shall be substituted.

10. Amendment Of Section 13 Of Act Xii Of 1925 :-

In section 13 of the principal Act,-

- (1) in sub-section (1) -
 - (a) for clause (ag) the following shall be substituted, namely:- "(ag) the rank of the government servant for the purposes of sub-section (1) of section 3-B and 3-C;"
 - (b) in clause (c),-
 - (a) before sub-clause (i), the following shall be inserted, namely :- "(i) prescribing conditions subject to which a factory may be exempted from the operation of clauses (ii) and (iii) of sub-section (1) of section 5-B."

(b) sub-clauses (i) to (iii) shall be renumbered as sub-clauses (ii) to (iv) of that clause, respectively;

(2) for sub-section (3), the following shall be substituted, namely :-

"(3) All rules made by the State Government under this Act shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following and publish in the Official Gazette."

11. Savings :-

(1) The repeal by section 2 of the laws mentioned in Part II of the Schedule shall not affect- -

(a) the previous operation of any of the laws so repealed or anything duly done or suffered thereunder:

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any of the laws so repealed:

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the laws so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the preceding sub-section anything done or any action taken (including any licence granted, refused, suspended or cancelled, certificates given, returns submitted, statements compiled, or notifications, orders, rules, authorisations or seizures of things made) under any such law shall be deemed to have been done or taken under the corresponding provisions of the principal Act and shall, until altered, repealed or amended, by anything done or any action taken under the principal Act, continue in force accordingly.

SCHEDULE 1

SCHEDULE

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(See section 2)

PART I

Sr.	No. Acts	Provision extended
(1)	(2)	(3)
1.	The Cotton Ginning and Pressing Factories	The whole except
	(Bombay Amendment) Act. 1 936 (Bombay IV of 1936).	section 1(2).
2.	The Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1938 (Bombay XX of 1938).	The whole.
3.	The Bombay Repealing and Amending Act.	So much of the Act as
	1949 (Bombay LIII of 1949).	relates to the amendment of the Cotton Ginning and Pressing Factories Act, 1925.
4.	The Cotton Ginning and Pressing Factories (Bombay Amendment) Act. 1956 (XXVII of 1956).	The whole.

PART II

Laws which have amended the Cotton Ginning and Pressing Factories Act, 1925 in its application to Vidarbha and Hyderabad areas of the State.

- 1 . The Cotton Ginning and Pressing Factories (Central Provinces and Berar Amendment) Act, 1936 (C.P. and Berar XXIV of 1936):
2. The Central Provinces and Berar Cotton Ginning and Pressing Factories (Amendment) Act, 1947 (C.P. and Berar XIII of 1947): and
3. The Cotton Ginning and Pressing (Hyderabad Amendment) Act, 1954 (Hyd. XXXIII of 1954).