

**Cotton Ginning And Pressing Factories (Rajasthan  
Amendment) Act, 1956**

**10 of 1957**

**[07 March 1957]**

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An Act to amend the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) in its application to the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follow :-

**1. Short Title And Commencement :-**

(1) This Act may be called the Cotton Ginning and Pressing Factories (Rajasthan Amendment) Act, 1956.

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

## **2. Amendment Of Section 2 :-**

In section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) in its application to the State of Rajasthan, hereinafter referred to as the principal Act-

(i) after the word, comma and dash "context,-" the following shall be inserted, namely :-

"(aa) admixture of cotton means the prescribed mixture of different varieties of cotton;"

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

"(ff) license means a license granted under section 2A;"

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

"(i) season means such period as may from time to time be prescribed."

## **3. Insertion Of Section 2A :-**

After section 2 of the principal Act, the following new section shall be inserted, namely :-

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

(1) No cotton ginning factory or cotton 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 liable to be refused only on the ground that the owner or person in charge of a cotton ginning factory or a cotton pressing factory in respect of which a license is applied for has been convicted of an offence punishable under this Act.

(3) A license shall be liable to be suspended, withdrawn or cancelled only on the ground that the owner or person in charge of the cotton ginning factory or the cotton pressing factory in respect of which the license was granted has been convicted of an offence punishable under this Act :

Provided that no license shall be suspended, withdrawn or cancelled under this sub-section until after the expiration of the season in which the said owner or person has been so convicted.

(4) If any person works a cotton ginning factory or a cotton pressing factory in respect of which a license has not been granted or has been suspended, withdrawn or cancelled, such person shall be punishable-

(a) on a first conviction, with fine which may extend to five

hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to one hundred rupees for every day subsequent to the first day during which the offence has continued, and

(b) on every subsequent conviction, with fine which may extend to fifteen hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to two hundred rupees for every day subsequent to the first day during which the offence has continued."

#### **4. Amendment Of Section 3 :-**

In section 3 of the principal Act-

(i) in sub-section (2) the word "and" shall be omitted and at the end the following words shall be added, namely :-

"and the prescribed particulars as supplied by such person of the cotton ginning factory where it has been ginned."

(ii) in sub-section (5) and (6) for the words "shall be punished" the words "shall, on conviction, be punishable" shall be substituted.

#### **5. Insertion Of Sections 3A, 3Aa, 3B And 3C :-**

After section 3 of the principal Act, the following new sections shall be inserted, namely:-

"3A. Prohibition against watering etc. of cotton.--

(1) The State Government may, by notification in the Rajasthan Gazette, declare that in any area specified in such notification, no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory shall contain any admixture of cotton.

(2) Any power of a cotton ginning or cotton pressing factory or any person in charge of such factory :-

(a) who knowing or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion of contains any foreign substance, or cotton waste, gins or presses or allows such cotton to be ginned or pressing in such factory, or

(b) who in any area specified in the notification under sub- section (1) gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton.

shall, on conviction, be punishable with fine which may extent to five thousand rupees.

Explanation- For the purpose of this section, cotton shall not be deemed to be watered, unless such cotton contains moisture in

excess of the normal quantity. 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 the 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 matters, 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 is watered.

### 3AA. Penalty for making any Cotton wet.--

Any owner of cotton who knowingly makes or causes to be made any cotton, which is ginned and which is being or is intended to be pressed in a cotton pressing factory, wet, or mixes or causes to be mixed seed, foreign substance or cotton waste with such cotton, or in any area specified in sub-section (1) of section 3A makes any admixture of cotton, or abets or knowingly allows or connives at any such act shall, on conviction, be punishable with fine which may extend to five thousand rupees.

### 3B. Examination of cotton, packages or bales.--

(1) The State Government or any gazetted official authorized by it in this behalf may on its or his own motion or on receipt of a complaint that there has been a contravention of the provisions of section 3A or section 3AA in respect of any cotton, package or of any bale and in the case of a complaint, 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 person or body.

(2) A certificate given by such person after examination of the contents of any bale under sub-section (1) shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

### 3C. Entry and inspection.--

(1) The State Government may authorize any gazetted officer to enter into and inspect, at any reasonable time, any cotton ginning or cotton 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 there under or of any of the conditions subject to which a license has been granted in respect of such factory and to seize all things in respect of which an offence

punishable under this Act appears to have been committed.

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

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

#### **6. Amendment Of Section 4 :-**

In sub-section (2) of section 4 of the principal Act, for the words "shall be punished" the words "shall on conviction, be punishable" shall be substituted.

