

# The United Provinces Cotton Pest Control Act, 1936

UTTAR PRADESH

India

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### Act 11 of 1936

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The United Provinces Cotton Pest Control Act, 1936(U.P. Act No. 11 of 1936)[Dated 4th December, 1936]Received the assent of the Governor on December 4, 1936, and of the Governor General on January 20, 1937, and was published under Section 81 of the Government of India Act, 1919, on February 6, 1937.An Act to provide for the proper treatment of cotton seed.Whereas it is expedient to provide for the proper treatment of cotton seed in order to avoid damage to cotton crops by the attacks of the larva or the moth *Platyedra gossypiella* sund, commonly known as the Pink Bollworm, and whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80-A of the Government of India Act to the passing of this Act;It is hereby enacted as follows :

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

- This act may be called the United Provinces Cotton Pest Control Act, 1936.(2)It [extends] [[This Act has been extended to the following areas :Area - Act or Order under which extended - Notification if any, under which enforced - Date from which enforced(1)- (2) - (3) - (4)Rampur District - Rampur (Application of Laws) Order, 1950 - No. 3262/XVII & 322. - December 30, 1949.Banaras District - Banaras (Application of Laws) Order, 1949 - No.(1)/XVII, dated November 30, 1949. - November 30, 1949.Tehri-Garhwal District - Tehri-Garhwal (Application of Laws) order, 1949. - Ditto - Ditto]] to the whole of [Uttar Pradesh] [Substituted by the A.O. 1950.] [\* \* \*] [The words 'of Agra and Oudh' omitted by A.O. 1950.](3)It shall come into force on such [date] [Enforcement date is October 1, 1938 in the parts mentioned in Notification NO. 6653-A/XII-A-620-36, dated September 22, 1938, vide Gazette, 1938, Part I, pages 1183-84; as amended by Notification NO. 8078-A/XII-A-620-46, dated November 26, 1938.] or dates and in such parts of [Uttar Pradesh] [Substituted by the A.O. 1950.] as the [State Government] [Substituted by the A.O. 1950.] may by notification in the [Official Gazette] [Substituted by the A.O. 1950.] from time to time direct.

## **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context-(a)"controlled area" means any part of [Uttar Pradesh] [Substituted by the A.O. 1950.] in which the Act is in force by virtue of a notification issued under sub-section (3) of Section 1 ;(b)"prescribed" means prescribed by or under rules framed under this Act;(c)"raw cotton" means the unginned locks of the cotton plant commonly known as Kapas;(d)"seed" means the seed of the cotton plant;(e)"hand ginning" means ginning by means of apparatus operated by human power;(f)"treat" with its grammatical variations and cognate expressions means to subject seed to a prescribed process for the purposes of freeing it from infection by a pest.

## **3. Ginning of raw cotton.**

- In any controlled area every owner of raw cotton whether produced in or imported into that area, shall cause it to be ginned before such date as shall be prescribed, being not later than the sixteenth day of March next following such production or importation :Provided that a date not later than the first day of April may be prescribed as the latest date by which such raw cotton may be hand-ginned.

## **4. Treatment of seed.**

- Subject to the provisions of Section 7, every owner of seed in any controlled area, whether such seed has been produced in or imported into that area, and every person who has undertaken the ginning of any raw cotton on behalf of another shall before a date, which shall be prescribed, being not later than seven days after the prescribed date first referred to in Section 3, cause such seed to be treated by such method as shall be prescribed :Provided that for the purpose of treatment of seed by exposure to the heat of the sun the date prescribed shall be not earlier than the first day of April nor later than the fifteenth day of May.

## **5. Prohibition of disposal of untreated seed.**

- No person shall sell or otherwise dispose of any seed which has not been treated in the prescribed manner :Provided that untreated hand-ginned seed may be sold or otherwise disposed of between the first day of October in any year and the fifteenth day of March next following.

## **6. Prohibition of sowing of untreated seed.**

- No person shall sow or cause to be sown any seed which has not been treated in accordance with the provisions of Section 4.

## **7. Import of raw cotton or seed into controlled area.**

(1)No person shall import or cause to be imported into a controlled area any raw cotton after the prescribed date first referred to in Section 3 and not later than the fifteenth day of September next

following, or any seed at any time, except by railway and in closed wagons and except in accordance with the terms of a licence issued under this Act: Provided that this sub-section shall not apply to raw cotton or seed conveyed by railway through such area in closed wagons and not unloaded at any place within the area except for the purposes of transshipment in the ordinary course of transit (2) Every person importing or causing to be imported any raw cotton or seed into a controlled area in accordance with the provisions of sub-section (1) shall before its arrival within the said area make adequate arrangements for its ginning and treatment at a place to be specified in the licence and on its arrival shall forthwith cause it to be conveyed to the said place and there ginned and treated in accordance with the provisions of sub-section (3): Provided that this sub-section shall not apply to any seed so imported into a controlled area from any other controlled area, in respect of which seed it has been certified in the prescribed manner that it has already been treated in such other controlled area. (3) In the case of any seed imported after the fifteenth day of September, in any year and on or before the prescribed date first referred to in Section 3 the treatment provided for in sub-section (2) shall be completed within fourteen days of its arrival at the place specified in the licence, subject to the provision that the treatment shall be completed not later than forty-eight hours after the prescribed date aforesaid, and (4) In the case of raw cotton or seed imported after the prescribed date first referred to in Section 3 and not later than the fifteenth day of September next following the ginning and treatment provided for in sub-section (2) shall be completed within forty-eight hours of its arrival at the place specified in the licence.

