

The M.P. Cotton Ginning and Pressing Factories Rules, 1962

MADHYA PRADESH

India

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Rule

THE-M-P-COTTON-GINNING-AND-PRESSING-FACTORIES-RULES-1962 of 1962

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The M.P. Cotton Ginning and Pressing Factories Rules, 1962Published vide Notification No. 8040-8836-14-1, dated 11th December, 1962, M.P. Rajpatra, Part 4 (Ga), dated 1st March, 1963 at pages 259-274In exercise of the powers conferred by sub-section (7) of Section 2-B and Section 13 of the Cotton Ginning and Pressing Factories Act, 1925, the State Government hereby makes the following rules, the same having been previously published as required by sub-section (2) of Section 13 of the said Act and a copy of the same having been laid on the table of Madhya Pradesh Legislative Assembly on the 26th June, 1962 as required by sub-section (3) of Section 13 thereof:

1. Short title.

- These rules may be called The Madhya Pradesh Cotton Ginning and Pressing Factories Rules, 1962.

2. Definitions.

- In these rules unless the context otherwise requires,-(a)"Act" means the Cotton Ginning and Pressing Factories Act, 1925;(b)"Factory" means a cotton ginning and pressing factory or a cotton pressing factory;(c)"Form" means a form appended to these rules;(d)"Section" means a Section of the Act.

3. Admixture of cotton.

- Where any cotton belonging to any variety given in the Schedule appended to these rules, contains

a mixture of more than five percent of any other variety of cotton, such mixture shall mean an admixture of cotton within the meaning of clause (aa) of Section 2.

4. Season.

- A period commencing on the 1st day of September in each year and terminating on the 31st day of August of the year following shall constitute a season.

5. Licence.

(1)The authority for granting a licence under sub-section (1) of Section 2-A shall be the Director of Agriculture, Madhya Pradesh.(2)Subject to the restrictions imposed by or under the Act or under these rules, the licence shall be issued in Form A.(3)An application for the grant of a licence shall be in writing and shall be sent to the licensing authority by registered post so as to reach him not less than fifteen days before the date on which the applicant wishes to commence working his factory. The applicant will be at liberty to commence working his factory if the licence is not received within fifteen days unless otherwise directed by the licensing authority.(4)[The fee to be paid for the grant of a licence for a cotton pressing factory or cotton ginning factory shall be as follows:

- | | |
|--|------------------|
| (1) Cotton Pressing Factory | Rs. 50 per annum |
| (2) Cotton Ginning Factory having more than 4 gins | Rs. 25 per annum |
| (3) Cotton Ginning Factory having 4 gins or less. | Rs. 10 per annum |

The fees shall be paid into a Government Treasury and the Treasury challan in token of its payment shall accompany the application.] [Substituted by Notification No. 5691-5517-XIV-I, dated 1st September, 1967, published in M.P. Rajpatra, Part IV (Ga), dated 8th September, 1967 (w.e.f. 1st September, 1967).](5)In the event of a licence being lost a duplicate shall be issued by the licensing authority on payment of a fee of one rupee.

6. Collector to arrange for election.

(1)As soon as an area is notified under sub-section (1) of Section 2-B, the Collector of the District shall arrange for the election of the representatives of cotton growers and/or the owners of factories in the manner hereinafter prescribed.(2)The representative of cotton growers or of owners of factories in any local area notified under sub-section (1) of Section 2-B shall be elected or selected, as the case may be, on or before the 1st June, following the date of the notification.

7. Election of the representative of the cotton growers.

(1)The election of the representative of cotton growers shall be made by inviting nomination papers in Form B and thereafter by means of polling in the manner prescribed for the election of representative of cotton growers for the constitution of market committees for the management of any cotton markets established or deemed to be established under the Madhya Pradesh Agricultural Produce Act, 1960, if such cotton market or markets are established in the local area.(2)If there are

more cotton markets than one established in the local area, the voters' list for the election of representatives of cotton growers shall consist of the voters' list for election of representatives of cotton growers for the constitution of market committee for all such markets.

8. Election of representatives of the owners of factories.

- The election of representatives of the owners of factories shall be made by obtaining nominations and voting papers by post. The Collector shall cause to be prepared copies of the list of owners of factories in the local area subject to Factories Act, 1948, and send a copy thereof to each owner with a request to send in nominations in Form C by a fixed date. He shall thereafter issue voting papers in Form D, by post to each owner who shall mark it in accordance with instructions thereon and return the same to the Collector, on or before the date fixed by him. The scrutiny and counting of votes shall be done by an officer not below the rank of Deputy Collector. The two candidates who secure the highest numbers of votes shall be declared elected. In the event of two or more candidates securing an equal number of votes, the election shall be made by lots to be drawn by the officer who does the scrutiny and counting of votes.

