

Hyderabad Cotton Cultivation And Transport Act, 1337**6 of 1337**

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Hyderabad Cotton Cultivation And Transport Act, 1337**6 of 1337**

PREAMBLE

Whereas it is expedient for the purpose of maintaining the quality and reputation of the cotton grown in certain parts of H.E.H. the Nizam's Dominions to impose restrictions regarding cultivation and transport of cotton and control of import thereof:

It is hereby enacted as follows :-

1. Received the assent of H.E.H. the Nizam on 10th Bahman-1338 Fasli, published in the Jarida. dated 30th Isfandar, 1331 F.

1. Short Title, Extent And Commencement :-

This Act may be called "The Hyderabad Cotton Cultivation and Transport Act" it shall come into force in the whole of the Hyderabad area of the State of Maharashtra from the 2[date of its publication in the 1[Official Gazette].

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1. Received the assent of H.E.H. the Nizam on 10th Bahman-1338 Fasli, published in the Jarida. dated 30th Isfandar, 1331 F.
 2. Substituted by A. O. 1956.

2. Definitions :-

Unless there is anything repugnant in the subject or context, -.

- (a) "certified copy" in relation to a licence, means a copy certified by the licensing authority in the manner specified in section 2[76 of the Indian Evidence Act, 1872 (Central Act 1 of 1872)];
- (b) "cotton" means every kind of raw cotton, that is to say, ginned and unginned cotton, cotton waste and cotton seed;
- (c) "cotton waste" means droppings, strippings, fly any other waste products of every kind which come out in a textile-mill while cleaning the cotton other than yarn waste;
- (d) "licence" means a licence granted under this Act;
- (e) "notified station" means a railway station specified in the notification issued under section 3;
- (f) "prescribed" means prescribed in accordance with rules made under this Act;
- (g) "protected area" means an area into which the import of cotton or of any special kind of cotton has been prohibited by a notification under section 3.

3. Power To Issue Notification Regarding Import Of Cotton Into Projected Area :-

(1) The Government may, for the purpose of maintaining the quality and reputation of the cotton produce of 1[any part of the area to which this Act extends], by notification, prohibit the import of cotton or of any special kind of cotton into that area, unless such import is made under a licence and in accordance with the conditions laid down in a licence :

Provided that, the said notification shall not be deemed to prohibit the import into protected area of cotton to the extent of five seers.

(2) Any such notification may also prohibit the delivery to or the taking of delivery by any person, at any railway station specified in the notification situated in the protected area, of any cotton, the import of which into that area is prohibited when such cotton has been consigned from a railway station not situated in that area, unless such person holds a licence for the import of the cotton into that area.

1. Substituted by A. O. 1956.

4. Refusal To Carry Cotton For Which Licence Is Not Obtained :-

(1) Notwithstanding anything contained in the 1[Indian Railways Act, 1890 (Central Act IX of 1890)], or any other law for the time being in force, a station master or railway servant responsible for the despatching of consignment or parcel at a station may refuse to carry or to receive for carriage at, or allow to be carried on the railway from that station any such cotton to a station notified under this Act or a law in force in 2[any part of India], being cotton of a kind of which the delivery at such notified station has been prohibited, unless both the stations are in the same protected area, or unless the consignor produces a certified copy of a licence for the import of the cotton into the protected area in which such notified station is situated.

(2) Every certified copy of a licence so produced shall be attached to the invoice or waybill, as the case may be, and shall be sent along with consignment to its destination and shall there be dealt with in the prescribed manner.

(3) Where under any law in force in 2[any part of India] the import, into any area, of ginned or unginned cotton, cotton waste or cotton seed has been prohibited, the Government may, by notification, declare, subject to reasonable conditions, that cotton of that area may be imported, by road or rail into any protected area in 1[the Hyderabad area of the State of Maharashtra].

1. Substituted by A. O. 1956.

2. Substituted by Act No. III of 1339 F.

5. Procedure On Arrival Of Cotton At Notified Station :-

1[(1) Where cotton, the import of which into any protected area has been prohibited, arrives at a notified station in any such protected area, the station master of the station or other railway servant responsible for receiving or delivering to the consignee of goods or parcel, as the case may be, shall, unless the notified station and the railway station from which the cotton has been consigned are situated in the same protected area, refuse to deliver the cotton, until he is satisfied that the consignee holds a licence for the import of the cotton into the protected area in which such notified station is situated; and, if he is not so satisfied, or if within fourteen days the consignee or some person on his behalf does not appear to take delivery of the consignment shall return the cotton to the station from which it was consigned, together with an

intimation that there has been a refusal to take the cotton or cotton has not been taken, as the case may be.]

(2) Station master or other railway servant on receipt of cotton under sub-section (1) together with the intimation from a railway station specified in a notification under subsection (3) of section 4, shall issue to the consignor a notice stating that the cotton has been so returned and requiring the consignor to pay any terminal charge or other charges due in respect of the carriage of the cotton to and from the station to which it was consigned, and such charges shall be deemed to be due from the consignor for the purposes of section 2[55 of the Indian Railways Act, 1890 (Central Act IX of 1890)].

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1. Substituted by Act No. III of 1339 F.
 2. Substituted by A.O. 1956.

6. Growing Of Cotton Of Special Kind In Protected Area :-

(1) The Government may, by notification, direct that cotton of a prescribed kind shall be grown in any area regarding which a notification under section 3 has been issued.

(2) If after issuing the notification under sub-section (1) regarding any area, a person grows any other type of cotton, he shall, on complaint made with the approval of the Director of Agriculture, and upon conviction, be liable to be punished by the Magistrate of the First Class with fine which may extend to fifty rupees and the cotton grown shall be liable to forfeiture.

(3) In every village situated in such area, the Government shall, before the season of sowing, supply seed of the prescribed kind 1[at a rate which shall not be higher than the market rate and which shall be approved for each year by the 2[concerned Secretary to the Government] or by any other officer authorised by the Government in this behalf.]

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1. Substituted by Regulation No. XLII of 1058 F.
 2. Substituted by A. O. 1956.

7. Penalties :-

Any person who, in contravention of the provisions of this Act or rules or any notification made thereunder, knowingly takes delivery of cotton at a notified station or imports or attempts to import, and cotton into a protected area, and any station master or other

railway servant who, in contravention of the provisions of sub-section (1) of section 5. without reasonable excuses, the burden of proving which shall lie upon him delivers cotton to a consignee or other person, shall be liable to a fine which may extend to one thousand rupees and if the offence has been committed after the previous conviction, to imprisonment which may extend to three months, or to a fine which may extend to five thousand rupees, or to both.

8. Power To Make Rules :-

(1) The Government may. by notification, make rules for the following matters :-

(a) the prevention of the import into a protected area of cotton the import of which has been prohibited under section 3 unless it has been brought under the condition of a licence granted;

(b) the conditions to be contained in licences and the authorities by which they may be granted:

(c) the manner in which licences and certified copies thereof shall be dealt with after the delivery of the cotton to which they relate.

(2) Such rules may specify that contravention thereof or of the conditions of a licence, not punishable by this Act, shall be punishable with fine which may extend to five hundred rupees.

9. Protection For Acts Done Under This Act :-

No suit or other legal proceedings shall be instituted against any person in respect of any act which is in good faith done or intended to be done under this Act.