## **8. Export of raw cotton from controlled area.**

- The [State Government] [Substituted by the A.O. 1950.] may, if it is satisfied, on receipt of a representation from ginners, or otherwise, that the application of the provisions of this Act has adversely affected the interests of ginners within a controlled area pass an order prohibiting, during such periods as may be specified therein, the export of raw cotton from that controlled area, except in accordance with the terms of a licence issued under this Act and may at any time cancel such order.

## **9. Maintenance of registers.**

- Every person who undertakes the treatment of seed otherwise than by exposure to the heat of the sun shall maintain such records, registers and accounts as may be prescribed.

## **10. Appointment and powers of Inspectors.**

(1) The [State Government] [Substituted by the A.O. 1950.] may appoint such persons as it thinks fit to exercise all or any of the powers and perform all or any of the duties assigned to an inspector by this Act or by rules made thereunder and may define the local limits within which such powers and duties may be exercised and performed. (2) Any inspector may, subject to such rules as may be made in this behalf—(i) enter and inspect all places in which any business connected with the ginning or sale of raw cotton or the treatment or sale of seed is carried on; (ii) examine any machinery installed for the treatment of seed; (iii) examine any seed (before or after treatment) for the purpose of ascertaining, whether it has been effectively treated; (iv) examine any records, registers or accounts

to the maintenance of which it is prescribed;(v)enter and search without warrant any premises in which he has reason to believe that raw cotton or seed is being kept in contravention of this Act or the rules framed thereunder, provided that no such entry and search shall be made except by, or under the written authority of, an inspector who is a gazetted officer;(vi)exercise such other powers as may be prescribed.

## **11. Penalties.**

- Whoever does any act, or without reasonable cause omits to do anything, in contravention of the provisions of any of Sections 3 to 7 and 9 or of an order passed under Section 8 shall be liable on conviction before a magistrate of the first class-(a)for a first offence or for a second offence in contravention of the same section-to a fine not exceeding one hundred rupees; and(b)for a third or subsequent offence in contravention of the same section-to a fine not exceeding five hundred rupees :Provided that when any person is convicted of a first offence in contravention of any of the said sections the magistrate may instead of sentencing him to a fine release him after admonition.

## **12. Orders by magistrate for disposal of raw cotton or seed in respect of which an offence has been committed.**

(1)Whenever any person has been convicted of an offence consisting of act or omission in contravention of-(a)Section 3,(b)Section 4,(c)Section 6, or(d)Section 7,the magistrate at the time of passing sentence or of releasing the offender after admonition shall also pass an order directing the offender-in case of (a) as aforesaid, to cause the raw cotton in respect of which the offence has been committed to be ginned, and the seed so obtained to be treated, within such time as shall be specified in the order,in case of (b) as aforesaid, either to cause the seed in respect of which the offence has been committed to be treated within such time as shall be specified in the order or to cause it to be removed from the controlled area concerned within twenty-four hours,in case of (c) as aforesaid, to cause the land in respect of which the offence has been committed to be ploughed over within such time as shall be specified in the order, or in case of (d) as aforesaid, to cause the raw cotton or seed in respect of which the offence has been committed to be removed from the controlled area concerned within twenty-four hours.(2)If the offender has failed to comply with the order passed by the magistrate under sub-section (1) within the time specified, the magistrate shall direct such officer as may be empowered in this behalf to execute the order forthwith or in his discretion, in case of (a), (b) or (d) as aforesaid, to cause the said raw cotton or seed to be destroyed by burning and all expenses incurred by the said officer in carrying out this direction shall be reported to the magistrate and under his order shall be recovered from the offender in the manner provided by law for the recovery of fines, in addition to any fine to which the offender may have been sentenced.

## **13. Power to make rule.**

(1)The State Government shall make rules consistent with this Act in respect of the following matters, namely-(a)the fixing of dates by which raw cotton shall be ginned, the authorities by which

such dates shall be fixed and the manner in which they shall be published;(b)the fixing of dates by which seed shall be treated, the authorities by which such dates shall be fixed and the manner in which they shall be published, and(c)the methods by, and the manner in which, seed shall be treated.(2)The [State Government] [Substituted by the A.O. 1950.] may make such rules in respect of other matters as may be necessary for the purpose of carrying into effect the provisions of this Act.(3)In particular and without prejudice to the generality of the power conferred by sub-section (2) such rules may provide for-(a)the conditions on and circumstances in which an area may be declared to be a controlled area,(b)the issue of licences and certificates under Section 7, the authorities by whom such licences and certificates may be issued, and the conditions of such licences,(c)the specification in licences of place for the treatment of seed imported under sub-section (1) of Section 7,(d)prescribing the authority by whom and the conditions under which a licence may be issued for the export of raw cotton from a controlled area,(e)the maintenance of records, registers and accounts according to the provisions of Section 9,(f)the appointment of inspectors and the exercise by them of the powers conferred by Section 10, and the confirming on them of such other powers as may be necessary for the purposes of this Act,(g)the empowering of officers to carry out the orders of the court under sub-section (2) of section 12 and the manner in which such orders shall be carried out, and(h)the delegation of its powers by the [State Government] [Substituted by the A.O. 1950.].(4)A draft of rules which it is proposed to make under this Act shall be laid before [both Houses of the State Legislature] [Substituted by the A.O. 1950.] and the rules shall not be finally made until [both Houses of the State Legislature have] [Substituted by the A.O. 1950.] had an opportunity of expressing an opinion on them.(5)All such rules shall be published in the [Official Gazette] [Substituted by the A.O. 1937.] and shall, unless some later date is appointed, come into force on the date of such publication.

#### **14. Delegation of powers.**

- The [State Government] [Substituted by the A.O. 1937.] may delegate such of its powers under this Act, as it thinks fit, save the power to make rules under Section 13, to the Divisional Commissioner or the Director of Agriculture or to a District Officer, in accordance with rules framed under this Act.

#### **15. Protection to persons acting under this Act.**

- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.