

Cotton Ginning And Pressing Factories (Madras Amendment) Act, 1948

25 of 1948

[15 March 1949]

CONTENTS

1. Short title, extent and commencement
2. Amendment of section 2, Central Act XII of 1925
3. Insertion of new section 2-A in Central Act XII of 1925
4. Insertion of new sections 3-A to 3-F in Central Act XII of 1925
5. Substitution of new section 6 in Central Act XII of 1925
6. Amendment of section 7, Central Act XII of 1925
7. Amendment of section 9, Central Act XII of 1925
8. Amendment of section 13, Central Act XII of 1925
9. Insertion of new sections 16 and 17 in Central Act XII of 1925

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PREAMBLE

An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Province of Madras.

Whereas it is expedient farther to amend the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925), in its application to the Province of Madras, for the purposes hereinafter appearing; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 5th October 1948, Part IV-A, pages 398-399.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act, 1957 (Madras Act XXII of 1957.)

1. Short title, extent and commencement :-

(1) This Act may be called the Cotton Ginning and Pressing

Factories (Madras Amendment) Act, 1948.

(2) It extends to the whole of the ¹(State) of Madras.

(3) This section shall come into force at once; and the rest of this Act, shall come into force in such areas and on such dates as the ²(State) Government may, by notification in the Fort St. George Gazette, appoint.

1. This word was substituted for the word " Province " by the Adaptation Order of 1950.

2. This word was substituted for the word " Provincial " by *ibid*.

2. Amendment of section 2, Central Act XII of 1925 :-

In section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) (hereinafter referred to as the said Act)--

(i) clause (a) shall be relettered as clause (a-1) and before the clause as so relettered, the following clause shall be inserted, namely:--

"(a) admixed cotton means a mixture of different varieties of cotton;"

(ii) in clause (6), the words, "or cotton waste" shall be omitted;

(iii) after clause (e), the following clause shall be inserted, namely:-
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"(e-1) foreign substance means a substance other than cotton lint, and includes cotton waste, but does not include cotton leaf or cotton seed;"

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

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"(f-1) licence means a licence granted under section 2-A, sub-section (1);"

(v) after clause (g), the following clause shall be inserted, namely:-
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"(g1) owner includes any person authorized to represent the owner."

3. Insertion of new section 2-A in Central Act XII of 1925 :-

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

"2-A. Licence for working cotton ginning or pressing factory.--

(1) No cotton ginning or pressing factory shall be worked without a licence 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 licence for which the prescribed, fee has been paid, shall be refused only on the ground, that the owner or person in charge of the factory has been convicted of an offence punishable under this Act.

(3) A licence shall be suspended or cancelled only on the ground that the owner or person in charge of the factory has been convicted, of an offence punishable under this Act.

(4) Whoever works a cotton ginning or pressing factory,

(a) in respect of which no licence has been granted, or the licence

granted in respect of which has been suspended or cancelled, or

(b) in contravention of any of the conditions of the licence granted in respect thereof, shall be punishable with fine which may extend to five hundred rupees, and in the case of a second or subsequent conviction, with fine which may extend to one thousand five hundred rupees."

4. Insertion of new sections 3-A to 3-F in Central Act XII of 1925 :-

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

"3-A. Admixed cotton not to be ginned Or pressed in notified areas.--

(1) The ¹(State) Government may, by notification in the Fort St. George Gazette, direct that no admixed cotton shall be ginned or pressed in a cotton ginning or pressing factory situated in any specified area.

(2) Any owner or person in charge of a factory who, in contravention of a notification issued under subsection (1), gins or presses, or allows to be ginned or pressed in such factory any cotton which he knows or has reason to believe to be admixed cotton, shall be punishable with fine which may extend to one thousand five hundred rupees.

3-B. Watered or impure cotton not to be ginned or pressed.--

Any owner or person in charge of a cotton ginning or pressing factory who, knowing or having reason to believe that any cotton is watered, or ²[has been mixed with cotton leaf or cotton seed] or contains any foreign substance, gins or presses, or allows to be ginned or pressed, Such cotton in the factory, shall be punishable with fine which may extend to one thousand five hundred rupees.