9. The term of office.

(1)The term of office of the members of the rate-fixing committee shall be ordinarily three years from the date of their election or selection, as the case may be, but the State Government may extend their term beyond such period. Casual vacancies amongst the elected or selected members of the Committee caused by the death or resignation of a member or by his becoming ineligible for office shall be filled in the same manner in which the original election or selection was held. A member elected or selected to fill a casual vacancy shall hold office during the remaining term of the other members.(2)The term of office of nominated members shall be the same as that of representatives in whose place they were nominated.

10. Meetings of the Committee.

(1)The Collector shall make necessary arrangement for convening meeting of the rate-fixing committee.(2)At least a week's notice of a meeting shall be given to the members, but failure of service of a notice on any member due to wrong address or his absence from his residing place shall not invalidate the proceedings of the committee.(3)Four members of the committee shall form a quorum :Provided that at least one representative of cotton growers and one of the owners of factories are present. No quorum shall be necessary for a meeting which was once adjourned for want of quorum, but it shall be necessary to give notice of three days even for an adjourned meeting.(4)All questions shall be decided by a majority of votes of the members present, and in the case of equality of votes, the chairman shall have a casting vote.(5)The proceedings of the committee shall be recorded under the signature of the chairman in a register, which shall be open for inspection by any member of the committee or owner of a factory in the local area.

11. Factors to be considered in fixing maximum rates.

- In fixing the maximum rates of ginning and/or pressing of cotton the rate fixing committee shall take into consideration the following among other factors : (a) amount of cotton to be ginned; (b) ginning outturn; (c) labour charges including management and maintenance of expenses; (d) cost of fuel; (e) railway freight; (f) quantity of cotton crop to be handled; (g) cost of stores; (h) type of machinery in use; (i) municipal and other taxes; (j) insurance charges; (k) depreciation charges of machinery and building; (l) reasonable rate of interest not exceeding 9 per cent on the invested capital minus the accumulated depreciation fund.

12. Rates to be published.

- As soon as the maximum rates for the ginning and/or pressing of cotton in any local area are fixed by the rate-fixing committee the Collector shall communicate by registered post so fixed to all owners of factories in the local area and also publish the rates for information of the cotton growers of the area in such manner as he thinks fit.

13. Conditions of exemption.

- Every exemption granted under the powers to sub-section (1) of Section 2-B shall be subject to the following conditions : (i) The exemption shall not apply to such local area where only one factory is situated or where all the factories are engaged in business exclusively on their own account. (ii) Every owner of a factory desirous of availing such exemption, shall make an application in writing to the State Government through the Director of Agriculture, M.P. not less than one month before the commencement of the season. (iii) The exemption shall be limited to one season only, and shall, for reasons to be recorded in writing, be liable to be withdrawn at any time. (iv) The exemption order shall be displayed prominently by the owner of person in charge of a factory.

14. Forms of registers.

(1) The ginning register under sub-section (1) of Section 3 shall be maintained in Form E. (2) The press register under sub-section (2) of Section 3 shall be maintained in Form F.

15. Particulars of cotton ginning factories.

- The particulars of a cotton ginning factory to be entered in the register maintained under sub-section (1) of Section 3 shall include the name of the factory, its situation and the name of the owner or lessee.

16. Authority competent to give a certificate of moisture.

(1) For the purposes of sub-section (3) of Section 3-A, the Agricultural Chemist to Government shall be authority competent to give a certificate of moisture. (i) Such certificate may be based on- (a) an

analysis of the cotton carried out at any laboratory by the Agricultural Chemist to Government or at the Technological Laboratory of the Indian Central Cotton Committee, Bombay; or(b)the report of such members of the East India Cotton Association, not less than two in number, selected by the Board of Directors of the East India Cotton Association from the panel of arbitrators elected under the rules in force for the time being of the said Association.

17. Proportion of seed.

- The proportion of seed prescribed under sub-section (4) of Section 3-A, shall be one per cent.

