

# The M.P. Cotton (Statistics) Act, 1947

MADHYA PRADESH

India

## The M.P. Cotton (Statistics) Act, 1947

### Act 40 of 1947

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The M.P. Cotton (Statistics) Act, 1947No. 40 of 1947Statement of Objects and Reasons. - Statistics of stocks of cotton held by the trade at the end of a season are at present collected on a voluntary basis. It has been found that these statistics are incomplete and unsatisfactory as a number of ginning and pressing factories and dealers in the cotton do not furnish the required information. The importance of correct statistics of stocks of cotton held in the country in deciding any problem relating to cotton, particularly during the present post-war period, is self-evident. With a view to collecting accurate statistics of stocks of cotton, the Government considers it expedient to make it compulsory for the owners of cotton ginning and pressing factories and all persons trading in cotton to declare the stocks of Indian raw cotton held by them on the 31st August of each year. It is necessary to give officer engaged in the collection of statistics powers of entry and inspection to enable them to check the accuracy and veracity of returns.<sup>2</sup> The information obtained must not be utilised except for the purpose of supplying statistics relating to cotton required by the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923, and such other purposes as Government may direct. No return or part of it should, except with the consent of the person furnishing it, be published in a manner that would reveal that it pertains to a particular factory or person. Unauthorised disclosure of information must be prohibited.<sup>3</sup> This Bill provides accordingly and makes a breach of its provisions punishable.<sup>4</sup> A similar legislation has already been enacted in Bombay, United Provisions and Sind.[Dated 28th November, 1947]Received the assent of the Governor on the 28th November, 1947; assent first published in the Central Provinces and Berar Gazette on the 21st November, 1947.An [Act] [The Act was extended to the whole of Madhya Pradesh by Section 3 (1) of the M.P. Extension of Laws Act, 1958 (23 of 1958) with effect from 1-1-1959.] to facilitate the collection of statistics of stocks of Indian raw cotton in Madhya PradeshPreamble. - Whereas it is expedient of facilitate the collection of statistics of stocks of Indian raw cotton in Madhya Pradesh;It is hereby enacted as follows :

### 1. Short title, extent and commencement.

(1)This Act may be cited as The [Madhya Pradesh] [Substituted by M.P. Extension of Laws Act, 1958

(23 of 1958) for the words 'Central Provinces and Berar'.] Cotton (Statistics) Act, 1947.(2)[ It extends to and shall be in force in the whole of Madhya Pradesh.] [Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958).]

## **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context,-(a)"cotton" means Indian raw cotton and includes seed cotton, lint and fly;(b)[ "Director" means the Director of Agriculture, Madhya Pradesh and includes any officer appointed by the State Government to perform any of the functions of the Director under this Act;] [Substituted by M.P. Act No. 14 of 1977 [w.e.f. 16-7-1977].](c)"owner" means the owner of a cotton ginning factory or a cotton pressing factory and includes the managing agent or other principal officer of such factory;(d)"prescribed" means prescribed by rules made under this Act;(e)"trader" means a person, other than an owner, carrying on the business of buying or selling cotton for the purposes of gain or profit, and includes-(i)a manufacturer; or(ii)an importer who carries on such business; or(iii)a broker or commission agent who contracts for the sale or purchase of cotton for others and stocks cotton on their behalf; or(iv)any other person who holds the prescribed quantity of cotton;(f)"year" means a year commencing on the 1st day of September;(g)the expressions "cotton ginning factory" and "cotton pressing factory" have respectively the meanings assigned to them by the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925).

## **3. Submission of yearly returns of cotton.**

(1)Every owner and every trader shall each year submit on or before the prescribed date to the Director through such officer; if any, as the State Government may by notification from time to time specify, a return in the prescribed form of the quantity of cotton of different varieties in his possession on the last day of the previous year.(2)Every return submitted under sub-section (1) shall be signed by the person submitting it.

## **4. Right of access, inspection and search.**

- The Director or any person authorised by him in writing in this behalf shall, for the purpose of collecting any statistics required under Section 3 or for testing the accuracy of any return submitted under Section 3 have access to every relevant document, book of account or other record in the possession of any owner or trader and may at any reasonable time between sunrise and sunset with or without notice to such owner or trader, as the case may be, enter any premises wherein he believes such document, book or other record to be, and examine and take copies of, or extract from the document, book of account or other record. The Director or the person so authorised may ask any question and make an enquiry necessary for obtaining any information required for the aforesaid purpose and shall also have access to any premises where he has reason to believe that cotton is stocked.

## **5. Use of returns or information.**

- The Director may use returns submitted under Section 3 and information obtained under Section 4 for-(a)compiling statistics required by the Indian Central Cotton Committee, constituted under the Indian Cotton Cess Act, 1923 (XIV of 1923);(b)such purposes in respect of the matters enumerated in list II of the Seventh Schedule to the Constitution, as the State Government may direct.

## **6. Restriction on publication of returns and information.**

(1)No individual return, and no part of any such return, and no information obtained for the purposes of this Act, shall, without the previous consent in writing of the owner or trader concerned, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning or pressing factory or the business of a particular trader.(2)Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person not connected with the checking of returns or the collection of information under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

## **7. Penalties.**

- If any person-(a)Wilfully refuses or without lawful excuse neglects to submit a return under Section 3, or(b)wilfully submit or causes to be submitted any such return which he knows to be false, or(c)refuses to answer or wilfully gives a false answer to any question or enquiry necessary for obtaining any information for the purposes of this Act, or(d)impedes the right of access to a relevant document, book of account or other record, or the right of entry conferred by Section 4,he shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence, to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues; and in respect of a false return or answer, the offence shall be deemed to continue until a true return or answer has been submitted.

## **8. Penalty for improper disclosure of information or returns.**

- Any person connected with the checking of returns or collection of information under this Act, who, otherwise than in the execution of his duties under this Act or for the purpose of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), wilfully discloses any information given, or the contents of any return submitted under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

## **9. Cognizance of offences.**

- No prosecution for an offence under Section 7 shall be instituted except with the previous sanction in writing of the Director, and no prosecution for an offence under Section 8 shall be instituted

except with the previous sanction in writing of the State Government.

## **10. Protection for acts done in good faith.**

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

## **11. Offences by corporation.**

- If the person contravening any of the provisions of this Act, is a company or other body corporate, the secretary, manager or other principal officer managing the affairs of such company or body, as the case may be, shall be deemed to be guilty of such contravention.

## **12. Exemptions.**

- The State Government may, by general or special order, exempt any trader or class of traders from the operation of this Act.

## **13. Power to make rules.**

(1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act. (2) Without prejudice to the generality of the foregoing powers, such rules may provide for-(a) prescribing the quantity of cotton under item (iv) of clause (e) of Section 2; (b) prescribing the date on or before which and the form in which a return under Section 3 shall be submitted; and (c) regulating the exercise of the right or access to books of account, records or documents and the right of entry conferred by Section 4.