#### **7. Amendment Of Section 5 :-**

For section 5 of the principal Act, the following shall be substituted, namely :-

"5. Returns-

(1) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, monthly returns showing the quantity of cotton gained in the factory during the preceding month and from the commencement of the season to the end of that month.

(2) The State Government shall compile from the monthly returns submitted under sub-section (1), and shall publish in such manner as it thinks fit, a statement showing the total quantity of cotton ginned in the State during the month and from the commencement of the season to the end of the month to which the returns relate; Provided that the quantity of cotton ginned in an individual factory shall not be published.

(3) The owner of every cotton pressing factory shall submit to the prescribed authority within such time and in such form, as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week and the approximate average net weight of the bales pressed in that week.

(4) The State Government shall compile from the weekly returns submitted under sub-section (3), and shall publish in such manner as it thinks fit, a statement showing the total number of bales pressed in the State during the week and from the commencement

of the season to the end of the week to which the returns relate:  
Provided that the number of bales pressed in any individual factory shall not be published.

(5) If default is made in submitting any return as required by sub-section (1) or sub section (3), the owner of the factory shall, on conviction, be punishable with fine which may extent to fifty rupees.

(6) Where the owner of a cotton ginning or cotton pressing factory has notified to the prescribed authority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) or sub-section (3) until such work has been resumed."

#### **8. Amendment Of Section 6 :-**

In sub-section (2) of section 6 of the principal Act, for the words "shall be punished" the word "shall, on conviction be punishable" shall be substituted.

#### **9. Amendment Of Section 7 :-**

In section 7 of the principal Act-

- (i) in sub-section (1), after the words "for the purposes "of sections" the figures and letters "3A 3C, shall be inserted, and
- (ii) in sub-section (3), for the words "shall be punished" the words "shall, on conviction, be punishable" shall be substituted.

#### **10. Amendment Of Section 8 :-**

In sub-section (2) of section 8 of the principal Act, for the words "shall be punished" the words "shall, on conviction, be punishable" shall be substituted.

#### **11. Amendment Of Section 9 :-**

In sub-section (3) of section 9 of the principal Act, for the words "shall be punished" the word "shall, on conviction be punishable" shall be substituted.

#### **12. Insertion Of Section 11A :-**

After section 11 of the principal Act, the following new section shall be inserted, namely :-

" H A Power of magistrate to pass sentence-Notwithstanding

anything contained in section 32 of the Code of Criminal Procedure, 1898, a Magistrate of the First Class may pass any sentence provided for any offence punishable under this Act and the provisions of the said code shall be deemed to have been amended accordingly."

### **13. Amendment Of Section 13 :-**

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

- "(aa) What shall constitute an admixture of cotton;
- (ab) the period which shall from time to time constitute a season;
- (ac) the authority by whom, the form in which the conditions subject to which and the fees on payment of which a license may be granted under sub-section (1) of section 2A;
- (ad) the particulars of the cotton ginning factory to be entered in the register maintained under sub-section (2) of section 3;
- (ae) the proportion of seed which may be contained in cotton;
- (af) the person authorized to give certificate regarding the quantity of moisture contained in any cotton and other matters specified in section 3A;
- (ag) the person authorized to examine bales under section 3B;
- (ah) the procedure for making a complaint and causing the contents of a bale to be examined and the fee for examination of the contents of a bale under sub-section (1) of section 3B;
- (ai) the manner in which the things seized shall be sealed under sec. 3C"

### **14. Insertion Of Sections 16 And 17 :-**

After section 15 of the principal Act, the following new sections shall be inserted, namely :-

#### **"16. Penalty-**

Whoever contravenes any of the provisions of this Act or any rule made there under or any of the conditions subject to which the license has been granted to him shall, on conviction, if no other penalty is already provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees or, if he has previously been convicted of an offence under this Act or any rule made there under, with fine which may extend to fifteen hundred rupees.

#### **17. Compounding offences-**

- (1) The District Magistrate may accept from any person whose

license is liable to be suspended, withdrawn or cancelled under this Act, or who is reasonably suspected of having committed an offence under this Act, a sum of money in lieu of such suspension, withdrawal or cancellation or by way of composition for the offence which may have been committed, as the case may be.

(2) On payment by such person of such sum to the District Magistrate, such person if in custody shall be set at liberty and if criminal proceedings shall have been instituted against such person the composition shall be held to amount to an acquittal."