18. Complaint of offences.

(1)A complaint that there has been a contravention of the provisions of Section 3-A or Section 3-AA, in respect of any cotton, package or bale shall be addressed in writing to the Director of Agriculture or the Deputy Director of Agriculture (Cotton).(2)The fee payable by the complainant shall be fifty rupees.(3)Every such complaint shall be accompanied by a treasury receipted challan showing that the prescribed fee has been credited into a Government treasury.(4)If the complainant is not in possession of the cotton, package or bale in respect of which the contravention of the provisions of Section 3-A or Section 3-AA is alleged to have taken place, the complaint shall be sent by registered post to the Director of Agriculture or the Deputy Director of Agriculture (Cotton). On receipt of complaint under sub-rule (1), the Director of Agriculture, or the Deputy Director of Agriculture (Cotton) shall make or cause to be made such investigation as he considers to be necessary, and if he is satisfied that there are prima facie grounds for proceeding with the complaint shall arrange to have the subject matter of the alleged offence seized and sealed in the manner prescribed in Rule 20 and shall forward it together with a copy of the complaint and other relevant particulars to the person or body prescribed to examine the cotton, package or bale.(5)If the complainant is in possession of the cotton, package or bale in respect of which the contravention of the provisions of Section 3-A or Section 3-AA, is alleged to have taken place, the complaint shall be presented together with the cotton, package or bale to the nearest Agricultural Extension Officer or the Agriculture Assistant (Cotton). The Officer to whom the complaint has been presented shall examine the complaint and forward the complaint together with the record of the examination to the Director of Agriculture or the Deputy Director of Agriculture (Cotton). He shall, at the same time, retain a quantity of the cotton itself or the cotton in the package or bale presented and dispose of the things so retained in the manner prescribed in Rule 20.

19. Authorities to examine cotton, etc.

- The authorities competent to examine such cotton or the contents of such package or bale shall be-(1)Agricultural Chemist, Department of Agriculture, M.P.(2)Director, Technological Laboratory, Matunga, or(3)Sworn Surveyor of East India Cotton Association, Bombay.

20. Manner of sealing.

(1)The authorised officer shall enclose the things seized or retained in the special container provided for the purpose and seal the container with the special lead seals provided for the purpose in the presence of the owner or the person in-charge of the factory or where these are not present in the presence of two witnesses.(2)Where the offence that appears to have been committed is the watering of cotton, the cotton or a representative sample of it seized shall be divided into two halves, and each half shall be placed in the special container provided for the purpose by the Agriculture Department, Madhya Pradesh. The containers shall be so filled that when full and with the special seal attached, but not fastened they will weigh exactly 3 kgms. The Seals shall be fastened after the weighment.(3)The containers so sealed shall be labelled with a detachable label showing the name of the factory and such particulars and distinguishing mark as may be necessary for their identification. The containers shall be forwarded to the Director of Agriculture or the Deputy Director of Agriculture (Cotton), who shall send them to the Agricultural Chemist to Government or the Technological Laboratory of the Indian Central Cotton Committee, Bombay, or the East India Cotton Association, Bombay for examination.

21. Weekly returns.

(1)The authority to whom weekly returns under sub-sections (1) and (2) of Section 5 shall be submitted shall be the Deputy Director of Agriculture (Cotton), Madhya Pradesh.(2)Such weekly returns shall be for the seven days ending on the Friday of each week and shall be posted not later than the day following. The first weekly returns shall be for the week ending the first week of September.(3)When a factory finally ceases work for the season a statement to that effect shall be made in the last weekly return.(4)The weekly returns of cotton ginned and pressed, under sub-sections (1) and (2) of Section 5 shall be made in Forms G and H, respectively.(5)The statements to be complied with under sub-sections (1-A) and (3) of Section 5 shall be published in the Official Gazette in Forms I and J respectively.

22. Prescribed authority.

- The prescribed authority for the purposes of sub-section (5) of Section 5, Sections 7, 8 and 9 shall be the Deputy Director of Agriculture (Cotton).

23. Service of orders.

- The service of any order made under Section 9 shall be effected by properly addressing, prepaying and posting by registered post a letter containing the order.

24. Inspection of registers.

- A District Magistrate or any other officer specially empowered in this behalf by the State Government under clause (f) of sub-section (1) of Section 13 may make inspection of the register

prescribed by or under the Act and test the accuracy of the entries therein.

25. Mark to be exhibited.

- Every pressing factory shall exhibit in a conspicuous place a notice showing the mark allotted to the factory under Section 12.

