

## **Cotton Ginning And Prossing Factories (Bombay Amendment) Act, 1957**

**20 of 1958**

**[19 February 1958]**

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## **Cotton Ginning And Prossing Factories (Bombay Amendment) Act, 1957**

**20 of 1958**

**[19 February 1958]**

An Act to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the State of Bombay. WHEREAS it is necessary to provide for the fixation of reasonable rates of charge for the ginning and pressing of cotton in certain areas, and for that purpose to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the State of Bombay; It is hereby enacted in the Eighth Year of the Republic of India as follows;- 1. For Statement of Objects and Reasons, see Bombay Government Gazette 1957. Part V. p. 244.

### **1. Short Title And Extent :-**

- (1) This Act may be called the Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1957.
- (2) It extends to the whole of the State of Bombay.

### **2. Amendment Of Long Title And Preamble Of Act Xii Of 1925 :-**

In the Cotton Ginning and Pressing Factories Act. 1925 (hereinafter referred to as "the said Act") in its application to the State of

Bombay, in the long title and preamble, after the word "factories" the words and brackets "(including the fixation of reasonable rates of charge for the ginning and pressing of cotton in certain areas, and for matters connected therewith)" shall be inserted.

### **3. Insertion Of New Section 5B In Act Xii Of 1925 :-**

After section 5A of the said Act, in its application to the State of Bombay, the following new section shall be inserted, namely:-

"5B. Power to regulate rates for ginning and pressing in certain areas.-- (1) If the State Government is of opinion that it is necessary so to do, for the purpose of securing the ginning or pressing of cotton in any local area at reasonable rates of charge, it may by an order published in the Official Gazette direct that no owner or person in charge of any cotton ginning factory or cotton pressing factory in such local area shall -

(i) charge or cause to be charged, for the ginning or pressing (or both) of cotton rates in excess of such maxima as may be fixed by the rate fixing committee of such local area under sub-section (6);  
or

(ii) without reasonable excuse refuse to accept or cause to be so refused, cotton tendered by any person for ginning or pressing if the tenderer is prepared to pay charges at rates lawfully leviable:  
or

(iii) impose as a condition precedent to the acceptance of cotton for ginning or pressing tendered by any person for the purpose, surrender of cotton seed or lint in whole or in part in lieu of the charges lawfully leviable: Provided that, where a cotton ginning factory or cotton pressing factory carries on the process of ginning or pressing cotton exclusively for its owner or person in charge as part of his normal trade, the State Government may exempt such factory from the operation of clauses (ii) and (iii) subject to such conditions as may be prescribed.

(2) There shall be appointed a rate fixing committee in each local area specified in the notification under sub-section (1), which shall consist of -

(a) the Collector or Deputy Commissioner of the District;

(b) two representatives of the growers of cotton of such local area;

(c) two representatives of the owners of cotton ginning or cotton pressing factories in the local area:

(d) one person (not being a Government servant) who possesses special knowledge of, or experience in, the ginning and pressing of

cotton or of the cotton trade, to be nominated by the Collector or Deputy Commissioner of the district in consultation with the State Government.

(3) The Collector or Deputy Commissioner shall be the Chairman of the Committee.

(4) The representatives referred to in clauses (b) and (c) of sub-section (2) shall be appointed in such manner as may be prescribed.

(5) The term of office of the non-official members of the committee, the manner in which the members may resign and casual vacancies filled up, and the procedure regarding the work of the committee shall be such as may be prescribed.

(6) Every rate fixing committee shall fix the maximum rates for ginning or pressing cotton within its local area, having regard to such matters as may be prescribed.

(7) If any person gins or presses cotton at a rate exceeding the rate fixed by the committee under the provisions of this section or contravenes the provisions of any order made under sub-section (1) he shall, on conviction, be punished with fine which may extend to Rs. 500."

#### **4. Amendment Of Section 13 Of Act Xii Of 1925 :-**

In section 13 of the said Act. in its application to the State of Bombay, in sub-section (1), after clause (b). the following new clause shall be inserted, namely :-

"(c) (i) prescribing the manner in which the representatives referred to in clauses (b) and (c) of sub-section (2) of section 5B shall be appointed, and

(ii) prescribing the term of office of the members of the committee, the manner of their resigning and filling up of casual vacancies and the procedure regarding the work of the committee under sub-section (5) of that section: and

(iii) the matters which a rate fixing committee should have regard to when arriving at the maximum rate for the ginning or pressing of cotton within its local area."

#### **5. Consequential :-**

(1) Section 2B of the said Act, in its application to the Vidarbha region, and section 2B of the said Act, in its application to the Hyderabad area, of the State of Bombay, and section 3E of the said Act. in its application to the Saurashtra area of the State of

Bombay, shall be deleted:

Provided that, any committee constituted and functioning in the Vidarbha region or the Hyderabad area of the State of Bombay, immediately before the coming into force of this Act shall be deemed to be duly constituted, and any rates fixed by such committee or, as the case may be, the Government for ginning or pressing cotton under section 2B or section 3E so deleted shall be deemed to be duly fixed, under the provisions of section 5B of the said Act until a new committee is appointed and new rates are fixed by such committee under the provisions of the said section 5B.

(2) In section 7 of the said Act,-

(a) in its application to the Vidarbha region, and the Hyderabad area of the State of Bombay, the figure and letter "2B" shall in each case be deleted;

(b) in its application to the State of Bombay, after the figure and letter "5A" the figure and letter "5B" shall be inserted.

(3) In section 13, in its application to the Saurashtra area of the State of Bombay, clause (aj) shall be deleted.