3[3-C] Presumptions in certain cases.

(1) (a) For the purposes of **4**[section 3-B] cotton shall not be deemed to be watered unless it contains moisture in excess of the normal quantity.

(b) The normal quantity of moisture in any given quantity of cotton is the amount of moisture which such cotton may reasonably be expected to contain, regard being had to the variety of the cotton, and the place or places at or to which, and the time or times of the year in which, such cotton was picked, collected, stored, conveyed, left, ginned or pressed.

(c) A certificate given by the prescribed authority as to the normal quantity of moisture in a given quantity of any cotton, and the quantity of moisture which it actually contains shall be evidence of such matters, and shall, until the contrary is proved, be presumed to be correct; and if the latter quantity as specified in the certificate exceeds the former it shall be presumed, until the contrary is proved, that the cotton has been watered.

(2) (a) For the purposes of **4**[section 3-B] no variety of cotton shall be deemed to be mixed with cotton leaf or cotton seed unless such cotton contains cotton leaf or seed in excess of the quantity prescribed for Such variety of cotton.

(b) A certificate given by the prescribed authority as to the quantity of cotton leaf or seed which a given quantity of any cotton actually contains shall be evidence thereof and shall, until the contrary is proved, be presumed to be correct; and if the quantity specified in the certificate exceeds the limit prescribed under clause (a) for cotton of that variety, it shall be presumed, until the contrary is proved, that the cotton has been mixed with cotton leaf or seed in excess of the limit so prescribed.

3[3-D.] Owner not to mix different varieties of cotton (sic) water,

etc., cotton.

Any owner of cotton who knowingly--

(a) mixes one variety with another variety of cotton, in any area specified in a notification issued under section 3-A, sub-section (1), or

(b) waters any ginned cotton which is being, or is intended to be, pressed in a cotton pressing factory, or

(c) mixes with ginned cotton any foreign substance, cotton leaf or cotton seed, or

(d) abets, or allows the commission of, any of the acts specified in the foregoing clauses, shall be punishable with fine which may extend to one thousand five hundred rupees.

3-E. Examination of cotton packages or bales.

(1) The ¹(State) Government or any officer authorized by them in this behalf may--

(a) suo motu, if such Government or officer has reason to believe that there has been contravention of the provisions of sections 3-A, 3-B or ⁵[3-D] in respect of any cotton or package or bale of cotton, or

(b) on receipt of a complaint from any person that there has been such a contravention in respect of any cotton or package or bale of cotton and 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 authority.

(2) A certificate given by such authority in respect of any such cotton or the contents of any such package or bale, shall be evidence of the facts stated therein, and shall, until the contrary is proved, be presumed to be correct.

3-F. Entry and inspection.

(1) The ¹(State) Government may authorize any officer to enter and inspect, at any reasonable time, any cotton ginning or 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 thereunder, or of any of the conditions subject to which a licence has been granted in respect of such factory, and to seize and remove all things in respect of which an offence punishable under this Act appears to have been committed.

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

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

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words " contains cotton leaf or cotton seed in excess of the prescribed proportion ", by section 3 of the Cotton Ginning and Pressing Factories (Madras Amendment) Act, 1953 (Madras Act X of 1953).

3. Sections 3-C and 3-D were transposed and relettered as sections 3-D and 3-C, by section 4, of the Cotton Ginning and Pressing Factories (Madras Amendment) Act, 1953 (Madras Act X of 1953.)

4. The word, figure and letter "section 3-B" were substituted for the words, figures and letters "sections 3-B and 3-C" by *ibid*.

5. The figure and letter " 3-D " were substituted for the figure and letter "3-C" by section 5 of the Cotton Ginning and Pressing

Factories (Madras Amendment) Act, 1953 (Madras Act X of 1953).

