

The Cotton Control Order, 1986

UNION OF INDIA

India

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Rule THE-COTTON-CONTROL-ORDER-1986 of 1986

- Published on 11 April 1986
- Commenced on 11 April 1986
- [This is the version of this document from 11 April 1986.]
- [Note: The original publication document is not available and this content could not be verified.]

The Cotton Control Order, 1986 Published vide Notification Gazette of India, Extraordinary, Part 1, Section 1, dated 11th April, 1986. (w.e.f. 11th April, 1986). Notification No. 8/37/85-TPC, dated 2nd April, 1986. - In exercise of powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely :-

1. Short title, extent and commencement.

(1) This Order may be called the Cotton Control Order, 1986. (2) It extends to the whole of India. (3) It shall come into force on the date of its publication in the Official Gazette.

2. Repeal and saving.

- The Cotton Control Order, 1955 is hereby repealed : Provided that any order made, notification issued, licence granted, right accrued penalty incurred, or anything done or deemed to have been done under the said Order or any corresponding Order in force shall be deemed to have been made, issued, granted, accrued, incurred or done under the corresponding provisions of this Order.

3. Definitions.

- In this Order, unless the context otherwise requires : (a) "contract" means a ready delivery contract; (b) "cotton" means - (1) ginned cotton; and (2) ginned and pressed cotton, and includes both Indian and foreign cotton, but excludes all the wastes comprising either 10 per cent cotton or a mixture of cotton and non-cotton fibers thrown out during various processes in the spinning of cotton; [unginned cotton] [Inserted by S.O. 343(E), dated 26th April, 1994 (w.e.f. 26th April, 1994).] (c) "cotton ginning factory" means any place where cotton is ginned or where cotton fiber is separated from cotton seed by any process whatever, involving the use of steam, water or other mechanical power or of electrical power; (d) "cotton pressing factory" means any place where loose cotton is pressed into bales by the use of steam, water or other mechanical power or of electric

power;(e)"cotton ginning and pressing factory" means any place where both cotton ginning and cotton pressing processes as defined in sub-clauses (c) and (d) are carried out;(f)"manufacturer" means a manufacturer of yarn;(g)"person" includes :(i)a Hindu undivided family(ii)a company:(iii)a firm;(iv)an association of persons or a body of individuals whether incorporated or not; and(v)every artificial juridical person, not falling within any of the preceding items;(h)"power" means electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency;(i)"ready delivery contract" means a contract which provides for the delivery of goods and the payment of a price therefor, either immediately or within seven days after the date of contract, the period under such contract not being capable of extension by the mutual consent of the parties thereto or otherwise.(j)an article shall be deemed to be in the possession of a person when it is held on behalf of that person by another person or when held by that person on behalf of another person;(k)the expressions "yarn" and "Textile Commissioner" shall have the same meaning as they have in the Textiles (Control) Order, 1986.

4. Control on stocks.

(1)Textile Commissioner may specify the maximum quantity of cotton which a [manufacturer, cotton ginning factory, cotton pressing factory, cotton ginning and pressing factory or a person other than agriculturist or a Hindu united family of agriculturists growing cotton] [Substituted by S.O. 343(E) dated 26th April, 1994 (w.e.f. 26th April, 1994).] may have in his possession at any time :Provided that where a [manufacturer, cotton ginning factory, cotton pressing factory, cotton ginning and pressing factory or a person other than agriculturist of a Hindu united family of agriculturists growing cotton] [Substituted by S.O. 343(E), dated 26th April, 1994 (w.e.f. 26th April, 1994).] has already entered into any contract for the purchase of cotton in excess of the maximum quantity specified, he shall either cancel such contracts or sell and deliver the excess quantity to a person nominated by the Textile Commissioner on such conditions as may be specified.(2)In exercising the powers under sub-clause (1), the Textile Commissioner shall have regard to the following matters, namely :-(a)the consumption of the cotton by the [manufacturer, cotton ginning factory, cotton pressing factory, cotton ginning and pressing factory or a person other than agriculturist or a Hindu united family of agriculturists growing cotton] [Substituted by S.O. 343(E), dated 26th April, 1994 (w.e.f. 26th April, 1994).] for manufacturing yarn;(b)the capacity of the manufacturer to manufacture yarn; and(c)the need for promoting export of cotton textiles.

5. Packing.

- Every owner or lessee of a cotton ginning factory or cotton pressing factory ginning and pressing factory shall pack cotton only in standard bales containing 170 kgs. of cotton with a tolerance of 5 kgs. on either side:Provided that the Textile Commissioner may, if he is satisfied about the inability of any such owner or lessee to comply with the above direction, permit such owner or lessee to pack cotton in bales containing such quantity as may be specified by him.

6. Power to call for information and power to inspect, search and seize.

(1)The Textile Commissioner may with a view to securing compliance with this Order -(a)require any [manufacturer, cotton ginning factory, cotton pressing factory cotton ginning and pressing factory or a person other than agriculturist or a Hindu united family of agriculturists growing cotton] [Substituted by S.O. 343(E), dated 26th April, 1994 (w.e.f. 26th April, 1994).] to give any information with respect to quantities and varieties of cotton held in his possession;(b)inspect or cause to be inspected any book or other document belonging to the [manufacturer, cotton ginning factory, cotton pressing factory, cotton ginning and pressing factory or a person other than agriculturist or a Hindu united family or agriculturists growing cotton] [Substituted by S.O. 343(E), dated 26th April, 1994 (w.e.f. 26th April, 1994).];(c)enter and search or authorise any person to enter and search any premises and seize or authorise any person to seize any article in respect of which he has reason to believe that a contravention of this order has been committed and any other article in the premises which he has reason to believe has been or is intended to be used in connection with such contravention.(2)Every person who is required to give any information under sub-clause (1) shall comply with such requestion.

7. Delegation of powers.

- The Textile Commissioner, with the previous sanction of the Central Government, may by general or special Order in writing authorise any officer to exercise on his behalf all or any of his functions and powers under this Order.

8. Appeal.

- Any person aggrieved by an Order of the Textile Commissioner made under this Order may prefer an appeal to the Central Government within thirty days of the date of communication to him of such order and the decision of the Central Government thereon shall be final :Provided that the Central Government may entertain an appeal after the expiry of said period of thirty days if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the specified time.