26. Register of pressing factories.

- A register of all pressing factories shall be maintained by the Deputy Director of Agriculture (Cotton) in Form K and the mark allotted under the Act and the rules made thereunder to each factory shall be recorded therein.

27. Repeal.

- The Central Provinces Cotton Ginning and Pressing Factories Rules, 1925; the Central Provinces and Berar Cotton Ginning and Pressing Rates Fixing Rules, and all other rules corresponding thereto in force in any region of the State of Madhya Pradesh immediately before the commencement of these rules are hereby repealed :Provided that anything done or any action taken under any of the rules so repealed shall unless such thing or action is inconsistent with any of the provisions of these rules be deemed to have been done or taken under the corresponding provisions of these rules. The Schedule [See Rule 3]

Serial No.	Name of varieties at present grown			
(1)	(2)			
I.II.III.IV.V.VI.VII.VIII.IX.X.XI.XII.	Badnawar-I (G.T.I. 4-21).Narmada (A.51-9).Buri 0394Buri Americans.Combodias.Indore-2.Maljari.H-420197-3.Bhoj.Vijay.Oo			
Form A[See sub-rule (2) of Rule 5]	LicenceName of the factory and locality..... District.....			
Sr. No.	Purpose for which licence is granted	Authority entitled to grant licence	Period for which licence valid	Fee paid
(1)	(2)	(3)	(4)	(5)

Form B[See sub-rule (1) of Rule 7]Form of Nomination Paper(N.B. - This nomination paper will not be valid unless it is sent to the Collector or other person authorised to receive it at his office within office hours on or before.....).

Name of the local area for which the candidate is nominated

Name of candidate

Father's name

Age

Address

Number of the candidate in the list of cotton growers in the local area

Name of proposer
 Number of proposer in the list of cotton growers in the local area
 Signature of proposer
 Name of the seconder
 Number of the seconder in the list of cotton growers in the local area
 Signature of the seconder

Declaration of the candidate I hereby declare that I agree to this nomination. Dated the.....20.....
 Signature of candidate Form C Form of Nomination Paper (See Rule 8) (N.B. - This nomination paper will not be valid unless it is sent to the Collector or other person authorised to receive it at his office between.....).

Name of the local area for which the candidate is nominated
 Name of candidate
 Age
 Address
 Number of the candidate in the list of owners of ginning and pressing factories in the local area
 Name of proposer
 Number of proposer in the list of owners of ginning and pressing factories in the local area
 Signature of proposer
 Name of the seconder
 Number of the seconder in the list of owners of ginning and pressing factories in the local area
 Signature of the seconder

Declaration of the candidate I hereby declare that I agree to this nomination. Dated the.....20.....
 Signature of candidate Form D (See Rule 8) Form of Voting Paper (Front of Form)

1. (Name of local area and district)..... (Local area and district) Name of candidates Cross
 Number of elector in the list of owners of ginning and pressing factories in the local area. 1. 2. 3.
2. (Back of Form)

No..... No.....

Instructions

1. You have only one vote.
2. Put a 'X' in the circle opposite the name of the candidate for whom you wish to vote.
3. The words "Voting Papers" should be written on the top of the envelope containing the papers.

Form E[See sub-rule (1) of Rule 14]Ginning RegisterName of Factory..... Name and address of owner.....Name of Registered lessee (if any)..... Year..... Month.....

Sr. No.	Name of person for whom ginned	[Quantity (by weight) of kapas and ginned cottonobtained from it]	Date on which ginned	Remarks (if any)
	Kapas (in terms of Bojas) (in 100 Kgm.)	Lint (in bales of 180 Kgm.)		
1.		Badnawar-1 C.T.I. 4-21	Badnawar-1 C.T.I. 4-21	
2.		Narmada-A-51-9	Narmada-A-51-9	
3.		Buri-0394	Buri-0394	
4.		Buri Americans	Buri Americans	
5.		Combodias	Combodias	
6.		Indore-2	Indore-2	
7.		Maljari D. 48-154	Maljari D. 48-154	
8.		H 420	H 420	
9.		197-3 Virnar	197-3 Virnar	
10.		Bhoj	Bhoj	
11.		Vijay	Vijay	
12.		Oomras	Oomras	

Signature of owner or person incharge of thefactory.....

Form F[See sub-rule (2) of Rule 14]Press RegisterName of factory..... Name of owner..... Name of lessee (if any)..... Press mark.....