5. Substitution of new section 6 in Central Act XII of 1925

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For section 6 of the said Act, the following section shall be substituted, namely:--

"6. Scales and weights to be used in factories.--

(1) No scales or weights shall be kept or used in any cotton ginning or pressing factory other than scales or weights prescribed by the Central Government or notified by the ¹(State) Government, in this behalf.

(2) If, in any such factory, any scales or weights not so prescribed or notified are kept or used, the owner of the factory shall be punishable with fine which may extend to fifty rupees, or in case he has been convicted previously of any offence under this sub-section or sub-section (3), with fine which may extend to five hundred rupees.

(3) The owner or person in charge of any such factory shall produce the scales and weights kept or used therein, at the factory on demand by any person appointed by the ¹(State) Government in this behalf; and if the owner or person in charge fails to do so, he shall be punishable with fine which may extend to fifty rupees; or in case he has been convicted previously of any offence under sub-section (2) or this Sub-section, with fine which may extend to five hundred rupees."

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

6. Amendment of section 7, Central Act XII of 1925 :-

In section 7, sub-section (1), of the said Act, for the words and figures " for the purposes of section 4, 5," the words, figures and letters "for the purposes of sections 3-A, 3-B, 3-F, 4, 5" shall be substituted.

7. Amendment of section 9, Central Act XII of 1925 :-

In section 9 of the said Act--

(i) in sub-section (1), the word "and" at the end of clause (a) shall be omitted and after clause (b), the following clause shall be inserted, namely:--

"(c) a kapas opener shall be installed and worked for the purpose of freeing the kapas, before ginning, from foreign substances other than cotton waste;"

(ii) in the same sub-section, the proviso shall be omitted;

(iii) in sub-section (1-A), for clause (a), the following clause shall be substituted, namely:--

"(a) no structural alterations or additions shall be made so as to diminish the degree of compliance of the factory as a whole--

(i) with the requirements set forth in clauses (a) and (6) of sub-section (1), if the alterations or additions, commenced after the 27th February 1939 and before the 31st March 1949, or

(ii) with the requirements set forth in clauses (a), (b) and (c) of sub-section (1), if the alterations or additions commenced on or after the 31st March 1949; "

(iv) in the same sub-section, in clause (b), for the words last-mentioned date ", the date "27th February 1939" shall be substituted;

(v) in the same sub-section, the proviso shall be omitted.

8. Amendment of section 13, Central Act XII of 1925 :-

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

"(a-1) the specification of what shall constitute different varieties of cotton for the purposes of section 2, clause (a) ¹[section 3-D] clause (a), or other purposes;

(a-2) the postponement of the application of rules made under this Act, to cotton ginning or pressing factories in any specified area; and the exemption of factories in any specified area from the operation of such rules;

(a-3) the procedure for making a complaint under section 3-E and the investigation thereof;".

1. The figure and letter " 3-D " were substituted for the figure and letter "3-C" by section 5 of the Cotton Ginning and Pressing Factories (Madras Amendment) Act, 1953 (Madras Act X of 1953).

9. Insertion of new sections 16 and 17 in Central Act XII of 1925 :-

After section 15 of the said Act, the following sections; shall be added, namely:--

"16. Penalty in cases not otherwise provided for.--

Whoever contravenes any of the provisions of this Act or any rule made thereunder or any of the conditions subject to which a licence has been granted to him shall, if no other penalty is provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees, and in the case of a second or subsequent conviction, with fine which may extend to one thousand five hundred rupees.

17. Compounding of offences, etc.--

(1) Any officer empowered by the ¹(State) Government in this behalf may accept from any person whose licence is liable to be suspended or cancelled under this Act, or who has committed or is reasonably suspected of having committed an offence punishable under this Act, a sum of money in lieu of such suspension or cancellation or by way of composition for the offence which has been or may have been committed.

(2) The composition of an offence under sub-section (1) shall have the effect of an acquittal of the offender, and if he is in custody, he shall be set at liberty."

1. This word was substituted for the word " Provincial" by the Adaptation Order of 1950