Date Y.M.D.	Serial number of bales	Name of person for whom pressed	(In these columns may be entered the weights ofbales, average weights etc. to facilitate the preparation of thereturns under section)	(5) (6) (7)
Cotton Lint	Cotton Waste			
(1)	(2)	(3)	(4)	

Particulars of cotton ginning factory where balewas ginned as supplied by the person named in column (4)

Signature of owner or person in charge of thefactory

Name of factory

Name of owner

Name of lessee, if any Place where situated

(8) (9) (10) (11) (12)

Form G[See sub-rule (4) of Rule 21]Ginning ReturnReturn of Cotton Ginned for the week ending 20.....Name of Ginning factory.....Name of owner.....Name of registered lessee (if any).....Correct Postal Address of factory.....Name of the district.....

Variety of[Cotton] [The Cotton should be classified under the following different varieties - Badnawar-1 (C.T.I. 4-21), (2) Narmada (A-51-9), (3) Buri-0394, (4) Buri Americans, (S) Combodias, (6) Indore-2, (7) Maljari, (8) H-420, (9) 197-3, (10) Bhoj, (11) Vijay, (12) Oomras.]Ginned Quantity (in terms of bojas of 100 Kgm.) of eachvariety of cotton ginned during the week

Kapas (Bojas of 100 Kgm.)	Lint (Bales)	Weights (Metric weight)	
(1)	(2)	(3)	(4)

Quantity of each variety of cotton ginned sincethe commencement of the season to the end of current week

Kapas (Bojas of 100 Kgm.)	Lint (Bales)	Weight (Metric weight)
(5)	(6)	(7)

Place.....Date.....Signature of the owner orperson in charge of the factoryForm H[See sub-rule (4) of Rule 21]Return of Cotton Pressed for the week ending..... 20....Name of Pressing factory.....Name of Owner.....Name of registered lessee (if any).....Press Mark.....Correct Postal Address of factory.....

Name of variety	Number of bales pressed during the week	Average net weight per bale in (Metric weights)	Number of bales pressed since the commencement ofthe season (i.e., since 1st September, 20 ...) to the end of the week	Remarks (if any)
Cotton Lint	Cotton Waste	Cotton Lint	Cotton Waste	Cotton Lint Cotton Waste
(1)	(2)	(3)	(4)	(5) (6) (7) (8)

Place.....Date.....Signature of the owner orperson in chargeForm I[See sub-rule (5) of Rule 21]Statement of cotton ginned in the State of Madhya Pradesh for the week ending, Friday the... 20...[In the bale, 180 kgm. each]

Name of division or Block and Variety (tradedescription)	Quantity (by weight) of kapas
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		ginned and lint during the corresponding since 1st September			
During the Week		Last week of the year 20... Period of last year			
Kapas Ginned	Lint Produced	Kapas Ginned	Lint Produced	Kapas Ginned	
(1)	(2)	(3)	(4)	(5)	(6)
1. Name of District...Variety-(1).....(2).....(3).....2.					
Name of District...Variety-(1).....(2).....(3).....3.					
Etc.4. Grand Total State.....					
(Ginned Cotton) Produced during the corresponding Period of last year		Districts including the divisions of Block			
Kapas Produced	Kapas Ginned			Lint Produced	
(7)	(8)			(9)	(10)
Place..... Signature					
Dtae..... (State Authority for compiling cotton ginning returns)					
Form J[See sub-rule (5) of Rule 21]Statement of cotton pressed in the State of Madhya Pradesh for the week ending Friday the.....					
Name of Division or Block and Variety (Trade description)		Number of bales pressed During the during corresponding the week week last year in running bales			
In bales of each		In running bales			
(1)		(2)	(3)	(4)	
1. Name of District.....Variety-(1).....(2).....(3).....Etc.Total Cotton					
Waste2. Name of					

District.....Variety-(1).....(2).....(3).....3.

Etc.4. TotalCotton WasteState totallint cotton

Since 1st September 20.....	During the corresponding period last year	District included in Division or Block			
In bales of each	In running bales	In bales of each	In running bales	In bales of each	In running bales
(5)	(6)	(7)	(8)	(9)	(10)

Place..... Signature

Dtae..... (State Authority for compiling cotton pressreturns)

Form K[See Rule 26]Register of pressing factories

Name of Block Name of District Name of Variety Mark Number

(1) (2) (3) (4)

Place Name of Factory Name of owner, or lessee, if any Remarks

(5) (6) (7) (8)